



Roll Call Number

21-1406

Agenda Item Number

14

Date September 13, 2021

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

WHEREAS, the City Plan and Zoning Commission has advised 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 on online purchases; and

WHEREAS, the Property is legally described as follows:

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°00'00" 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 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



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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.

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 proposal, shall be held at 5:00 p.m. on October 4, 2021, in 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. 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
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.

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