

.....  
Date..... February 12, 2007

RESOLUTION CLOSING THE PUBLIC HEARING AND APPROVING THE  
PROPOSED REZONING OF 39320 SE 72nd AVENUE TO THE "PUD"  
PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, on January 8, 2007, by Roll Call No. 07-037, it was duly resolved by the City Council, that the City Council consider a proposal from Mid-America Real Estate Co., represented by Theresa Wahlert, President, to rezone property it owns in the vicinity of 3930 SE 72nd Avenue (known as Pine Avenue in the City of Des Moines) from the "A-1" Agricultural District it will automatically receive upon annexation, to the "PUD" Planned Unit Development District classification, and to approve the "PUD" Conceptual Plan for such property titled "Harvest Hills", and that such proposal be set down for hearing on January 22, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on January 11, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 3930 SE 72nd Avenue, more fully described as follows (the "Property"):

The Northwest 1/4 and a part of the West 1/2 of the Northeast 1/4 of Section 32, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., Polk County, Iowa all of which being more particularly described as Parcel "E", as shown by the Plat of Survey Recorded on January 17, 2002, in Book 9085, at Page 537, on the office of the Polk County Recorder.

from the "A-1" Agricultural District it will automatically receive upon annexation, to the "PUD" Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and "PUD" Conceptual Plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator and repeated below for reference; and,

WHEREAS, on January 22, 2007, by Roll Call No. 06-168, the public hearing was continued until February 12, 2007, at 5:00 p.m., to permit the hearing on the rezoning to be held with the hearing on the annexation of the Property; and,

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WHEREAS, in accordance with the published notice those interested in said proposed rezoning, 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, statements of interested persons and arguments of counsel, the objections to said proposed rezoning and "PUD" Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and "PUD" Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The "PUD" Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions and approval of the amendments by the Community Development Director:

1. Modification of the Preservation Guidelines on Sheet 1 of the Conceptual Plan to include a requirement that future plats and development plans outline measures to be taken to protect these preservation areas during the construction phase and specific easement language for perpetual protection and management of these areas.
2. Addition to the General Notes on Sheet 1 that implementation of low impact design methods to supplement the City's regular storm water management standards shall be considered with any subdivision plat or development plan submitted to provide some mitigation of storm events more frequent than a 5-year storm.
3. Addition of a note to the Landscape Guidelines on Sheet 1 that landscaping standards applicable under the Site Plan policies to the referenced zoning districts shall be required of any Development Plan at a minimum, unless a more comprehensive conceptual landscaping scheme is approved as part of a formal amendment to the Conceptual Plan.
4. Addition of a note to the Landscape Guidelines on Sheet 1 that the required screen fencing for commercial and multiple-family parking buffer yard standards should be 100% solid opaque and shall be of a design and material that is common throughout the PUD. The architectural requirement of fencing will be determined at the time of site plan approval for Area C.

( continued )

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5. Modification of all 50' wide single-family lot requirements to "require" a detached or attached 1-car garage and delete the typical lot layout on Sheet 2 that does not show a garage. Encourage builders to push garages far enough back so a single car garage could be added on later to make a double garage without having to tear the garage down.
6. Addition of the following to the Architectural Guidelines for single-family dwellings on Sheet 1:
  - a) The same single-family dwelling plan shall not be built on adjacent lots.
  - b) The street façade of any single-family dwelling shall have at least one of the following:
    - i) A front porch of not less than 60 square feet; or
    - ii) 1/3 to 1/2 stone or brick masonry
  - c) Windows on the street façade of any single-family dwelling shall have at least one of the following:
    - i) Shutters on each side; or
    - ii) Trim border not less than 4" in width.
  - d) Roofs on any single-family dwelling shall be of asphalt type shingles or cedar shakes
  - e) Single-story single-family dwellings shall be constructed with a minimum of 1,200 square feet of finished floor area exclusive of the basement or attached garage.
  - f) 1-1/2 and two-story single-family dwellings shall be constructed with a minimum of 1,400 square feet of finished floor area exclusive of the basement or attached garage.
  - g) Specific architectural plans shall be provided for the 50' wide lots by the developer with the subdivision plat, and the Community Development Director shall have authority to reduce the required square footage for the dwellings below 1200 square feet (to not less than 1000 square feet) if a plat with rear alley loading and a homeowners' association to maintain the common areas is submitted and approved.
  - h) Exterior material for any single-family dwelling shall be masonry (brick or stone), vinyl (between 44 and 50 mills thickness), cedar or hardi-plank siding.
7. Area F shall be used as either a school site as proposed, or as open space. If used as open space the developer shall be permitted to plat lots within the portion of Area F fronting on the north/south street while preserving the balance of Area F and the frontage on the south and southeast sides of Parcel F as open recreational space for public use. If such open recreational space is not dedicated to and accepted by the City, it shall be owned by and maintained by a homeowners' association.
8. The developer shall establish an architectural review and approval process.
9. All references to Sheets and to Areas in the conditions above are intended to refer to the numbered sheets in the proposed Conceptual Plan and the separate areas of the Property designated in the Conceptual Plan.

( continued )

★ Roll Call Number

Agenda Item Number

67B

Date..... February 12, 2007

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MOVED by \_\_\_\_\_ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| HENSLEY        |      |      |          |        |
| KIERNAN        |      |      |          |        |
| MAHAFFEY       |      |      |          |        |
| MEYER          |      |      |          |        |
| VLASSIS        |      |      |          |        |
| TOTAL          |      |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Item 2006 00178

Date 11-30-06 67B

I (am) (am not) in favor of the request.  
(Circle One)

21

RECEIVED

DEC 06 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Nondis Lowther

Signature Nondis Lowther

Address 0332 Mesa Dr., Rifle, CO 81650

Reason for opposing or approving this request may be listed below:

Blank lines for providing reasons for opposing or approving the request.

Item 2006 00178

Date 11/30/06

I (am) (am not) in favor of the request.  
(Circle One)

3

RECEIVED

DEC 06 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name STEVEN A. Wilson

Signature [Handwritten Signature]

Address 5762 SE 128th St.  
Rumrills, Ia

Reason for opposing or approving this request may be listed below:

Blank lines for providing reasons for opposing or approving the request.

Item 2006 00178 Date 12-4-06

I  (am)  (am not) in favor of the request.  
(Circle One)

12

**RECEIVED**  
DEC 06 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Wayne & Ruth Hugen  
Signature Wayne Hugen  
Address 6445 S.E. 45<sup>th</sup> St.

Reason for opposing or approving this request may be listed below:

Your request enhances our zoning of Light Business

Item 2006 00178 Date Dec. 1 2006

I  (am)  (am not) in favor of the request.  
(Circle One)

2

**RECEIVED**  
DEC 06 2006  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Boardwalk Development  
Co. No. IV  
Signature John W. Subb  
Address 475 S. 50<sup>th</sup> Suite 800  
West Des Moines, IA 50265

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
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Item 2006 00178

Date 12-1-06

I  (am) ( am not ) in favor of the request.  
(Circle One)

9, 23, 24, 25, 26

**RECEIVED** ✓

DEC 04 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Rodger A Rothfus

Signature Rodger A Rothfus

Address 4041 SE 72 ave

Reason for opposing or approving this request may be listed below:

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Item 2006 00178

Date 12-1-06

I  (am) ( am not ) in favor of the request.  
(Circle One)

9, 24, 26, 25

**RECEIVED**

DEC 04 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Lyle K. Rothfus

Signature Lyle K. Rothfus

Address Box 333 Carlisle Pa. 16801

Reason for opposing or approving this request may be listed below:

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Item 2006 00178

Date 11-26-06 676

(am) (am not) in favor of the request.  
(Circle One)

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DEC 01 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name James R Wistrom

Signature *JR Wistrom*

Address 4417 SE 57th Ave

6

Reason for opposing or approving this request may be listed below:

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\_\_\_\_\_

Item 2006 00178

Date 11-29-06

I (am) (am not) in favor of the request.  
(Circle One)

RECEIVED



DEC 04 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name David J Wright

Signature *David J Wright*

Address 355 Crescent Dr  
Carlisle, IN 46017

1b

Reason for opposing or approving this request may be listed below:

Good Plain

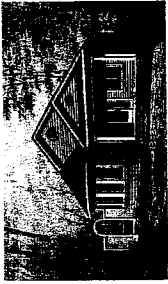
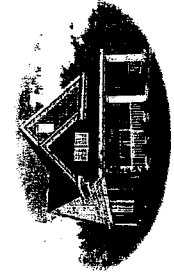
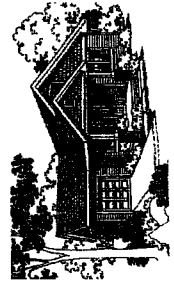
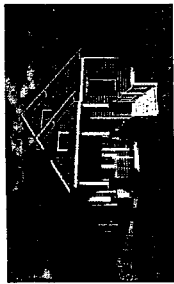
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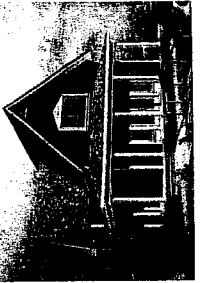
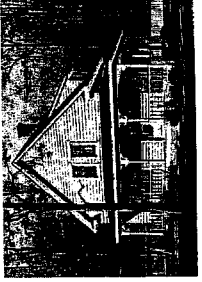
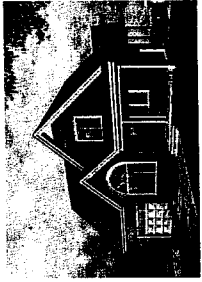




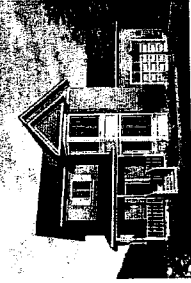
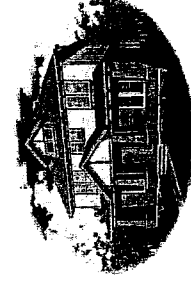
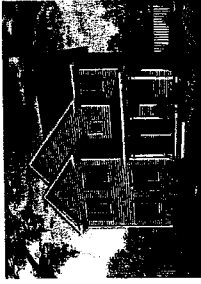
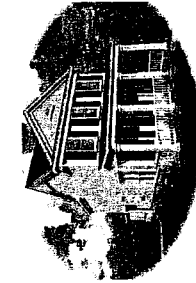
# ARCHITECTURAL STYLES



ONE STORY EXAMPLES



ONE-AND-A-HALF STORY EXAMPLES



TWO STORY EXAMPLES

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