



Roll Call Number

17-07163

Agenda Item Number

29

Date May 8, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM
HDR LAND DEVELOPMENT, LLC TO REZONE PROPERTY
IN THE VICINITY OF 4896 EASTON BOULEVARD**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 20, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from HDR Land Development, LLC (developer), represented by Larry Handley, to rezone real property in the vicinity of 4896 Easton Boulevard (“Rezoned Property”) from “A-1” Agricultural District to “PUD” Planned Unit Development District, and for approval of a 2nd Amendment to the Woods at Copper Creek PUD Conceptual Plan to add approximately 38.68 acres to the east of the existing development, for a total of 151.78 acres (collectively “PUD Conceptual Plan Property”), to provide approximately 130 additional lots for single-family residential that would each be a minimum of 70 feet wide, subject to the following revisions to the 2nd Amendment to the PUD Conceptual Plan:

1. The map layout on Sheet 2 shall be revised to more clearly identify the boundaries of Areas A, B, and C.
2. A note shall be added to more clearly state that any future preliminary plat shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. The note regarding street trees shall be revised to require a street tree on each lot frontage of any lot and to state that any street tree shall be 1.5 caliper instead of 1 inch caliper.
4. The note regarding sidewalks shall be revised to state that a 5-foot wide sidewalk shall be provided along both sides of all public streets instead of 4-foot wide sidewalks.
5. The note regarding the recreational trail shall be revised to state that a 10-foot wide recreational trail shall cross the development from its north boundary to its south boundary in a location as approved by the City’s Park and Recreation Department. Such a recreational trail shall be allowed within preservation easement areas so long as any trees that are removed shall be mitigated in accordance with the City’s Tree Removal and Mitigation Ordinance.
6. The note regarding windows shall be revised to shall state that the windows on all facades of any single-family dwelling shall have either shutters on each side or trim border not less than 4 inches in width.
7. The note regarding permitted exterior siding materials shall be revised to allow “masonry (brick or stone), vinyl (at least 42 mills thick), cedar, cement board lap siding, and LP Smartside composite lap siding.”
8. A note shall be added to state that any single-family dwelling shall have a full basement.
9. A note shall be added to state that temporary and permanent turn-around shall be in place per International Fire Code requirements.
10. The note regarding the land use plan 1 shall be revised to reflect PlanDSM: Creating Our Tomorrow instead of the Des Moines 2020 Community Character Land Use Plan; and



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WHEREAS, the Rezoned Property is legally described as follows:

PARCEL 2017-38 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16432 PAGE 303 OF LOT 2, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT AND PARCEL 2017-39 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16432 PAGE 304 OF TRACT 'A' OF LOT 1, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT AND TRACT 'B' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 5735 PAGE 793-794 AND ALSO RECORDED IN BOOK 5735 PAGE 973 OF LOT 1, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT ALL BEING IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 38.68 ACRES (1,684,954 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD; and

WHEREAS, the PUD Conceptual Plan Property is legally described as follows:

ALL OF THE WOODS OF COPPER CREEK PLAT 1, AN OFFICIAL PLAT, AND ALL OF THE WOODS AT COPPER CREEK PLAT 2, AN OFFICIAL PLAT, AND A PART OF LOTS 1 AND 2, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT, AND A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 27, 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 SOUTHEAST CORNER OF LOT 16, THE WOODS OF COPPER CREEK PLAT 2; THENCE NORTH 89°49'09" WEST ALONG THE SOUTH LINE OF LOTS 16 THROUGH 20, SAID WOODS OF COPPER CREEK PLAT 2, A DISTANCE OF 452.38 FEET TO THE SOUTHWEST CORNER SAID LOT 20; THENCE SOUTH 00°03'18" WEST ALONG THE EAST LINE OF LOTS 8 THROUGH 14, OUTLOT 'Z', AND STREET LOT 'A', THE WOODS OF COPPER CREEK PLAT 1, A DISTANCE OF 533.00 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 27; THENCE NORTH 89°49'09" WEST ALONG SAID SOUTH LINE, 861.95 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE SOUTH 89°59'27" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28, A DISTANCE OF 64.00 FEET; THENCE NORTH 00°03'08" EAST, 331.00 FEET; THENCE SOUTH 89°59'27" WEST, 200.00 FEET; THENCE SOUTH 00°03'08" WEST, 331.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE SOUTH 89°59'27" WEST ALONG SAID SOUTH LINE, 394.75 FEET; THENCE NORTH 00°14'05" EAST, 33.00 FEET TO THE SOUTHEAST CORNER OF LOT 1224, FOUR MILE PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 00°14'05" EAST ALONG THE EAST LINE OF SAID FOUR MILE PLAT 2, A DISTANCE OF 2612.93 FEET TO THE NORTHEAST CORNER OF SAID FOUR MILE PLAT 2; THENCE NORTH 89°45'40" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28, A DISTANCE OF 650.34 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE SOUTH 89°57'21" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 27, A DISTANCE OF 1323.88 FEET TO THE NORTHWEST CORNER OF TRACT 'A' OF LOT 1, STEPHEN HARVEY ESTATE, AN OFFICIAL PLAT AS SHOWN IN THE SURVEY RECORDED IN BOOK 5735, PAGE 973; THENCE SOUTH 89°57'21" EAST ALONG THE NORTH LINE OF SAID TRACT 'A', 653.34 FEET TO THE NORTHEAST CORNER OF SAID TRACT 'A'; THENCE SOUTH 89°57'21" EAST ALONG THE NORTH LINE OF SAID LOT 2, STEPHEN HARVEY ESTATES, 647.92 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00°03'28" WEST ALONG THE EAST LINE OF SAID LOT 2, STEPHEN HARVEY ESTATES, 671.30 FEET; THENCE NORTH



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89°57'21" WEST, 649.86 FEET TO THE WEST LINE OF SAID LOT 2; THENCE SOUTH 00°13'26" WEST ALONG SAID WEST LINE, 1981.91 FEET TO THE SOUTHEAST CORNER OF TRACT 'B' OF LOT1, STEPHEN HARVEY ESTATES AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 5735, PAGE 973; THENCE NORTH 89°49'09" WEST ALONG THE SOUTH LINE OF SAID TRACT 'B', 328.17 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 'B'; THENCE NORTH 00°16'29" EAST ALONG THE WEST LINE OF SAID TRACT 'B', 1460.10 FEET TO THE NORTHWEST CORNER OF SAID TRACT 'B'; THENCE NORTH 90°00'00" WEST, 327.82 FEET TO THE EAST LINE OF OUTLOT 'X', SAID WOODS AT COPPER CREEK PLAT 1; THENCE SOUTH 00°18'37" WEST ALONG SAID EAST LINE, 926.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 151.78 ACRES (6,611,450 SQUARE FEET).

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 rezoning and amendment to the PUD Conceptual Plan are to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on May 22, 2017, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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 Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00036)

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

MOTION CARRIED 7 APPROVED T. M. Franklin Council 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