

Date November 23, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM HUBBELL REALTY COMPANY
TO REZONE PROPERTY LOCATED AT 4209 LOWER BEAVER ROAD AND
TO APPROVE THE "WOODLAWN" CONCEPTUAL PLAN**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held November 5, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (developer), represented by Joe Pietruszynski (officer), to rezone real property locally known as 4209 Lower Beaver Road ("Property") from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development, and to recommend **APPROVAL** of the "Woodlawn" (a/k/a "Lower Beaver Villas") Conceptual Plan for redevelopment of the Property with 38 single-family semi-detached dwellings, subject to the following revisions:

1. Provision of a statement that all development shall comply with the City's Tree Protection and Mitigation Ordinances.
2. Revision of the stormwater management statement to further indicate that storm water management would shall be required to detain storms for both water quality and for overall flood control purposes, holding between 2-100 year storm events and releasing at pre-developed rates in accordance with SUDAS Section 2G-1. Any detention basin shall be required to release the larger storms at two or more points or otherwise spread the release to minimize potential for erosion.
3. Provision of a statement that extension of storm water sewer, sanitary sewer, and trail development shall be coordinated through the Parks and Recreation Department prior to final approval of any Development Plan.
4. Provision of an 8-foot wide pedestrian walk integrated into the north side of the private drive running from Lower Beaver Road to align with the proposed trail connection to Woodlawn Park.
5. Provision of a statement that any number of residential units built in excess of 30 units shall have approval by the Fire Marshal under alternate design or with an approved secondary fire access drive.
6. Provision of statements in the architectural standards that indicate the following:
 - The applicant will try to negotiate and work with staff for the material of siding, whether vinyl or cement board, wood, or engineered wood with a minimum 50-year warranty.
 - All windows within portions of the façade sided with lap or shake siding shall include a minimum 4-inch wide trim board that is painted a different color than the lap siding.
 - There shall be a contrasting trim band between gabled façades and wall façade elements.
 - All dwelling units shall have architectural asphalt shingles.
 - There shall be at least 10 feet of total separation between any portion of the side facades of any two buildings.
 - There shall be a minimum 5-foot differential between any two adjacent buildings of the setback of the building from the private drive.
 - Facades of the buildings along Lower Beaver Avenue include the brick or stone wainscot additionally on the side and rear façades oriented toward the public street.

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- All primary entrances should be oriented toward the private drive subject to stormwater constraints
- Provision of a small decorative sign
- The final PUD plan shall be shown to the neighbors
- Full build out with the same quality level and the same type of home
- The neighbors and neighborhood will take care of the planting bed in front together.
- The Home Owners Association will be encouraged to partner with neighbors and neighborhood.
- Continue discussion with the City for Stormwater intake tie in to their system.
- Urged that the offset of the street be centered and if they have to have an offset it is near the street.

7. The final PUD plan to return to Plan and Zoning Commission; and

WHEREAS, the Property is legally described as follows:

All that part of the South Half (S ½) of the Northeast Quarter (NE ¼) of Section 20, Township 79, Range 24, West of the 5th P.M., lying within the following described lines: Commencing at a point on the Section line 461.34 feet, North of the Northeast corner of the Southeast Quarter (SE ¼) of said Section 20, thence West and parallel with the South line of the NE ¼ of said Section 20, a distance of 1058.3 feet to place of beginning, thence continuing West a distance of 871.2 feet to the center line of Lower Beaver Road, thence Northwesterly along the center line of Lower Beaver Road, a distance of 300 feet, thence East 871.2 feet, thence South 300 feet to place of beginning; and

WHEREAS, on November 9, 2015, by Roll Call No. 15-1864, it was duly resolved by the City Council that the application from Hubbell Realty Company to rezone the Property and approve the proposed PUD Conceptual Plan for the Property, be set down for hearing on November 23, 2015 at 5:00 P.M., in the Council Chamber at City Hall; 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 amendment to the Zoning Ordinance and consideration of the PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed 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 locally known as 4209 Lower Beaver Road and legally described above.

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.

★ Roll Call Number

15-2012


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2. 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 Development District, and any objections to the proposed "Woodlawn" PUD Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
3. 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.
4. The proposed "Woodlawn" PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

FORM APPROVED:  MOVED by Gray to adopt; refer to the City Manager to review stormwater drainage, quality of vinyl siding, placement of driveway and additional trees and shrubs on the northeast part of the project. (ZON2015-00200)

Lawrence R. McDowell, Deputy City Attorney

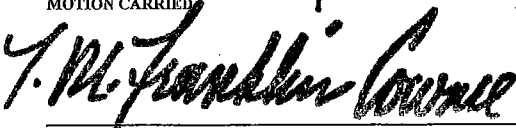
NOTE: Six affirmative votes are required to approve the proposed rezoning due to written protest by twenty percent or more of adjoining properties. Des Moines City Code §134-4.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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

MOTION CARRIED

APPROVED