



Roll Call Number

18-11665

Agenda Item Number

16

Date October 8, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM STEPHEN AND STEPHANIE SARCONI TO REZONE PROPERTY LOCATED AT 1801 ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 20, 2018, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Stephen and Stephanie Sarcone (owners), to rezone property locally known as 1801 Army Post Road ("Property") from "R1-70" One-Family Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow redevelopment of the Property with a drive-through restaurant, subject to the following rezoning conditions:

- 1. Any use of the Property for Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs, shall be prohibited.
2. Any commercial building on the Property shall not have EIFS or stucco material on the exterior walls at a point lower than the ceiling of the first-floor.
3. Any commercial building on the Property shall only have brick, stone, concrete, or block masonry material on the lowest 4 feet of the exterior walls; and

WHEREAS, the Property to be rezoned is legally described as follows:

EXCEPT THE NORTH 370 FEET AND THE SOUTH 160 FEET, LOT 12 GEIL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 22, 2018, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.



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MOVED BY Boesen TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2018-00179)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

J. M. Frankin Cownie Mayor

Diane Rauh City Clerk