



Roll Call Number

19-1828

Agenda Item Number

25

Date November 18, 2019

RESOLUTION SETTING HEARING ON REQUEST FROM IOWA LABORERS EDUCATION AND TRAINING TRUST FUND TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED IN THE VICINITY OF 4500 HUBBELL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 7, 2019, its members voted 15-0 in support of a motion to recommend **APPROVAL** of a request from the Iowa Laborers Education and Training Trust Fund (owner), represented by Mike Weckman (officer), for the 8th Amendment to the Baker PUD Conceptual Plan for property located in the vicinity of the 4500 block of Hubbell Avenue, to allow development of 7.12 acres of the PUD area ("Property") to be developed with a building for a training center and equipment storage as well as an outdoor training site, subject to the following revisions to the Conceptual Plan:

1. Conformance with all administrative comments of the final Mylar review.
2. Provision of specific elevations with labeled materials and dimensions of the proposed building for Parcel A as approved by the Planning Administrator prior to final Mylar review approval.
3. Provision of 5-foot public sidewalks along all public street frontages with any PUD Development Plan.
4. Provision of a note on the Conceptual Plan that any overhead doors on any building shall not be oriented towards a public street.
5. Provision of a note on the Conceptual Plan that any clearing and excavations as part of the outdoor training are on Parcel A shall be approved by the Engineering Staff in the Permit and Development Center.
6. Provision of a note that any tree removal shall comply with the Tree Removal and Mitigation regulations in Article X, of Chapter 42 of the City Code.
7. Provision of a note that hours of operation for any outdoor training activity on Parcel A shall be limited between the hours of 7:00 A.M. to 7:00 P.M.; and

WHEREAS, the Property is legally described as follows:

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,



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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 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,

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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.

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 8th Amendment to the PUD Conceptual Plan is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on December 2, 2019, at which time the City Council will hear both those who oppose and those who favor the proposals.
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 Boesen TO ADOPT.

FORM APPROVED:

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

(ZON2019-00189)

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

MOTION CARRIED

APPROVED

J. M. Frank Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik

City Clerk