



Roll Call Number

22-0066

Agenda Item Number

46

Date January 10, 2022

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

WHEREAS, on December 20, 2021, by Roll Call No. 21-1912, the City Council received a communication from the City Plan and Zoning Commission advising 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, on December 20, 2021, by Roll Call No. 21-1912, the City Council received a communication from the City Plan and Zoning Commission further advising 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, on December 20, 2021, by Roll Call No. 21-1912, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on January 10, 2022, at 5:00 p.m., at the City 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 land use amendment and rezoning; 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 3451 Easton Boulevard, legally described as:

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



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the Northeast Quarter (NE ¼) of Section 32, Township 79 North, Range 23 West of the 5th P.M., Des Moines, Polk County, Iowa

from N3a Neighborhood District to RX1 Mixed Use District, to allow Group Living use of the Property for expansion of an existing outpatient rehabilitation facility and provision of overnight stay accommodations for patients, subject to the above-stated conditions; 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.

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 land use amendment and the proposed rezoning of the Property to RX1 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Low Density Residential to Neighborhood Mixed Use, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to RX1 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard 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	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk