

Date October 24, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM HUBBELL REALTY COMPANY (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 4425 EAST DOUGLAS AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022, its members voted 11-0 in support of a motion finding the requested rezoning for Property located in the vicinity of 4425 East Douglas Avenue is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022 its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (Owner), represented by Steve Mosley (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for a portion of the Property in the vicinity of 4425 East Douglas Avenue from Low Density Residential to Low-Medium Density Residential; to rezone the Property from "N2b" Neighborhood District to "NX2" Neighborhood Mix District to allow the development of townhomes, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan if amended; and

WHEREAS, the Property is legally described as follows:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 28, ALL IN THE TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27 AND THE NORTHEAST CORNER OF SAID SECTION 28; THENCE SOUTH 89°38'35" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, 1311.32 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE SOUTH 00°10'18" WEST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, 569.43 FEET; THENCE NORTH 89°49'42" WEST, 329.77 FEET; THENCE NORTH 00°00'00" EAST, 139.66 FEET; THENCE NORTH 33°48'59" WEST, 117.22 FEET; THENCE NORTH 73°34'42" WEST, 114.44 FEET; THENCE SOUTH 80°14'22" WEST, 114.07 FEET; THENCE SOUTH 00°06'33" EAST, 43.49 FEET; THENCE SOUTH 89°53'27" WEST, 444.00 FEET; THENCE SOUTH 85°46'51" WEST, 57.27 FEET; THENCE SOUTH 73°35'56" WEST, 102.47 FEET; THENCE SOUTH 56°45'23" WEST, 29.79 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 996.02 FEET,

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WHOSE ARC LENGTH IS 32.29 FEET AND WHOSE CHORD BEARS SOUTH 34°04'16" EAST, 32.29 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 450.00 FEET, WHOSE ARC LENGTH IS 242.58 FEET AND WHOSE CHORD BEARS SOUTH 19°33'24" EAST, 239.66 FEET; THENCE SOUTH 85°53'12" WEST, 30.00 FEET; THENCE SOUTH 89°53'27" WEST, 1639.46 FEET TO A POINT ON THE EAST LINE OF SUNRISE ESTATES PLAT NO. 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS RECORDED IN BOOK 6850, PAGE 747-757 OF THE OFFICE OF THE POLK COUNTY RECORDER; THENCE NORTH 00°17'02" EAST ALONG SAID EAST LINE, 676.69 FEET TO THE NORTHEAST CORNER OF SAID SUNRISE ESTATES PLAT NO.1 AND TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE NORTH 89°56'28" EAST ALONG SAID NORTH LINE, 568.90 FEET; THENCE SOUTH 00°06'45" EAST, 286.18 FEET; THENCE NORTH 89°53'27" EAST, 260.00 FEET; THENCE NORTH 00°06'45" WEST, 285.95 FEET; THENCE NORTH 89°56'28" EAST, 670.67 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.87 ACRES (1518931 SQUARE FEET), SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

WHEREAS, on October 3, 2022, by Roll Call No. 22-1512, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on October 24, 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for a portion of the Property in the vicinity of 4425 East Douglas Avenue from Low Density Residential to Low-Medium Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N2b" Neighborhood District to "NX2" Neighborhood Mix District to allow the development of townhomes, is hereby approved,



Roll Call Number

22-1670

Agenda Item Number

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subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

(ZONG-2022-000081 & ZONG-2022-000083)

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, LAURA BAUMGARTNER, 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.

Laura Baumgartner
City Clerk