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**Date** May 5, 2008.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2008, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from DRC Land and Development, LLC. (owner), represented by Richard Shook (officer), to amend the "Three Lakes Estates Phase II" PUD Conceptual Plan for property located in the vicinity of 3001 East Army Post Road, to modify the exterior design and materials of the proposed row townhomes, reducing the area dedicated to townhomes allowing wider adjoining single-family lots, and to add seven (7) additional row townhome units subject to the following conditions:

- 1) Replacement of note #11 with the following, "Townhome parcels shall submit a planting plan which incorporates a variety of deciduous and evergreen types and sizes that enhance the appearance of the townhomes and provide buffering for the adjoining single-family lots to the satisfaction of the Community Development Director."
- 2) Provision of the following single-family lot design standards for any area not final platted as of April 3, 2008.
  - a) Minimum building floor areas for single-family residential dwellings shall be as follows:
    - i) Single-story (ranch) 1,200 square feet, excluding basements.
    - ii) Two-story 1,400 square feet, excluding basements.
  - b) The same house plan shall not be built on any two adjoining lots.
  - c) The front elevation of each home constructed on the property must contain one of the following:
    - i) A front porch of not less than 60 square feet; or
    - ii) Stone or brick masonry siding equal to a minimum of 1/3 of the 1<sup>st</sup> floor.
  - d) The front elevation of each home constructed on the property must contain one of the following:
    - i) Shutters on each side of each window: or
    - ii) Window trim not less than 4" in width.
  - e) The roof on any home constructed on the property shall be of architectural type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - f) The exterior of homes must be of masonry (brick or stone) and/or vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.

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- g) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.

The subject property is more specifically described as follows:

A parcel of land in the NE ¼ of Section 36, Township 78 North, Range 24 West, and also in the NW ¼ of Section 31, Township 78 North, Range 23 West, of the 5<sup>TH</sup> P.M. in the City of Des Moines, Polk County, State of Iowa, and is more particularly described as follows:

Beginning at the E ¼ corner of said Section 36-78-24; Thence N89°57'59"W 120.19 Feet along South line of said NE ¼ of Section 36-78-24 to a point; Thence N00°20'34"W, 323.45 Feet to a point; Thence N89°54'58"W, 558.41 Feet to a point; Thence N89°55'24"W, 135.33 Feet to a point; Thence N00°00'00"W 58.22 Feet to a point; Thence N12°34'36"E, 122.51 Feet to a point; Thence N08°50'20"E, 80.68 Feet to a point; Thence N00°02'25"E, 80.63 Feet to a point; Thence N09°09'09" 80.61 Feet to a point; Thence N17°54'13"W, 80.62 Feet to a point; Thence N26°47'25"W, 71.06 Feet to a point; Thence S65°35'08", 36.46 Feet to a point; Thence N27°12'55"W, 151.70 Feet to a point; Thence Northeasterly along a curve to the left having a radius of 400.00 Feet, an arc length of 25.27 Feet, and a Chord bearing of N60°15'31"E to a point; Thence N25°36'34"W, 156.38 Feet to a point; Thence N45°53'16"E, 197.02 Feet to a point; Thence N00°00'00"W, 187.08 Feet to a point; Thence N09°44'30"E, 153.80 Feet to a point; Thence N49°31'13"E, 146.56 Feet to a point; Thence N40°28'47"W, 163.00 Feet to a point; Thence N49°31'13"E, 166.00 Feet to a point; Thence N40°28'47"W, 174.59 Feet to a point; Thence N57°52'27"E, 6.68 Feet to a point; Thence N45°57'10"E, 156.24 Feet to a point; Thence S00°18'04"E, 5.14 Feet to a point; Thence N65°33'05"E, 711.36 Feet to a point; Thence S89°34'06"E, 27.35 Feet to a point; Thence S86°31'33"E, 375.99 Feet to a point; Thence N86°41'17"E, 207.41 Feet to a point; Thence S39°28'19"E, 385.07 Feet to a point; Thence S24°28'19"E 540.00 Feet to a point; Thence N70°28'52"E, 192.83 Feet to a point; Thence S00°00'42"E, 1794.04 Feet to a point on the South line of the NW ¼ of said Section 31-78-23; Thence N88°16'39"W, 1218.04 Feet along said South line to the point of beginning, and containing 101.941 Acres more or less; and

WHEREAS, on April 21, 2008 by Roll Call No. 08-669 it was duly resolved by the City Council that the request to amend the Three Lakes Estates Phase II PUD Conceptual Plan be set down for hearing on May 5, 2008 at 5:00 p.m. in the City Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on April \_\_, 2008; and



**Roll Call Number**

**Agenda Item Number**

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**Date** May 5, 2008

WHEREAS, in accordance with the notice, those interested in the proposed amendment to the PUD Conceptual Plan, for and against, have been given the opportunity to be heard 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:

1. That upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed amendment to the PUD Conceptual Plan are hereby overruled and the hearing is closed.
2. That the proposed amended PUD Conceptual Plan is hereby found to conform to the Des Moines 2020 Community Character Land Use Plan, subject to the conditions set forth above.
3. The amended 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 conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

Michael F. Kelley  
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

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