



Council Communication

Office of the City Manager

Date April 9, 2007

Agenda Item No. 49A thru D
Roll Call No. 07-
Communication No. 07-205
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Hearing on items regarding property in the 2200 block of E. Pine Avenue, owned by Jerry's Homes:

- Request to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Public/Semi-Public, Park/Open Space – Public and Low/Medium Density Residential to Medium Density; and from Low Density Residential to Low/Medium Density Residential; and for Removal of the Neighborhood Activity Node at the SE corner, to be used for future development of single-family detached, single-family semi-detached, single-family townhome and multi-family condominium uses, (65.31 acres).
- Rezoning of the property from “R1-80” (One Family Residential), to Limited “R-3” (Multiple Family Residential), Limited “R1-60” (One-Family Low-Density Residential) and Limited “R1-80” (One-Family Residential).

SYNOPSIS:

On March 21, 2007, an agreement was reached between the developer and neighborhood representatives regarding the proposed development of the Tobis Farm. The agreement is subject to the following terms:

- An absolute maximum of 531 units (76 SF units and 455 other units) on 64.04 acres would be proposed on the Tobis Farm resulting in a 123-unit (19%) reduction from the maximum 654 units that was recommended by the P&Z.
- The 76 single-family lot layout as shown on approximately 26.16 acres (areas C&D) will be subject to the following conditions:
 1. Each single-family dwelling unit shall have an attached two-car garage and basement.
 2. The minimum building floor areas for single-family residential shall be as follows:
 - a. Single-story (ranch) - 1,200 square feet, excluding basements.
 - b. Two-story - 1,400 square feet, excluding basements.
 - c. 1700 square feet minimum for two-story dwellings and 1500 square feet minimum for ranch dwellings in the R1-80 portion of the property.
 3. 1/3 to 1/2 masonry or a 60 square foot porch shall be required on at least 50% of the single-family dwellings.
 4. The front elevation of each single-family home constructed must contain one of the following:
 - a. Shutters on each side of each window; or
 - b. Window trim not less than 4” in width.

5. The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
 6. The roof on any home constructed shall be of architectural type shingles or cedar shakes.
 7. Fencing shall be limited as follows:
 - a. Black vinyl-clad chain link is the only fencing material permitted.
 - b. The maximum height of fencing allowed in a side or rear yard is five-feet (5').
 - c. Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 - d. If fencing is placed in an easement that prohibits access, the City will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
 - e. Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
 - f. All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
 8. All single-family residential lots within areas A, B and C shall have a minimum lot width of at least 65 feet
- A maximum total of 455 units shall be allowed on areas A and B (a density of 12 units per acre times 37.88 acres) and any multi-family phase will be subject to multi-family site plan review by the Plan and Zoning Commission.
 - Multifamily development proposed east of the north/south street as shown on the zoning concept plan (Area B) shall not exceed 12 units per acre subject to the maximum total of 455 multi-family units.
 - Multi-family development west of the north/south street as shown on the zoning concept plan (Area A) shall not exceed 14 units per acre subject to the maximum total of 455 multi-family units and subject to the first row of development north of Pine Avenue in Area A being a density equal to or less than the density of existing development on the south side of Pine Avenue (approximately 8 units per acre).
 - A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Preliminary Plat for the property.
 - No removal of vegetation from the conservation easement areas and no removal of any vegetation on the subject property until a grading plan is approved as part of a Preliminary Plat.
 - The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
 - Submitted plats shall be in substantial conformance with the zoning concept plan.

As of April 3, 2007, a letter of zoning acceptance including these conditions has not been signed Jerry's Homes as required by Iowa Code Section 414.5.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Consideration of this rezoning request was continued by the City Council from January 22, 2007, and February 26, 2007, to April 9, 2007. The Council asked the staff to meet with the developer and neighborhood representatives to reach a compromise on the proposed density of the development. The developer, neighborhood representatives, and staff met on the evenings of February 8 and March 21, 2007. An agreement was reached on March 21, 2007, subject to the conditions noted above.

PREVIOUS COUNCIL ACTION(S):

Date: February 26, 2007.

Roll Call Number: 07-377.

Action: On rezoning of property at 2200 block of E. Pine Avenue, Jerry's Homes Moved by Meyer to continue the public hearing until April 9, 2007 at 5:00 P.M. Motion Carried 7-0.

Date: January 22, 2007.

Roll Call Number: 07-151 and 07-152.

Action:

(A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Public/Semi-Public, Park/Open Space – Public and Low/Medium Density Residential to Medium Density; and from Low Density Residential to Low/Medium Density Residential; and for Removal of the Neighborhood Activity Node at the SE corner, to be used for future development of single-family detached, single-family semi-detached, single-family townhome and multi-family condominium uses, (65.31 acres). Moved by Meyer to continue to February 26, 2007 at 5:00 P.M.; refer to the City Manager to arrange a meeting with the neighbors and the Developer. Motion Carried 7-0.

(B) Hearing on rezoning of the property from "R1-80" (One Family Residential), to "R-3" (Multiple-Family Residential), Ltd. "R-3", Ltd. "R1-60" (One-Family Low-Density Residential) and Ltd. "R1-80" (One-Family Residential). Moved by Meyer to continue to February 26, 2007 at 5:00 P.M.; refer to the City Manager to arrange a meeting with the neighbors and the Developer. Motion Carried 7-0.

Date: December 4, 2006.

Roll Call Number: 06-2374.

Action: On request from Jerry's Homes to rezone property in the 2200 block of East Pine Avenue from "R1-80" (One Family Residential) to "R-3" (Multiple-Family Residential), "R1-60" (One-Family Low-Density Residential), and "R1-80" (One-Family Residential), to allow for future single-family detached, semi-detached and townhome development, subject to conditions, (1-22-07). Moved by Vlassis to adopt. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Date: November 16, 2006.

Roll Call Number: N/A.

Action: Recommended approval of amendments to the 2020 Community Character Plan Land Use Map and rezoning of the property from “R1-80” to “Limited R-3”, “Limited R1-60” and “Limited R1-80” subject to conditions.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Future subdivision plats will be reviewed by the Plan and Zoning Commission and City Council. Multi-family site plans will be reviewed by the Plan and Zoning Commission.