



Roll Call Number

19-1102

Agenda Item Number

28

Date July 15, 2019

RESOLUTION SETTING HEARING ON REQUEST FROM SANCO PROPERTIES, LLC TO REZONE PROPERTY LOCATED AT 5092 EAST BROADWAY AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 20, 2019, its members voted 12-0 in support of a motion to recommend APPROVAL of a request from Sanco Properties, LLC (owner), represented by Matt Griebrok (officer), to rezone property located at 5092 East Broadway Avenue ("Property") from "A-1" Agricultural District to Limited "M-1" Light Industrial District, to allow expansion of the existing sales, service, warehousing and distribution uses in operation at the adjoining business located at 4975 Hubbell Avenue, subject to the following conditions:

- 1) Permitted uses shall be limited to the following:
a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
d) Storage yards, and communication towers and antennas as permitted in the M-1 District.
2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.
3) Any Site Plan submitted shall comply with the City's Landscaping Standards for the "C-2" District; and

WHEREAS, the Property is legally described as follows:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 79 NORTH, RANGE 23, WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING 423.3 FEET NORTH OF THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE S 28°20' E, 330.4 FEET TO THE NORTH LINE OF THE ABANDONED RAILROAD RIGHT-OF-WAY (NORTH LINE BEING 133 FEET NORTH OF THE SOUTH LINE OF SECTION 15); THENCE WEST ALONG NORTH LINE OF RAILROAD RIGHT-OF-WAY 293.5 FEET; THENCE N 00°05 1/2' E, 541.2 FEET; THENCE S 28°20' E, 286.2 FEET TO THE POINT OF BEGINNING, CONTAINING 1.823 ACRES, MORE OR LESS.



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**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 August 5, 2019, 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.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2019-00092)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
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