



# Planning & Zoning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

November 24, 2014

**SUBJECT:** Consider recommending approval of Ordinance 914, an amendment to the Johnston Commons PUD to change the allowed uses of Lot 9 of Johnston Commons Plat 3, located within Parcel 'H' of the PUD, from C-2, Community Retail Commercial District to C-2 and R-4, Multi-Family Residential Use.

**SYNOPSIS:** Parcel 'H' currently allows uses of the C-2, Community Retail Commercial District. Johnston Commons, L.C. has requested a PUD amendment to allow flexible zoning for Lot 9 of Johnston Commons Plat 3, located within Parcel 'H', to also allow uses of the R-4 district. The request is made to facilitate possible expansion of the Johnston Commons Brownstones project through construction of approximately 19 additional townhome units.

**RECOMMENDATION:** Staff recommends approval and provides the following motion for consideration:

The Planning & Zoning Commission recommends approval of an amendment to the Johnston Commons PUD to change the allowed uses of Lot 9 of Johnston Commons Plat 3, located within Parcel 'H' of the PUD, from C-2, Community Retail Commercial District to C-2 and R-4, Multi-Family Residential Use.

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to recommend an amendment to the Johnston Commons PUD to change the allowed uses of Lot 9 of Johnston Commons Plat 3, located within Parcel 'H' of the PUD, from C-2, Community Retail Commercial District to C-2 and R-4, Multi-Family Residential Use (PZ Case 14-40).

**Attachments:**

- Master Plan for Lot 9 of Parcel 'H' within the Johnston Commons PUD;
- Proposed Ordinance 914;
- Public comment received;
- Mailing notice/list;
- Vic Map.

APPLICANT:

Johnston Commons, L.C.  
Joe Pietruszynski, Hubbell Realty Company  
6900 Westown Parkway  
West Des Moines, IA 50266

REPRESENTATIVE:

Engineering Resource Group, Inc.  
Doug Saltgaver  
2413 Grand Avenue  
Des Moines, IA 50312

COMPREHENSIVE PLAN:

The City of Johnston 2030 Land Use Plan suggests "Commercial" as the land use designation for the subject property. The Commercial designation reflects the allowed uses of the property at the time the Johnston 2030 Comprehensive Plan was approved.

The proposed change of use for Lot 9 of Johnston Commons Plat 3 within Parcel 'H' of the PUD appears to be in harmony with the uses envisioned within the PUD as it is a continuation of the flexible zoning and mixed use nature originally proposed for the PUD to allow flexibility in addressing the land use needs of future development. Therefore, the proposed use is in compliance with the comprehensive plan.

BACKGROUND & PRIOR APPROVALS:

The Johnston Commons PUD was originally approved by the City Council via Ordinance 545 on July 1999. The subject site is located within Parcel 'H' on the PUD Master Plan. The requirements for this parcel have not changed since initial approval

The PUD was amended via Ordinance 618 on July 16, 2001 to allow the Mansions at Hemingway to decrease the 50-foot front yard setback to 35-foot in five locations for five buildings.

The PUD was amended via Ordinance 740 on July 5, 2006 to allow residential use and modify setbacks for the Johnston Commons Brownstones project.

The PUD was amended again via Ordinance 819 on March 1, 2010 (reference PZ Case 10-02) for Parcel C. The amendment changed the allowed land use for Lots C3, C4 and C5 from C-2 only, to either C-2, Community Retail or R-3 medium-density residential land uses.

EXISTING ZONING:

This site is zoned PUD, allowing C-2 uses with the following bulk requirements:

- Lot Area = 20,000 square feet
- Lot Width = 100 feet
- Front Yard Setback = 30 feet

Side Yard Setback = 10 feet  
Sum of both side yard setbacks = 20 feet  
Rear yard setback = 35 feet  
Max Height = 50 feet

**PROPOSED ZONING:** The applicant proposes to allow flexible zoning of Lot 9, whereby the existing C-2 zoning will remain in effect, however, uses of the R-4, High Density Multi-Family Residential District will also be allowed. The following bulk regulations and densities will be observed for R-4 uses:

- Minimum Lot Area = 80,000 square feet
- Minimum Lot Width = 200 feet
- Front Yard Setback = 25 feet (typically 50')
- Side Yard Setback = 10/20 feet (typically 25'/50')
- Rear Yard Setback = 50 feet
- Density is limited to 12 units/acre (typically 16)

**TRAFFIC ACCESS & CIRCULATION:** The concept plan depicts a right-in, right-out access on NW 70<sup>th</sup> Avenue. In addition, there is internal connectivity with the south-adjacent brownstones property, which, in turn, has an existing full access on Northglenn Drive. The exact placement of the access on NW 70<sup>th</sup> Avenue will be reviewed with site plan submittal, and will require cross-access easements with the south-adjacent parcel, and may require a shared access or cross-access easement with the east-adjacent property.

**BUFFERS:** A 50' buffer is required between Lots 9 and 10 in the event Lot 9 develops with uses of the R-4 district. Likewise, a 50' buffer is required between Lot 9 and Lot 10 and the south-adjacent Parcel 'G' in the event either lot 9 or 10 develops according to the uses of the C-2, Community Retail Commercial District.

**PARKLAND DEDICATION:** If lot 9 is developed according to uses of the R-4 district, the parkland dedication requirements of Chapter 180.43 of the City of Johnston code of ordinances requires dedication of 5 acres of public parkland for each 1,000 residents added to the community. Based upon the concept plan furnished with the application to amend the PUD, 19 lots are depicted. Therefore, the amount of parkland required is determined through the following formula:

- $19 \text{ lots} \times 1.954 \text{ individuals per lot} \times .005 \text{ acres per individual} = .18563 \text{ acres.}$

The applicant has indicated a desire to exercise the "equal value alternative" also allowed by chapter 180.43. In such scenario, the equivalent land value is figured at \$28,000 per acre, or \$5,197.64. Said fee must be paid prior to council approval of a site plan for Lot 9 of Johnston Commons Plat 3.

**PUBLIC COMMENT:** A letter was sent by city staff to adjacent property owners within 350 feet from the subject site. In addition, a notice was posted to the city's website.

Email correspondence was received from Lori Drafahl of 6907 Henry James Ct., and Jeffry Fuller and Lucinda Wonderlich-Fuller of 6904 Henry James Ct. in opposition to the amendment request. Said emails are included as an attachment to this report.

ORDINANCE NO. 914

**AN ORDINANCE AMENDING THE JOHNSTON COMMONS PLANNED UNIT DEVELOPMENT**

**Be It Enacted by the City Council of the City of Johnston, Iowa that:**

**SECTION 1. PURPOSE.** The purpose of this ordinance is to amend the Official Zoning Map of the City of Johnston, Iowa, under the provisions of Chapters 165-167 (Zoning Ordinance) and Chapter 166.02 (Zoning District Boundaries and Official Zoning Map) of the Johnston Municipal Code,

**SECTION 2. AMENDMENT TO PLANNED UNIT DEVELOPMENT MASTER PLAN.** The Planned Unit Development Master Plan approved by adoption of Ordinance No. 545 as amended via Ordinance 618 and via Ordinance 740 and 819 is hereby amended for the properties legally described as:

A TRACT OF LAND IN THE NW ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF JOHNSTON, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N ¼ CORNER OF SAID SECTION 1, THENCE S 89° 30' 56" W (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY) ALONG THE NORTH LINE OF SAID NW ¼, 306.84 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE DES MOINES AND CENTRAL IOWA RAILWAY; THENCE S 24° 21' 20" E ALONG SAID EAST RIGHT-OF-WAY LINE, 744.02 FEET TO A POINT ON THE EAST LINE OF SAID NW ¼; THENCE N 00° 00' 00" E ALONG SAID EAST LINE OF SAID NW ¼, 680.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.396 ACRES MORE OR LESS, INCLUDING 0.339 ACRES MORE OR LESS ROAD EASEMENT. (BOOK 4614, PAGE 493)

AND

BEGINNING AT THE NW CORNER OF THE NW ¼ OF THE NE ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., IOWA, THENCE EAST 10 RODS, THENCE SOUTH 16 RODS, THENCE WEST 10 RODS, THENCE NORTH 16 RODS TO BEGINNING, EXCEPT LEGALLY ESTABLISHED HIGHWAYS, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, IOWA. CONTAINS 1.00 ACRES. (BOOK 6273, PAGE 318)

AND

THE NORTH 30 ACRES (EXCEPT ONE (1) ACRE IN THE NW CORNER, 10 RODS EAST AND WEST, 16 RODS NORTH AND SOUTH AND EXCEPT THE INTER-URBAN RIGHT-OF-WAY) OF THE NW ¼ OF THE NE FRACTIONAL ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., IOWA, SUBJECT TO ALL EASEMENTS OF RECORD AND PUBLIC HIGHWAYS. CONTAINS 28.4 ACRES MORE OR LESS. (BOOK 4721, PAGE 785)

AND

THE NE FRACTIONAL ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., EXCEPT 30 ACRES OFF THE NORTH END OF THE WEST ½ OF THE NE ¼ AND EXCEPT THE RIGHT-OF-WAY OF THE INTER-URBAN RAILWAY COMPANY AND 10 FEET ON THE EAST SIDE OF SAID RIGHT-OF-WAY, AND EXCEPT THE SOUTH 537 FEET OF THE NE FRACTIONAL ¼, AND EXCEPT THAT PART LYING WEST OF THE RIGHT-OF-WAY OF THE INTER-URBAN RAILWAY COMPANY, AND EXCEPT THE EAST 58 FEET OF THE NORTH 889 FEET OF THE SOUTH 1,426 FEET OF THE NE ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, DEEDED TO THE CITY OF JOHNSTON IN BOOK 7214, PAGE 804 FOR ROAD RIGHT-OF-WAY. CONTAINS 100.45 ACRES MORE OR LESS. (BOOK 4413, PAGES 601-606)

AND

A PARCEL OF LAND IN THE E ½ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M. NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED TO WIT:

A STRIP OF LAND 100 FEET IN WIDTH EXTENDING OVER AND ACROSS THE SOUTH 660 FEET OF THE SW ¼ OF THE NE ¼ OF SAID SECTION 1, SAID STRIP OF LAND BEING 50 FEET IN WIDTH ON EACH SIDE OF THE CENTERLINE OF THE MAIN TRACK (NOW REMOVED) OF THE INTER-URBAN RAILWAY COMPANY (NOW THE DES MOINES AND CENTRAL IOWA RAILWAY COMPANY), AS SAID MAIN TRACK CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED OVER AND ACROSS SAID SECTION 1, EXCEPT THE SOUTH 537 FEET OF THE SW ¼ OF THE NE ¼, AND EXCEPT PARCEL C OF THE SW ¼ OF THE NE ¼. CONTAINS 0.05 ACRES. (BOOK 5477, PAGE 851)

AND

A TRACT OF LAND IN THE N ½ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF JOHNSTON, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE N ¼ CORNER OF SAID SECTION 1; THENCE S 90° 00' 00" W, 292.81 FEET ALONG THE NORTH LINE OF SECTION 1 TO A POINT; THENCE S 00° 00' 00" E, 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NW 70TH AVENUE AND THE POINT OF BEGINNING; THENCE S 23° 53' 30" E, 708.15 FEET TO A POINT ON THE EAST LINE OF THE NW ¼ OF SECTION 1; THENCE N 00° 29' 10" E, 24.23 FEET ALONG SAID EAST LINE TO A POINT; THENCE S 23° 53' 30" E, 1,343.87 FEET TO A POINT; THENCE S 66° 06' 30" W, 10.00 FEET TO A POINT; THENCE S 23° 53' 30" E, 506.17 FEET TO A POINT; THENCE S 89° 43' 28" W, 16.37 FEET TO A POINT; THENCE N 23° 53' 30" W, 2,536.21 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NW 70TH AVENUE; THENCE N 90° 00' 00" E, 16.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.18 ACRES MORE OR LESS. (BOOK 6315, PAGE 764)

TOTAL ACREAGE OF 133.5 ACRES MORE OR LESS.

**SECTION 3. MASTER PLAN PROVISIONS.** In accordance with Chapter 168.11 adopted herewith is the Master Plan for the above described area consisting of the Johnston Commons Planned Unit Development prepared by Environmental Design Group, Ltd. and dated April 5, 1999 and modified and augmented as identified below:

1. Parcel A Commons. The District shall be developed in accordance with District R-1 bulk and land use requirements. The ingress-egress easement for access shall be located on the northwest boundary to permit retention of the open spaces for park purposes with maximum flexibility.
2. Flex zones. Flex zones would allow alternative land uses as specified in the master plan document. The use would be declared at the time of site plan review.
3. Parcels B and L. The allowed uses of Parcels B and L shall be those of the R-1(60), Single-Family District, observing the following bulk regulations:
  - A) Minimum Lot Size – 7,500 square feet
  - B) Minimum Lot Width – 60’
  - C) Front Yard Setback – 30’
  - D) Side Yard Setbacks – 7’ minimum, 15’ sum of both side yards
  - E) Rear Yard Setback – 35’
  - F) Height – 35’
4. Parcel C. Lots C3, C4 and C5 as identified on the PUD Master Plan shall be a flex zone allowing C-2 Commercial or R-3 multifamily residential uses. Should the properties development as R-3 multifamily residential uses the following exceptions to the R-3 bulk regulations and requirements will be permitted:
  - A) Setbacks for the residential complex shall be 30 foot front yard, 35 foot rear yard, 10 foot side yard adjacent to Parcel D, 30 foot side yard adjacent to Lots C1 and C2.
  - B) The buffer between the residential complex and Lots C1 and C2 shall be accomplished through a mix of landscaping and privacy fencing as depicted on the Rezoning Concept Plan, dated January 26, 2010, subject to review as part of the Site Plan approval process. All other buffers shall be as required by the Zoning Ordinance.
5. No bars and nightclubs, billiard parlors and pool halls, bowling alleys, dance halls and ball rooms will be allowed except as provided for in the Redevelopment Agreement.
6. Parcels D, E, F and G Multi-Family. The average density proposed shall be limited to sixteen units per acre, as per the District R-4 ordinance requirement, with the following specific to Parcel G:
  - A) The front yard setback shall be reduced to 20-feet adjacent to Northglenn Drive, as illustrated on the Master Plan.
  - B) The minimum side-yard setback shall be 10-feet, with a sum of at least 20-feet.
  - C) The row dwellings shall not exceed 12 connected units per building, and shall be in compliance with Chapter 166.35, Architectural Standards.
  - D) Density shall be limited to what is noted on the Master Plan and as shown on Exhibit B attached, and shall not exceed 11.79 units per acre.

Parcel H. Parcel H consists of Lots 9 and 10 of Johnston Commons Plat 3. The allowed uses of Parcel H shall be those of C-2, Community Retail Commercial District. In addition, Lot 9 alone shall also allow uses of the R-4, High-Density Residential District. The following bulk requirements shall be observed:

A) C-2 uses:

- i. Minimum Lot Size – 20,000 square feet
- ii. Minimum Lot Width – 100’
- iii. Front Yard Setback – 30’
- iv. 10’ side yard setback (each side),
- v. 30’ buffer between any residential district.

B) R-4 uses:

- i. The front yard setback shall be reduced to 25-feet adjacent to NW 70<sup>th</sup> Avenue.
- ii. The minimum side-yard setback shall be 10-feet, with a sum of at least 20-feet.
- iii. The row dwellings shall not exceed 12 connected units per building, and shall be in compliance with Chapter 166.35, Architectural Standards.
- iv. Density shall be limited to what is noted on the concept plan submitted by Engineering Resource Group, Inc. dated 10/10/14, and shall not exceed 12 units per acre.

7. Parcel J. The allowed uses of Parcel J are those of the C-2, Community Retail Commercial District with the following bulk requirements:

- A) Minimum Lot Size – 20,000 square feet
- B) Minimum Lot Width – 100’
- C) Front Yard Setback – 30’
- D) Side Yard Setbacks – 10’ minimum, 20’ sum of both side yards
- E) Rear Yard Setback – 35’
- F) 30’ buffer between any residential district.

8. Parcel K Townhomes. The townhomes will require separate site plan review and shall adhere to the land use and bulk requirement of District R-3. Except that the 50-foot front yard setback may be reduced to 35-feet at 5 locations as shown on Exhibit A attached. The specific requirements of Section 17.10.060.2 L, Multiple Family/Townhouse Dwellings, is not applicable.

9. Merle Hay Corridor Overlay Zone. All requirements shall be applicable except for the “lot area” restriction contained in Section 169.06(3)(A) For application to this PUD, the provisions would apply to Commercial parcel C.

10. Site Plan Requirements. All site plan requirements of the zoning ordinance would be applicable to all parcels as developed, excluding the single-family portion.



11. Open Space Requirements. The intent is that each parcel adhere to the open space requirements of the related district requirements. The plan is based upon providing the civic open space and permitting higher density on the individual sites. In exchange for the public open space, credit would be given toward meeting the open space on other sites. The open space to be dedicated represents fourteen percent of the total project area. The open space for each individual parcel can then be reduced by that ratio. For example, industrial use requires twenty percent open space, which can then be reduced by 14 percent or 17.2 percent open space.
12. Platting. All preliminary and final platting procedures will be applicable.
13. Public Improvements. The developer shall make all required improvements internal to the project. In the event Parcel A is dedicated to the city, the city may by separate agreement participate in construction of a share of the interior infrastructure improvements to serve the library and other public amenities.
14. The developer shall participate in off-site improvements in accordance with any ordinance in effect at the time of platting and/or site plan review and in accord with the terms of the Redevelopment Agreement and any subsequent agreements flowing therefrom.

**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 6. WHEN EFFECTIVE.** This ordinance shall be in full effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED this 2<sup>nd</sup> day of February, 2015.

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PAULA S. DIERENFELD, MAYOR

ATTEST:

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CYNDEE RHAMES, CITY CLERK

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
3rd Reading: \_\_\_\_\_

Passed: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Published: \_\_\_\_\_

ROLL CALL VOTE:	1st Reading		2nd Reading		3rd Reading	
	Aye	Nay	Aye	Nay	Aye	Nay
Brown	_____	_____	_____	_____	_____	_____
Clabaugh	_____	_____	_____	_____	_____	_____
Cope	_____	_____	_____	_____	_____	_____
Lindeman	_____	_____	_____	_____	_____	_____
Temple	_____	_____	_____	_____	_____	_____

## Aaron Wolfe

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**From:** Lucinda Wonderlich-Fuller [jlwonderfull@q.com]  
**Sent:** Wednesday, November 19, 2014 4:14 PM  
**To:** Aaron Wolfe  
**Subject:** Rezoning of property on NW 70th Ave west of Casey's

Date: November 19, 2014

To: Aaron Wolfe, AICP

RE: Proposed rezoning from commercial to R3 (townhomes) on NW 70th Ave west of Casey's

The area from Northglenn Dr to Morningside Dr is saturated with apartments and townhomes. The area does not need more townhomes. Hubbell has already crammed as many townhomes as they could into the space south of where more townhomes are proposed. More attached townhomes in the area could reduce the values of the single dwelling homes. Another alternative would be detached townhomes or more single dwelling homes that are similiar in the price range as the ones already in the area (south of NW 70th Ave and east of Casey's.)

Jeffry Fuller and Lucinda Wonderlich-Fuller  
6904 Henry James Court

## Aaron Wolfe

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**From:** Lori Drafahl [Lori.P.Drafahl@EMCIns.com]  
**Sent:** Tuesday, November 18, 2014 10:22 AM  
**To:** Aaron Wolfe  
**Subject:** Proposed zoning change for acres west of Caseys at 70th and Northglenn Dr.

Hi Aaron,

We live on Henry James Ct. in the Johnston Commons. I'd like to put in my request that none of that property west of Casey's be used for residential property and only for commercial as originally planned.

With the number of residential properties that have been built in the last 5-7 years, there's been no commercial development in the area to keep up. We desperately need commercial development in that area and in Johnston in general - that's where Johnston is falling behind other suburbs such as Ankeny and West Des Moines. That and the lack of parks.

Secondly - the quality of some of the residential development has been for lower-income, which likely reduces property value. More town homes, especially like the lower-quality ones that have been put up behind and near the brownstones, do not help the homeowners of Johnston Commons.

I sincerely hope you consider my opinion when it comes to a vote after the Nov. 24 City Council meeting.

Thank you,  
Lori Drafahl

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**Lori Drafahl** | Corporate Communications  
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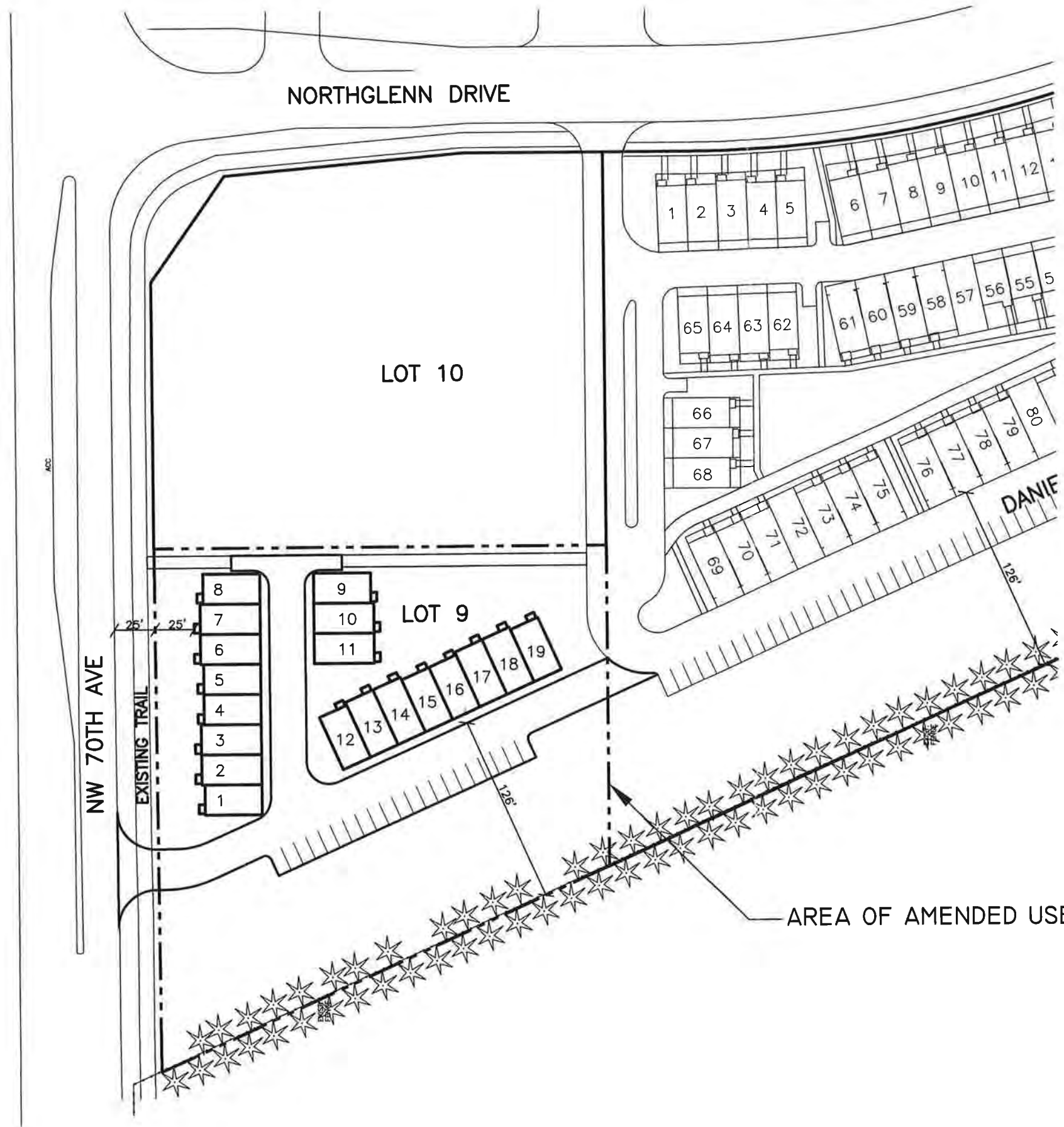


# Johnston Commons PUD Amendment Vicinity Map





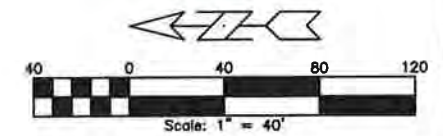
I:\2014 Proj\14-155\14-155-PUD-1.dwg, 10/10/2014 8:16:03 AM, DJS



AMENDED TRACT

LOT 9 OF JOHNSTON COMMONS PLAT 3  
EXCEPT THE NORTH 6.00'  
CONTAINING 1.966 ACRES

CITY OF JOHNSTON  
COMMUNITY DEV. DEPT.  
DATE REC'D: 10-10-14  
CASE NO.: PZ 14-40



PUD-1

JOHNSTON COMMONS PUD AMENDMENT

NO.	REVISION	DATE	BY	FOR	LOCATION	SCALE: 1" = 40'	DESIGNED BY: DJS	DRAWN BY: P.V.
						DWG: P13-095-CP1	CHECKED BY:	DATE: 10/10/14
						FIELD BOOK:	SHEET 1	OF 1
								FILE NO.: 14-155

ERG  
Engineering Resource Group, Inc.  
Engineers and Surveyors  
2413 GRAND AVENUE  
DES MOINES, IOWA 50312  
(515) 288-4883