



Date October 3, 2022

RESOLUTION SETTING HEARING ON REQUEST FROM HUBBELL REALTY COMPANY (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 4425 EAST DOUGLAS AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022, its members voted 11-0 in support of a motion finding the requested rezoning for Property located in the vicinity of 4425 East Douglas Avenue is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022 its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (Owner), represented by Steve Mosley (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for a portion of the Property in the vicinity of 4425 East Douglas Avenue from Low Density Residential to Low-Medium Density Residential; to rezone the Property from “N2b” Neighborhood District to “NX2” Neighborhood Mix District to allow the development of townhomes, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan if amended; and

WHEREAS, the Property is legally described as follows:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 28, ALL IN THE TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27 AND THE NORTHEAST CORNER OF SAID SECTION 28; THENCE SOUTH 89°38'35" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, 1311.32 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE SOUTH 00°10'18" WEST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, 569.43 FEET; THENCE NORTH 89°49'42" WEST, 329.77 FEET; THENCE NORTH 00°00'00" EAST, 139.66 FEET; THENCE NORTH 33°48'59" WEST, 117.22 FEET; THENCE NORTH 73°34'42" WEST, 114.44 FEET; THENCE SOUTH 80°14'22" WEST, 114.07 FEET; THENCE SOUTH 00°06'33" EAST, 43.49 FEET; THENCE SOUTH 89°53'27" WEST, 444.00 FEET; THENCE SOUTH 85°46'51" WEST, 57.27 FEET; THENCE SOUTH 73°35'56" WEST, 102.47 FEET; THENCE SOUTH 56°45'23" WEST, 29.79 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 996.02 FEET,



Date October 3, 2022

WHOSE ARC LENGTH IS 32.29 FEET AND WHOSE CHORD BEARS SOUTH 34°04'16" EAST, 32.29 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 450.00 FEET, WHOSE ARC LENGTH IS 242.58 FEET AND WHOSE CHORD BEARS SOUTH 19°33'24" EAST, 239.66 FEET; THENCE SOUTH 85°53'12" WEST, 30.00 FEET; THENCE SOUTH 89°53'27" WEST, 1639.46 FEET TO A POINT ON THE EAST LINE OF SUNRISE ESTATES PLAT NO. 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS RECORDED IN BOOK 6850, PAGE 747-757 OF THE OFFICE OF THE POLK COUNTY RECORDER; THENCE NORTH 00°17'02" EAST ALONG SAID EAST LINE, 676.69 FEET TO THE NORTHEAST CORNER OF SAID SUNRISE ESTATES PLAT NO.1 AND TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE NORTH 89°56'28" EAST ALONG SAID NORTH LINE, 568.90 FEET; THENCE SOUTH 00°06'45" EAST, 286.18 FEET; THENCE NORTH 89°53'27" EAST, 260.00 FEET; THENCE NORTH 00°06'45" WEST, 285.95 FEET; THENCE NORTH 89°56'28" EAST, 670.67 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.87 ACRES (1518931 SQUARE FEET), SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on October 24, 2022, in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT.

SECOND BY _____.



Roll Call Number

Agenda Item Number

21

Date October 3, 2022

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

(ZONG-2022-000081 & ZONG-2022-000083)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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

September 27, 2022

Communication from the City Plan and Zoning Commission advising that at their September 15, 2022 meeting, the following action was taken regarding a request from Hubbell Realty Company (developer), represented by Steve Mosley (officer) to rezone approximately 35 acres of property located in the vicinity of 4425 East Douglas Avenue from “N2b” Neighborhood District to “NX2” Neighborhood Mix District, to allow the development of townhomes.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath				X
Kayla Berkson				X
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

ARPROVAL of Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the rezoning of the subject property as “NX2” Neighborhood District.

Written Responses

2 in Favor

7 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Low-Medium Density Residential.

Part C) Staff recommends approval of the rezoning of the subject property as “NX2” Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to redevelop the subject properties from agricultural use to residential use, including construction of townhomes and one-household dwellings. The proposed rezoning would allow construction of the proposed townhomes.
2. **Size of Site:** 34.87 acres (1,518,931 square feet).
3. **Existing Zoning (site):** “N2b” Neighborhood District.
4. **Existing Land Use (site):** The subject properties are currently used as agricultural land.
5. **Adjacent Land Use and Zoning:**
 - North** – “N3a” & Polk County “Low Density Residential”; Uses are low density residential.
 - South** – “N3a”, Woods at Copper Creek “Legacy PUD”, & Polk County “Low Density Residential”; Uses are low density and low-medium density residential.
 - East** – “N2b” & Brook Run “Legacy PUD”; Uses are low density and low-medium density residential.
 - West** – “N2b” & “N2a-2”; Uses are low density and low-medium density residential.
6. **General Neighborhood/Area Land Uses:** The subject property is generally located on the south side of East Douglas Avenue/Northeast 38th Avenue between the intersection with East 43rd Court and the intersection with Northeast 46th Street. It is located in an area predominantly consisting of one-household residential, two-household residential, and multiple-household residential uses.

- 7. Applicable Recognized Neighborhood(s):** The subject property is not located in a recognized neighborhood and is located within 250 feet of Sheridan Gardens Neighborhood and Brook Run Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on August 26, 2022 and by mailing of the Final Agenda on September 9, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 2022 (20 days prior to the public hearing) and September 5, 2022 (10 days prior to the public hearing) to the Sheridan Gardens and Brook Run Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Sheridan Gardens Neighborhood mailings were sent to Kurt Lee, 3507 East 39th Court, Des Moines, IA 50317. The Brook Run Neighborhood mailings were sent to Kelly Lynn, 5120 Walnut Ridge Drive, Des Moines, IA 50317.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** None.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
- 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 area owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. PlanDSM Creating Our Tomorrow:** The applicant is requesting that the future land use designation for the property be revised from “Low Density Residential” to “Low-Medium Density Residential.” PlanDSM describes these designations as follows:

Low Density Residential: Areas developed with a mix of single family and two family residential units with up to 6 units per net acre.

Low-Medium Density Residential: Areas developed with a mix of single family, duplex, and small multi-family units up to 12 units per net acre.

The subject parcel is currently zoned “N2b” District. The Zoning Ordinance describes this district as, “intended for contemporary, mid-size lots for single- and two-household

residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code.” The applicant is proposing to rezone the parcel to the “NX2” District. The Zoning Ordinance describes this district as, “intended for a mix of single household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.”

Staff believes that the proposed land use amendment and rezoning would allow a desirable mix of dwelling types and would be consistent with the existing character of the surrounding area.

- 2. Planning and Design Ordinance:** Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for any proposed additions or modifications.

SUMMARY OF DISCUSSION

Emily Webb advised item #6 could be considered under the consent agenda. No one request to speak on the item.

COMMISSION ACTION:

Carolyn Jension made a motion for:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the rezoning of the subject property as “NX2” Neighborhood District.

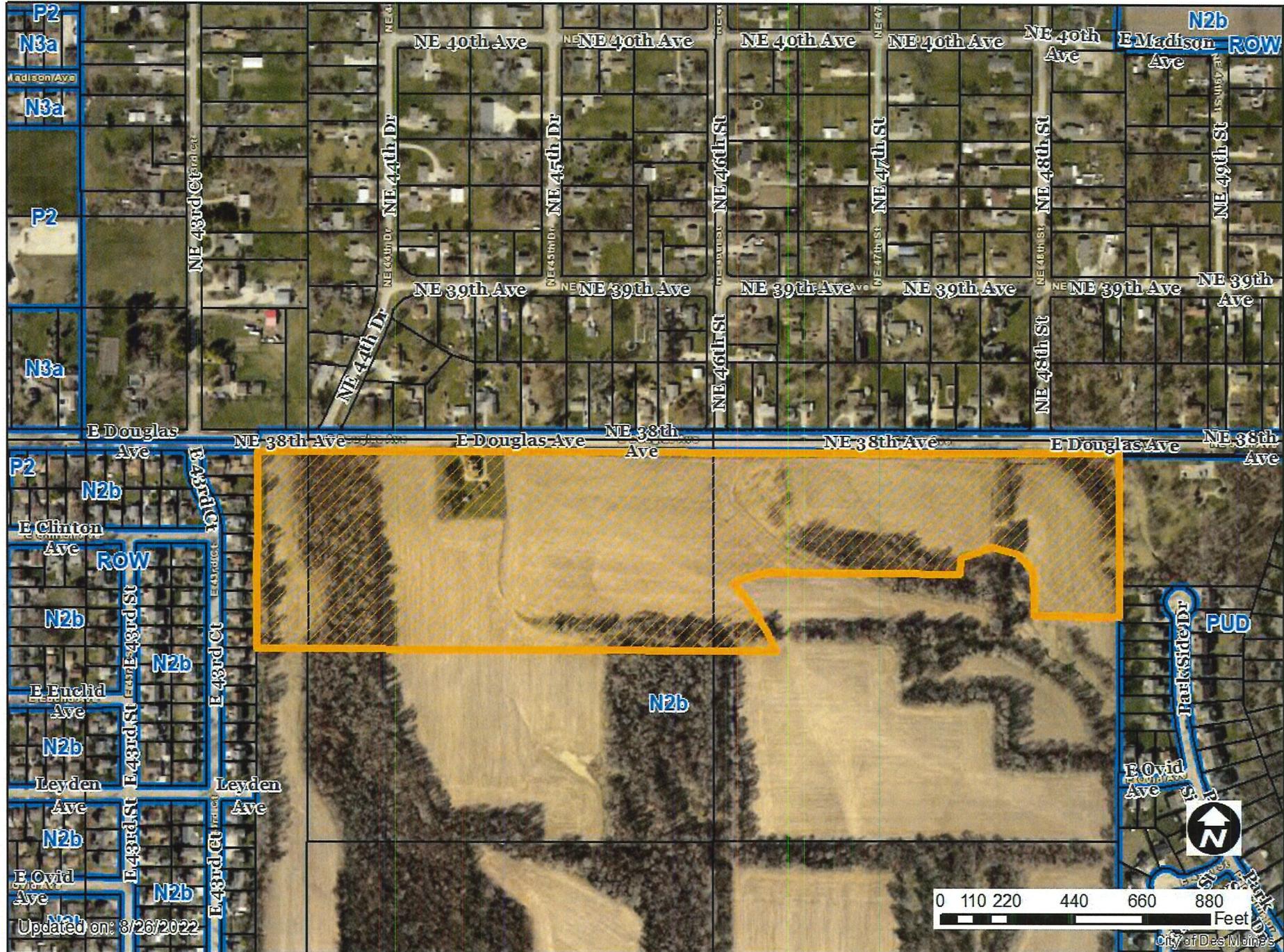
Motion passed: 11-0

Respectfully submitted,

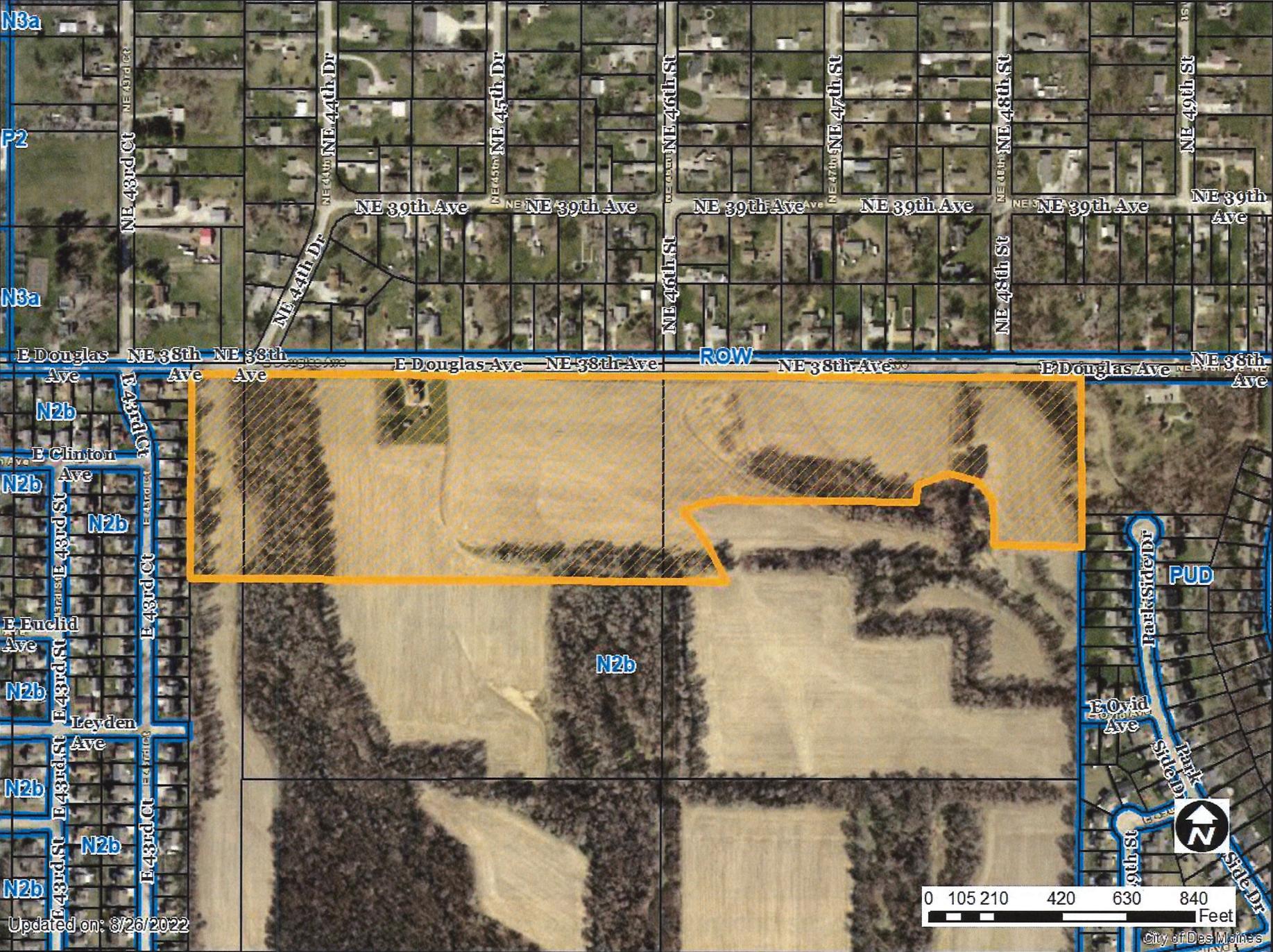


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



1 inch = 417 feet



Updated on: 8/26/2022

1 inch = 403 feet



ELEVATION A



ELEVATION B

BRADFORD-RADCLIFFE
BRADFORD UNIT
1,210 sf
2 BED // 2 BATH // 2 CAR
DIMENSIONS 26' X 68'

6900 Westown Parkway | West Des Moines, IA 50266 | 515.276.2349 | hubbellhomes.com

Hubbell Homes is an equal housing opportunity builder. Builder reserves the right to initiate changes without notice or obligation at any time to homes, terms, availability, community information, pricing, promotions, incentives, included features, floor plans, materials, design, elevations, designs, materials, dimensions, amenities, and prior sale. Square footages, measurements, and dimensions are approximate and will vary based on foundation type and options selected. Floor plans, pictures, artist renderings, photographs, colors, features, and sizes are artist's conception or model renderings and are for illustration purposes only, are not intended to show specific detailing, and will vary in specifications from homes as built. Plans are the property of Builder, provide as a courtesy. Options and upgrades are available at an additional cost and are subject to availability and construction cut-off dates. This material shall not constitute a valid offer. For additional information, please contact sales agent, or Hubbell Homes. Floor plans are the property of Hubbell Homes, L.C. and its affiliates and are protected by U.S. copyright laws. All rights reserved. ©Hubbell Homes 2015.

CHARLESTON-REILLY-DELLA VITA



CHARLESTON TOTAL: 1,332 SF

REILLY TOTAL: 1,773 SF



2-2.5



2-3



2

ELEVATION A



ELEVATION B



515.276.2349

HubbellHomes.com

6900 Westtown Parkway | West Des Moines, IA 50266



ELEVATION A

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CHARLESTON TOWNHOME
1,343 sf
2 BED // 2 BATH // 2 CAR
DIMENSIONS 35' x 60'



ELEVATION A



FORRESTER

1,597 sf
2 BED // 2 BATH // 3 CAR
DIMENSIONS 48' x 67'

ELEVATION B



ELEVATION C

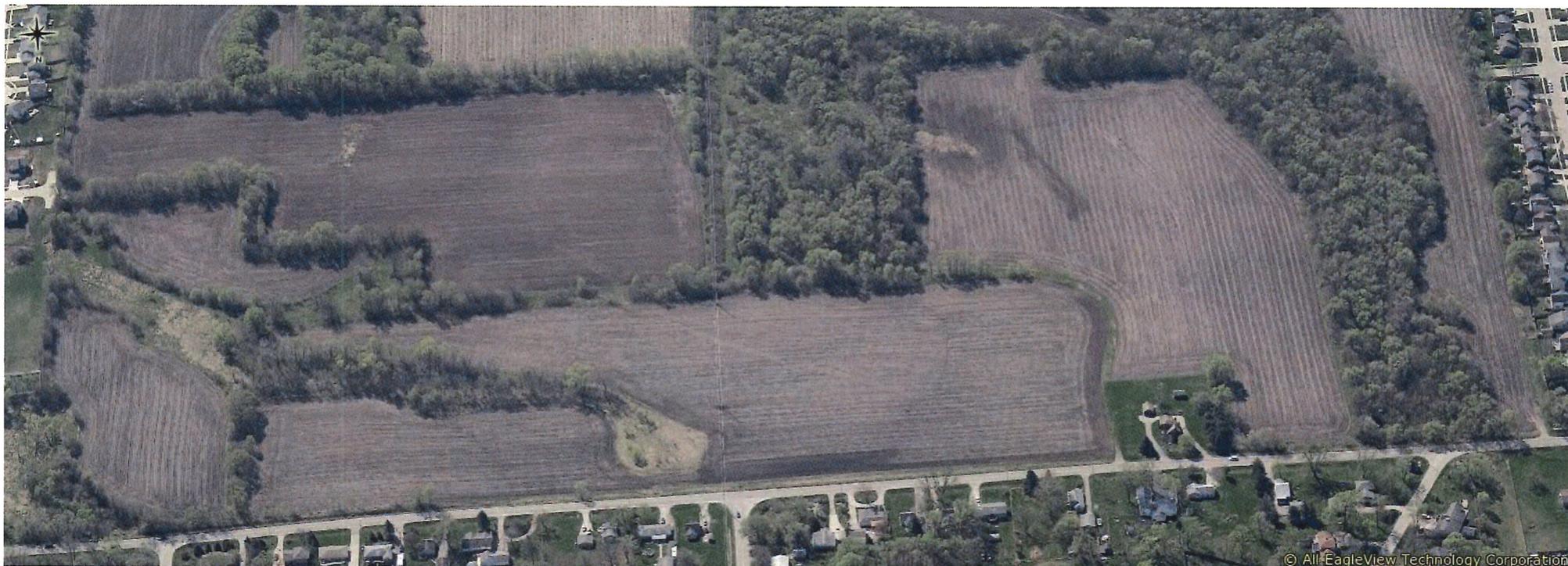


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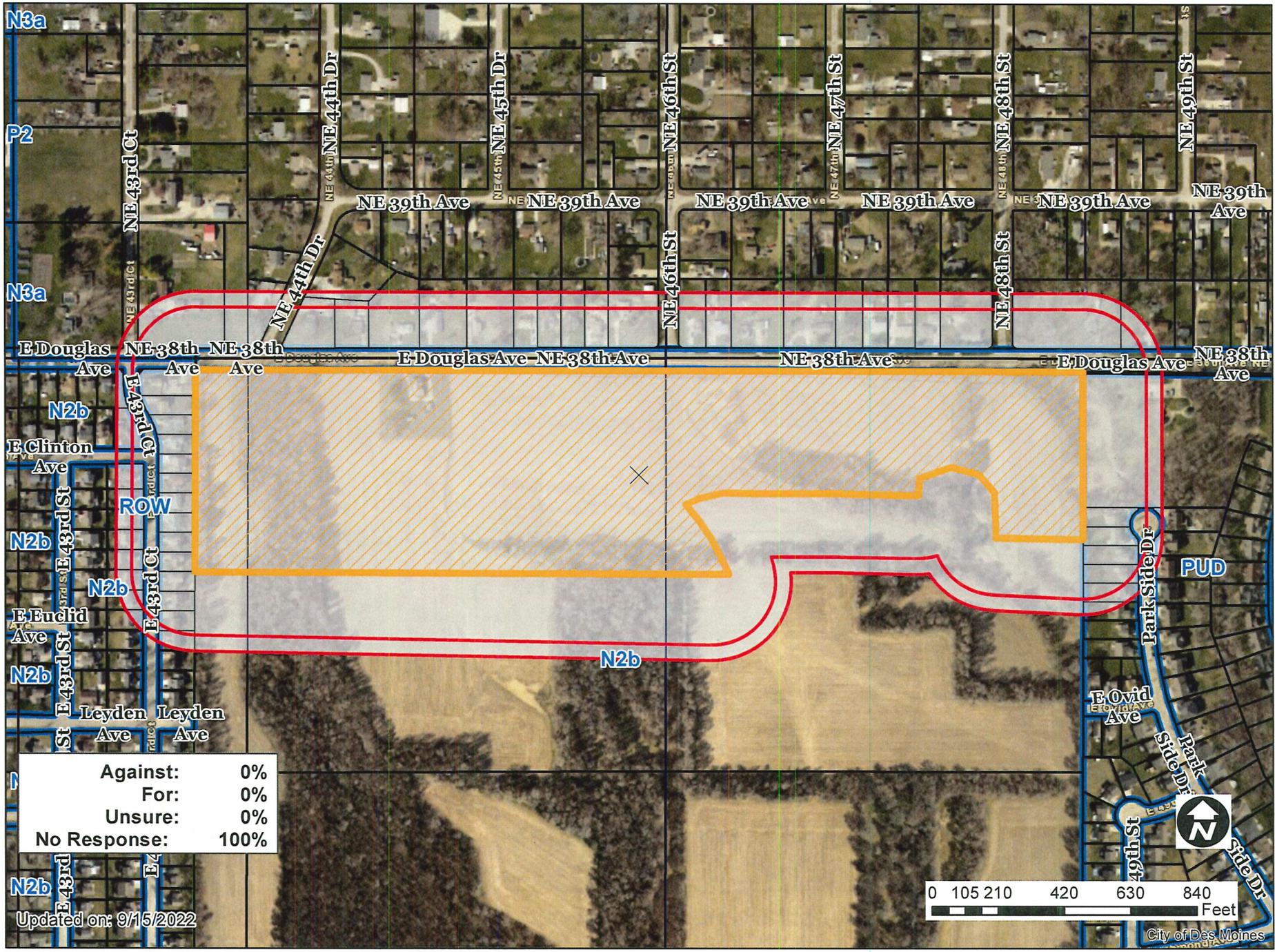
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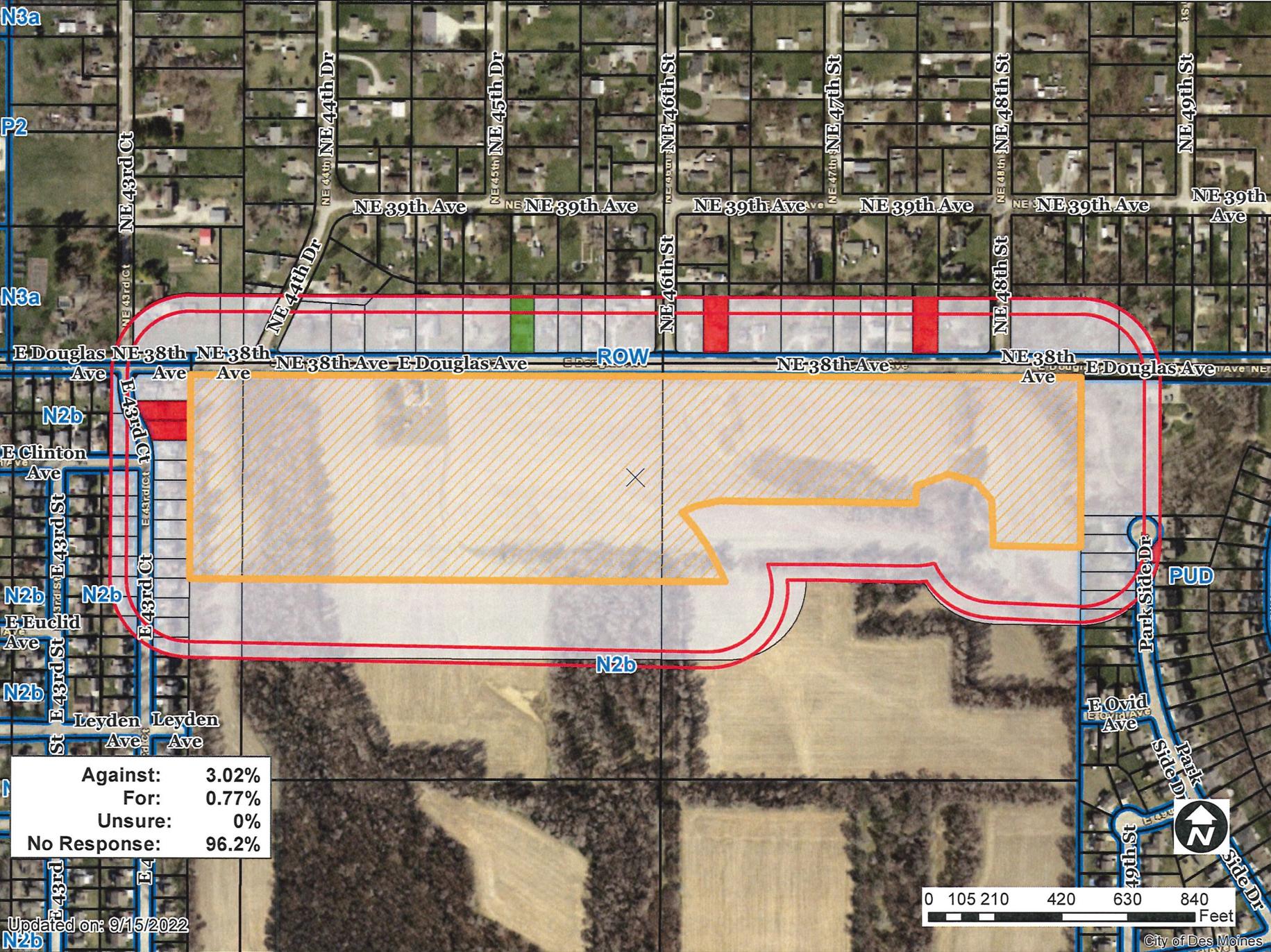
Woodmont Proposal (image 2012)



03/25/2012



1 inch = 402 feet



Against:	3.02%
For:	0.77%
Unsure:	0%
No Response:	96.2%

Updated on: 9/15/2022

0 105 210 420 630 840 Feet

City of Des Moines

1 inch = 403 feet

Item: ZONG-2022-000081

Date: 9/6/2022 21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 09 2022

Signature: Don & Melissa Mills
 Name: 4518 NE 38th Ave
 Address: Des Moines, IA 50317

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

Before adding more houses, we
need sewer everyone is
advertising and small ones take care of
the old development 1st

Item: ZONG-2022-000081

Date: 9-7-22

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 08 2022

Signature: Billy W Dodson Jr
 Name: BILLY W DODSON JR
 Address: 4778 NE 38th AVE DM, IA
50317

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

BUILDING TOWNHOMES IN THIS AREA WOULD
DECREASE PROPERTY VALUES AND DESTROY THE
LOOK OF THE NEIGHBORHOOD. THIS AREA
SHOULD BE SINGLE HOMES ONLY.

Item: ZONG-2022-000081

Date: Sept 6, 2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Donald Hauser

Name: Donald Hauser

Address: 3711 E 43rd Ct

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
SEP 09 2022

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

Item: ZONG-2022-000081

Date: 09/06/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Nathan Stickle

Name: Nathan Stickle

Address: 3707 E. 43rd Ct.

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
SEP 09 2022

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

Item: ZONG-2022-000081

Date: 9-8-22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
SEP 12 2022

Signature: Nicole Noble

Name: Nicole Noble

Address: 4630 NE 38th Ave
Des Moines IA 50317

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

single homes only

Item: ZONG-2022-000081

Date:

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
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COMMUNITY DEVELOPMENT
SEP 15 2022

Signature: [Signature]

Name: Steve McClure

Address: 3615 Park Side Dr

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

Declaration of intent does not include unit cost.
There is enough mixed use housing in our area.



Hubbellrealty.com

6900 Westown Parkway

West Des Moines, IA 50266

August 29, 2022

Dear Property Owner,

Hubbell Realty Company is planning to develop the land located south of East Douglas Avenue between the intersections of NE 44th Drive and NE 48th Street. The planned development, which includes single family homes and townhomes. The property is zoned for single family homes currently (N2B), but the proposed townhomes will require a portion of the property to be rezoned from N2B to NX2. Included is a copy of the proposed development and home elevations.

As part of the rezoning process, Hubbell Realty Company is hosting a neighborhood meeting to discuss the proposed rezoning with nearby residents. We will be hosting an open house on **Thursday, September 8th from 6:00 PM to 7:30 PM** at the **Eastview Community Center** located at **4101 East 42nd Street Des Moines, Iowa 50317** to provide information and answer questions on the proposed development. If you have any questions or cannot attend the neighborhood meeting and would like to discuss the project, please contact Caleb Smith at caleb.smith@hubbellrealty.com or at 515-727-8928.

Sincerely,

Hubbell Realty Company

6900 Westown Parkway

West Des Moines, IA 50266



WOODMONT

Des Moines, Iowa





ELEVATION A



ELEVATION B



ELEVATION C

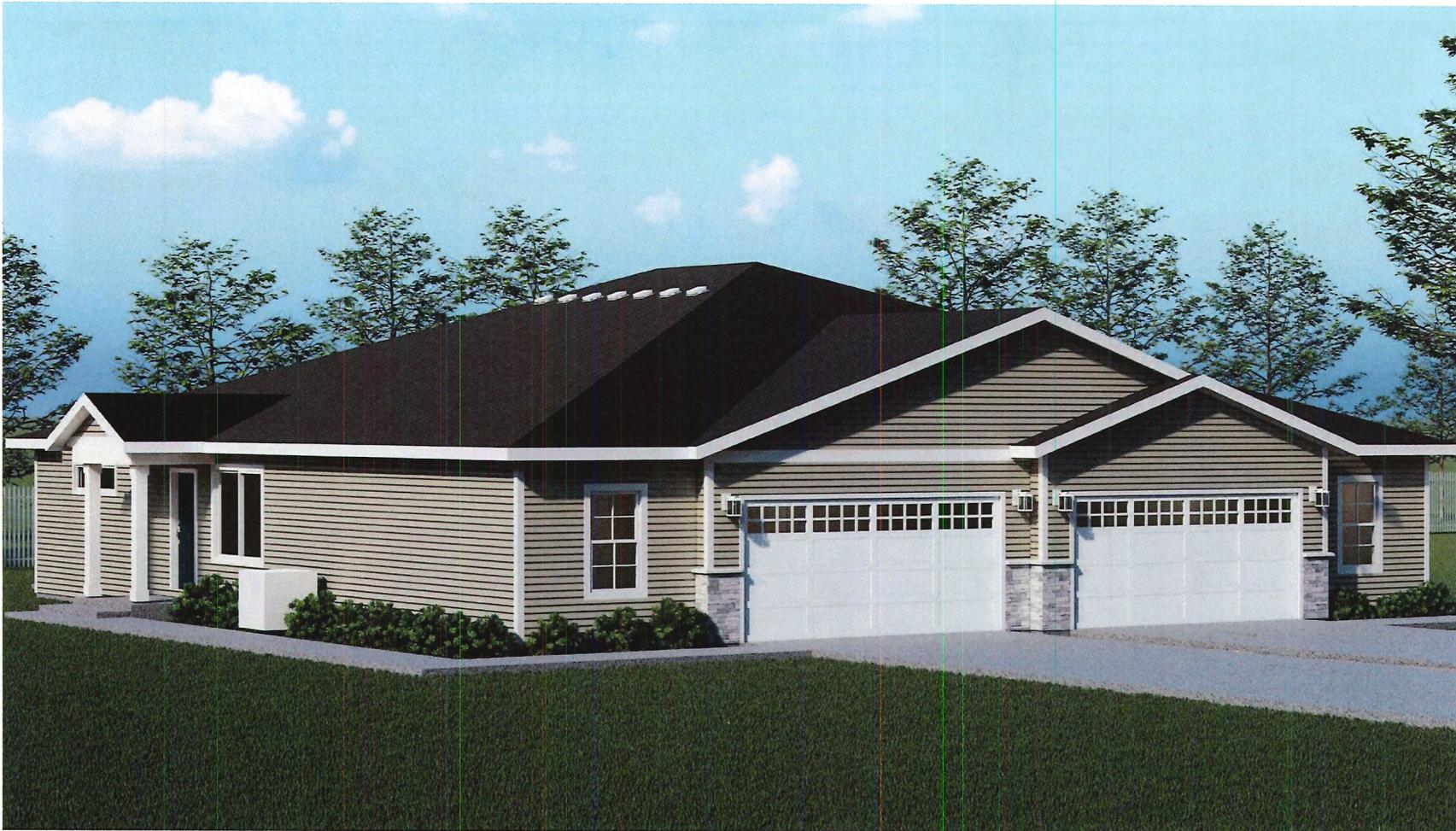
BRADFORD TOWNHOME

1,210 sf
 2 BED // 2 BATH // 2 CAR
 DIMENSIONS 26' X 68'

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ELEVATION A

CHARLESTON TOWNHOME

1,343 sf
2 BED // 2 BATH // 2 CAR
DIMENSIONS 35' x 60'

6900 Westown Parkway | West Des Moines, IA 50266 | 515.276.2349 | hubbellhomes.com

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① FRONT ELEVATION
1/8" = 1'-0"



② REAR ELEVATION
1/8" = 1'-0"

RENDERED WITH TEAK MATERIAL & COLOR PACKAGE

Client: _____ Date: _____
Issue Date: 8/18/2021 4:48:57 PM

Charleston-Reilly

1

Front & Rear Elevations



① FRONT ELEVATION - Color Elevation
1/8" = 1'-0"



② REAR ELEVATION - Color Elevation
1/8" = 1'-0"

Client: _____ Date: _____
Issue Date: 8/18/2021 4:28:36 PM

Ford - Radcliffe

1

Front & Rear Elevations



Woodmont Development Neighborhood Meeting

9/8/2022

Attendance List

Name	Address
Ralph & Deb Farnsworth	3503 E 43 rd CT
LISA TURNER	3515 E 43 RD CT
Georgia Martin ^{ggia.martin@gmail.com} 315-444-8050	3620 Park Side Dr
Barb Benoit	3423 E 43 rd Ct
Christian Archer	3413 E 43 rd Ct
Judy Norway	3412 E 43 rd Ct
Amanda Khader	3707 E 43 rd Ct
Jenida Westergaard	4009 E 23 rd St
JASON Jewett	3049 Brook View DR.
Christine Dowler	3507 E 43 rd CT, DM
Timothy Stoll	3607 E. 43 rd Ct DM.

Item: ZONG-2022-000081 Date: _____

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 19 2022

Signature: JAMES JENWISCH TRUSTEE

Name: JUDY JENWISCH TRUSTEE

Address: 540 S 51ST ST UNIT 434
WDM, IA 50265

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

Item: ZONG-2022-000081 Date: 9-16-22

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 19 2022

Signature: Theresa Bringleon

Name: 3715 E 43rd Ct

Address: Theresa Bringleon

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

I would prefer single family homes
if you develop the neighborhood to
keep it as it is. But I would
really prefer greenspace behind my
home.

Item: ZONG-2022-000081 Date: 9/8/2022

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: Keith C Welch II

Name: Keith C Welch II

Address: 4760 NE 38th Ave
Des Moines Iowa 50317

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
SEP 19 2022

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

This area is all single family dwellings.
Multi family dwellings can drive down property
values. When townhomes do not sell or are
bought by one party, they become rental property.

