

★ Roll Call Number

15.2162

Agenda Item Number

53

Date December 21, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM
ELECTRO MANAGEMENT CORPORATION TO REZONE PROPERTY
LOCATED AT 4640 ARMY POST ROAD AND TO
APPROVE THE "CITY GATEWAY PUD 2" PUD CONCEPTUAL PLAN**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held December 17, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Electro Management Corporation (developer), represented by Britt Baker (officer), to rezone real property located at 4640 Army Post Road from "R1-80" One-Family Residential District to "PUD" Planned Unit Development District, and to recommend **APPROVAL** of the "City Gateway PUD 2" Conceptual Plan to allow redevelopment of the Property with a 162,500-square foot, pre-cast concrete building for "PBP" Planned Business Park and "M-1" Light Industrial District uses subject to the following revisions:

1. Any development and construction permits for the site are subject to prior approval and compliance with FAA airspace restrictions and necessary permitting for any crane equipment that would temporarily encroach into restricted airspace.
2. The driveway entrance from Army Post Road developed as full access should be shown with an eastbound right turn-in lane in the Right-of-Way west of the drive entrance, all at the expense of the developer and in accordance with SUDAS requirements. It shall be no closer than 800 feet to the drive entrance on Army Post Road provided in the City Gateway PUD amendment on property to the east.
3. Provide requirements for Building Design Standards, Prohibited Materials, and colors as contained in the current approved City Gateway Plan.
4. Add a note that any subsequent phases of the Plan shall necessitate a future PUD Conceptual Plan amendment to include review of the conceptual building elevations.
5. Add a note providing for the connection of the property to public sanitary sewer by way of access to the extension of the public sanitary sewer through the City Gateway PUD property development to the east.
6. Add a note regarding Architectural Screening that states architectural screens shall be provided for outdoor mechanical equipment, refuse collection containers, and outdoor storage and other outdoor services areas. Required screening shall be integrated into the overall architecture of the building or the elements shall otherwise be architecturally screened from public view. Architectural screening and landscaping solutions for the proposed outdoor storage area shall be designed to the satisfaction of the Planning Administrator as part of Development Plan review.



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WHEREAS, the Property consists of approximately 16 acres located south of Army Post Road, northeast of Iowa Highway 28, and north of Iowa Highway 5 and is legally described as follows:

A PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE EAST 1/4 CORNER OF SAID SECTION 36; THENCE N89°55'33"W, 1321.01 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 TO THE NORTHEAST CORNER OF SAID WEST 1/2; THENCE S00°17'57"E, 146.64 FEET ALONG THE EAST LINE OF SAID WEST 1/2 TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE CONTINUING S00°17'57"E, 1040.50 FEET ALONG THE EAST LINE OF SAID WEST 1/2 TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF IOWA HIGHWAY #5; THENCE N58°48'10"W, 396.78 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE N77°45'54"W, 456.41 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE S77°33'58"W, 304.59 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE S55°42'01"W, 260.19 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF IOWA HIGHWAY #28; THENCE N43°09'52"W, 138.62 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF IOWA HIGHWAY #28 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD, THENCE N46°50'54"E, 219.45 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE N50°21'44"E, 215.42 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE N54°18'53"E, 222.89 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE N55°49'45"E, 182.49 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE N56°56'44"E, 289.54 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3926.81 FEET AND A CHORD BEARING OF N70°35'44"E, AN ARC DISTANCE OF 516.21 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING CONTAINING 15.9323 ACRES MORE OR LESS.



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WHEREAS, on December 7, 2015, by Roll Call No. 15-2094, it was duly resolved by the City Council that the application from Electro Management Corporation to rezone the Property and approve the proposed PUD Conceptual Plan for the Property, be set down for hearing on December 21, 2015 at 5:00 P.M., in the Council Chamber at City Hall; 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 amendment to the Zoning Ordinance and consideration of the PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed 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 Property locally known as 4640 Army Post Road 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 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 Property to "PUD" Planned Unit Development District, and any objections to the proposed "City Gateway PUD 2" 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 Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

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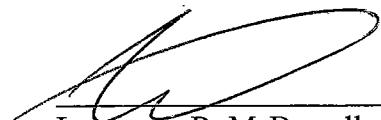
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4. The proposed "City Gateway PUD 2" PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED by Hensley to adopt.

FORM APPROVED:




 Lawrence R. McDowell
 Deputy City Attorney

(ZON2015-00222)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

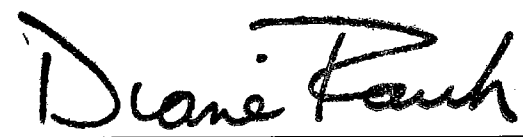
APPROVED


 T. M. Franklin
 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.



 Diane Rauh
 City Clerk