



Roll Call Number

22-0366

Agenda Item Number

58

Date March 7, 2022

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

WHEREAS, on February 21, 2022, by Roll Call No. 22-0238, the City Council received a communication from the City Plan and Zoning Commission advising 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, on February 21, 2022, by Roll Call No. 22-0238, it was duly resolved by the City Council that the request for approval of the proposed rezoning of the Property be set down for hearing on March 7, 2022 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 rezoning; 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.

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 1106 Army Post Road, legally described as:

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

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.

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 real property locally known as 1106 Army Post Road from RX1 Mixed Use District to MX1 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to MX1 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved as set forth herein.



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MOVED BY Mandelbaum TO ADOPT.

SECOND BY Gatto.

APPROVED AS TO FORM:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZONG-2022-000002)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

MOTION CARRIED

APPROVED

J. M. Frankin Cownie Mayor

P. Kay Cmelik

City Clerk