

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	September 10, 2018
	<b>Agenda Item No.</b>	<b>14</b>
	<b>Roll Call No.</b>	[ _____ ]
	<b>Communication No.</b>	<b><u>18-445</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Acceptance of Planned Unit Development (PUD) restoration bond for Ruby Rose Ridge.

**SYNOPSIS:**

Recommend acceptance and approval of PUD restoration bond no. 2391863 from West Bend Mutual Insurance Company, in the amount of \$234,790 for Ruby Rose Ridge. The restoration security must be provided and accepted by the City Council, pursuant to Section 134-706 of the City Code, before the Grading Permit can be issued. The purpose of the restoration security is to assure that the required grading and ground surface restoration within the project is completed in a timely fashion.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

- When a property is zoned PUD, a PUD restoration security must be approved by the City Council before the grading permit can be issued. This is done to ensure that the required grading and ground surface restoration are completed in a timely manner. The Engineering Department has determined that a restoration security in the amount of \$234,790 is required for this project for grading, filter socks / silt fence, seeding, mulching, silt basin outlets and Engineering Department administrative and inspection costs. The bonds will be released once the grading and ground surface restoration of the project is completed.
- The Ruby Rose PUD is a residential development to allow 42 lots for single-family residential development, 50 lots for single-family detached residential development, and a lot for future multiple-family residential development. This equates to 3.2 dwelling units per net acre (13-acres) for single-family, 2.46 dwelling units per net acre (10.14) for single-family detached, and 12 dwelling units per net acre (5.61-acres) for multi-family. The project is located at 5066 Northeast 23<sup>rd</sup> Avenue and is to be developed by Kenyon Hill Ridge, LLC, 15602 Wilden Drive, Urbandale, IA, 50323, David Walters, Authorized Agent.

**PREVIOUS COUNCIL ACTION(S):**

Date: July 23, 2018

Roll Call Number: [18-1277](#)

Action: [Rezoning](#) of property at 5066 NE 23<sup>rd</sup> Avenue (Easton Blvd), from “A-1” (Agricultural) to “PUD” (Planned Unit Development). Moved by Gatto that this ordinance do now pass, #15,686.  
Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: May 17, 2018

Resolution Number: N/A

Action: Request from Kenyon Hill Ridge, LLC (owner) represented by David Walters (officer) for review and approval of a major Preliminary Plat “Ruby Rose Ridge Residential Development” on property located at 5066 Northeast 23<sup>rd</sup> Avenue, a portion of which is in unincorporated Polk County within the 2-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow development of 43 lots for single-family residential development, 50 lots for single-family semi-detached residential development, and a lot for future multiple-family residential development. Approval is subject to a portion of the property being annexed and rezoned by the City Council.

Dory Briles made a motion for approval of the Preliminary Plat, subject to the following conditions:

1. The Preliminary Plat shall not be valid until such time that a portion of the property is annexed to the City of Des Moines.
2. The Preliminary Plat shall not be valid until such time that the property is rezoned to “PUD” Planned Unit Development District.
3. The Preliminary Plat shall be in compliance with the PUD Conceptual Plan that is approved by City Council. Major modifications to the Preliminary Plat that are required to comply with the approved PUD Conceptual Plan may necessitate future review and approval by the Plan & Zoning Commission.
4. The Preliminary Plat shall include text documenting all the requirements contained on the approved PUD Conceptual Plan, including but not limited to the bulk regulations, landscaping requirements, and urban design standards.
5. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission and City Council to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
6. The Preliminary Plat shall demonstrate that “Lot 1” is within Area C and shall state that the maximum net density of Area C shall not exceed 12 dwelling units per acre.
7. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
8. The Preliminary Plat shall comply with the City’s Tree Removal and Mitigation Ordinance, which requires 1 tree per 700 square feet of canopy that has already been removed.
9. The Preliminary Plat shall provide a 5-foot wide sidewalk along NE 23rd Avenue (Easton Boulevard).
10. The Preliminary Plan shall provide a 5-foot wide sidewalk within the 30-foot wide storm sewer and drainage easement between Lots 11 and 12 if required by the approved PUD Conceptual Plan.

11. The Preliminary Plan shall identify how the shared maintenance for the semi-detached units will occur, to the satisfaction of the City's Planning Administrator.
12. The Preliminary Plat shall comply with all of the City's Permit and Development Center's administrative review requirements.

THE VOTE: 11-0

Board: Plan and Zoning Commission

Date: April 5, 2018

Resolution Number: N/A

Action: Request from Kenyon Hill Ridge, LLC (owner) represented by David Walters (officer) to rezone property at 5066 Northeast 23<sup>rd</sup> Avenue (Easton Boulevard). The south 7.135-acres is pending voluntary annexation into the City of Des Moines.

Rocky Sposato made a motion for Part A) to find the proposed rezoning to "PUD" District not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential for Area C; for Part B) to recommend approval of the PlanDSM Creating Our Tomorrow future land use designation for Areas A and B be designated as Low Density Residential and that the future land use designation for the modified Area C be designated as Low/Medium Density Residential; for Part C) to recommend approval for rezoning of the property to "PUD" Planned Unit Development District; and Part D) to recommend approval of the the "Ruby Rose Ridge" PUD Conceptual Plan subject to the following revisions:

1. Lots 1, 2, & 3 within Area A shall be shifted to be within Area C so that the modified Area C has frontage on NE 23<sup>rd</sup> Avenue (Easton Boulevard).
2. The maximum net density of Area C shall not exceed 12 dwelling units per acre.
3. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
4. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
5. The bulk regulation stating that any bi-attached unit shall have 1,150 square feet of area should be deleted since it conflicts with the requirements contained elsewhere on the PUD Conceptual Plan stating a minimum of 1,200 square feet is required.
6. A note shall be provided to state that an overstory tree in the rear yard of each single-family and semi-detached lot.
7. A note shall be provided to state that each single-family and semi-detached dwelling shall have foundation plantings, including a minimum of five (5) shrubs.
8. A 5-foot wide sidewalk shall be provided within the 30-foot wide storm sewer and drainage easement between Lots 13 and 14, which may require modification to the current storm water management design.

THE VOTE: 12-0

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Reduction or release of required PUD Restoration Bond, Acceptance and Approval of Final Plat, and Subdivision Improvements Bond.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).