



**Roll Call Number**

20-1111

**Agenda Item Number**

27

**Date** July 13, 2020

**RESOLUTION SETTING HEARING ON REQUEST FROM 3 SONS ENTERPRISES, LLC D/B/A SUNSET MEMORIAL GARDENS TO REZONE PROPERTY LOCATED AT 7601 FLEUR DRIVE**

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 2, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 3 Sons Enterprises, LLC (owner) d/b/a Sunset Memorial Gardens, represented by Blair Overton (officer), to rezone the real property locally known as 7601 Fleur Drive ("Property") from P-1 Public, Civic and Institutional District to Limited P-2 Public, Civic and Institutional District, to allow redevelopment of the existing memorial chapel with a new chapel and to allow the future option to expand an existing non-City-owned cemetery use through conditional use consideration by the Zoning Board of Adjustment, subject to compliance with all supplemental use regulations in Des Moines Municipal Code Chapter 134, Section 134-3.4.3.B for any expansion of a non-City-owned cemetery and conditional use approval thereof by the Zoning Board of Adjustment; and

**WHEREAS**, the Property is legally described as follows:

Area is comprised of two out of three tracts from 2007 ALTA survey:

TRACT 1:

BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, SAID POINT BEING 640.77 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼; THENCE NORTH 0 DEGREES 00 MINUTES WEST 165.00 FEET ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 32, THENCE NORTH 89 DEGREES 34 MINUTES 58 SECONDS EAST 660.79 FEET; THENCE NORTH 0 DEGREES 09 MINUTES 53 SECONDS WEST 13.00 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 58 SECONDS EAST 656.32 FEET TO THE EAST LINE OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE SOUTH 0 DEGREES 12 MINUTES EAST 178.00 FEET ALONG SAID EAST LINE; THENCE SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST 1,317.09 FEET TO THE POINT OF BEGINNING.

TRACT 3:

BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, SAID POINT BEING 805.77 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE NORTH 0 DEGREES 00 MINUTES WEST 996.69 FEET TO THE NORTHWEST CORNER OF THE SOUTH 55 ACRES OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 47 MINUTES 37 SECONDS EAST 657.93 FEET; ALONG THE NORTH LINE OF SAID SOUTH 55 ACRES; THENCE SOUTH 0 DEGREES 09 MINUTES 53 SECONDS EAST 989.53 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST 660.79 FEET TO THE POINT OF BEGINNING.

and

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SECTION 32; TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST 1,802.46 FEET TO THE NORTHWEST CORNER OF THE SOUTH 55 ACRES OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32, THENCE SOUTH 89 DEGREES 47

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MINUTES 37 SECONDS EAST 657.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 47 MINUTES 37 SECONDS EAST 659.09 FEET TO THE NORTHEAST CORNER OF SAID SOUTH 55 ACRES; THENCE SOUTH 0 DEGREES 12 MINUTES 00 SECONDS EAST 969.36 FEET ALONG THE EAST LINE OF SAID SOUTH 55 ACRES; THENCE SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST 656.32 FEET; THENCE NORTH 0 DEGREES 09 MINUTES 53 SECONDS WEST 976.53 FEET TO THE POINT OF BEGINNING.

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, including the Large-Scale Development Plan submitted by 3 Sons Enterprises, LLC in accordance with Chapter 135, Article 5 of the Des Moines Municipal Code.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held on August 3, 2020, at 5:00 p.m., to be held by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, with or without public access to the meeting location at which time the City Council will hear both those who oppose and those who favor the proposal.
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

(ZON2020-00060)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN				✓
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED			APPROVED	

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. Frankin Cownie Mayor

P. Kay Cmelik City Clerk