

★ Roll Call Number

21-0189

Agenda Item Number

21

Date February 8, 2021

**RESOLUTION SETTING HEARING ON REQUEST FROM PORTER HARDWARE, INC.
TO REZONE PROPERTY LOCATED AT 4207 HUBBELL AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 21, 2021, its members voted 14-0 support of a motion to recommend **APPROVAL** of a request from Porter Hardware, Inc., (owner), represented by David Porter (officer), to rezone the real property locally known as 4207 Hubbell Avenue ("Property") from 'MX3' Mixed Use District to 'CX' Mixed Use District, to allow the property with an existing Retail Sales, General and Vehicle Sales and Rental Equipment Use to expand to a Retail Sales, Large Format with the additional Warehouse and Accessory Outdoor Storage use, which would allow for outdoor storage of materials and equipment on the property, subject to the following condition:

1. That any permitted accessory outside storage occur outside of the front yard or street side yards of the site; and

WHEREAS, the Property is legally described as follows:

LOT 14 EXCEPT THE NW 2 FEET, AND WESTERLY 1/2 OF LOT 15, AND
EASTERLY 1/2 OF LOT 15 EXCEPT THE NW 2 FEET, AND ALL OF LOT 16, AND
LOT 17 EXCEPT THE NW 2 FEET, AND LOT 18 EXCEPT THE NW 184.1 FEET, ALL
IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND
FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 February 22, 2021, 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.

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MOVED BY Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Judy K. Parks-Kruse,
Assistant City Attorney

(ZON2020-00154)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk