



Roll Call Number

18-0811

Agenda Item Number

47B

Date May 7, 2018

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

WHEREAS, on April 23, 2018, by Roll Call No. 18-0687, the City Council received a communication from the City Plan and Zoning Commission advising 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 year 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, on April 23, 2018, by Roll Call No. 18-0687, it was duly resolved by the City Council that the application from Kenyon Hill Ridge, LLC to rezone the Property and for approval of the PUD Conceptual Plan, be set down for hearing on May 7, 2018 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

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



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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 5066 Northeast 23rd Avenue (Easton Boulevard), legally described as:

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 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.

from "A-1" Agricultural District to "PUD" Planned Unit Development to allow redevelopment of the Property with single-family dwellings, single-family semi-detached dwellings, and multiple-family dwellings.

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 "Ruby Rose Ridge" PUD Conceptual Plan with revisions as set forth above, are hereby overruled, and the hearing is closed.



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Alternative A

MOVED BY Westergaard TO APPROVE the proposed rezoning and the proposed "Ruby Rose Ridge" PUD Conceptual Plan as follows:

- a. 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.
b. The proposed "Ruby Rose Ridge" 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 final passage of an ordinance rezoning the Property as set forth herein, and 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.
c. The Final Development Plan for Area C will require Plan and Alternative B Zoning Commission recommendation and Council approval.

MOVED by to continue the public hearing until May 21, 2018, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the rezoning and to approve the PUD Conceptual Plan subject to revisions acceptable to the City and the owner(s).

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00040)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL. Checkmarks are present in the YEAS and ABSENT columns.

MOTION CARRIED

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