



Date August 8, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM J.J. EQUITY, LLC TO REZONE PROPERTIES LOCATED IN THE VICINITY OF 3300 EAST 56<sup>TH</sup> STREET AND AT 3734, 3735, AND 3768 EAST 55TH STREET AND TO AMEND THE "BROOK LANDING" PUD CONCEPTUAL PLAN**

**WHEREAS**, on July 25, 2016, by Roll Call No. 16-1197, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 7, 2016, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from J.J. Equity, LLC (developer), represented by Jon Galloway (officer), to rezone properties located in the vicinity of 3300 East 56<sup>th</sup> Street and at 3734, 3735, and 3768 East 55th Street (collectively "Property") from "A-1" Agricultural District to "PUD" Planned Unit Development, and for the First Amendment to the Brook Landing PUD Conceptual Plan for an expansion to add 2.08 acres of land to be divided into 6 parcels with frontage on East 55<sup>th</sup> Street for single-family residential dwelling development; and

**WHEREAS**, the Property to be rezoned is legally described as follows:

Lots 2, 3, and 5 in FINI ACRES PLAT 2, an Official Plat in Polk County, Iowa; and

**WHEREAS**, the real property subject to the First Amendment to the Brook Landing PUD Conceptual Plan is legally described as follows:

Lots 2, 3, 5 and Outlot X in FINI ACRES PLAT 2, an Official Plat in Polk County, Iowa; and Except for Parcel A Book 10645 Page 526, Outlot X in FINI ACRES REPLAT, an Official Plat in Polk County, Iowa; and

**WHEREAS**, on July 25, 2016, by Roll Call No. 16-1197, it was duly resolved by the City Council that the application from J.J. Equity, LLC to rezone the Property, and the request from J.J. Equity for approval of the First Amendment to the Brook Landing PUD Conceptual Plan, be set down for hearing on August 8, 2016 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance and to the Brook Landing PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning and proposed amendment to the approved Brook Landing 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; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 3300 East 56<sup>th</sup> Street and at 3734, 3735, and 3768 East 55<sup>th</sup> Street and as legally described above.

**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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit



Date August 8, 2016

Development District, and any objections to the proposed First Amendment to the Brook Landing PUD Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.

2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

3. The proposed First Amendment to the Brook Landing PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to any administrative review comments for the final recorded Conceptual Plan Mylar Document as stated in the Plan and Zoning Commission communication received by City Council by Roll Call No. 16-1197.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2016-00109)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

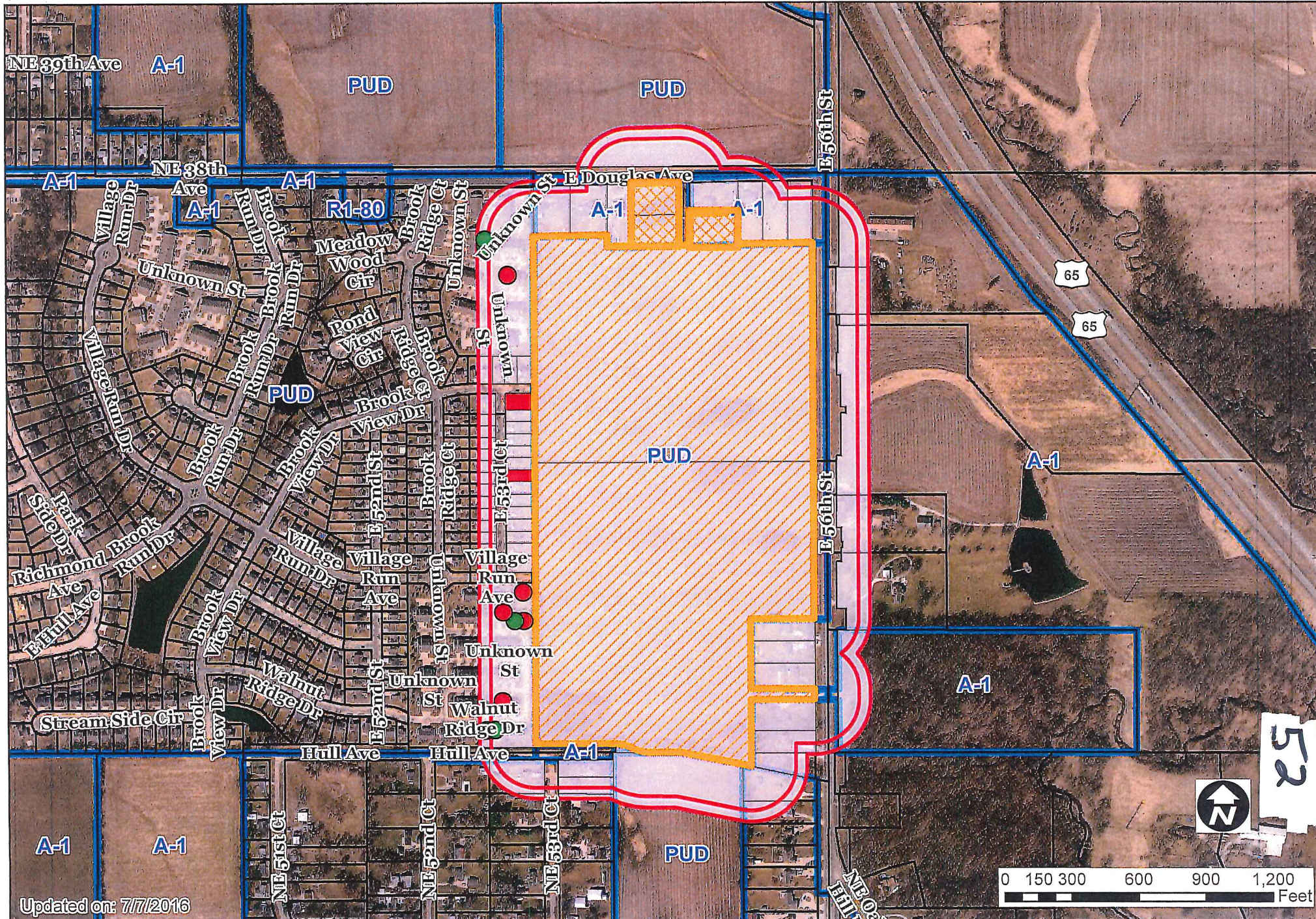
CERTIFICATE

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





July 12, 2016

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held July 7, 2016, the following action was taken regarding a request from J.J. Equity, LLC (developer) represented by Jon Galloway (officer) to rezone property located in the vicinity of 3300 East 56<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				X
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of staff recommendation Part A) that the proposed rezoning and "PUD" Conceptual Plan be found in conformance with the existing Des Moines' 2020 Community Character Plan and the proposed PlanDSM: Creating Our Tomorrow Plan, approval of Part B) the request to rezone the property from "A-1" Agricultural District to "PUD" Planned Unit Development District and approval of Part C) the proposed First Amendment to the "PUD"

Conceptual Plan for “Brook Landing”, subject to any administrative review comments for the final recorded PUD Conceptual Plan Mylar Document. (ZON2016-00109)

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning and “PUD” Conceptual Plan be found in conformance with the existing Des Moines’ 2020 Community Character Plan and the proposed PlanDSM: Creating Our Tomorrow Plan.

Part B) Staff recommends approval of the request to rezone the property from “A-1” Agricultural District to “PUD” Planned Unit Development District.

Part C) Staff recommends approval of the proposed First Amendment to the “PUD” Conceptual Plan for “Brook Landing”, subject to any administrative review comments for the final recorded PUD Conceptual Plan Mylar Document.

### Written Responses

5 In Favor

7 In Opposition

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant seeks to add 2.08 acres to the 68.82-acre tract primarily for single-family residential use, with a 7.5-acre area at the northeast corner designated for a possible religious assembly use. The “PUD” Conceptual Plan that has been submitted indicates that the development would generally comply with the “R1-60” One-Family Low-Density Residential District requirements, with some variations detailed in Section II of this report.
2. **Size of Site:** 2.08 acres (70.9 acres for the overall PUD area).
3. **Existing Zoning (site):** “A-1” Agricultural District and “PUD” Planned Unit Development.
4. **Existing Land Use (site):** Agricultural production.
5. **Adjacent Land Use and Zoning:**
  - North** - “A-1”; Uses are single-family dwellings along East Douglas Avenue.
  - South** - “Copper Crossing PUD”; Use is currently agricultural production. However, the approved “Copper Crossing PUD Conceptual Plan” allows this land to be developed with a mix of one- and two-family dwellings. The area immediately adjoining the subject property would have lot widths of approximately 75 feet.
  - East** - “A-1”; Use is agricultural production and single-family residential.
  - West** - “Brook Run PUD”; Uses are townhome dwellings and single-family dwellings on lots that have lot widths of approximately 55 feet.

6. **General Neighborhood/Area Land Uses:** The subject property is in a developing area that includes a mix of residential and agricultural production uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Brook Run Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on June 20, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on June 17, 2016 (20 days prior to the hearing) and June 27, 2016 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the Brook Run Neighborhood Association. A Final Agenda for the meeting was mailed to all recognized neighborhood associations on July 1, 2015.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Brook Run Neighborhood Association notices were mailed to Dale Burgess, 3516 Park Side Drive, Des Moines, IA 50317.

8. **Relevant Zoning History:** The property was annexed to the City of Des Moines in 2009, at which time it became zoned "A-1" Agricultural District. The balance of the PUD was rezoned by the City Council on May 23, 2016 by Ordinance No. 15,479.
9. **PlanDSM Creating Our Tomorrow Designation:** The subject property is located within an area designated on the PlanDSM Future Land Use Map as Low-Density Residential. The plan defines this category as "Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre". The proposed rezoning and "PUD" Conceptual Plan amendment would not require this designation to be amended.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended PUD Conceptual Plan as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Site Features:** The site has been used for row crop production for an extended period. Some tree growth has occurred along fence rows and waterways. Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code as part of any grading permit or subdivision plat.
- 2. Utilities:** The approved "PUD" Conceptual Plan states that sanitary sewer will be extended from Brook View Avenue to the west and from a future connection to the south. The City's Engineering Department has indicated that while the existing sanitary sewer system within the Brook Run area to the west has the capacity to serve 292 single-family homes, it does not appear to have the depth necessary to provide basement service to the entire proposed development. Therefore, a portion of the development will likely need to be connected to a proposed future "Little Four Mile East" sanitary sewer trunk, which when completed could serve the areas along East 56<sup>th</sup> Street. The developer is responsible for all costs and connection fees associated with constructing the necessary sanitary sewer connections. The proposed 2.08 acres would integrate into this same concept.

The proposed "PUD" Conceptual Plan states that an 8-inch water main will be extended throughout the development. The developer is responsible for all costs associated with constructing the necessary water connections.

- 3. Drainage:** The approved "PUD" Conceptual Plan amendment proposes a network of public storm sewers throughout the development and four (4) stormwater detention basins on outlots located at the periphery of the site. It states that "the detention facilities will be maintained by a homeowner's association". The City will require the entire subdivision to be located within a horizontal property regime, with the detention basins designated as common areas shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In a horizontal property regime, the value of the common areas is allocated among the residential units.
- 4. Grading:** The proposed "PUD" Conceptual Plan amendment contains a notes stating that a stormwater runoff control plan per City Code Section 106-136 is required and that all grading is subject to an approved grading permit and soil erosion control plan.
- 5. Traffic/Street System:** The submitted "PUD" Conceptual Plan amendment indicates that the added parcels would front the previously approved street connection from East Douglas Avenue to the north. The overall PUD as approved would also have a street connection to East 56<sup>th</sup> Street, internal street connections from the Brook Run subdivision to the west (Brook View Avenue and Village Run Avenue), and two (2) street connections that would align with the two (2) street connections provided in the approved "Copper Crossing PUD Conceptual Plan".
- 6. Landscaping:** The proposed amendment reflects the approved "PUD" Conceptual Plan which states that one (1) street tree per lot frontage are required. The proposed "PUD" Conceptual Plan also states that 20% of each lot would be open space and that each lot would have a minimum of two (2) overstory trees (including any street trees), one (1) understory or coniferous tree, and four (4) shrubs, exclusive of foundation plantings. In

accordance with the approved "PUD" Conceptual Plan, foundation plantings would also be provided along the front of each home.

- 7. Primary and Accessory Uses:** The proposed "PUD" Conceptual Plan amendment would add the subject property into the Parcel A area, which states that the permitted uses shall be those as permitted in the "R1-60" District. While the "R1-60" District allows for some home office uses (such as the home office of a physician, dentist, artist, attorney, architect, etc.), any future use that would not be allowed in the "R1-60" District would be subject to an amendment of the "PUD" Conceptual Plan.
- 8. Bulk Regulations:** The proposed "PUD" Conceptual Plan maintains the standards from the approved Plan which states that the single-family dwellings shall generally comply with the bulk regulations applicable to the "R1-60" District, with the following modifications:
  - Minimum required lot area would be 7,500 square feet.
  - Minimum required front yard setback shall be 30 feet, except any front porch shall be allowed to have a 25-foot front yard setback.
  - Minimum required side yard setbacks shall be 15 feet of total side yard setbacks with 7 feet minimum on any side.
- 9. Urban Design:** The proposed "PUD" Conceptual Plan would keep with the approved PUD standards allowing two (2) typical home designs, including a two-story design and a ranch design. The proposed "PUD" Conceptual Plan states that Single story homes shall be constructed with a minimum of 1,200 square feet of above-grade finished floor area, 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area. It also states that that the homes will be sided with asphalt shingles, vinyl, brick, stone, and/or glass, and that metal or dryvit may be used as an accent or trim.

The following additional design standards are also proposed.

- a) No same house plan shall be built on adjacent lots.
- b) Each house shall have a full basement.
- c) Each house shall have an attached 2- or 3-car garage.
- d) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, or cement fiber board.
- e) The front façade of any house constructed must contain one of the following:
  - a. A front porch of not less than 60 square feet; or
  - b. At least 1/3 of the front façade shall be clad with stone or brick masonry.
- f) The windows on any street-facing façade of any house constructed shall have a trim border not less than 4 inches in width.
- g) The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

## SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.



**COMMISSION ACTION:**

John "Jack" Hilmes moved staff recommendation Part A) that the proposed rezoning and "PUD" Conceptual Plan be found in conformance with the existing Des Moines' 2020 Community Character Plan and the proposed PlanDSM: Creating Our Tomorrow Plan, approval of Part B) the request to rezone the property from "A-1" Agricultural District to "PUD" Planned Unit Development District and approval of Part C) the proposed First Amendment to the "PUD" Conceptual Plan for "Brook Landing", subject to any administrative review comments for the final recorded PUD Conceptual Plan Mylar Document.

Motion carried 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment



ZON2016-00109

Item \_\_\_\_\_ Date 6/28/16

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

**RECEIVED**  
(Circle One)  
**COMMUNITY DEVELOPMENT**  
JUL 05 2016  
**DEPARTMENT**

Print Name Justin Anderson

Signature [Signature]

Address 5021 Village Run Ave #1503

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

Increased traffic and noise will create a nuisance

ZON2016-00109

Item ZONING Date 6-28-16

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

**RECEIVED**  
(Circle One)  
**COMMUNITY DEVELOPMENT**  
JUL 05 2016  
**DEPARTMENT**

Print Name Thomas Smith

Signature [Signature]

Address 3413 E 53rd CT

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

Reason I bought the house is the corner lot behind. And to not having the house behind me towering over my home from the hill. DO NOT BUILD

ZON2016-00109

Item \_\_\_\_\_ Date 6-29-16

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

**RECEIVED**  
(Circle One)  
**COMMUNITY DEVELOPMENT**  
JUL 05 2016  
**DEPARTMENT**

Print Name Beverly Nolte

Signature [Signature]

Address 5221 Village Run Ave 604

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

serious concern about water drainage watershed in neighboring housing

too many homes + population in small area

too much traffic through Brook Run Neighborhood



ZON2016-00109

Item \_\_\_\_\_ Date 6-30-16

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

**RECEIVED**  
COMMUNITY DEVELOPMENT  
JUL 07 2016

Print Name Lois DAVIS  
Signature Lois Davis  
Address 5221 Village Run Ave 301

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

I am against any PUD  
Revelopment - it Lowens other  
Property values

ZON2016-00109

Item \_\_\_\_\_ Date 6-28-2016

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

**RECEIVED**  
COMMUNITY DEVELOPMENT  
JUL 05 2016

Print Name Michael Bird  
Signature \_\_\_\_\_  
Address 3701 Brook Ridge Ct #607 RSM

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

do not want apartments near our sub-division

ZON2016-00109

Item \_\_\_\_\_

Date 6-28-16

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

Laurie Buch

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Laurie Dickinson  
Signature Laurie Dickinson  
Address 3513 E 53rd Ct Des Moines  
SDSIT

JUL 05 2016

DEPARTMENT

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

increased traffic, noise, lack of  
privacy behind house, flooding  
concerns.

ZON2016-00109

Item Re zoning Date 6-30-16

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

RECEIVED  
(Circle One)

COMMUNITY DEVELOPMENT

Print Name ROBERT R CRAWFORD

JUL 05 2016

Signature Robert R Crawford

DEPARTMENT

Address 5221 VILLAGE RUN RD UNIT 03

Reason for opposing or approving this request may be listed below:  
Des Moines Ia 50317

ZON2016-00109

Item \_\_\_\_\_ Date 6-30-16

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

RECEIVED  
(Circle One)

COMMUNITY DEVELOPMENT

Print Name DALE H WILSON

JUL 05 2016

Signature Dale H Wilson

DEPARTMENT

Address 5221 Village Run Ave # 1902

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

ZON2016-00109

Item ZON 2016-00109 Date July 1, 2016

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

RECEIVED  
(Circle One)

COMMUNITY DEVELOPMENT

Print Name Sharon T. Baker

JUL 07 2016

Signature Sharon T. Baker

DEPARTMENT

Address 5221 Village Run Ave # 301

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

Information is vague -

ZON2016-00109

Item \_\_\_\_\_ Date 7-1-16

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

RECEIVED

(Circle One)  
COMMUNITY DEVELOPMENT Name Matt Barnes

JUL 05 2016 Signature [Signature]

DEPARTMENT Address 3701 Brook Ridge Ct #107

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

more housing + maybe more  
business nearby

ZON2016-00109

Item \_\_\_\_\_ Date 7/2/2016

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

RECEIVED

(Circle One)  
COMMUNITY DEVELOPMENT Name Linda Grathush

Signature [Signature]

JUL 05 2016 Address 3701 Brook Ridge Ct  
Unit 108

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

I approve!

ZON2016-00109

Item \_\_\_\_\_

Date 7-2-16

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

RECEIVED

COMMUNITY DEVELOPMENT Print Name Diana & Linde Anderson

Signature [Signature]

JUL 07 2016

Address 5221 Village Run Ave #1602 DSM

DEPARTMENT

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

50317

512