



Roll Call Number

18-0353

Agenda Item Number

24

Date March 8, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM OPERATING ENGINEERS, LOCAL 234, BUILDING CORPORATION TO REZONE PROPERTY AT 4880 HUBBELL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2018, its members voted 8-0 in support of a motion to recommend APPROVAL of a request from Operating Engineers, Local 234, Building Corporation (owner), represented by Tracy Petersen (officer), to rezone property locally known as 4880 Hubbell Avenue ("Property") from "A-1" Agricultural District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the existing union hall site within the Property, subject to the following rezoning conditions:

- 1. Any redevelopment of the Property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
2. The following uses shall be prohibited upon the Property:
a. Adult entertainment businesses,
b. Any business that derives more than 40% of its gross sales from the sale of alcoholic liquor, wine, beer, and/or tobacco products,
c. Billiard parlors/game rooms,
d. Delayed deposit services,
e. Off-premises advertising signs,
f. Pawn brokers,
g. Taverns or nightclubs, and
h. Vehicle display lots; and

WHEREAS, the Property to be rezoned is legally described as follows:

A tract of land in the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 15, Township 79 North, Range 23 West of the 5th Principal Meridian, Polk County, Iowa, more particularly described, to-wit:

Commencing at the Southwest corner of the SE 1/4, SW 1/4 of said Section 15 (the West line of said SE 1/4 SW 1/4 having an assumed bearing of N 00°00'30" W); thence N 00°00'30" W, along the West line of said SE 1/4, SW 1/4, a distance of 493.80 feet to the point of beginning; thence N 00°00'30" W, a distance of 170.00 feet; more or less, to the North line of the South half of said SE 1/4, SW 1/4; thence S 89°45'30" E, along the North line of the South half of said SE 1/4, SW 1/4 a distance of 477.9 feet; thence S 49°10'00" W, a distance of 258.73 feet; thence N 89°45'30" W, a distance of 282.11 feet to the point of beginning. Said tract of land containing 1.48 acres more or less.

And

A tract of land in the South Half of the Southeast Quarter of the Southwest Quarter of Section 15, Township 79 North, Range 23 West of the 5th Principal Meridian, Polk County, Iowa, more particularly described, to-wit:

Commencing at the Southwest corner of the SE 1/4 SW 1/4 of said Section 15 (the West line of said SE 1/4, SW 1/4 having an assumed bearing of N 00°00'30" W); thence N 00°00'30" W, along the West line of said SE 1/4, SW 1/4, a distance of 236.6 feet to the point of beginning; thence N 00°00'30" W, a distance of 257.20



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feet; thence S 89°45'30" E, a distance of 282.11 feet; thence S 49°10'00" W, a distance of 312.77 feet; thence S 41°25'00" W, a distance of 68.70 feet to the point of beginning. Said tract of land containing 0.80 acres, more or less.

All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

**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 is 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 March 19, 2018, 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 proposal 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 Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2018-00001)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

T. M. Franklin Cownie  
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 Fauh  
City Clerk