



Roll Call Number

21-09169

Agenda Item Number

23 ✓

Date June 28, 2021

RESOLUTION SETTING HEARING ON APPEAL BY FAREWAY STORES, INC. OF DENIAL OF SITE PLAN FOR PROPERTY LOCATED AT 2716 BEAVER AVENUE AND 2723 41ST PLACE

WHEREAS, on June 3, 2021, the City Plan and Zoning Commission voted 7-3 to DENY a request from Fareway Stores, Inc. (owner), represented by Garrett Piklapp (officer), for approval of a Site Plan for property located at 2716 Beaver Avenue and 2723 41st Place, to allow redevelopment with a 7,759-square foot Storefront building type for Limited Retail Sales use and including Type 2 design alternatives to (1) allow one entrance fewer than the two required entrances on a primary frontage facade, calculated at one entrance per 45 feet of primary frontage required pursuant to Municipal Code Section 135-2.5.3.D.20, and (2) to allow 41% transparency on the ground floor of the primary frontage facade, which requires a minimum of 65% transparency pursuant to Municipal Code Sections 135-2.5.3.D.18 and 135-3.8.3; and

WHEREAS, Fareway Stores, Inc. has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9.B seeking to have the Site Plan, including both above-described Type 2 design alternatives thereto, approved.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa as follows:

- 1. The City Council shall consider the appeal by Fareway Stores, Inc. at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 8:00 a.m. on July 12, 2021, at which time the City Council will hear both those who oppose and those who favor the proposals.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

MOVED by Gatto to adopt.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(10-2021-7.48)

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.

[Signature of P. Kay Cmelik]

City Clerk

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7). Includes signature of J. M. Frankhu Cownie, Mayor.