



Roll Call Number

21-0924

Agenda Item Number

73

Date June 14, 2021 - Reconvened on June 16, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM HUBBELL REALTY COMPANY FOR THE 10<sup>TH</sup> AMENDMENT TO THE RIVERWOODS LEGACY PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED IN THE VICINITY OF RIVERWOODS ROAD AND RIVER RIDGE AVENUE**

**WHEREAS**, on May 24, 2021, by Roll Call No. 21-0778, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 6, 2021, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (owner), represented by Steve Mosely (officer), for the 10th Amendment to the Riverwoods Legacy Planned Unit Development (PUD) Conceptual Plan for property located in the vicinity of Riverwoods Road and River Ridge Avenue ("Property"), to revise areas identified as F, G and H on said Plan by revising the configuration of the single-household residential lots in "Area F" and replacing "Area G" and "Area H" with an open space/conservation area, and to eliminate the extension of River Ridge Road to East Park Avenue and reduce the length of the Grand River Drive cul-de-sac, subject to the following modifications:

1. Provision of a note that states development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
2. Provision of a note to state that any and all portions of this area designated as "Parkland" that the City is not willing to accept ownership for, shall be designated as common areas shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In a horizontal property regime, the value of the common areas is allocated among the residential units.
3. Provision of a note that states the City will require the future plat to be located within a horizontal property regime, with the detention basins and open space areas designated as common areas shared by the owners of all the residential units. Common areas within a horizontal property regime are not separately taxed. In a horizontal property regime, the value of the common areas is allocated among the residential units.
4. Provision of a note that states any stormwater basin shall be designed to the satisfaction of the both the City's Engineering Department Director and the City's Park & Recreation Department Director to ensure that it is designed in a manner that prevents future erosion issues that could potentially impact the recreational trail.
5. Provision of a note that states that a soils report and stormwater runoff control plan per City Code Section 106-136 is required and that all grading is subject to an approved grading permit and soil erosion control plan.
6. Provision of a note stating that permanent trail easements shall be provided for the Carl Voss Trail and for the trail spur providing access to the Carl Voss Trail from River Ridge Road, where these easements ensure that the trail shall not be moved or impacted by the developer.
7. Provision of a note stating the primary section of the Carl Voss Trail passing through the Riverwoods PUD shall not be altered by the amendment and shall not be closed at any time as a result of construction or development in the vicinity.
8. Provision of a note stating that the reconfigured trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac shall be designed and constructed to the City's standards as reviewed and approved by the City's Park & Recreation Department Director.
9. Provision of a note stating that the developer shall be responsible for all construction and costs associated with removing and reconstructing the trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac, and that any construction shall be to the City's standards for trail construction to the satisfaction of the City's Park & Recreation Department Director.



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- 10. Provision of a note stating that the developer shall work with the City’s Park & Recreation Director on an acceptable temporary closure of the trail spur providing access to the Carl Voss Trail from the bulb of the River Ridge Road cul-de-sac, where the temporary closure is limited to as minimal of time as possible, and where the developer shall be responsible for neighborhood outreach and for provision of and maintenance of trail detour signage during any temporary closure to the satisfaction of the City’s Park & Recreation Department Director. In addition, this temporary closure requires a 2-week notice, with detour signage in place at the start of the 2-week notice period.
- 11. Provision of an 8-foot wide sidewalk along one side of the River Ridge Road cul-de-sac to connect Riverwoods Avenue to the trail spur.
- 12. Provision of the following additional notes on the “PUD” Conceptual Plan:
  - a) No same house architectural elevation shall be built on adjacent lots.
  - b) Any house shall have a minimum two-car attached garage.
  - c) Any house constructed shall generally match one of the PUD House Character Elevations, including illustrative trim and siding mixes. Material upgrades and alternative house design may be approved by the Planning and Urban Design Administrator.
  - d) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - e) Any house shall be constructed with a minimum of 1,200 square feet of area.
  - f) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, LP Smart Siding, or fiber cement board; and

WHEREAS, the Property is legally described as follows:

EXCEPT LOT 3, WOODS ON THE RIVER PLAT 1, AN OFFICIAL PLAT AND OUTLOTS Y AND Z, WOODS ON THE RIVER PLAT 2, AN OFFICIAL PLAT;

PART OF SECTION 13, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING SOUTH AND WEST OF HARTFORD AVENUE AND EAST OF SE 22ND STREET EXCEPT THE WEST 8 ACRES OF THE SW ¼ OF THE SW ¼ OF SAID SECTION 13; AND LOTS 1 AND 2 AND OUTLOT X IN WOODS ON THE RIVER PLAT 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 13; THENCE

NORTH 89°(DEGREES) 44'(MINUTES) 44"(SECONDS) WEST, 1742.79 FEET ALONG THE SOUTH LINE OF SAID SECTION 13 TO A POINT ON THE EAST LINE OF LOT 1 IN SAID WOODS ON THE RIVER PLAT 2; THENCE

SOUTH 04°23'00" WEST, 99.83 FEET ALONG THE EAST LINE OF SAID LOT 1 IN WOODS ON THE RIVER PLAT 2 TO THE SOUTHEAST CORNER OF SAID LOT 1 IN WOODS ON THE RIVER PLAT 2; THENCE

NORTHWESTERLY 98.76 FEET ALONG THE ARC OF A CURVE IN THE SOUTH LINE OF SAID LOT 1 AND LOT 2 IN WOODS ON THE RIVER PLAT 2 CONCAVE NORTHERLY AND HAVING



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A RADIUS OF 881.73 FEET AND A 98.71 FEET LONG CHORD THAT BEARS NORTH 76°49'15"W; THENCE

NORTH 73°36'43" WEST, 104.92 FEET ALONG THE SOUTH LINES OF SAID LOT 2 AND OUTLOT X IN WOODS ON THE RIVER PLAT 2; THENCE

NORTHWESTERLY 4.41 FEET ALONG THE ARC OF A CURVE IN THE SOUTH LINE OF SAID OUTLOT X IN WOODS ON THE RIVER PLAT 2 CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1100.40 FEET AND A 4.41 FEET LONG CHORD THAT BEARS NORTH 73°43'36" WEST TO THE SOUTHWEST CORNER OF SAID OUTLOT X IN WOODS ON THE RIVER PLAT 2, A POINT ON THE EAST RIGHT-OF-WAY LINE OF RIVERWOODS AVENUE; THENCE

NORTH 06°03'10" EAST, 85.30 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RIVERWOODS AVENUE; THENCE

NORTH 04°20'11" EAST, 91.38 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RIVERWOODS AVENUE; THENCE

NORTHERLY 240.69 FEET ALONG THE ARC OF A CURVE IN THE EAST RIGHT-OF-WAY LINE OF SAID RIVERWOODS AVENUE CONCAVE WESTERLY AND HAVING A RADIUS OF 1524.00 FEET AND A 240.44 FEET LONG CHORD THAT BEARS NORTH 00°34'07" EAST; THENCE

NORTH 03°57'21" WEST, 75.70 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RIVERWOODS AVENUE TO ITS INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF E.VIRGINIA AVENUE; THENCE

SOUTH 86°02'39" WEST, 85.56 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID E. VIRGINIA AVENUE; THENCE

NORTHWESTERLY 129.13 FEET ALONG THE ARC OF A CURVE IN THE NORTH RIGHT-OF-WAY LINE OF SAID E. VIRGINIA AVENUE CONCAVE NORTHERLY AND HAVING A RADIUS OF 175.00 FEET AND A 126.22 FEET LONG CHORD THAT BEARS NORTH 72°48'58" WEST; THENCE

NORTH 51°40'36" WEST, 121.27 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID E. VIRGINIA AVENUE; THENCE

NORTHWESTERLY 151.98 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 225.00 FEET AND A 149.11 FEET LONG CHORD THAT BEARS NORTH 71°01'38" WEST TO THE WEST LINE OF WOODS ON THE RIVER PLAT 1, AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE

NORTH 00°23'03" WEST, 728.04 FEET ALONG THE WEST LINE OF SAID WOODS ON THE RIVER PLAT 1; THENCE

NORTH 89°43'04" WEST, 234.02 FEET ALONG THE WEST LINE OF SAID WOODS ON THE RIVER PLAT 1 TO THE EAST RIGHT-OF-WAY LINE OF SE 22ND STREET; THENCE



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NORTH 00°23'03" WEST, 1020.05 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTH 00°59'02" EAST, 120.38 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTH 09°41'01" EAST, 120.55 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTHEASTERLY 80.38 FEET ALONG THE ARC OF A CURVE IN THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 380.28 FEET AND AN 80.23 FEET LONG CHORD THAT BEARS NORTH 23°15'57" EAST; THENCE

NORTH 36°45'27" EAST, 119.63 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTH 45°28'50" EAST, 121.35 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTH 43°07'32" WEST, 5.00 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTH 46°52'26" EAST, 541.96 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTHEASTERLY 208.32 FEET ALONG THE ARC OF A CURVE IN THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 407.82 FEET AND A 206.06 FEET LONG CHORD THAT BEARS NORTH 32°14'26" EAST; THENCE

NORTH 17°36'26" EAST, 630.95 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET; THENCE

NORTHEASTERLY 67.87 FEET ALONG THE ARC OF A CURVE IN THE EAST RIGHT-OF-WAY LINE OF SAID SE 22ND STREET AND THE SOUTHWEST RIGHT-OF-WAY LINE OF HARTFORD AVENUE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 35.00 FEET AND A 57.72 FEET LONG CHORD THAT BEARS NORTH 73°09'26" EAST; THENCE

SOUTH 51°17'34" EAST, 1955.91 FEET ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID HARTFORD AVENUE; THENCE

SOUTH 50°47'50" EAST, 147.38 FEET ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID HARTFORD AVENUE; THENCE

SOUTHEASTERLY 1313.35 FEET ALONG THE ARC OF A CURVE IN THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID HARTFORD AVENUE CONCAVE NORTHWESTERLY AND HAVING A



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RADIUS OF 2764.93 FEET AND A 1301.04 FEET LONG CHORD THAT BEARS SOUTH 36°11'06" EAST; THENCE

SOUTH 21°38'23" EAST, 137.55 FEET ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID HARTFORD AVENUE; THENCE

SOUTH 21°10'38" EAST, 1641.47 FEET ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID HARTFORD AVENUE TO THE SOUTH LINE OF SAID SECTION 13; THENCE

NORTH 89°43'10" WEST, 1386.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 13 TO THE POINT OF BEGINNING.

CONTAINING 236.39 ACRES, MORE OR LESS; AND

**WHEREAS**, on May 24, 2021, by Roll Call No. 21-0778, it was duly resolved by the City Council that the request for approval of the 10<sup>th</sup> Amendment to the PUD Conceptual Plan be set down for hearing on June 14, 2021, at 5:00 p.m., in the Council Chambers; 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 PUD Conceptual Plan Amendment; and

**WHEREAS**, in accordance with said notice, those interested in said proposed PUD Conceptual Plan Amendment, 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 and all statements of interested persons and arguments of counsel, any objections to the proposed 10<sup>th</sup> Amendment to the Riverwoods Legacy PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 10<sup>th</sup> Amendment to the Riverwoods Legacy PUD Conceptual Plan, as on file in the Development Services Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved subject to the modifications stated above.

FORM APPROVED:

MOVED BY Gatto TO ADOPT.

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2021-00028)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		

*Glenna K. Frank*  
Mayor

**CERTIFICATE**

I, P. KAY CMELIK, 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.

*P. Kay Cmelik*

City Clerk