



Roll Call Number

21-0313

Agenda Item Number

45

Date February 22, 2021

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

WHEREAS, on February 8, 2021, by Roll Call No. 21-0189, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 21, 2021, its members voted 14-0 in 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, on February 8, 2021, by Roll Call No. 21-0189, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on February 22, 2021 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed 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 4207 Hubbell Avenue, legally described as:

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.

to ‘CX’ Mixed Use District, subject to the condition that any permitted accessory outside storage occur outside of the front yard or street side yards of the site.



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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 rezoning of the Property to 'CX' Mixed Use District subject to the condition that any permitted accessory outside storage occur outside of the front yard or street side yards of the site are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to 'CX' Industrial District subject to the condition that any permitted accessory outside storage occur outside of the front yard or street side yards of the site, 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 Westergaard TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney (ZON2020-00154)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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