



Roll Call Number

20-1763

Agenda Item Number

20

Date November 9, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM FAREWAY STORES, INC. TO REZONE PROPERTY LOCATED AT 2716 BEAVER AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 15, 2020, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from Fareway Stores, Inc. (owner), represented by Koby Pritchard (officer), to rezone the real property locally known as 2716 Beaver Avenue ("Property") from 'MX1' Mixed Use District to 'MX3' Mixed Use District to allow redevelopment of the property with a 7,759-square foot Retail Sales, Limited use with the ability to request a Conditional Use for a business that sells alcoholic liquor, subject to the following conditions:

- 1. The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use by the Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the "MX1" Mixed Use District and as limited in the "MX1" Mixed Use District; and
2. Accessory structures shall be limited to Drive-Through Facility and those permitted in the "MX1" Mixed Use District per Table 135-2.22-1; and

WHEREAS, the Property is legally described as follows:

LOTS 29, 30 AND 31 AND THE NORTH HALF OF LOT 32 IN GRASSMERE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

LOT "A" IN GRASSMERE NO. 2, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 rezoning is 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 November 23, 2020, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
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



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than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Boesen TO ADOPT.

FORM APPROVED:

Judy K Parks-Kruse

Judy K. Parks-Kruse, Assistant City Attorney

(ZON2020-00118)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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.

P. Kay Cmelik

City Clerk