

20-1160

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Date July 13, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM BROOK LANDING, LLC TO AMEND PUD CONCEPTUAL PLAN AND FOR APPROVAL OF PUD FINAL DEVELOPMENT PLAN FOR PROPERTY LOCATED IN THE 3300 BLOCK OF EAST 56TH STREET AND AT 5510 BROOK VIEW AVENUE

WHEREAS, on June 22, 2020, by Roll Call No. 20-1007, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 4, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Brook Landing, LLC (owner), represented by Jon Galloway (officer), for the 2nd Amendment to the Brook Landing PUD Conceptual Plan and for the PUD Final Development Plan “Anchor Baptist Church” for property located in the 3300 Block of East 56th Street, and specifically at 5510 Brook View Avenue (“Property”), to allow development of a 6.71-acre property with a worship assembly use within a 16,864-square foot building, subject to the following revisions, respectively:

2nd Amendment to PUD Conceptual Plan:

- 1) Inclusion of the building elevations submitted with the Site Plan (10-2020-7.110) as “Sheet 4” of the PUD Conceptual Plan, with the following modifications:
 - a) Provision of additional brick on the “west façade” so that brick covers the entire first floor portion of the tall wall section at the middle of the building, including decorative soldier course at the top.
 - b) Provision of a note that states each façade shall have a minimum transparency (windows and doors) of 12% of the façade.
 - c) Provision of a note that states the roof shall either be architectural asphalt shingles or standing seam metal.
- 2) Provision of the conceptual site configuration of “Parcel B” on “Sheet 2” of the PUD Conceptual Plan.
- 3) Provision of a note stating that off-street parking for the any religious assembly use will be provided at a minimum ratio of 1 parking space per 6 seats in the principal auditorium, plus 1 parking space per 400 square feet of office space.
- 4) Provision of a note stating that bike racks shall be provided on “Parcel B”.
- 5) Provision of a note stating that public sidewalks will be provided along all street frontages and that pedestrian connections will be provided from the building to all street frontages.
- 6) Provision of a note that states “Parcel B” shall landscaped in conformance with the regulations contained in City Code Chapter 135 that are applicable to a Civic Building in a “P2” District.
- 7) Provision of a note stating that native plantings shall be considered around the stormwater basins.
- 8) Provision of a note to state that any refuse collection container will be within an enclosure constructed of masonry walls that match the primary building and steel gate.
- 9) Elimination of the duplicate signature block on “Sheet 1”.
- 10) Elimination of the reference to “Existing zoning: A-1” on “Sheet 1”.



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PUD Final Development Plan:

- 1) Compliance with the 2nd Amendment to the Brook Landing “PUD” Conceptual Plan, which is being considered simultaneously.
- 2) Compliance with all administrative review comments by the City’s Permit & Development Center and/or Site Plan Review Staff; and

WHEREAS, the Property is legally described as follows:

2nd Amendment to PUD Conceptual Plan:

BROOK LANDING PLAT 1, AN OFFICIAL PLAT.

AND

OUTLOT ‘X’ FINI ACRES PLAT 2, AN OFFICIAL PLAT.

AND

OUTLOT ‘X’, FINI ACRES REPLAT, AN OFFICIAL PLAT, EXCEPT 40.00-FOOT-WIDE ROADWAY EASEMENT RECORDED IN BOOK 3601, PAGE 635 AND EXCEPT PARCEL “A” AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 10645, PAGE 526.

ALL BEING IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 64.74 ACRES (2,820,243 SQUARE FEET).

PUD Final Development Plan:

LOT 54 IN BROOK LANDING PLAT 1, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 6.71 ACRES MORE OR LESS; AND

WHEREAS, on June 22, 2020, by Roll Call No. 20-1007, it was duly resolved by the City Council that the request for approval of the 2nd Amendment to the Brook Landing PUD Conceptual Plan and of the PUD Final Development Plan “Anchor Baptist Church” be set down for hearing on July 13, 2020 at 5:00 p.m., by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community; 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 PUD Conceptual Plan and proposed PUD Final Development Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the PUD Conceptual Plan and proposed PUD Final Development 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 and all statements of interested persons and arguments of counsel, any objections to the proposed 2nd Amendment to the Brook Landing PUD Conceptual



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Plan and of the PUD Final Development Plan "Anchor Baptist Church" are hereby overruled, and the hearing is closed.

- 2. The proposed 2nd Amendment to the Brook Landing 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.
- 3. The proposed PUD Final Development Plan "Anchor Baptist Church", as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to revision and conditions stated above.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2020-00051)
(10-2020-7.110)

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

MOTION CARRIED APPROVED
J. M. Franklin Cownie
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