



Roll Call Number

21-1912

Agenda Item Number

29

Date December 20, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM MID-EASTERN COUNCIL ON CHEMICAL ABUSE TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 3451 EASTON BOULEVARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 2, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Mid-Eastern Council on Chemical Abuse (MECCA)(owner), represented by Michelle De La Riva (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 3451 Easton Boulevard (“Property”) from Low Density Residential to Neighborhood Mixed Use, to allow rezoning and Group Living use of the Property for expansion of an existing outpatient rehabilitation facility and provision of overnight stay accommodations for patients; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on December 2, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Mid-Eastern Council on Chemical Abuse (MECCA)(owner), represented by Michelle De La Riva (officer), to rezone the Property from N3a Neighborhood District to RX1 Mixed Use District for the above-stated purpose, subject to the following conditions:

1. Any use of the Property shall be limited to (1) Group Living; or (2) any use permitted by right or by Conditional Use, as allowed and regulated in the N3a Neighborhood District; and
2. The property owner shall provide and maintain a trash receptacle on the Property; and

WHEREAS, the Property is legally described as follows:

Beginning 1336 feet north of and 173 feet east of the center of Section 32, Township 79 North, Range 23, West of the 5th P.M., Des Moines, Polk County, Iowa, said point being the southeast corner of Lot 1, Douglas Manor Plat No. 1, thence N0°00'E, along the East line of said Plat No. 1, 230.7 feet, thence N72°43'E, along the Southerly line of said Plat No. 1, 800 feet to the Southeast corner of Lot 18 Douglas Manor Plat No. 1, thence Southeasterly along a 6.060 curve to the left to the South line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section 32, thence west along said South line to the point of beginning.

AND

Beginning at the Northeast corner of Lot 18 Douglas Manor Plat No. 1, thence easterly 100 feet along the South right of way line of Easton Boulevard as it is presently established thence Southerly on a curve 246.2 feet, thence westerly 100 feet, thence northerly on a curve 102.6 feet, thence easterly to the southeast corner of Lot 18 Douglas Manor Plat No. 1, thence northerly to the point of beginning, all located within the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 32, Township 79 North, Range 23 West of the 5th P.M., Des Moines, Polk County, Iowa.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:



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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 amendment to the comprehensive plan future land use designation and proposed rezoning are 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 City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 10, 2022.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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.

MOVED BY Boesen TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZONG2021-000045; ZONG-2021-000042)

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

MOTION CARRIED APPROVED

J. M. Frank 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