



Roll Call Number

22-02165

Agenda Item Number

41

Date February 21, 2022

RESOLUTION HOLDING 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 February 7, 2022, by Roll Call No. 22-0176, the City Council received a communication from the City Plan and Zoning Commission advising that on January 20, 2022, the 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.



Roll Call Number

22-0265

Agenda Item Number

41

Date February 21, 2022

WHEREAS, on February 7, 2022, by Roll Call No. 22-0176, it was duly resolved by the City Council that the request for approval of the 1st Amendment to the PUD Conceptual Plan be set down for hearing on February 21, 2022, at 5:00 p.m., at the City Council Chambers; 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 1st Amendment to the PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed 1st Amendment to the 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 and all statements of interested persons and arguments of counsel, any objections to the proposed 1st Amendment to the PAT Brokerage Planned Unit Development (PUD) Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 1st Amendment to the PAT Brokerage Planned Unit Development (PUD) Conceptual Plan, as on file in the Development Services Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to revisions to the Plan as set forth above.

MOVED BY Sheumaker TO ADOPT.

SECOND BY Gatto.

FORM APPROVED:

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

(ZON2021-000049)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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