



Roll Call Number

18-1789

Agenda Item Number

51B

Date October 22, 2018

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

WHEREAS, on October 8, 2018, by Roll Call No. 18-1665, the City Council received a communication from the City Plan and Zoning Commission advising 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, on October 8, 2018, by Roll Call No. 18-1665, it was duly resolved by the City Council that the application of Stephen and Stephanie Sarcone to rezone the Property, as legally described below, be set down for hearing on October 22, 2018 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1801 Army Post Road, legally described as:



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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.

from "R1-70" One-Family Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their successors, heirs and assigns.

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

- 1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

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).

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

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.

Diane Rauh City Clerk