



Roll Call Number

19-1549

Agenda Item Number

61

Date September 23, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM J LARSON HOMES, LLC TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED IN THE VICINITY OF 3001 BLOCK OF EAST ARMY POST ROAD

WHEREAS, on September 9, 2019, by Roll Call No. 19-1399, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 15, 2019, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from J Larson Homes, LLC (owner), represented by John Larson (officer), to amend the "Three Lakes Estates Phase II" PUD Conceptual Plan for property located in the 3001 block of East Army Post Road ("Property"), to allow reconfiguration of the proposed public street layout for development of 80 lots for single-family semi-detached homes and 200 lots for single-family dwellings, subject to the following revisions to the Conceptual Plan:

- 1) Compliance with all administrative comments for final Mylar submittal.
- 2) Addition of a note on the Plan that 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) Revision to the note to require all public sidewalks to be 5-feet in width.
- 4) Revision of the fence allowance note to also allow up to a 6-foot tall solid wood fence in rear yards and along the frontages of East Army Post and East Pine Avenue for lots that have rear yards abutting those streets.
- 5) Revision to the notes on the Plan to provide the following requirements for single-family and single-family semi-detached dwellings:
 - A) No same single-family or single-family semi-detached house front elevations shall be built on adjacent lots.
 - B) The front façade of any single-family or single-family semi-detached house constructed must contain one of the following:
 - i. A front porch of not less than 60 square feet; or
 - ii. Stone or brick masonry siding covering at least 1/3 of the façade.
 - C) All windows and doors on any single-family or single-family semi-detached house shall have trim that is no less than 4 nominal inches in width.
 - D) The roof on any single-family or single-family semi-detached house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
 - E) On single-family lot sizes less than 65 feet in width the following minimum house sizes shall be constructed:
 - 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.
 - F) On single-family lot sizes 65 feet in width or greater the following minimum house sizes shall be constructed:
 - 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.



Roll Call Number

19-1549

Agenda Item Number

61

Date September 23, 2019

- iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
- G) Exterior material for any single-family or single-family semi-detached house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- H) For any single-family semi-detached dwellings, a brick or stone wainscot should extend along the full side façade on those units where the side faces a public street.
- I) Building elevations for the Conceptual Plan shall be required to be revised to demonstrate compliance with these provisions; and

WHEREAS, on September 9, 2019, by Roll Call No. 19-1399, it was duly resolved by the City Council that the application of J Larson Homes, LLC for review and approval of the proposed Amendment to the "Three Lakes Estates Phase II" PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on September 23, 2019, at 5:00 p.m. in the City Council Chambers 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 approved "Three Lakes Estates Phase II" PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved "Three Lakes Estates Phase II" 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.

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 statements of interested persons and arguments of counsel, any and all objections to the proposed amendment to the "Three Lakes Estates Phase II" PUD Conceptual Plan for the Property, located in the 3001 block of East Army Post Road and legally described as follows, are hereby overruled, and the hearing is closed:

A PARCEL OF LAND IN THE NE 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST, AND ALSO IN THE NW 1/4 OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 23 WEST, OF THE 5 P.M. IN THE CITY OF DES MOINES, POLK COUNTY, STATE OF IOWA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE E 1/4 CORNER OF SAID SECTION 36-78-24; THENCE NORTH 890 (DEGREES) 57' (MINUTES) 59" (SECONDS) WEST, 120.19 FEET ALONG SOUTH LINE OF SAID NE 1/4 OF SECTION 36-78-24 TO A POINT; THENCE NORTH 000 20' 34" W, 323.45 FEET TO A POINT; THENCE NORTH 890 54' 58" WEST, 558.41 FEET TO A POINT; THENCE NORTH 890 55' 24" WEST, 135.33 FEET TO A POINT; THENCE NORTH 000 00' 00" WEST 58.22 FEET TO A POINT; THENCE NORTH 120 34' 36" EAST, 122.51 FEET TO A POINT; THENCE NORTH 080 50' 20" EAST, 80.68 FEET TO A POINT; THENCE NORTH 000 02' 25" EAST, 80.63 FEET TO A POINT; THENCE NORTH 090 02' 09" WEST 80.61 FEET TO A POINT; THENCE NORTH 170 54' 13" WEST, 80.62 FEET TO A POINT; THENCE NORTH 260 47' 25" WEST, 71.06 FEET TO A POINT; THENCE SOUTH 650 35' 08" WEST, 36.46 FEET TO A POINT; THENCE NORTH 270 12' 55" WEST, 151.70 FEET TO



Roll Call Number

19-1549

Agenda Item Number

61

Date September 23, 2019

A POINT; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, AN ARC LENGTH OF 25.27 FEET, AND A CHORD BEARING OF NORTH 600 15' 31" EAST TO A POINT; THENCE NORTH 250 36' 34" WEST, 156.38 FEET TO A POINT; THENCE NORTH 450 53' L6" EAST, 197.02 FEET TO A POINT; THENCE NORTH 000 00' 00" WEST, 187.08 FEET TO A POINT; THENCE NORTH 090 44' 30" EAST, 153.80 FEET TO A POINT; THENCE NORTH 490 31' L3" EAST, 146.56 FEET TO A POINT; THENCE NORTH 400 28' 47" WEST, 163.00 FEET TO A POINT; THENCE NORTH 490 31' 13" EAST, 166.00 FEET TO A POINT; THENCE NORTH 400 28' 47" WEST, 174.59 FEET TO A POINT; THENCE NORTH 570 52' 27" EAST, 6.68 FEET TO A POINT; THENCE NORTH 450 57' 10" EAST, 156.24 FEET TO A POINT; THENCE SOUTH 000 L8' 04" EAST, 5.14 FEET TO A POINT; THENCE NORTH 650 33' 05" EAST, 711.36 FEET TO A POINT; THENCE SOUTH 890 34' 06" EAST, 27.35 FEET TO A POINT; THENCE SOUTH 860 31' 33" EAST, 375.99 FEET TO A POINT; THENCE NORTH 860 41' L7" EAST, 207.41 FEET TO A POINT; THENCE SOUTH 390 28' 19" EAST, 385.07 FEET TO A POINT; THENCE SOUTH 240 28' 19" EAST, 540.00 FEET TO A POINT; THENCE NORTH 700 28' 52" EAST, 192.83 FEET TO A POINT; THENCE SOUTH 000 00' 42" EAST, 1794.04 FEET TO A POINT ON THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 31-78-23; THENCE NORTH 880 16' 39" WEST, 1218.04 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, AND CONTAINING 101.941 ACRES MORE OR LESS.

2. The proposed amendment to the "Three Lakes Estates Phase II" 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 the revisions to the Plan as set forth above.

MOVED BY Gatto TO ADOPT; refer to the City Manager to consider future infrastructure needs during upcoming CIP discussions.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2019-00133)

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

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.

J. M. Frankhu Cownie Mayor

Diane Rauh City Clerk