



Roll Call Number

21-0971

Agenda Item Number

25 ✓

Date June 28, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM LARSON ENTERPRISES TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1600 EAST ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 17, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Larson Enterprises (Owner), represented by John Fitzgerald (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1600 East Army Post Road (“Property”) from Business Park to Community Mixed Use to allow rezoning to ‘CX’ Mixed Use District, to allow an expansion of the existing Large Format Retail Use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on June 17, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Larson Enterprises (Owner), represented by John Fitzgerald (officer), to rezone the Property from ‘EX Mixed Use District to ‘CX’ Mixed Use District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

LOT 1 IN NEW HOPE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT HIGHWAY.

AND

A PARCEL OF LAND IN THE SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER OF SECTION 26 TOWNSHIP 78 NORTH RANGE 24, WEST OF 5TH P.M., POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 16 SECONDS EAST (ASSUMED FOR PURPOSE OF THIS DESCRIPTION ONLY) ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER 80.66 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARMY POST ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 04 MINUTES 16 SECONDS EAST, ALONG SAID EAST LINE 590.43 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 57 MINUTES 22 SECONDS WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER, 153.05 FEET TO A POINT; THENCE SOUTH 00 DEGREES 04 MINUTES 16 SECONDS



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WEST, PARALLEL TO THE EAST LINE OF SOUTHEAST QUARTER SOUTHWEST QUARTER SOUTHWEST QUARTER, 592.20 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARMY POST ROAD; THENCE NORTH 89 DEGREES 27 MINUTES 35 SECONDS EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE 153.06 FEET TO THE POINT OF BEGINNING.

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 rezoning 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 July 19, 2021, 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.

FORM APPROVED: Judy K. Parks-Kruse
 Judy K. Parks-Kruse (21-2021-4.19)
 Assistant City Attorney (ZON2021-00071)

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. Franklin Cownie
 Mayor

P. Kay Cmelik
 City Clerk