



Roll Call Number

19-1444

Agenda Item Number

69

Date September 9, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM HUBBELL REALTY COMPANY
TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY
LOCATED AT 4500 BLOCK OF HUBBELL AVENUE**

WHEREAS, on August 19, 2019, by Roll Call No. 19-1315, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 18, 2019, its members voted 13-1 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (developer), represented by Joe Pietruszinski (officer), to amend the Baker PUD Conceptual Plan for property located in the 4500 block of Hubbell Avenue ("Property"), to allow 19.98 acres of agricultural land to be developed for a detached single-family residential subdivision at a density of 4.2 units per acre, subject to the requirement that Hubbell Realty Company negotiate with City Community Development Department staff on proposed revisions to the PUD Conceptual Plan; and

WHEREAS, the proposed revisions negotiated between City staff and Hubbell Realty Company include:

- a) No same house architectural elevation shall be built on adjacent lots.
- b) Any house shall have a minimum two-car attached garage.
- c) The front façade of any house shall contain one of the following:
 - i. A front porch of not less than 60 square feet; or
 - ii. Stone or brick masonry siding covering at least 1/3 of the facade.
- d) All windows and doors shall have trim that is no less than 4 nominal inches in width.
- e) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- f) Any 1-story house with or without a full basement shall be constructed with a minimum of 1,200 square feet.
- g) Any 2-story house with a full basement shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area. Any 2-story house without a full basement shall be constructed with a minimum of 1,530 square feet of above-grade finished floor area.
- h) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- i) Any chain link fence shall have black vinyl cladding; and

WHEREAS, on August 19, 2019, by Roll Call No. 19-1315, it was duly resolved by the City Council that the application of Hubbell Realty Company for review and approval of the proposed amendment to the Baker PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on September 9, 2019, at 5:00 p.m. in the City Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved Baker PUD Conceptual Plan; and



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WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved Baker 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.

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

1. Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all objections to the proposed amendment to the Baker PUD Conceptual Plan for the Property, located in the 4500 block of Hubbell Avenue and legally described as follows, are hereby overruled, and the hearing is closed:

AN IRREGULARLY SHAPED PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE. 1/4) OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 00°24'05" WEST (BEARING ESTABLISHED IN THE PLAT OF BROWNSTONE ESTATES) ALONG THE WEST LINE OF NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 1122.82 FEET TO THE SOUTHWEST CORNER OF OUTLOT "X" IN BROWNSTONE ESTATES, AN OFFICIAL PLAT, POLK COUNTY, IOWA AND TO THE POINT OF BEGINNING; THENCE NORTH 70°57'01" EAST ALONG THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES AND ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES, A DISTANCE OF 2804.37 FEET TO THE WEST RIGHT OF WAY LINE OF NE. 46TH STREET, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 00°09'26" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NE. 46TH STREET, A DISTANCE OF 603.03 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF F.M. HUBBELL AVENUE, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 55°26'35" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 261.74 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE AND ALONG A 5765.00 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY A DISTANCE OF 1011.34 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 50°08'14" WEST AND A CHORD LENGTH OF 1010.05 FEET; THENCE SOUTH 45°02'42" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 62.63 FEET TO THE NORTHEAST CORNER OF PARCEL "D" OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 89°40'34" WEST ALONG THE NORTH LINE OF SAID PARCEL "D", A DISTANCE OF 280.81 FEET TO THE NORTHEAST CORNER OF PARCEL "A" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 88°56'37" WEST ALONG THE NORTH LINE OF SAID PARCEL "A" AND ALONG THE NORTH LINE OF PARCEL "C" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8727 AT PAGE 975 IN THE OFFICE OF THE POLK COUNTY RECORDER AND ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG THE NORTH RIGHT-OF-WAY LINE OF E. 42ND STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 1336.97 FEET



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TO THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21; THENCE NORTH 00°18'10" EAST ALONG THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 554.06 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD. SAID TRACT OF LAND CONTAINS 49.67 ACRES MORE OR LESS.

AND,

WARRANTY DEED: BOOK 11622, PAGE 522-523

LOTS 5, 6 AND 7; LOT 13 AND THAT PART OF LOT 1 DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST 500 FEET, THENCE SOUTH TO BOUNDARY LINE OF LOT 1, THENCE IN A SOUTHWESTERLY AND WESTERLY DIRECTION ALONG THE BOUNDARY LINE OF LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH TO THE POINT OF BEGINNING; AND THAT PART OF LOT 12 DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 12, 133.33 FEET; THENCE SOUTHERLY IN A STRAIGHT LINE 151.65 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 12; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 12, 186.6 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, AND TO THE POINT OF BEGINNING; ALL IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL REPLAT IN POLK COUNTY, IOWA. SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD, IF ANY.

2. The proposed amendment to the Baker PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to the revisions to the Plan as set forth above.

MOVED BY Westergaard TO continue to September 11, 2019 at 12:30 PM, and to receive and file comments and documents.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2019-00084)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
- TOTAL	7			

MOTION CARRIED APPROVED

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.

J. M. Frankin Cownie Mayor

Diane Rauh City Clerk