



Date November 7, 2016

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

WHEREAS, on October 24, 2016, by Roll Call No. 16-1820, the City Council received and filed the City Plan and Zoning Commission advising 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 25th Street, 1404 East 25th Street, and 1412 East 25th 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 2nd 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 25th Street, 1404 East 25th Street, and 1412 East 25th 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 25th 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; and



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WHEREAS, on October 24, 2016, by Roll Call No. 16-1820, it was duly resolved by the City Council that the application from 2425 Hubbell Avenue, Inc., 2323 Hubbell, LLC and EPC, LLC to rezone the Rezoned Property and to approve the 2nd Amendment to the Townsend Engineering “PUD” Conceptual Plan for the PUD Conceptual Plan Property, be set down for hearing on November 7, 2016 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; 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 amendments to the Zoning Ordinance and to the PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed amendment to the approved PUD Conceptual Plan, 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 Rezoned Property locally known as 2400 Elizabeth Avenue, 2404-2408 Elizabeth Avenue, 2412-2424 Elizabeth Avenue, and 1402 East 25th Street, 1404 East 25th Street, and 1412 East 25th Street, and legally described above.

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, as revised, is hereby received and filed.
2. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Rezoned Property to “PUD” Planned Unit Development District, and any objections to the proposed 2nd Amendment to the Townsend Engineering “PUD” Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
3. The proposed rezoning of the Rezoned Property, as legally described above, to “PUD” Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Rezoned Property as set forth herein.
4. The proposed 2nd Amendment to the Townsend Engineering “PUD” Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City

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Council by Roll Call No. 16-1820, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank

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