



Roll Call Number

22-0176

Agenda Item Number

27

Date February 7, 2022

RESOLUTION SETTING HEARING ON REQUEST FROM TRINITY LAND HOLDINGS, LC FOR APPROVAL OF A PROPOSED 1ST AMENDMENT TO THE PAT BROKERAGE PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT 4529 DOUGLAS AVENUE

WHEREAS, on January 20, 2022, the City Plan and Zoning Commission voted 13-0-1 to **APPROVE** a request from Trinity Land Holdings, LC (owner), represented by Clancy Sullivan (officer), to review and approve a proposed 1st Amendment to the PAT Brokerage Planned Unit Development (PUD) Conceptual Plan on property located at 4529 Douglas Avenue (“Property”) to allow the construction of a 1-story commercial building and parking in the southern portion of the PUD along Douglas Avenue, in lieu of the 2-story commercial building and larger surface parking area currently allowed by the Plan, subject to the following revisions to the Plan:

1. The building shall be set back no further from Douglas Avenue than the existing building to the east and to the west, with the finalized setback determined with the PUD Development Plan.
2. Use of full-dimensional brick or other durable material as approved by the Planning Administrator.
3. Addition of the following notes:
 - a) Development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
 - b) Any grading on the Property is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa Department of Natural Resources (IDNR); and

WHEREAS, the Property is legally described as follows:

LOT 18 IN KIMBLE ACRES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 17 IN KIMBLE ACRES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART OF LOT 17 CONVEYED TO THE STATE OF IOWA BY WARRANTY DEED FILED IN BOOK 8836, PAGE 615 IN THE OFFICE OF THE POLK COUNTY RECORDER. SAID EXCEPTED PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 17, THENCE NORTH 0°(DEGREES) 11'(MINUTES) 19"(SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 17, A DISTANCE OF 4.12 FEET; THENCE NORTH 90°00'00" EAST, 61.04 FEET; THENCE NORTH 87°42'34" EAST, 39.07 FEET; THENCE SOUTH 0°11'16" EAST ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 5.68 FEET; THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 17, A DISTANCE OF 100.08 FEET TO THE POINT OF BEGINNING. AS SURVEYED AND MONUMENTED IN FIELD BY MICHAEL M. KLAPP LICENSED SURVEYOR NO.4821.

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 1st Amendment to the PAT Brokerage Planned



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Unit Development (PUD) Conceptual Plan is to be considered, shall be held at 5:00 p.m. on February 21, 2022, 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 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. Second by Boesen.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

(ZON2021-000049)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (YEAS: 7).

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.

MOTION CARRIED APPROVED
J. M. Frankha Cowrie Mayor

P. Kay Cmelik City Clerk