



Roll Call Number

21-0644

Agenda Item Number

37

Date April 19, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM VISITING NURSES OF IOWA D/B/A EVERYSTEP (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 900 56TH STREET

WHEREAS, on April 5, 2021, by Roll Call No. 21-0539, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 18, 2021, its members voted 7-3 in support of a motion to recommend **APPROVAL** of a request from Visiting Nurses of Iowa d/b/a/ EveryStep (Owner), represented by Lynn Michi (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 900 56th Street (“Property”) from Low Density Residential to Neighborhood Mixed Use to allow rezoning to ‘RX2’ Mixed Use District to allow expansion of the existing hospice use, which is defined as a “Group Living, Assisted Living Facility” use; and

WHEREAS, on April 5, 2021, by Roll Call No. 21-0539, it was duly resolved by the City Council that the request to amend PlanDSM and rezone the Property be set down for hearing on April 19, 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 PlanDSM 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 900 56th Street:

LOT “E” IN ASHWORTH OAKS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, EXCEPT THAT PART DEEDED TO THE STATE OF IOWA AND RECORDED IN BOOK 3279, PAGE 147 IN THE OFFICE OF THE POLK COUNTY RECORDER.

to ‘RX2’ Mixed Use District.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

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1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the amendment to the PlanDSM future land use designation and rezoning of the Property to 'RX2' Mixed Use District, hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 900 56th Street to Neighborhood Mixed Use Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'RX2' 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:

Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.05)
(ZON2021-00016).

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| VOSS | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | 7 | | | |

APPROVED

J. M. Franklin Cownie Mayor

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.

P. Kay Cmelik

City Clerk