



**Roll Call Number**

21-0732

**Agenda Item Number**

51

**Date** May 10, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM AHEPA MANAGEMENT COMPANY TO REZONE PROPERTY LOCATED AT 1111 EAST ARMY POST ROAD**

**WHEREAS**, on April 19, 2021, by Roll Call No. 21-0613, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 1, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from AHEPA Management Company (purchaser), represented by Steve Beck (officer), to rezone the real property locally known as 1111 East Army Post Road (“Property”) from CX Mixed Use District to Limited RX2 Mixed Use District, to allow construction of a multi-household building intended for senior (age 55+) Household Living use and allowing residential units on all floors, including ground floor level, subject to the following condition:

1. Any Household Living use of the Property shall be limited to senior (age 55+) residents; and

**WHEREAS**, on April 19, 2021, by Roll Call No. 21-0613, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on May 10, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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; and

**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 1111 East Army Post Road, legally described as:

An irregular shaped portion of Lot 12, Southridge Plat No. 2, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the southwest corner of said Lot 12; thence N00°42’50”W along the west line of said Lot 12, a distance of 94.00 feet; thence N90°00’00”E, a distance of 51.00 feet to the point of beginning; thence N00°42’50”W parallel with and 51.00 feet east of the west line of said Lot 12, a distance of 436.65 feet; thence N89°17’10”E, a distance of 455.20 feet; thence S00°10’24”W, a distance of 185.00 feet; thence S89°17’10”W, a distance of 43.00 feet; thence S00°10’24”W, a distance of 256.75 feet; thence N90°00’00”W, a distance of 405.39 feet to the point of beginning.

Subject to and together with any and all easements and restrictions of record.

Containing 187,488 Square Feet (4.30 Acres)



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from CX Mixed Use District to Limited RX2 Mixed Use District, construction of a multi-household building intended for senior (age 55+) Household Living use and allowing residential units on all floors, including ground floor level, subject to the above-stated condition.

**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 RX2 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited RX2 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2021-00029)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
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