



Roll Call Number

21-1510

Agenda Item Number

47

Date October 4, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM HY-VEE, INC. TO REZONE PROPERTY LOCATED AT 2540 EAST EUCLID AVENUE

WHEREAS, on September 13, 2021, by Roll Call No. 21-1406, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 19, 2021, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Hy-Vee, Inc. (Owner), represented by John Brehm (officer) to rezone real property locally known as 2540 East Euclid Avenue ("Property") from 'MX3' Mixed Use District to 'CX' Mixed Use District to bring the existing Large-Format Retail Sales use into a zoning district that is more in line with the intent of the Zoning Ordinance for the use including but not limited to accessory outdoor sales with kiosk and canopy for vehicular pick up of online purchases; and

WHEREAS, on September 13, 2021, by Roll Call No. 21-1406, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on October 4, 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 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 914 East Euclid Avenue, legally described as:

A PARCEL OF LAND IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30. TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF DOUGLAS HILL MANOR, AN OFFICIAL PLAT, THENCE S 89'58'50" E, 460.42 FEET ALONG THE SOUTH LINE OF SAID PLAT TO A POINT; THENCE SOO'OO'OO" E, 111.31 FEET TO A POINT; THENCE S 90'00'00" E, 247.96 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 172.50 FEET AND A CHORD BEARING OF N 18'03'15" W, AN ARC LENGTH OF 115.91 FEET TO A POINT OF TANGENCY; THENCE N 00'54'41" W, 1.119 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF EAST 26TH STREET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT



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HAVING A RADIUS OF 152.31 FEET AND A CHORD BEARING OF S 23°24'41" E, AN ARC LENGTH OF 119.63 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT OF TANGENCY; THENCE S 45°54'41" E, 27.03 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 102.31 FEET, AN ARC LENGTH OF 80.36 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT OF TANGENCY; THENCE S 00°54'41" E, 238.72 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST EUCLID AVENUE; THENCE N 90°00'00" W, 668.33 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO A POINT; THENCE N 00°42'20" W, 199.93 FEET TO A POINT; THENCE S 89°57'30" W, 99.96 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9, DOUGLAS ACRES PLAT 7, AN OFFICIAL PLAT; THENCE N 00°40'50" W, 238.58 FEET ALONG THE EAST LINE OF LOT 9 AND LOT 21 OF SAID PLAT TO THE POINT OF BEGINNING AND CONTAINING 6.463 ACRES MORE OR LESS; AND

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, DOUGLAS HILL MANOR, AN OFFICIAL PLAT; THENCE S00°54'41"E, 3.10 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 172.50 FEET, AN ARC LENGTH OF 115.91 FEET TO A POINT; THENCE S90°00'00"W, 247.96 FEET TO A POINT; THENCE N00°00'00"W, 111.31 FEET TO A POINT ON THE SOUTH LINE OF SAID PLAT; THENCE S89°58'50"E, 212.66 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.570 ACRES MORE OR LESS.

from 'MX3' Mixed District to 'CX' Mixed Use District, for the purpose set forth above.

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 'CX' Mixed Use District are hereby overruled, and the hearing is closed.
2. 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 Westergaard TO APPROVE.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-000005)

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. Franklin Cowrie, 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.
Signature of P. Kay Cmelik, City Clerk