

Date October 24, 2016

**RESOLUTION SETTING HEARING ON REQUEST TO REZONE PROPERTY  
LOCATED IN THE VICINITY OF 2323 HUBBELL AVENUE, AND TO AMEND THE  
TOWNSEND ENGINEERING PUD CONCEPTUAL PLAN**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2016, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request by property owners 2425 Hubbell Avenue, Inc., 2323 Hubbell, LLC and EPC, LLC, respectively represented by Todd Mendenhall (officer), Dereck Lewis (officer), and Tyler Tompkins (officer), to rezone the real properties located at 2400 Elizabeth Avenue, 2404-2408 Elizabeth Avenue, 2412-2424 Elizabeth Avenue, and 1402 East 25<sup>th</sup> Street, 1404 East 25<sup>th</sup> Street, and 1412 East 25<sup>th</sup> Street (all collectively “Rezoned Property”), from “PUD” Planned Unit Development to “R1-60” One-Family Low-Density Residential District to allow new or continued single-family residential use thereon, and to approve the 2<sup>nd</sup> Amendment to the Townsend Engineering “PUD” Conceptual Plan to remove the existing single-family residential properties from the PUD Conceptual Plan and to allow warehouse, gymnasium/fitness center, religious assembly, and commercial bakery uses in addition to currently permitted office and light industrial uses on the remaining property in the vicinity of 2323 Hubbell Avenue (collectively “PUD Conceptual Plan Property”), subject to revisions to the PUD Conceptual Plan as set forth in the Plan and Zoning Commission recommendation; and

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

*Rezoning Area Description (2400 Elizabeth Avenue, 2404-2408 Elizabeth Avenue, 2412-2424 Elizabeth Avenue, and 1402 East 25<sup>th</sup> Street, 1404 East 25<sup>th</sup> Street, and 1412 East 25<sup>th</sup> Street)*

Lots 5, 7 and 8 in BAYARD PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

And

Lots 1, 2, 3, 4, 5, 6, 7, 9, 10, 11 and 13 in F.H. McCLURG’S ORCHARD, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; and

**WHEREAS**, the PUD Conceptual Plan Property is legally described as follows:

*New Overall PUD Area Description (2323-2449 Hubbell Avenue; 1420-1436 East 25<sup>th</sup> Street)*

Lots 98 through 125 inclusive and the intervening vacated unnamed streets and alleys, and vacated Dubuque Avenue right-of-way all in HUBBELL AVENUE ADDITION, an Official Plat; and Lots 5 through 13 inclusive in SALM’S ADDITION TO EASTON PLACE, an Official Plat; and Lots 1, 2, 3, 9 and 10 in BAYARD PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Containing 9.87 acres.

Date October 24, 2016

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**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 and the proposed 2<sup>nd</sup> Amendment to the Townsend Engineering "PUD" Conceptual Plan are to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa at 5:00 p.m. on November 7, 2016, 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 proposals 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.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

  
 Glenna K. Frank, Assistant City Attorney

(ZON2016-00177)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
 City Clerk