



Roll Call Number

20-1322

Agenda Item Number

20

Date August 17, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM HAMILTON’S FUNERAL HOME TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 5310, 5314 AND 5400 SOUTHWEST 9TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 6, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Hamilton’s Funeral Home (owner), represented by Sasha Mudlaff (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 5310, 5314 and 5400 Southwest 9th Street (“Property”) from Low Density Residential to Neighborhood Mixed Use, to allow rezoning to RX1 Mixed Use District and expansion of the existing Funeral and Mortuary Services use on the existing property and development of a surface parking lot on the portion of the Property on the north side of Kenyon Avenue; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on August 6, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Hamilton’s Funeral Home to rezone the Property from NX1 Neighborhood Mix District to RX1 Mixed Use District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

Lots 6 and 7 except the south 50 feet, Macomers Subdivision, an Official Plat, now included in and forming a part of the city of Des Moines, Polk County, Iowa, except a part of Lots 6 and 7 described as follows: Beginning at the northeast corner of said Lot 6; thence 50 degrees 00’00”E along the east line of said Lots 6 and 7, a distance of 193.85 feet; thence N 89 degrees 33’10”W, 10.60 feet; thence N 2degrees 30’39” E, 193.98 feet; thence S 89 degrees 17’04” E along the north line of said Lot 6, a distance of 2.10 feet to the point of beginning. Containing 55,901 square feet, more or less. Subject to any easements or restrictions of record; and

Lots 149, 150, 151 and 152, Sheridan Place, an Official Plat, now included in and forming a part of the city of Des Moines, Polk County, Iowa, except a part of Lot 152 described as follows: Beginning at the NE corner of said Lot 152; thence S 0 degrees 4’51” E along the east line of said Lot 152, a distance of 139.87 feet to the southeast corner of said Lot 152; thence N 89 degrees 42’04” W along the south line of said Lot 152, a distance of 15.60 feet; thence N 0 degrees 44’37” E, 139.87 feet to a point on the north line of said Lot 152; thence S 89 degrees 41’03” E along said north line 13.59 feet to the point of beginning containing 29,954 square feet more or less, subject to any easements or restrictions of record.

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 amendment to the comprehensive plan future land use designation and proposed zoning are to be considered, and at which time



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the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on September 14, 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 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 Gatto TO ADOPT.

FORM APPROVED:

/s/Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(21-2020-4.13)
(ZON2020-00082)

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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk