



Roll Call Number

17-0710

✓
Agenda Item Number

53

Date April 17, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
GREATER DES MOINES HABITAT FOR HUMANITY TO REZONE MULTIPLE
PROPERTIES LOCATED IN THE VICINITY OF 2426 SAYLOR ROAD,
AND APPROVING PUD CONCEPTUAL PLAN**

WHEREAS, on April 3, 2017, by Roll Call No. 17-0583, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 16, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Greater Des Moines Habitat for Humanity (owner), represented by Lance Henning (officer), to rezone multiple properties located in the vicinity of 2426 Saylor Road from "R1-60" One-Family Low-Density Residential to "PUD" Planned Unit Development District, and of the proposed "Birdland Vista" PUD Conceptual Plan subject to the following revisions:

1. Provision of a note that states that the water main shall be an 8-inch diameter public water main installed inside of a 40-foot wide easement.
2. Provision of a note that states that a soils report and 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.
3. Provision of a note that states the City may require the 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. Provision of a note that states the developer shall obtain the necessary approval to construct the alley across a portion of the property currently known as 2410 Saylor Road, either through acquisition of land for dedication as Right-of-Way or through provision of an access easement.
5. Provision of a note that states a pedestrian connection shall be provided to both Arthur Avenue to the north and East Holcomb Avenue to the south. This can be achieved by providing a north/south sidewalk within an easement on property known as 215 Arthur Avenue and a north/south sidewalk within an easement on the proposed "Lot 20".
6. Provision of a note that states a minimum 5-foot wide sidewalk shall be provided along any street frontage.
7. Provision of a note that states one (1) street tree shall be provided along each lot with frontage on a public street.
8. Provision of a note that states foundation plantings shall be provided along the front façade of each home.
9. Provision of a note that states shrubs shall be provided along the side of any paved parking pad in order to discourage parking on the grass.
10. Revision of the note on fencing so that it also states any fencing within the rear yard areas shall be in accordance with the fencing standards applicable in the "R1-60" District, so long as any chain link fence shall have black vinyl-cladding.
11. Provision of a note stating that home-based businesses that would otherwise be allowed in accordance with a Special Permit per City Code Section 134-1326(10) shall be allowed so long

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- as the Planning Administrator determines that the proposed business would satisfy the criteria contained in City Code Section 134-1328.
12. Provision of a note stating that the common lot lines located at the center of the common open space area shall be considered to be the front lot line.
 13. Provision of a note stating that any single-family dwelling shall be constructed in accordance with the following design guidelines:
 - a. No same house plan with the same façade treatment shall be built on adjacent lots.
 - b. Exterior material for any home constructed shall be LP Smartside, fiber cement board, cedar, or masonry (brick or stone).
 - c. The front façade of any house constructed must contain one of the following:
 - i. A front porch of not less than 60 square feet; or
 - ii. At least 1/3 of the front façade shall be clad with stone or brick masonry.
 - d. The windows on the front façade of any dwelling shall have trim border not less than 4 inches in width.
 - e. Any side façade of a dwelling that faces a public street or a common sidewalk through the development shall have a door and windows with trim border of not less than 4 inches in width. (This would potentially apply to lots identified as 1, 3, 4, 11, 13, 20, and 21.)
 - f. The roof on any house constructed shall be of architectural profile asphalt type shingles. Standard 3-tab shingles are prohibited; and

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

LOTS 1-6, BENEDICT PLACE, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; LOTS 1-6, LOT A, AND LOT B, ADDINGTON PLACE, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; LOTS 4-6, OLD ORCHARD BEACH, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IN POLK COUNTY, IOWA; AND THE SOUTH 58.96 FEET OF THE NORTH 134.96 FEET, (EXCEPT THE WEST 161 FEET THEREOF), LOT 11, IN THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW 1/4), SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on April 3, 2017, by Roll Call No. 17-0583, it was duly resolved by the City Council that the application from Greater Des Moines Habitat for Humanity to rezone the Property and to approve the "Birdland Vista" PUD Conceptual Plan for the Property, be set down for hearing on April 17, 2017 at 5:00 P.M., in the Council Chamber at the Richard A. Clark Municipal Service Center (MSC); 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 approval of the PUD Conceptual Plan; and

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WHEREAS, in accordance with said notice, those interested in said proposed rezoning and 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 2426 Saylor Road and 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 Development District, and any objections to the proposed "Birdland Vista" PUD Conceptual Plan with revisions as set forth above, 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 "Birdland Vista" PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to the revisions identified above, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2017-00018)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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