

Agenda Item Number

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Date October 24, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM HUBBELL REALTY COMPANY (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 4425 EAST DOUGLAS AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022, its members voted 11-0 in support of a motion finding the requested rezoning for Property located in the vicinity of 4425 East Douglas Avenue is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022 its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Hubbell Realty Company (Owner), represented by Steve Mosley (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for a portion of the Property in the vicinity of 4425 East Douglas Avenue from Low Density Residential to Low-Medium Density Residential; to rezone the Property from "N2b" Neighborhood District to "NX2" Neighborhood Mix District to allow the development of townhomes, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan if amended; and

WHEREAS, the Property is legally described as follows:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 28, ALL IN THE TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27 AND THE NORTHEAST CORNER OF SAID SECTION 28; THENCE SOUTH 89°38'35" EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, 1311.32 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE SOUTH 00°10'18" WEST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, 569.43 FEET; THENCE NORTH 89°49'42" WEST, 329.77 FEET; THENCE NORTH 00°00'00" EAST, 139.66 FEET; THENCE NORTH 33°48'59" WEST, 117.22 FEET; THENCE NORTH 73°34'42" WEST, 114.44 FEET; THENCE SOUTH 80°14'22" WEST, 114.07 FEET; THENCE SOUTH 00°06'33" EAST, 43.49 FEET; THENCE SOUTH 89°53'27" WEST, 444.00 FEET; THENCE SOUTH 85°46'51" WEST, 57.27 FEET; THENCE SOUTH 73°35'56" WEST, 102.47 FEET; THENCE SOUTH 56°45'23" WEST, 29.79 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 996.02 FEET,



Agenda Item Number

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WHOSE ARC LENGTH IS 32.29 FEET AND WHOSE CHORD BEARS SOUTH 34°04'16" EAST, 32.29 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 450.00 FEET, WHOSE ARC LENGTH IS 242.58 FEET AND WHOSE CHORD BEARS SOUTH 19°33'24" EAST, 239.66 FEET; THENCE SOUTH 85°53'12" WEST, 30.00 FEET; THENCE SOUTH 89°53'27" WEST, 1639.46 FEET TO A POINT ON THE EAST LINE OF SUNRISE ESTATES PLAT NO. 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS RECORDED IN BOOK 6850, PAGE 747-757 OF THE OFFICE OF THE POLK COUNTY RECORDER; THENCE NORTH 00°17'02" EAST ALONG SAID EAST LINE, 676.69 FEET TO THE NORTHEAST CORNER OF SAID SUNRISE ESTATES PLAT NO.1 AND TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST **QUARTER OF SAID SECTION 28; THENCE NORTH 89°56'28" EAST ALONG SAID** NORTH LINE, 568.90 FEET; THENCE SOUTH 00°06'45" EAST, 286.18 FEET; THENCE NORTH 89°53'27" EAST, 260.00 FEET; THENCE NORTH 00°06'45" WEST, 285.95 FEET; THENCE NORTH 89°56'28" EAST, 670.67 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.87 ACRES (1518931 SQUARE FEET), SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

WHEREAS, on October 3, 2022, by Roll Call No. 22-1512, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on October 24, 2022, at 5:00 p.m., at the City 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
- 2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for a portion of the Property in the vicinity of 4425 East Douglas Avenue from Low Density Residential to Low-Medium Density Residential is hereby approved.
- 3. The proposed rezoning of the Property, as legally described above, from "N2b" Neighborhood District to "NX2" Neighborhood Mix District to allow the development of townhomes, is hereby approved,



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Date October 24, 2022

subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY ______ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Gary D. Goudelock Jr.____ Gary D. Goudelock Jr. Assistant City Attorney

(ZONG-2022-000081 & ZONG-2022-000083)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					
BOESEN					I, LAURA BAUMGARTNER, City Clerk of said
GATTO					City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the
SHEUMAKER					above date, among other proceedings the above
MANDELBAUM					was adopted.
VOSS					IN MITNESS MUEBEOF I have betoutte est my
WESTERGAARD					IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first
TOTAL					above written.
MOTION CARRIED			AP	PROVED	
				Mayor	
				wiayor	City Clerk

Agenda Item Number



September 27, 2022

Communication from the City Plan and Zoning Commission advising that at their September 15, 2022 meeting, the following action was taken regarding a request from Hubbell Realty Company (developer), represented by Steve Mosley (officer) to rezone approximately 35 acres of property located in the vicinity of 4425 East Douglas Avenue from "N2b" Neighborhood District to "NX2" Neighborhood Mix District, to allow the development of townhomes.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				Х
Dan Drendel	Х			
Leah Rudolphi	Х			
Dory Briles	Х			
Abby Chungath				Х
Kayla Berkson				Х
Chris Draper	Х			
Todd Garner	Х			
Johnny Alcivar	Х			
Justyn Lewis	Х			
Carolyn Jenison	Х			
William Page	X			
Andrew Lorentzen	Х			
Emily Webb	Х			

ARPPOVAL of Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the rezoning of the subject property as "NX2" Neighborhood District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Low-Medium Density Residential.

Part C) Staff recommends approval of the rezoning of the subject property as "NX2" Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is proposing to redevelop the subject properties from agricultural use to residential use, including construction of townhomes and one-household dwellings. The proposed rezoning would allow construction of the proposed townhomes.
- 2. Size of Site: 34.87 acres (1,518,931 square feet).
- 3. Existing Zoning (site): "N2b" Neighborhood District.
- **4. Existing Land Use (site):** The subject properties are currently used as agricultural land.
- 5. Adjacent Land Use and Zoning:
 - North "N3a" & Polk County "Low Density Residential"; Uses are low density residential.
 - **South** "N3a", Woods at Copper Creek "Legacy PUD", & Polk County "Low Density Residential"; Uses are low density and low-medium density residential.
 - **East** "N2b" & Brook Run "Legacy PUD"; Uses are low density and low-medium density residential.

West - "N2b" & "N2a-2"; Uses are low density and low-medium density residential.

6. General Neighborhood/Area Land Uses: The subject property is generally located on the south side of East Douglas Avenue/Northeast 38th Avenue between the intersection with East 43rd Court and the intersection with Northeast 46th Street. It is located in an area predominantly consisting of one-household residential, two-household residential, and multiple-household residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is not located in a recognized neighborhood and is located within 250 feet of Sheridan Gardens Neighborhood and Brook Run Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on August 26, 2022 and by mailing of the Final Agenda on September 9, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 2022 (20 days prior to the public hearing) and September 5, 2022 (10 days prior to the public hearing) to the Sheridan Gardens and Brook Run Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Sheridan Gardens Neighborhood mailings were sent to Kurt Lee, 3507 East 39th Court, Des Moines, IA 50317. The Brook Run Neighborhood mailings were sent to Kelly Lynn, 5120 Walnut Ridge Drive, Des Moines, IA 50317.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History: None.
- **9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
- **10.Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject area owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The applicant is requesting that the future land use designation for the property be revised from "Low Density Residential" to "Low-Medium Density Residential." PlanDSM describes these designations as follows:

<u>Low Density Residential:</u> Areas developed with a mix of single family and two family residential units with up to 6 units per net acre.

<u>Low-Medium Density Residential:</u> Areas developed with a mix of single family, duplex, and small multi-family units up to 12 units per net acre.

The subject parcel is currently zoned "N2b" District. The Zoning Ordinance describes this district as, "intended for contemporary, mid-size lots for single- and two-household

residential houses within a more flexible building form and located in contemporary neighborhoods pursuant to House A building type in section 135-2.13 of this code." The applicant is proposing to rezone the parcel to the "NX2" District. The Zoning Ordinance describes this district as, "intended for a mix of single household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood."

Staff believes that the proposed land use amendment and rezoning would allow a desirable mix of dwelling types and would be consistent with the existing character of the surrounding area.

2. Planning and Design Ordinance: Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for any proposed additions or modifications.

SUMMARY OF DISCUSSION

<u>Emily Webb</u> advised item #6 could be considered under the consent agenda. No one request to speak on the item.

COMMISSION ACTION:

Carolyn Jension made a motion for:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the rezoning of the subject property as "NX2" Neighborhood District.

Motion passed: 11-0

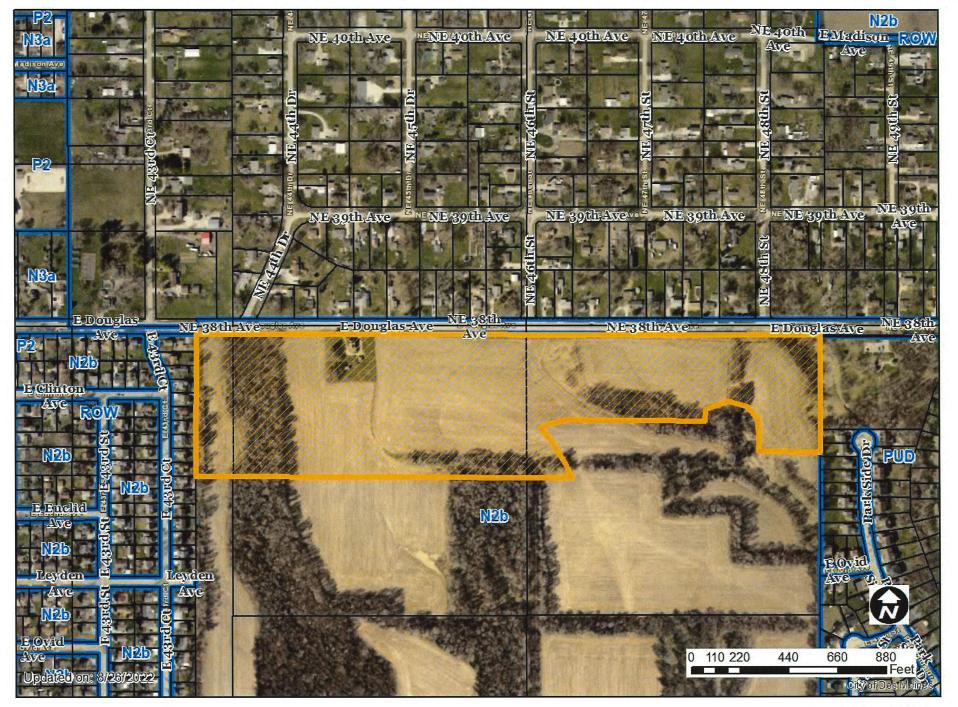
Respectfully submitted,

Jula Com

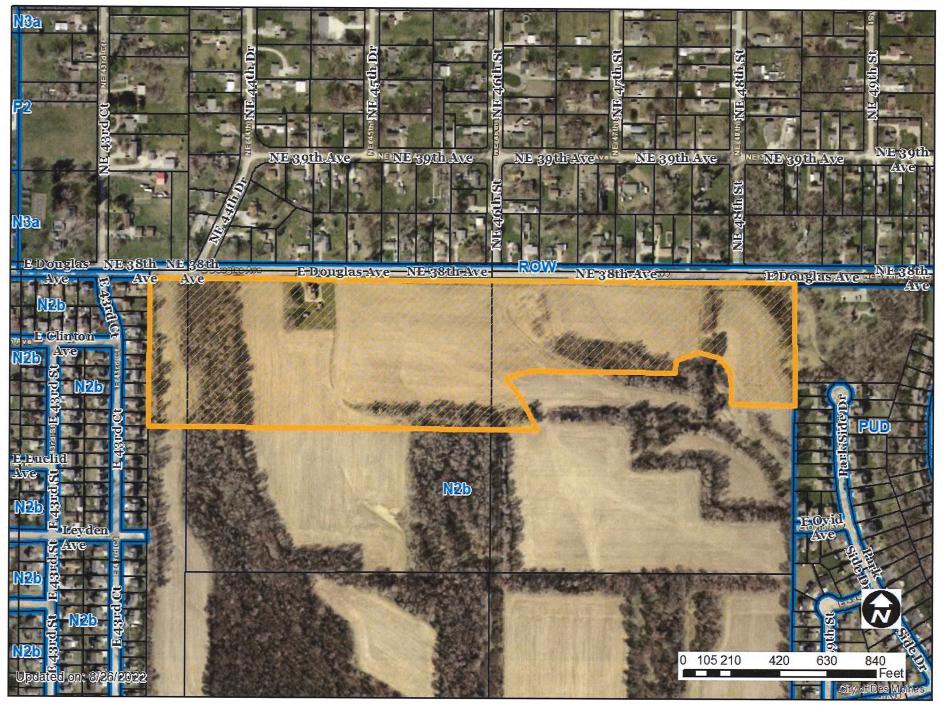
Jason Van Essen, AICP Planning & Urban Design Administrator

JMV:tjh

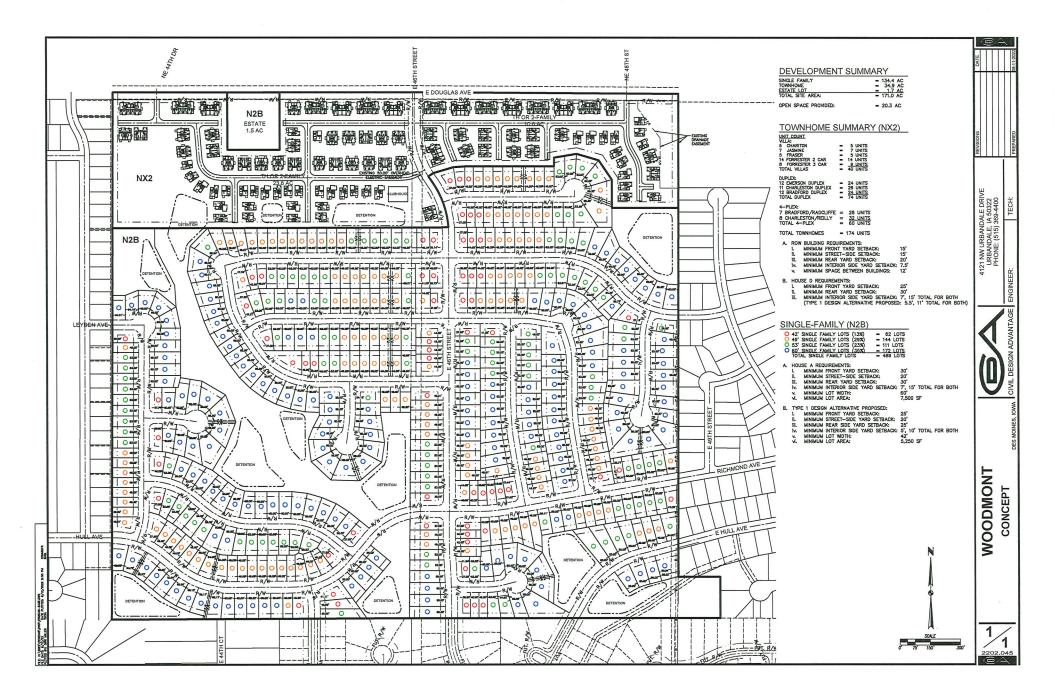
49 ZONG-2022-000083



ZONG-2022-000081



1 inch = 403 feet







ELEVATION B

6900 Westown Parkway | West Des Moines, IA 50266 | 515.276.2349 | hubbellhomes.com

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CHARLESTON-REILLY-DELLA VITA



CHARLESTON TOTAL: 1,332 SF REILLY TOTAL: 1,773 SF





ELEVATION A



ELEVATION B





515.276.2349 HubbellHomes.com 6900 Westown Parkway | West Des Moines, IA 50266

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ELEVATION A

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FORRESTER





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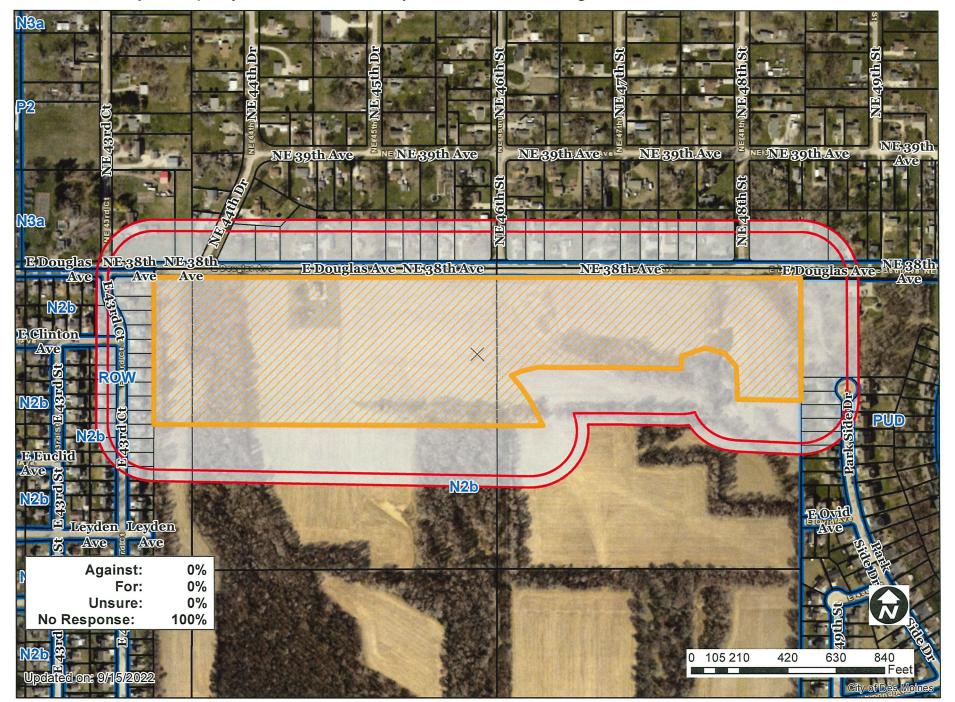


Woodmont Proposal (image 2012)



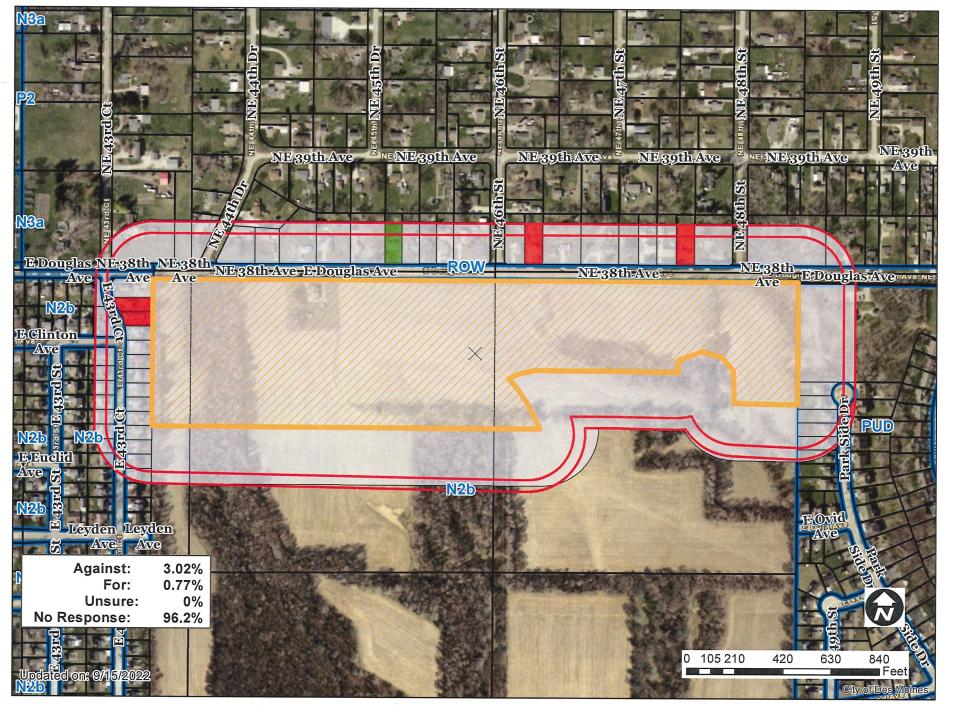
03/25/2012

ZONG-2022-000083



1 inch = 402 feet

ZONG-2022-000081



1 inch = 403 feet

Date: 9/16/2022 Item: ZONG-2022-000081 Please mark one of the following 1 Staff Use Only 1 2. 21 4 I am in favor of the request 10th . wite I am not in favor of the request RECEIVED on & Melissa nills Signature: COMMUNITY DEVELOPMENT X SEP 09 2022 P Name: 50317 Dines, IA Address: \ PQ(Reason for opposing or approving this request may be listed below: 1l and n 240 enop Ű ta 10, C. 5 オ an 9-7-22 Item: ZONG-2022-000 Date: Please mark one of the following Staff Use Only I am in favor of the request I am not in favor of the request RECEIVED COMMUNITY DEVELOPMENT Signature: SEP 08 2022 Name: Address: Reason for opposing or approving this request may be listed below: WOULD 200c ONEY. SHOUL

Item: ZONG-2022-000081 Da	ate: Sept 6, 2022
Please mark one of the following Tam in favor of the request I am not in favor of the request Signature: <u>Donald Heusen</u> Name: <u>Donald Hauser</u>	Staff Use Only RECEIVED COMMUNITY DEVELOPMENT SEP 09 2022
Address: 3711 E 43 CT	
Reason for opposing or approving this request may be liste	d below:

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Item: <u>ZONG-2022-000081</u> Date: <u>39/66</u>					
I am in favor of the request	Staff Use Only				
I am not in favor of the request					
Signature:	COMMUNITY DEVELOPMENT SEP 09 2022				
Name: <u>Alathan Stickley</u>					
Address: 3707 E. 43 ^{md} C+					

Reason for opposing or approving this request may be listed below:

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Date: 9-8-22 Item: <u>ZONG-2022-00081</u> Please mark one of the following Staff Use Only I am in favor of the request RECEIVED I am not in favor of the request COMMUNITY DEVELOPMENT Dli Signature: 4 SEP 12 2022 Name: Y inte 46 Address: 4(,30 4 38 Ave hoines IA 50317 Reason for opposing or approving this request may be listed below: lomes an Item: <u>ZONG-2022-000081</u> Date: Please mark one of the following Staff Use Only 14.5 I am in favor of the request RECEIVED I am not in favor of the request **COMMUNITY DEVELOPMENT** SEP 15 2022 Signature: MIC Name: 10 Side Address: 3 Reason for opposing or approving this request may be listed below: does not inclu and inten F The Mixed enough 10 2 USR Rousin in 00



Hubbellrealty.com 6900 Westown Parkway West Des Moines, IA 50266

August 29, 2022

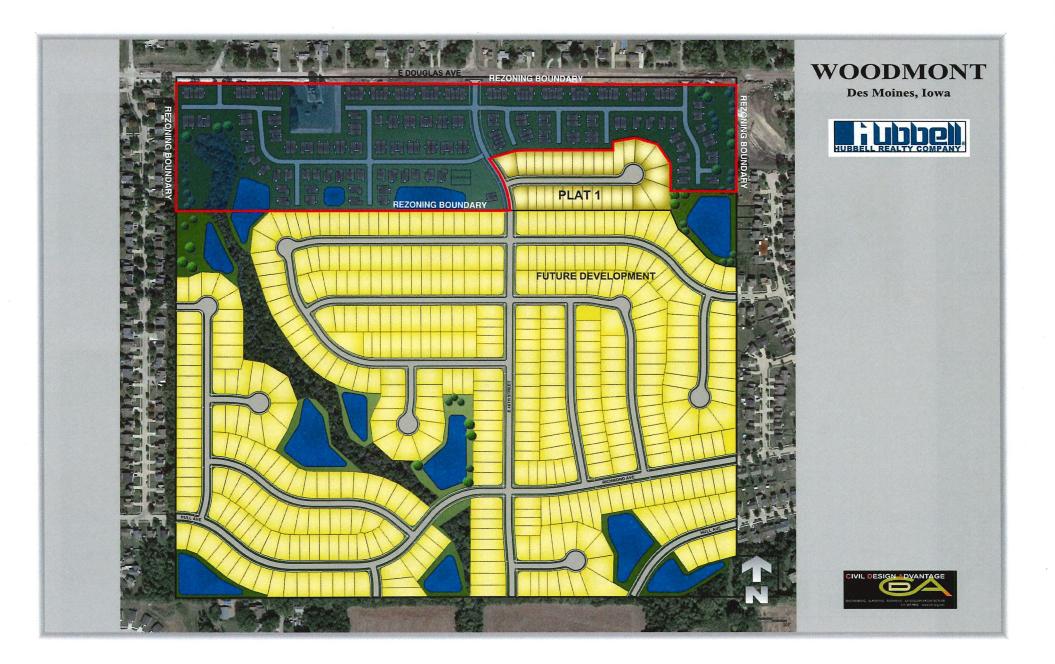
Dear Property Owner,

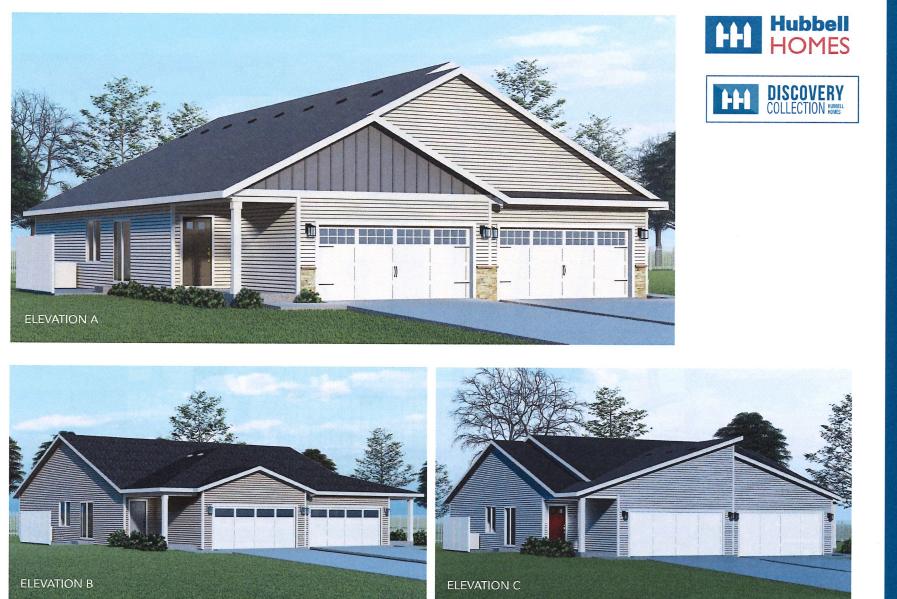
Hubbell Realty Company is planning to develop the land located south of East Douglas Avenue between the intersections of NE 44th Drive and NE 48th Street. The planned development, which includes single family homes and townhomes. The property is zoned for single family homes currently (N2B), but the proposed townhomes will require a portion of the property to be rezoned from N2B to NX2. Included is a copy of the proposed development and home elevations.

As part of the rezoning process, Hubbell Realty Company is hosting a neighborhood meeting to discuss the proposed rezoning with nearby residents. We will be hosting an open house on <u>Thursday, September</u> <u>8th</u> from <u>6:00 PM to 7:30 PM</u> at the <u>Eastview Community Center</u> located at <u>4101 East 42nd Street Des</u> <u>Moines, Iowa 50317</u> to provide information and answer questions on the proposed development. If you have any questions or cannot attend the neighborhood meeting and would like to discuss the project, please contact Caleb Smith at <u>caleb.smith@hubbellrealty.com</u> or at 515-727-8928.

Sincerely,

Hubbell Realty Company 6900 Westown Parkway West Des Moines, IA 50266





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ELEVATION A

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Woodmont Development Neighborhood Meeting 9/8/2022 Attendance List

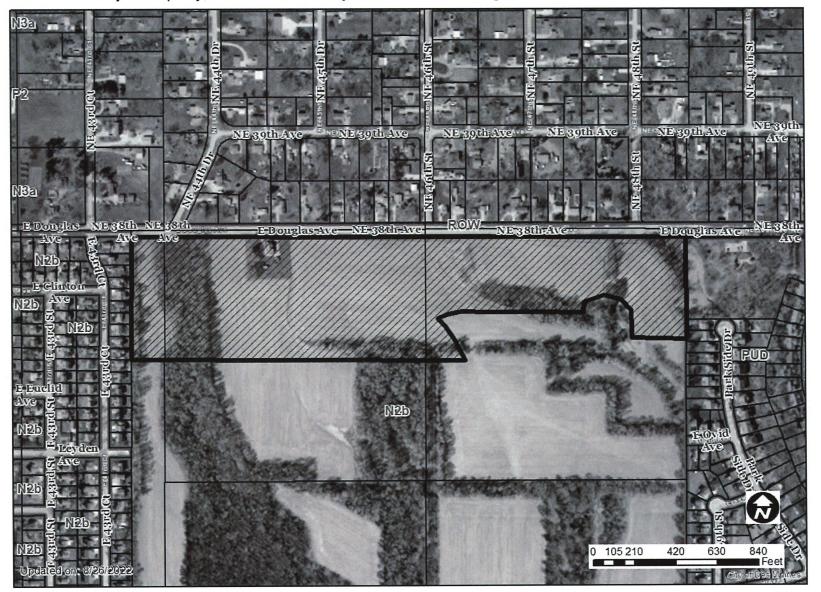
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Item: ZONG-2022-000981 Date: Please mark one of the following = A22 Staff Use Only Jam'in favor of the request I am not in favor of the request RECEIVED **COMMUNITY DEVELOPMENT** Signature: HAMES 104 TRUS SEP 1 9 2022 Name: Address: < Tr 434 UND 5155 IA wom 50265 , Reason for opposing or approving this request may be listed below:

Date: 9-16-27 Item: <u>ZONG-2022-000081</u> Please mark one of the following Staff Use Only I am in favor of the request RECENT I am not in favor of the request COMMUNITY DEVELOR MEN SEP 1 9 2022 Signature 100 Name: Address: Reason for opposing or approving this request may be listed below: 0

Date: 918/2022 Item: ZONG-2022-000081 Please mark one of the following Staff Use Only I am in favor of the request I am not in favor of the request RECEIVED **COMMUNITY DEVELOPMENT** SEP 1 9 2022 Name: <u>Sei</u> Welch C Address: 4760 NE 38th Ave Des homes Jowa 50317 Reason for opposing or approving this request may be listed below: This area is all single family duellings. Mult: family dwellings can drive down property Values. When Townhomes do not Scill or are bought by one party, they become Rental property

ZONG-2022-000081



1 inch = 403 feet