



Roll Call Number

21-1154

Agenda Item Number

62

Date July 19, 2021

RESOLUTION HOLDING 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, on June 28, 2021, by Roll Call No. 21-0971, the City Council received a communication from the City Plan and Zoning Commission advising 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, on June 28, 2021, by Roll Call No. 21-0971, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on July 19, 2021 at 5:00 P.M., in the Council Chambers; 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 amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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 1600 East Army Post Road, legally described as:

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



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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 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.

from 'EX' Mixed Use District to 'CX' Mixed Use District.

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 amendment to PlanDSM and proposed rezoning of the Property to 'CX' Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park to Community Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'CX' 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.



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MOVED BY Gatto TO ADOPT.

FORM APPROVED: Judy K Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.19)
(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