

Date October 19, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM CASEY'S MARKETING COMPANY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 3121 FOREST AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 1, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Casey's Marketing Company (developer), represented by Erik Nikkel (agent), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 3121 Forest Avenue ("Property") from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node, to allow rezoning to MX3 Mixed Use District and redevelopment of the Property with a 3,400 square foot store for retail sales, limited use with the ability to request Conditional Use approval from the Zoning Board of Adjustment for a business that sells alcoholic liquor; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 1, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Casey's Marketing Company to rezone the Property from MX1 Mixed Use District to MX3 Mixed Use District for the above-stated purpose, subject to the following conditions:

1. The only Permitted and Conditional Uses on the Property shall be sales of packaged alcoholic liquor following and subject to approval of a Conditional Use by the Zoning Board of Adjustment, and those Permitted and Conditional Uses in common with and as limited by the MX1 Mixed Use District.
2. Accessory structures located on the Property shall be limited to those permitted in the MX1 Mixed Use District in accordance with Des Moines Municipal Code Chapter 135, Table 135-2.22-1; and

WHEREAS, the Property is legally described as follows:

LOTS 13,14 AND 15 OF BLOCK 7 IN MERRITT & FISCHERS PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, 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 amendment to the comprehensive plan future land use designation and proposed zoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on November 9, 2020, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the

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201655

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meeting location.

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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Boesen TO ADOPT.

FORM APPROVED:

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

(21-2020-4.20)
(ZON2020-00109)

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

MOTION CARRIED

APPROVED

T. M. Franklin Cownie Mayor

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.

P. Kay Cmelik

City Clerk