



Date September 14, 2020

RESOLUTION HOLDING 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, on August 17, 2020, by Roll Call No. 20-1322, the City Council received a communication from the City Plan and Zoning Commission advising 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, pursuant to said communication, 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, on August 17, 2020, by Roll Call No. 20-1322, 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 September 14, 2020 at 5:00 P.M., by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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, 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; 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 5310, 5314 and 5400 Southwest 9th Street, legally described as:

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



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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.

from NX1 Neighborhood Mix District to RX1 Mixed Use District to allow 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.

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 amendment to the PlanDSM future land use designation or rezoning of the Property to RX1 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 5310, 5314 and 5400 Southwest 9th Street 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 final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum 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 (7 yeas).

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
T.M. Frank in Cownie
Mayor

City Clerk
P. Kay Cmelik