

★ Roll Call Number
20-1392

Agenda Item Number
54

Date August 17, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM ELECTRO MANAGEMENT CORPORATION (OWNER) FOR REVIEW AND APPROVAL OF A PUD FINAL DEVELOPMENT PLAN AMENDMENT, "CITY GATEWAY-PHASE 1A", FOR PROPERTY LOCATED AT 4240 ARMY POST ROAD TO ALLOW EXPANSION FOR THE EXISTING WAREHOUSE WITH A 60,000 SQUARE FOOT BUILDING ADDITION AND ON-SITE SURFACE PARKING EXPANSION

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Electro Management Corporation (Owner), represented by Britt Baker (Officer), regarding property located at 4240 Army Post Road, to for review and approval of a PUD Final Development Plan Amendment, "City Gateway- Phase 1", to allow expansion of the existing 242,800-square foot Workshop/Warehouse building with a 60,000 square foot addition and on-site surface parking expansion, subject to the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Center; and
2. Revision of the requirement for rooftop mechanical units to indicate that all rooftop mechanical units be screened in accordance with Chapter 135 Section 135-4.4.5 of the City Code.

WHEREAS, the property is legally described as follows:

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 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.

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WHEREAS, on August 3, 2020, by Roll Call No. 20-____, it was duly resolved by the City Council that the request to amend the PUD Final Development Plan be set down for hearing on August 17, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community; 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 PUD Final Development Plan amendment; and

WHEREAS, in accordance with said notice, those interested in said proposed PUD Final Development Plan amendment, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

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 PUD Final Development Plan, “City Gateway – Phase 1” are hereby overruled, and the hearing is closed.
2. The proposed PUD Final Development Plan, “City Gateway- Phase 1” to allow expansion of the existing 242,800-square foot Workshop/Warehouse building with a 60,000 square foot addition and on-site surface parking expansion for the property locally known as 4240 Army Post Road is hereby approved subject to the conditions as set forth above.

Moved by Mandelbaum to adopt.

APPROVED AS TO FORM:

(10-2020-7.117)

Judy K. Parks-Kruse
 Judy K. Parks-Kruse, Assistant City Attorney

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

MOTION CARRIED 7 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