

Date..... August 20, 2007

WHEREAS, on August 6, 2007, by Roll Call No. 07-1517, it was duly resolved by the City Council, that the City Council consider a proposal from West Lakes Properties, LC, represented by Gerard Neugent (officer) to rezone property it owns in the vicinity of 300 County Line Road from the "A-1" Agricultural District classification to the "PUD" Planned Unit Development District classification, and to approve the proposed "PUD" Conceptual Plan for such property, and that such proposal be set down for hearing on August 20, 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 August 9, 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 300 County Line Road, more fully described as follows (the "Property"):

A parcel of land in the East 1/2 of Section 4, Township 77 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Warren County, Iowa, more specifically described as follows:

Beginning at the East ¼ corner of said Section 4; thence South 89°36'23" East, 1308.50 feet along the South line of the Northeast ¼ of said Section 4; thence North 00°56'49" West, 645.18 feet to the Northeast corner of the South ½ of the Southwest ¼ of the Northeast ¼ of said Section 4; thence South 89°45'16" West, 1318.40 feet along the North line of said South ½ to a point on the West line of the Northeast ¼ of said Section 4; thence North 00°07'58" West, 1770.63 feet along the West line of the Northeast ¼ of said Section 4 to a point; thence South 89°58'59" East, 225.33 feet to a point; thence North 00°10'46" West, 175.69 feet to a point on the South right-of-way line of 80th Avenue S.W.; thence South 89°53'48" East, 1972.82 feet along said South line to a point; thence South 00°07'32" East, 800.00 feet to a point; thence South 89°53'46" East, 440.00 feet to a point on the East line of said Section 4; thence South 00°04'28" East, 1790.32 feet along the East line of said Section 4 to the Point of Beginning and containing 128.07 acres more or less.

from the "A-1" Agricultural District classification 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,

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Date August 20, 2007

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WHEREAS, in accordance with said 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 subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

- 1) Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
- 2) Addition of a note on Sheet 2 indicating that the Future Low/Medium Density Residential and Future Commercial areas are subject to future amendments to the PUD Concept Plan.
- 3) Removal of the notes pertaining to the "Low/Medium Density Residential" bulk standards.
- 4) Addition of a note indicating that a property-owner association will be created to support the maintenance of the proposed open spaces, and public landscape and signage elements.
- 5) Provision of 60'-wide right-of-ways and 31'-wide pavement widths for all north/south and east/west through streets.
- 6) Provision of adequate spacing at the intersections with the major roads for the installation of traffic signals should they become necessary.
- 7) Addition of a note stating the builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
- 8) Provision of a 20' minimum front yard set back for all single-family dwellings with all garages being set back a minimum of 25'.

(continued)

Date August 20, 2007

- 9) Requiring architectural variety in the overall development
 - a. at least 50% of the houses on the 50' lots shall have front porch applications;
 - b. variable setbacks in all plats; and,
 - c. adherence to the architectural character as represented, to be enforced by the Planning staff on a permit by permit basis.
- 10) Minimization of impact on existing vegetation when locating and designing the storm water detention basin.
- 11) Consideration of additional public access through Parcel 13 to 9th Street and to County Line Road when the development plan comes forward.

MOVED by _____ to adopt and conditionally 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
 G:\SHARED\LEGAL\BROWN\WORK\REZONING\West Lakes.doc

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.

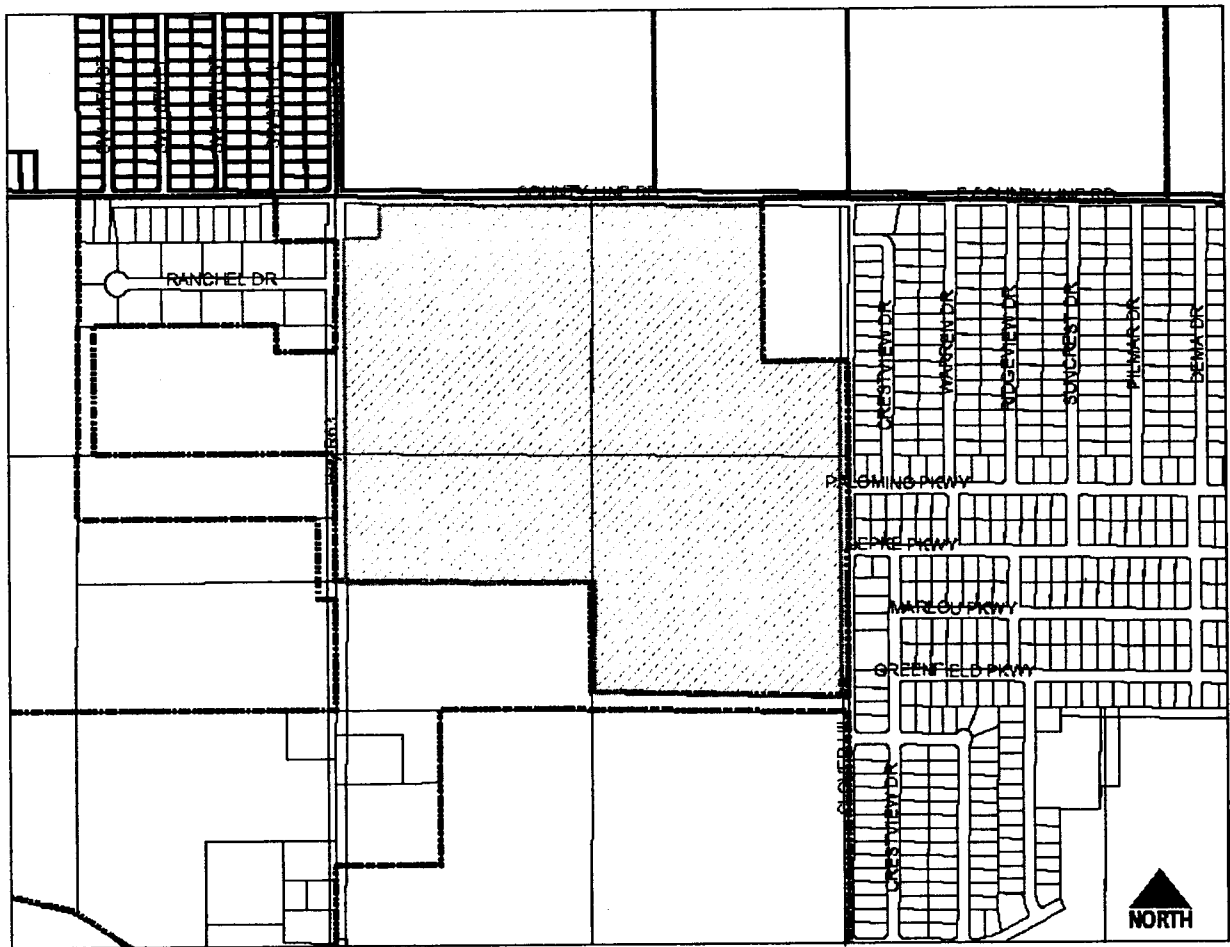
_____ City Clerk

63B

Request from West Lakes Properties, LC (owner) represented by Gerard Neugent (officer) to rezone property located in the vicinity of 300 County Line Road.			File # ZON2006-00193	
Description of Action	Rezone property from "A-1" Agricultural District to "PUD" Planned Unit Development to allow for development of approximately 128 acres with 4.4 acres designated for commercial development, 49.1 acres for medium-density residential, 37.4 acres for standard lot single-family residential, and 33.9 acres for small-lot single-family residential development.			
2020 Community Character Plan	Low-Density Residential And No Designation.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"A-1" Agricultural District.			
Proposed Zoning District	"PUD" Planned Unit Development.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	2	12	0	<20%
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

West Lakes Properties LC - 300 County Line Road

ZON2006-00193



Item 2006 00193

Date 6-11-07

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

31, 32, 35, 36 (SUBJECT PAR)
51 (47, 48, 46, 47)

✓ RECEIVED
JUN 15 2007

Print Name WEST LAKES PROPERTIES, LC

Signature *Deirdre Newgent, mgr*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 14949 Westown Pkwy, Ste 200
West Des Moines, IA 50266

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

SUBJECT PROPERTY PLUS OTHER
ADJOINING PARCELS

Item 2006 00193

Date 7/16/07

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

2 ELMER RIGGLE FOR

RECEIVED

Print Name GRACE BAPTIST CHURCH

JUN 17 2007

Signature *Elmer L. Riggle*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 9936 COUNTY LINE ROAD

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

MINISTRY TO PEOPLE

June 16, 2007

The plan as proposed, in my opinion, is a poor use of the existing land. The plan is designed to make a select few millions of dollars without much thought being given to the harmony and quality of life as it pertains to the future new home owners. The small, packed together building sites should be eliminated and replaced with all standard lots, single family homes.

Also the East West extension of Palomino Parkway, as currently proposed, is a terrible choice. I predict, it will become a "speedway shortcut" from SW 9th St. and Cloverhill Dr., in both directions. This will have a huge negative impact on every new home owner on that street. It is very important to get the traffic flow right, not only for the new neighborhood, but also how it will impact the existing, surrounding neighborhoods.

The developer has more work to do in order to get the plan right. In addition, I would request that he be required to fund new landscape work to help restore the damage they have already done to the property by clear cutting 90 percent of the old tree growth, unbelievable!

Sincerely,

Norman G. Ross

Norman G. Ross

Item	2006 00193	Date	6/16/07
I () <input checked="" type="radio"/> am not in favor of the request. (Circle One)			
RECEIVED		3	
JUN 21 2007		Print Name	NORMAN ROSS
COMMUNITY DEVELOPMENT DEPARTMENT		Signature	<i>NRoss</i>
		Address	8030 CRESTVIEW DR
Reason for <input checked="" type="radio"/> opposing or approving this request may be listed below:			
<i>See attached letter dated 6-16-07</i>			

Item 2006 00193

Date 6-11-7

I ()) in favor of the request

(Circle One)

RECEIVED

JUN 12 2007

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name Frederick Alan Duffield

Signature Frederick Alan Duffield

Address 8228 Patton Dr.

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

Item 2006 00193

Date 6-15-07

I (am) in favor of the request
(Circle One)

RECEIVED

JUN 19 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name

11
KEITH McELDERRY

Signature

Keith D. McElDerry

Address

8062 CRESTVIEW DR. DM IA 5032

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

I DONOT WANT MULTIPLE Dwelling - APTS ECT
IN MY NEIGHBORHOOD. THEY RUIN THE QUALITY
OF LIFE & VALUE OF HOMES & NEIGHBORHOODS
I HAVE WITNESSED THIS IN FAMILY & FRIENDS
NEIGHBORHOODS IN THE LAST 15 AND 20 YEARS.
IF THEY CANT BUILD ALL SINGLE FAMILY HOMES LET
THEM BUILD AN INDUSTRIAL PARK. I HAVE LIVED
IN MY HOME FOR

Item 2006 00193

Date 6-18-07

I (am) in favor of the request
(Circle One)

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JUN 22 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name

41
MIKE MITCHELL

Signature

Mike J. Mitchell

Address

900 RANCHER DRIVE

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

PLEASE, NO STRIP MALL OR
COMMERCIAL DEVELOPMENT ALONG
SW 9TH.

Item 2006 00193

Date 6-12-07

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

(Circle One)

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JUN 15 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name

12
DAVE + SHIRLEY DENNY

Signature

Shirley Denny

Address

806 Crestview

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

Increased traffic + noise the destruction of thousands of trees is an environmental disaster!

Item 2006 00193

Date 6-10-07

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

(Circle One)

RECEIVED

JUN 12 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name

30
Elizabeth Corbin

Signature

Elizabeth Corbin

Address

109 New Castle
Des Moines, Ia 50320

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

This development will bring up new taxes. The streets (County line Rd and Clover Hills) will become more busy. Also our sewer and water bill will probably go up even more. Crim will go up

Item 2006 00193

Date 7/18/07

I (am) in favor of the request.
(Circle One)

38

RECEIVED

Print Name SW 9th INVESTMENTS, L.L.C

JUL 19 2007

Signature *Gene A. Sinclair*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 4940 PLEASANT STREET
WEST DES MOINES, IOWA 50266

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

SW 9th Investments, L.L.C. owns approximately 19 acres immediately west across SW 9th Street from the property under consideration. We oppose this request in that it allows 50 foot wide family residential lots. We believe such small lots will have an adverse effect on the value of our property and any development we might wish to do in the future.

Item 2006 00193

Date 6-11-07

I (am) in favor of the request.
(Circle One)

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Print Name Ronnie & Carolyn Power

JUN 19 2007

Signature *Carolyn Power*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 8034 Crestview Dr

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

Don't want more traffic on County Line + SW 9th Don't want our Warren Co property taxes go up. Don't want to lose our country peace + quiet Don't want more traffic on Clover Hill

Item 2006 00193

Date 7-10-7

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

(Circle One)

RECEIVED

Print Name Fredrick Alan Duffield

JUL 13 2007

Signature Fredrick Alan Duffield

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 8038 Crestview Dr. Dallas TX 75230

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

Item 2006 00193

Date 7-10-07

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

(Circle One)

RECEIVED

Print Name Suzanne Lyle

JUL 13 2007

Signature Suzanne Lyle

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 8118 Crestview Dr. D.M 750320

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

Congested traffic -
8099th already in horrible
condition -
Greenfield Area not ready for
extra traffic on already
Evaluation of property will be
lowered -

Item 2006 00193

Date 7-11-07

63B

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

RECEIVED ✓

JUL 18 2007

Print Name Sandra Eatwell

Signature Sandra Eatwell

COMMUNITY DEVELOPMENT DEPARTMENT

Address 108 New Castle Dr.

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

Too much traffic and noise.

Item 2006 00193

Date 7-13-7

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

RECEIVED ✓

JUL 18 2007

Print Name KEITH McELDERRY

Signature Keith D. McElerry

COMMUNITY DEVELOPMENT DEPARTMENT

Address 8002 CRESTVIEW DR. DM 5032

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

THE AREA SHOULD BE LEFT AS FARM LAND & TREES.
WE LIVE IN A NICE QUIET NEIGHBORHOOD & DO NOT
NEED INCREASED TRAFFIC, NOISE ETC. THE CITY
DOES NOT HAVE THE ABILITY TO PROVIDE MORE LAW-
ENFORCEMENT & FIRE PROTECTION. WITH THIS PRO-
POSED BUILDING WILL COME AN INCREASE IN TRAFFIC, CRIM
& UNWANTED EROSION OF THE LAND.