



Roll Call Number

180687

Agenda Item Number

24

Date April 23, 2018

**RESOLUTION SETTING HEARING ON REQUEST FROM
KENYON HILL RIDGE, LLC TO REZONE PROPERTY
IN THE VICINITY OF 5066 NORTHEAST 23RD AVENUE (EASTON BOULEVARD)**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 5, 2018, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Kenyon Hill Ridge, LLC (owner), represented by David Walters (officer), to rezone real property in the vicinity of 5066 Northeast 23rd Avenue (Easton Boulevard) ("Property") from "A-1" Agricultural District to "PUD" Planned Unit Development District, and for approval of a PUD Conceptual Plan "Ruby Rose Ridge", for development of approximately 13.38 acres for 45 single-family dwellings, 10.14 acres for 50 single-family semi-detached dwellings, and 5.23 acres for three 3-story multiple-family dwellings with up to 90 units, subject to the following revisions to the PUD Conceptual Plan:

1. Lots 1, 2, & 3 within Area A shall be shifted to be within Area C so that the modified Area C has frontage on NE 23rd Avenue (Easton Boulevard).
2. The maximum net density of Area C shall not exceed 12 dwelling units per acre.
3. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
4. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
5. The bulk regulation stating that any bi-attached unit shall have 1,150 square feet of area should be deleted since it conflicts with the requirements contained elsewhere on the PUD Conceptual Plan stating a minimum of 1,200 square feet is required.
6. A note shall be provided to state that an overstory tree in the rear yard of each single-family and semi-detached lot.
7. A note shall be provided to state that each single-family and semi-detached dwelling shall have foundation plantings, including a minimum of five (5) shrubs.
8. A 5-foot wide sidewalk shall be provided within the 30-foot wide storm sewer and drainage easement between Lots 13 and 14, which may require modification to the current stormwater management design; and

WHEREAS, the Property is legally described as follows:



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LOT 2 STEPHEN HARVEY ESTATE, POLK COUNTY, IOWA, EXCEPT THE SOUTH 577.5 FEET THEREOF AND EXCEPT PARCEL 2017-38 AS RECORDED IN BOOK 16432 AT PAGE 303 IN THE OFFICE OF THE POLK COUNTY RECORDER.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 21.20 ACRES.

AND

AN IRREGULAR SHAPED PORTION OF LOT 2, PLAT OF STEPHEN HARVEY ESTATE, AN OFFICIAL PLAT, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE N89°46'15"W ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 100.00 FEET; THENCE N00°00'01"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N89°46'15"W PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 555.10 FEET TO THE WEST LINE OF SAID LOT 2; THENCE N00°15'41"E ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 527.70 FEET; THENCE S89°46'15"E, A DISTANCE OF 653.68 FEET TO THE WEST LINE OF EASTOVER PLAT TWO, AN OFFICIAL PLAT, POLK COUNTY, IOWA; THENCE S00°06'39"W ALONG THE WEST LINE OF SAID EASTOVER PLAT TWO, A DISTANCE OF 365.10 FEET; THENCE N89°49'18"W, A DISTANCE OF 100.29 FEET; THENCE S00°00'01"E, A DISTANCE OF 162.51 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 7.55 ACRES.

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 approval of the PUD Conceptual Plan are to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on May 7, 2018, at which time the City Council will hear both those who oppose and those who favor the proposals.



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- 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 Gatto TO ADOPT.

FORM APPROVED:

Lawrence R. McDowell
Deputy City Attorney

(ZON2018-00040)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

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.

City Clerk