



Roll Call Number

19-1267

Agenda Item Number

69B

Date August 5, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM J. LARSON HOMES, LLC
AND QSL DEVELOPMENT, LLC TO REZONE PROPERTY LOCATED
IN THE 3301 BLOCK OF EAST 56TH STREET**

WHEREAS, on July 15, 2019, by Roll Call No. 19-1104, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 20, 2019, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from J. Larson Homes, LLC and QSL Development, LLC (owners), represented by John Larson (officer), to rezone property located in the 3301 block of East 56th Street ("Property") from "A-1" Agricultural District to Limited "R-3" Multiple-Family Residential District, to allow 63.087 acres of agricultural land to be developed in phases for a single-family residential subdivision, with the future possibility of townhome units and multiple-family residential apartment dwellings, subject to the following conditions:

1. An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator's satisfaction, that a mix of housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.
2. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.
4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network.
5. Any detached single-family dwelling shall comply with the following:
 - a) No same house front elevations shall be built on adjacent lots.
 - b) Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
 - c) Any house shall have a minimum two-car attached garage.
 - d) The front façade of any house constructed must contain one of the following:
 - a. A front porch of not less than 60 square feet; or
 - b. Stone or brick masonry siding covering at least 1/3 of the façade.



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- e) All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
- f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- g) For the first phase of development and first preliminary plat which shall include that portion of the Property north of and immediately adjacent to the east of the real property locally known as 3341 E. 56th Street:
 - i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
 - ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
 - iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- h) For the second phase of development and second and subsequent preliminary plat(s) which shall include that portion of the Property south of and immediately adjacent to the east of the real property locally known as 3301 E. 56th Street:
 - i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
 - ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
 - iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
- i) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- j) Any chain link fence shall have black vinyl cladding; and

WHEREAS, City staff have recommended and the property owners have agreed that condition #4 above should be revised as follows:

- 4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network, and shall provide a future regional trail connection as reviewed and approved by the City Engineer and City Parks and Recreation Director; and

WHEREAS, on July 15, 2019, by Roll Call No. 19-1104, it was duly resolved by the City Council that the application from J. Larson Homes, LLC and QSL Development, LLC to rezone the Property be set down for hearing on August 5, 2019 at 5:00 P.M., in the Council Chamber at City Hall; and



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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, 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 located in the 3301 Block of East 56th Street, legally described as:

LOT 6 IN OFFICIAL PLAT OF NORTH 1/2 OF SOUTHWEST 1/4 AND SOUTH 1/2 OF NORTHWEST 1/4 AND NORTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79, RANGE 23, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

PARCEL "C" OF THAT PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON FEBRUARY 8, 2005, AND RECORDED IN BOOK 10929 PAGE 884, BEING A PART OF LOT 5 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW 1/4) AND THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.

AND

PARCEL "G" OF THE CORRECTED PLAT OF SURVEY FILED IN THE OFFICE OF THE POLK COUNTY RECORDER ON JANUARY 30, 2004, AND RECORDED IN BOOK 10372 PAGE 249, BEING A PART OF LOTS 3, 4 AND 5 OF THE OFFICIAL PLAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. AND PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23;

EXCEPT FOR THAT PORTION CONVEYED TO POLK COUNTY BY WARRANTY DEED RECORDED MAY 14, 2008 IN BOOK 12652 PAGE 365 ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND

EXCEPT PARCEL "H" OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE POLK COUNTY RECORDER ON NOVEMBER 2, 2011, AND RECORDED IN BOOK 14036 PAGE 999, BEING PART OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. AND ALSO PART OF LOTS 4 AND 5 OF THE OFFICIAL PLAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.



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from "A-1" Agricultural District to Limited "R-3" Multiple-Family Residential District, to allow 63.087 acres of agricultural land to be developed in phases for a single-family residential subdivision, with the future possibility of townhome units and multiple-family residential apartment dwellings, subject to the conditions set forth above including condition #4 as revised.

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 Limited "R-3" Multiple-Family Residential District, with conditions as set forth above including condition #4 as revised, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited "R-3" Multiple-Family Residential District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above including condition #4 as revised, and subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2019-00089)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

MOTION CARRIED

APPROVED

J. M. Frankin Cownie 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