



Roll Call Number

17-1121

Agenda Item Number

59

Date June 26, 2017

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

WHEREAS, on May 8, 2017, by Roll Call No. 17-0763, the City Council received a communication from the City Plan and Zoning Commission advising 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 revisions to the 2nd Amendment to the PUD Conceptual Plan as stated in the Commission Communication received by Roll Call No. 17-0763; and

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



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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 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 LOT 1, 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); and

WHEREAS, on May 8, 2017, by Roll Call No. 17-0763, it was duly resolved by the City Council that the application from HDR Land Development, LLC to rezone the Rezoned Property and to approve the 2nd Amendment to the Woods at Copper Creek PUD Conceptual Plan for the PUD Conceptual Plan Property, be set down for hearing on May 22, 2017 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; and

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WHEREAS, thereafter the applicant indicated that it intends to provide approximately 130 additional lots for single-family residential that would each be a minimum of 60 feet wide, rather than a minimum of 70 feet wide as presented in all notices to the public and at the Plan and Zoning Commission hearing, and the applicant made all revisions to the 2nd Amendment to the PUD Conceptual Plan that were required by the Plan and Zoning Commission as set forth in the communication received by Roll Call No. 17-0763; and

WHEREAS, on May 22, 2017, by Roll Call No. 17-0901, the City Council opened and continued the public hearing in order to resubmit the request for rezoning and for approval of the 2nd Amendment to the PUD Conceptual Plan to the Plan and Zoning Commission on June 15, 2017, and directed the City Clerk to republish notice of the hearing to correctly identify that the lots will be a minimum of 60 feet wide rather than a minimum of 70 feet wide; and

WHEREAS, due notice of said continued hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance and to the PUD Conceptual Plan; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 15, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from HDR Land Development, LLC (developer), represented by Larry Handley, to rezone the 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 60 feet wide, as revised in accordance with the Commission communication received by Roll Call No. 17-0763; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and 2nd Amendment to the 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 4896 Easton Boulevard 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 Rezoned Property to "PUD" Planned Unit Development District, and any objections to the proposed 2nd Amendment to the Woods at Copper Creek PUD Conceptual Plan as revised, are hereby overruled, and the hearing is closed.

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2. The proposed rezoning of the Rezoned Property, as legally described above, to "PUD" Planned Unit Development District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Rezoned Property as set forth herein.

3. The proposed 2nd Amendment to the Woods at Copper Creek 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, as revised pursuant to the Plan and Zoning Commission communication received by Roll Call No. 17-0763.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2017-00036)

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