



Roll Call Number

19-1271

Agenda Item Number

71

Date August 5, 2019

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

WHEREAS, on July 15, 2019, by Roll Call No. 19-1102, the City Council received a communication from the City Plan and Zoning Commission advising 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, on July 15, 2019, by Roll Call No. 19-1102, it was duly resolved by the City Council that the application from Sanco Properties, LLC to rezone the Property be set down for hearing on August 5, 2019 at 5:00 P.M., in the Council Chamber 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 located at 5092 East Broadway Avenue, legally described as:

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



Roll Call Number

19-1271

Agenda Item Number

71

Date August 5, 2019

(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

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 5975 Hubbell Avenue, subject to the conditions set forth above.

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 "M-1" Light Industrial District, with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited "M-1" Light Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

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

(ZON2019-00092)

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

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. Franklin Cownie Mayor

Diane Rauh City Clerk