



Roll Call Number

22-0238

Agenda Item Number

23

Date February 21, 2022

RESOLUTION SETTING HEARING ON REQUEST FROM 205 LAND INVESTMENTS, LLC TO REZONE PROPERTY LOCATED AT 1106 ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 3, 2022, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from 205 Land Investments, LLC (owner), represented by Anthony Celsi (officer), to rezone real property locally known as 1106 Army Post Road ("Property") from RX1 Mixed Use District to MX1 Mixed Use District to address the subject property's current legal non-conforming use status as a Restaurant use with alcohol sales located within 75 feet of the required separation distance from a parcel containing a Place of Worship use; and

WHEREAS, the Property is legally described as follows:

The East 125 feet of the West 175 feet (except that part conveyed to the State of Iowa by Warranty Deed recorded in Book 3275 Page 415), and the West 50 feet (except the North 10 feet thereof), all in the North 1/2 of Lot Thirteen (13) in Block One (1) in RODGERS PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, 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, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on March 7, 2022, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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.

SECOND BY Boesen.

APPROVED AS TO FORM:

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

(ZONG-2022-000002)

CERTIFICATE

I, P. Kay Cmelik, 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.

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

MOTION CARRIED APPROVED

Handwritten signature of J. M. Franklin Cownie, Mayor

Handwritten signature of P. Kay Cmelik, City Clerk