

66A

Date June 18, 2007

Alternate Resolution

RESOLUTION CLOSING PUBLIC HEARING AND APPROVING THE PROPOSED AMENDMENT TO THE RIVER OAKS CENTRE "PUD" CONCEPTUAL PLAN

WHEREAS, on June 4, 2007, by Roll Call No. 07-1070, it was duly resolved by the City Council, that a public hearing to be held on June 18, 2007, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Conlin Equities, LLC, represented by James Conlin, its Manager, to amend the approved "PUD" Conceptual Plan for River Oaks Centre located in the vicinity of 6000 Creston Avenue, to allow for the development on Lot 6 to have an increase from the previously allowed 72 dwelling units, to 113 dwelling units configured in four 3-story 24-unit buildings, one 3-story 16-unit building and one single-family dwelling for the manager's residence; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on June 7, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved "PUD" Conceptual Plan; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved "PUD" Conceptual Plan be denied for the reasons set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved "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, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the approved "PUD" Conceptual Plan for River Oaks Centre in the vicinity of 6000 Creston Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

Lot 6, River Oaks Centre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The City Council makes the following findings regarding the proposed amendment to the approved "PUD" Conceptual Plan for River Oaks Centre:

- a) The property is designated as Medium-Density Residential in the 2020 Community Character Land Use Plan, which allows a maximum density of 17 dwelling units per acre.

(continued)

66A

Date June 18, 2007

-2-

- b) The development shown by the proposed amendment to the approved "PUD" Conceptual Plan is consistent with the Medium-Density Residential classification of the property and in character with the existing residential development in the area.
- c) The proposed development will not create a traffic hazard. The intersection of Creston Avenue and SW 63rd Street (also known as State Highway 28) does not meet the warrants for a traffic signal under the *Manual of Uniform Traffic Control Devices*, and it is expected that the intersection will still not warrant a traffic signal after completion of the proposed development. The Iowa Department of Transportation has determined that traffic signals are not necessary and will not be permitted on a state highway unless the intersection meets those warrants.

3. The proposed amendment to the approved "PUD" Conceptual Plan for River Oaks Centre is hereby APPROVED, subject to the plan being first amended to satisfy the following conditions from the staff recommendation:

- a) Addition of a note on the Concept Plan stating that any Final Development Plan shall meet the minimum requirements for landscaping in the "R-3" District under the then current landscape standards under the site plan regulations.
- b) Addition of a note on the Concept Plan regarding the secondary fire access easement to state the following:
 - 1) The secondary fire access road shall be marked with permanent NO PARKING – FIRE LANE signs. Such signs shall have a minimum dimension of 12 inches wide by 18 inches high and shall have red letters on a white reflective background.
 - 2) The secondary fire access road shall be designed to support an imposed load of 56,000 pounds and shall be surfaced so as to provide all-weather driving capabilities.
 - 3) The installation of security gates or barricades across the secondary fire access road shall be approved by the Fire Marshal. Any such gates or barricades shall comply with the following:
 - i) The minimum gate width shall be 20 feet.
 - ii) All gates shall be of a swinging or sliding type.
 - iii) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access.
 - iv) Manual opening gates shall not be locked with a padlock or chain unless approved by the Fire Marshall.

(continued)

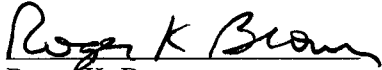
66A

Date June 18, 2007

- v. Emergency opening and locking devices shall be submitted for approval prior to installation.
- 4) The easement documents shall be in a form approved by the City Legal Department and filed of record.

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown
 Assistant City Attorney
 G:\SHARED\LEGAL\BROWN\WORK\REZONING\Conlin.doc

Sponsored by Council Member Hensley

NOTE: Approval of the proposed amendment to the approved "PUD" Conceptual Plan requires the favorable vote of 4/5ths of all members of the City Council, due to the Plan and Zoning Commission recommendation for denial. See, Zoning Ordinance §134-700.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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.

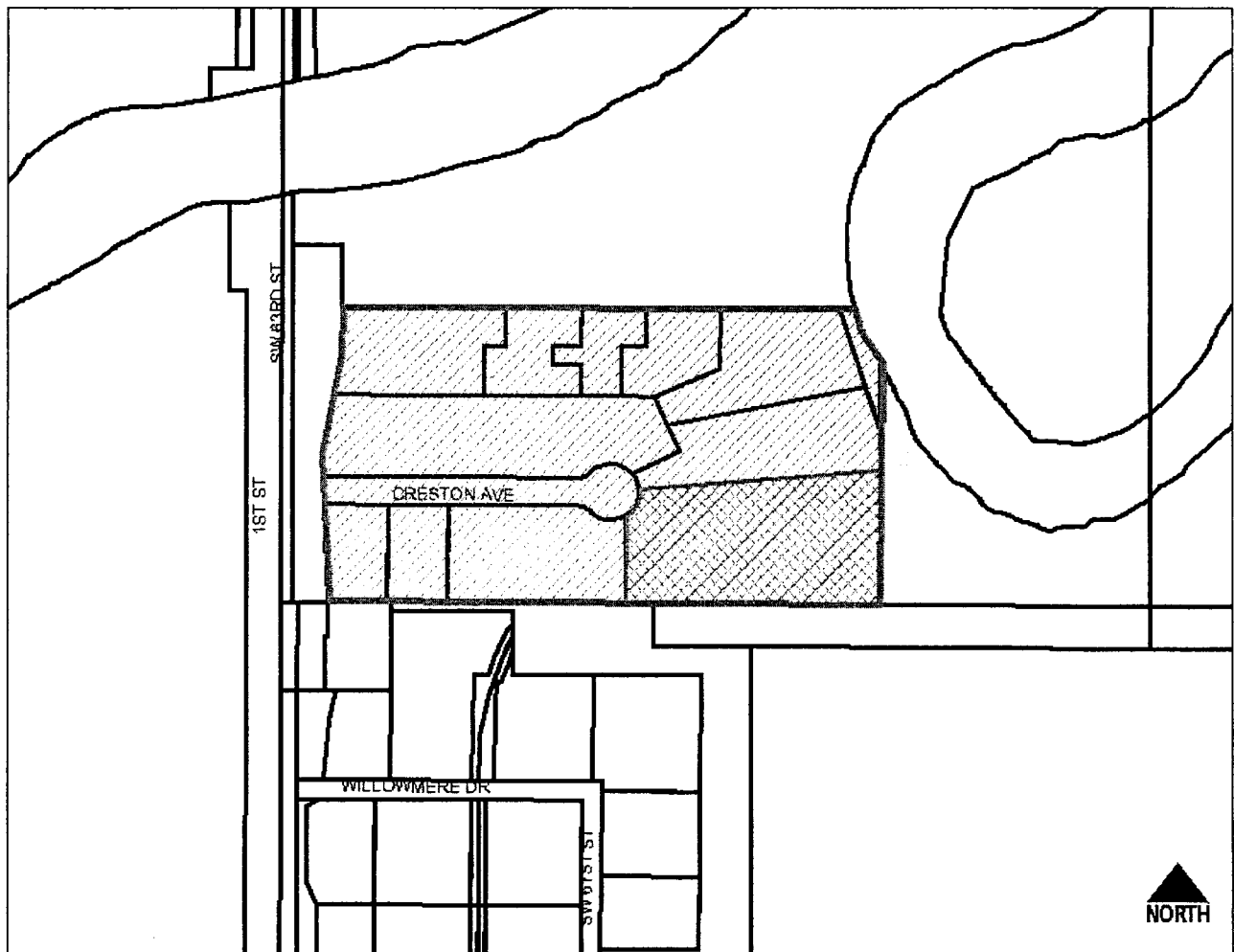
 City Clerk

CGA

Request from Conlin Equities, LLC. (owner) represented by James Conlin (officer) for property located at 6000 Creston Avenue.		File # ZON2007-00055		
Description of Action	PUD amendment to the River Oaks Centre Conceptual Plan to allow for development of Lot 6 to have an increase from 72 to 120 multiple-family units configured in five (5) three-story 24-unit buildings.			
2020 Community Character Plan	Medium-Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"PUD" Planned Unit Development			
Proposed Zoning District	"PUD" Planned Unit Development			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes
	Denial	X		No

River Oaks Center PUD - 6000 Creston Avenue

ZON2007-00055



Total PUD Area
 PUD Area affected by amendment

66A

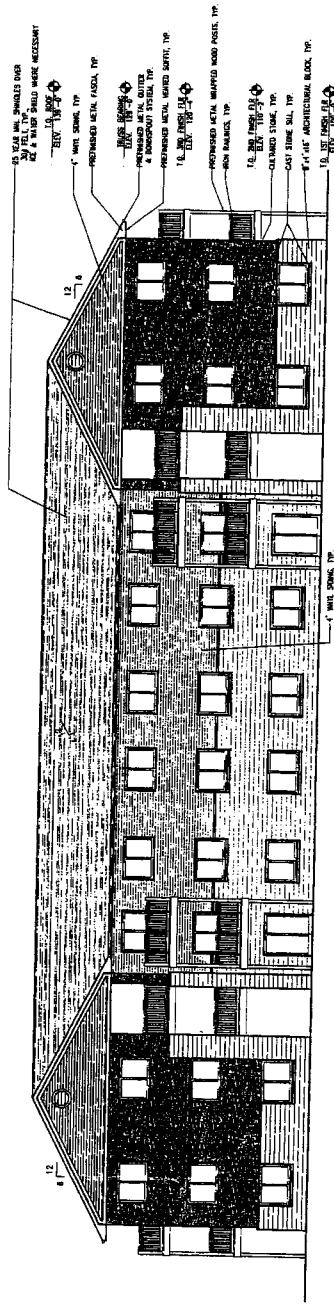
A3

DATE	04-11-07
PROJECT	DEER RIDGE APARTMENTS
SHEET NO.	EXTERIOR ELEVATIONS
SHEET SET	
SCALE	
DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE	

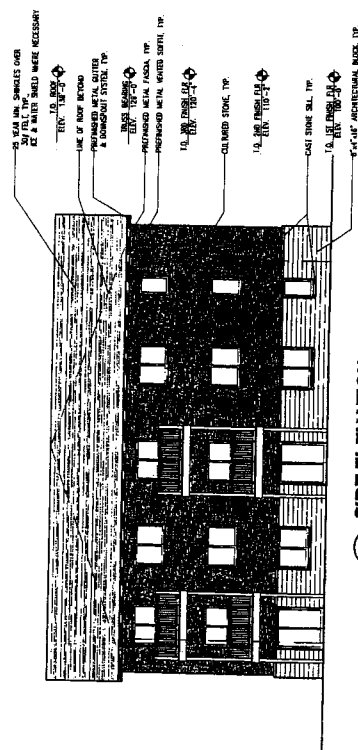
Job No. 05144
 DATE 04-11-07
 SHEET EXTERIOR ELEVATIONS
 SHEET NO.

SIMPSON
 SIMPSON & ASSOCIATES ARCHITECTS, INC.
 3300 SOUTH CENTER AVENUE, SUITE 100
 DES MOINES, IOWA 50315
 PHONE 515 444-9944 FAX 515 444-9944

DEER RIDGE APARTMENTS
 6000 CHESTNUT AVENUE
 DES MOINES, IOWA



1 FRONT ELEVATION
 SCALE: 1/8"=1'-0"



2 SIDE ELEVATION
 SCALE: 1/8"=1'-0"