

Date..... September 24, 2007

WHEREAS, on March 26, 2007, by Roll Call No. 07-572, the City Council closed the public hearing on the application of Rice Development Partners, L.L.C., represented by Adam Van Dyke (Agent), to rezone certain property in the vicinity of 3001 Beaver Avenue from the "R1-60" One-Family Low-Density Residential District classification to the "PUD" Planned Unit Development District classification, and the City Council conditionally approve the "PUD" Conceptual Plan for such property subject to a number of conditions, including the following special procedural requirements:

- a) The Final Development Plan shall be presented to the City Council for review and approval.
- b) All building architecture, including building footprints and materials shall be subject to review and approval of the final development plan by the City Council.
- c) The Developer shall participate in two neighborhood meetings to be facilitated by the City Staff prior to review and consideration of the Development Plan by the City Council.

WHEREAS, by Ordinance No. 14,637, passed March 26, 2007, the City Council rezoned the subject property to the "PUD" Planned Unit Development District; and,

WHEREAS, Rice Development Partners has made application for approval of a proposed final "PUD" Development Plan for the property, which plan is on file in the Community Development Department; and,

WHEREAS, the proposed final PUD Development Plan for the property was presented by Rice Development Partners at two neighborhood meetings facilitated by the City Staff on September 17th and 18; and,

WHEREAS, the Community Development Director recommends that the proposed "PUD" Development Plan be approved subject to the conditions identified in the accompanying Council Communication; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The proposed final "PUD" Development Plan described above is hereby found to be in substantial conformance with the approved "PUD" Conceptual Plan for the property.
2. The proposed final "PUD" Development Plan described above is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community

Date September 24, 2007

Development Director finding that such conditions have been satisfied by the amendments to the plan:

- A. The project must be served by a public storm sewer to be constructed within the Wallace Lane right-of-way. No construction shall be commenced pursuant to the Final Development Plan until adequate provision has been made to the City's satisfaction for the financing and construction of that public storm sewer.
- B. The architecture of the nine (9) townhome units shall be amended to include the following additional architectural details:
 - 1) Brick wainscoating shall be provided along the bottom two (2) feet of all sides of each building.
 - 2) All garage doors shall have multi-light "craftsman" style windows in single or double rows.
 - 3) All windows shall be double-hung with a multi-light over single pane "craftsman" style.
 - 4) All exterior entry doors shall have a multi-light "craftsman" style windows.
 - 5) All windows and doors shall have wide wood surrounds of at least 4-inches in width.
 - 6) Gables shall include exposed rafters, and decorative beams or braces.
- C. The Developer shall install a traffic island in the Adams Avenue entrance drive to discourage left turns for traffic exiting from the site onto Adams Avenue. The developer shall also install 5-foot wide "neck-downs" on the north and south sides of Adams Avenue east of the Adams Avenue entrance drive to discourage cut-through traffic into the residential neighborhood. No traffic signal will be required at the intersection of Beaver Avenue and Adams Avenue at this time. However, the City Traffic Engineer is directed to monitor the future traffic flows on Beaver Avenue and Adams Avenue and to submit a CIP request to install a traffic signal should it be warranted in the future.
- D. The Wallace Lane Storm Sewer shall accommodate contributing drainage areas east of Beaver Avenue.
- E. Existing overhead utilities along the east side of Beaver Avenue shall remain overhead on the east side of Beaver Avenue unless under-grounded at the developer or utility's expense.
- F. Stuc-o-flex high performance coating applied to the concrete foundation wall is acceptable as noted on the submitted building elevations.
- G. The Landscape Plan is approved as submitted on September 17, 2007 subject to provision of screen plantings around the trash enclosure structure at the southeast corner of the site and the provision of two additional over-story trees around the commercial parking lot north of the mixed used buildings.

67

Date September 22, 2007

- H. The chain link fence along the east and north boundaries of the site shall remain unless the adjoining property owners request that it be removed.
- I. The diagonal sanitary sewer across the southwest portion of the site shall be televised by the developer after construction on site to document that no damage has occurred during construction.
- J. Pole-mounted lighting shall have a maximum height of 20-feet in parking lots and 15 feet for all other areas.
- K. All building and pole mounted light fixtures shall have down-directional, sharp cut-off fixtures or shields that prevent light from spilling onto adjoining properties.
- L. A sidewalk shall be installed along the south side of the entrance drive from Beaver Avenue.
- M. Commercial uses of the subject property shall be limited to uses permitted in the "C-1" Neighborhood Retail Commercial District, except gas stations, boarding houses, shelters for the homeless, and financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity. Package good stores for the sale of alcoholic beverages will not be permitted, except for the sale of alcohol specifically related to the wine industry. Restaurant uses will be limited to no more than 50% of the retail square footage.

(Council Communication No. 07- 596)

MOVED by _____ to adopt.

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

.....
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