



**Roll Call Number**

23-1494

**Agenda Item Number**

72

**Date** October 23, 2023

**RESOLUTION HOLDING HEARING REGARDING REQUEST FROM ELECTRO MANAGEMENT CORP (OWNER), REPRESENTED BY BRITT BAKER (OFFICER), FOR REVIEW AND APPROVAL OF A 2<sup>ND</sup> AMENDMENT TO THE CITY GATEWAY PUD CONCEPTUAL PLAN, ON TWO PARCELS LOCATED IN THE VICINITY OF 4240 ARMY POST ROAD, TO ALLOW THE CONSTRUCTION OF NEW WAREHOUSE SPACES, AND TWO PARKING LOTS**

**WHEREAS**, on September 7, 2023, the City Plan and Zoning Commission considered a request from Electro Management Corp (owner), represented by Britt Baker (officer), for review and approval of a 2<sup>nd</sup> amendment to the City Gateway PUD Conceptual Plan, on property located in the vicinity of 4240 Army Post Road, to allow the construction of new warehouse spaces, and two parking lots; and

**WHEREAS**, the City Plan and Zoning Commission voted 14-0 to **APPROVE** the a 2<sup>nd</sup> Amendment to the City Gateway PUD Conceptual Plan, on property located at 4240 Army Post Road, subject to the following revisions to the Plan:

1. A final PUD Conceptual Plan shall be submitted in accordance with all administrative review comments.
2. Landscaping for Phase 2 and 3 shall be consistent with Phase 1 and no less than the minimum requirements as per Chapter 135-7 of the City Code.
3. Any proposed full access drive entrances from Army Post Road in addition to the existing driveway shall be shared with the undeveloped City Gateway 2 “PUD” property to the west.
4. Should any driveway from Army Post Road be developed as full access it should be shown and developed with a westbound left turn-in lane constructed in the median and an eastbound right turn-in lane in the Right-of-Way west of the drive entrance, all at the expense of the developer and in accordance with SUDAS requirements.
5. The architectural design and building materials for Phase 3 of the PUD shall substantially match Phases 1 and 2 to the satisfaction of the Planning and Design Administrator.; and

**WHEREAS**, the Property is legally described as follows:

**LEGAL DESCRIPTION - PARCEL 2016-230**

PART OF THE E1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE EAST QUARTER CORNER OF SAID SECTION 36, THENCE S00°03'51"W, 33.00 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36 TO A POINT; THENCE N89°55'37"W, 115.03 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SW 42ND STREET AND THE SOUTH RIGHT-OF-WAY



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LINE OF ARMY POST ROAD; THENCE S00°03'51"W, 1,118.35 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF SW 42ND STREET TO A POINT; THENCE S66°59'30"W, 56.72 FEET TO A POINT; THENCE S60°03'51"W, 143.64 FEET TO A POINT; THENCE N89°56'09"W, 314.97 FEET TO A POINT; THENCE N71°11'51"W, 341.94 FEET TO A POINT; THENCE N00°03'51"E, 636.15 FEET TO A POINT; THENCE N41°17'19"E, 215.42 FEET TO A POINT; THENCE N00°03'51"E, 179.52 FEET TO A POINT; THENCE N07°41'12"W, 120.74 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3926.81 FEET, AND A CHORD BEARING OF N82°20'22"E, AN ARC LENGTH OF 39.61 FEET, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE S89°55'37"E, 650.43 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO THE POINT OF BEGINNING CONTAINING 20.8503 ACRES MORE OR LESS.

**LEGAL DESCRIPTION - PARCEL 2016-231**

PART OF THE E1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE EAST QUARTER CORNER OF SAID SECTION 36, THENCE S00°03'51"W, 33.00 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36 TO A POINT; THENCE N89°55'37"W, 115.03 FEET TO A POINT, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SW 42ND STREET AND THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE N89°55'37"W, 650.43 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO A POINT; THENCE CONTINUING WESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3926.81 FEET, AND A CHORD BEARING OF S82°20'22"W, AN ARC LENGTH OF 39.61 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO THE POINT OF BEGINNING: THENCE S07°41'12"E, 120.74 FEET TO A POINT; THENCE S00°03'51"W, 179.52 FEET TO A POINT; THENCE S41°17'19"W, 215.42 FEET TO A POINT; THENCE S00°03'51"W, 636.15 FEET TO A POINT; THENCE S71°11'51"E, 341.94 FEET TO A POINT; THENCE S89°56'09"E, 314.97 FEET TO A POINT; THENCE N60°03'51"E, 143.64 FEET TO A POINT; THENCE N66°59'30"E, 56.72 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SW 42ND STREET; THENCE S00°03'51"W, 224.25 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF SW 42ND STREET TO A POINT; THENCE S03°24'10"W, 254.62 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF SW 42ND STREET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF RELOCATED IOWA HIGHWAY 5; THENCE N89°57'14"W, 513.93 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF RELOCATED IOWA HIGHWAY 5 TO A POINT; THENCE N56°27'01"W, 802.98 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF



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RELOCATED IOWA HIGHWAY 5 TO A POINT; THENCE N00°18'02"W, 1040.50 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD; THENCE EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3926.81 FEET, AND A CHORD BEARING OF N78°12'20"E, AN ARC LENGTH OF 527.04 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD TO THE POINT OF BEGINNING CONTAINING 19.1005 ACRES MORE OR LESS.

**WHEREAS**, on October 2, 2023, by Roll Call No. 23-1328, it was duly resolved by the City Council that the request for approval of the 2<sup>nd</sup> Amendment to the City Gateway PUD Conceptual Plan be set down for hearing on October 23, 2023, 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 2<sup>nd</sup> Amendment to the City Gateway PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed 2<sup>nd</sup> Amendment to the City Gateway 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 2<sup>nd</sup> Amendment to the City Gateway PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 2<sup>nd</sup> Amendment to the City Gateway PUD Conceptual Plan is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to conditions set forth above.



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MOVED by Mandelbaum to adopt. SECOND by Gatto

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000027)

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

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.

MOTION CARRIED APPROVED
J. M. Franklin Cowne Mayor

Laura Baumgartner City Clerk