



Roll Call Number

20.1960

Agenda Item Number

55

Date November 23, 2020

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

WHEREAS, on November 9, 2020, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 15, 2020, its members voted 11-0 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, on November 9, 2020, by Roll Call No. 20-1763, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on November 23, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and 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 2716 Beaver Avenue, legally described as:

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.



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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 Limited MX3 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited MX3 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.

MOVED BY Gray TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(ZON2020-00118)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (YEAS: 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
T.M. Franklin Cownie Mayor

(P. Kay Cmelik)

City Clerk