



Roll Call Number

08-035

Agenda Item Number

20

Date

January 7, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 20, 2007, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (purchaser) represented by Joe Pietruszynski (officer) to rezone a portion of the property located at 3915 Fleur Drive from "R1-80" to "PUD" subject to the owner agreeing to the following conditions:

1. No trees shall be removed from the subject property without approval by the Community Development Director, or based on an approved preliminary subdivision plat or development plan.
2. No grading shall be permitted prior to approval of a preliminary subdivision plat or development plan.

WHEREAS, by the same motion and vote, members recommended **APPROVAL** of the submitted Wakonda Townhomes PUD Conceptual Plan, subject to the following revisions.

1. Addition of a provision requiring that any preliminary subdivision plat or development plan shall include a tree survey identifying location and species of all trees over 6" in diameter, along with a plan for their long term protection or their removal and mitigation.
2. Addition of a general discussion of how storm water management is intended to be provided for the development.
3. Addition of a discussion for the strategy to serve each of the proposed dwelling units with sanitary sewer.
4. Addition of all existing public easements for utilities and drainage on the plan.
5. Revision of the Permitted Land Uses to only allow single-family residential and single-family semi-detached residential (duplex townhomes) along with the accessory uses permitted in the "R1-80" District.
6. Provision of requirements for fencing or inclusion of a statement that all fencing must be in accordance with Zoning Ordinance requirements for single-family dwellings and approved by the Wakonda Architectural Review Committee prior to issuance of a permit by the City.
7. Add a requirement that any necessary variation to the required setbacks be reviewed and approved by the Community Development Director after approval of the Wakonda Architectural Committee.

(Continued)

- 8. Provision for no more than 27 dwelling units.
- 9. Provision of a site plan for the Commission's review and approval that reflects the location and architectural character of all attached units and the building envelopes for all single-family lots with flexibility on the individual lots to provide the Commission with the opportunity to make an assessment on the impact on trees, slopes and accesses.
- 10. Single-family detached and single-family semi-detached units are permitted on any of the proposed lots subject to the 27 unit maximum.

The subject property is owned by the Wakonda Club and is more specifically described as follows:

Being part of Section 20, Township 78 North, Range 24 West of the 5th P.M., Polk County, Iowa described as follows:

Beginning at the NW corner of the NE ¼ of Section 20, Township 78 North, Range 24 West of the 5th P.M., in the City of Des Moines, Polk County, Iowa; thence S89°53'53"E along the North line of said NE ¼, 2053.83 Feet, thence S00°05'53"W, 17169 Feet; thence N89°53'53"W, 78.59 Feet; thence S79°32'01"W, 474.81 Feet; thence S88°33'22"W, 255.35 Feet; thence N75°53'06"W, 154.62 Feet; thence N85°52'21"W, 471.00 Feet; thence S89°26'11"W to the West line of said NE ¼, 634.14 Feet; thence N00°17'52"E along said West line; 202.52 Feet to the Point of Beginning.

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

- 1. That the meeting of the City Council at which the proposed rezoning and "PUD" conceptual plan are to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on January 28, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
- 2. 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.

(Continued)

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MOVED by Vlassis to adopt.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(ZON2007-00202)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh
City Clerk