

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	January 26, 2009
	Agenda Item No. 57 Roll Call No. <u>09-</u> Communication No. <u>09-043</u> Submitted by: Larry Hulse, Director, Community Development	

AGENDA HEADING:

Hearing on amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38th Avenue.

SYNOPSIS:

In an effort to address concerns of the City Council and surrounding neighborhood, Savannah Homes (Ted Grob, President) has submitted a revised PUD Conceptual Plan for property at 5100 NE 38th Avenue. The revised plan includes the following:

- 130 single family detached lots and 19 paired housing lots on 38.25 acres (a reduction of 9 single-family detached lots from the proposal recommended by P&Z)
- Elimination of all but two private alleys (alleys only between Lots 1-8 and 43-50; and Lots 9-19 and 32-42)
- Increase in the width of all internal lots previously served by alleys to a minimum width of 55 feet.
- Reduction of the number of 50-foot wide detached single family lots with “optional garages allowed” from 96 to 18 lots (see lots 32-49). Optional garages would also be allowed on the 19 paired housing unit lots (see lots 1-19 – no change from approved concept).
- Reservation of the right to construct paired housing units or single-family detached dwellings with optional garages on Lots 8 and 9.

Staff recommends that any approval of the revised concept plan be subject to the conditions noted in the Additional Information Section.

FISCAL IMPACT:

Amount: Indeterminate.

Funding Source: GE001 FIN820700 (p. 147) General Fund Property Tax Revenue

ADDITIONAL INFORMATION:

In the attached letter from Savannah Homes, Mr. Grob outlines four proposed changes to the PUD Concept Plan (see Synopsis). Mr. Grob also requests 10 additional items (bold text) that are addressed individually below:

- 1. No requirement (for the PUD Concept Plan) to return to P&Z.**

Mr. Grob asserts that the revised PUD concept plan is in substantial conformance with the plan that was recommended for approval by the Plan and Zoning Commission on September 18, 2008 and then again on November 7, 2008. The only changes have been to reduce density (eliminate 9 lots) and to reduce the number of alleys and number of lots where optional garages will be allowed. Staff notes that the Plan and Zoning Commission recommended approval of optional garages for any lot with alley access on two occasions. The Plan and Zoning Commission will also review the Preliminary Plat for the development. The decision of whether or not to require an additional Plan and Zoning Commission review of the PUD Concept Plan is the Council's prerogative.

2. No requirement for an (additional) neighborhood meeting.

Mr. Grob asserts that he previously held two neighborhood meetings which included notification of property owners within 250' of the proposed development as required by the P&Z by-laws. The Planning Commission has held three hearings regarding the development of the subject property and the request has been discussed on multiple occasions by the City Council. The revised PUD Concept Plan reduces the density (eliminate 9 lots) and reduces the number of alleys and number of lots where optional garages will be allowed. Staff notes that the building setbacks proposed in the Silverleaf PUD are the same as the setbacks in the existing Brook Run PUD and that the existing approved Silverleaf PUD Concept Plan allows optional garages on 36 single family lots and each of the 19 paired housing lots. The decision of whether or not to require an additional neighborhood meeting is the Council's prerogative.

3. No requirement for another tree survey/study.

The applicant submitted a tree survey/study for the property with a previous Preliminary Plat application. Staff believes that no additional tree survey or study is necessary. Staff anticipates that any tree removals on the site will be off-set by a condition that 75 trees be planted throughout the development in addition to subdivision requirement for one street tree per lot.

4. No requirement for another storm water study.

The applicant submitted a storm water study for the property with a previous Preliminary Plat application. The study will have to be updated to reflect any revised PUD Concept Plan that is approved.

5. Maintain waiver of the 1 ¼ -inch storm water quality requirements.

A waiver was previously granted for the subject property based on the date the original development application was submitted. The storm water regulations that will be applied to the development will meet or exceed the requirements that were applicable to the Brook Run PUD.

6. Secondary fire access onto East Douglas Avenue may be graveled.

The secondary fire access must be provided in accordance with City standards. If not paved, it must be capable of supporting a fire apparatus and be constructed with dust free surface materials.

7. No requirement for turn-lanes into Silver Leaf development.

The City Traffic Engineer previously determined that the proposed development did not necessitate turn-lanes on Douglas Avenue.

8. No requirement for any road improvements on East Douglas Avenue.

The City Traffic Engineer previously determined that the proposed development did not necessitate improvements to Douglas Avenue. However, the applicant is required to dedicate 40 feet of right-of-way along Douglas Avenue as part of the Preliminary Plat for the property.

9. On north / south collector, only require additional right turn lane out.

The City Traffic Engineer previously determined that a 37-foot wide flair was required on the north / south collector street to accommodate turning movements out of the Silver Leaf development. The revised plans accommodate that determination.

10. All yard requirements remain the same.

Staff notes that all of the yard requirements for building setbacks on the revised plan remain the same as originally proposed and are the same as existing building setbacks in the Brook Run development. However, staff believes that the plan should be revised to indicate a minimum 5-foot rear yard setback for a detached garage on any lot with a driveway accessed from the front lot line (as allowed on all other lots in Des Moines) rather than a 10-foot rear yard setback.

If the Council chooses to approve the revised PUD Concept Plan as presented, staff recommends that the approval be subject to the following conditions:

1. Addition of a note to sheet stating that each builder/owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
2. One additional tree per two lots, which means 1 street tree per lot and 75 additional trees throughout the development.
3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
4. The northernmost east/West Street shall have a 26-foot back to back paved width.
5. Inclusion of a statement describing how a second public street connection to NE 38th Avenue would be achieved in the future to accommodate development of land adjoining to the west.
6. Revise the emergency fire access drive to indicate its width (min. 20 feet) and that it have a dustless surface (not gravel) such as recycled asphalt product.
7. Each single-family dwelling unit with street loaded access shall have a private garage, whether attached or detached. Lots 1-19 and 32-49 on the PUD concept may have an optional garage.
8. The roof on any home constructed shall be of architectural type shingles or cedar shakes. Note #10 shall be revised to remove the ability to have standard asphalt shingles.
9. Remove the provision in note #11(f) allowing review by the Zoning Board of Adjustment.
10. Clarification on sheet 1 of 3 the Concept Plan that 40' of right-of-way will be dedicated along Douglas Avenue (NE 38th Avenue).
11. Clarification on sheet 1 of 3 of the Concept Plan that the 2020 Community Character Land Use designations for the subject property are Low Density Residential and Low/Medium Density Residential.

12. Revision of the bulk regulations regarding rear loaded lots to reference only Lots 32-49 and Lots 8-9 (if not paired housing).

If the revised PUD Concept Plan is denied, the previously approved Silverleaf PUD Concept Plan will remain in effect. That plan includes 119 single family detached lots, 19 paired housing lots, private parks, alleys, optional garages on 36 single-family lots, etc.

PREVIOUS COUNCIL ACTION(S):

Date: January 5, 2009

Roll Call Number: 09-023

Action: On amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38th Avenue, (continued from December 22). Moved by Vlassis to continue to January 26, 2009. Motion Carried 7-0.

Date: December 22, 2008

Roll Call Number: 08-2225

Action: On request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for 5100 NE 38th Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in number of lots from 131 to 158, (continued from November 24, 2008). Moved by Mahaffey to continue to January 5, 2009 at 5:00 PM. Motion Carried 7-0.

Date: November 24, 2008

Roll Call Number: 08-2085

Action: On request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for 5100 NE 38th Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in number of lots from 131 to 158. Moved by Coleman to continue to December 22, 2008 at 5:00 PM; refer to the City Manager and Legal to work with the developer on a process to require a garage to be built within a specific time frame. Motion Carried 7-0

Date: November 10, 2008

Roll Call Number: 08-1963

Action: On request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for 5100 NE 38th Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in number of lots from 131 to 158, (11-24-08). Moved by Mahaffey to adopt. Motion Carried 5-2.

Date: October 13, 2008

Roll Call Number: 08-1754

Action: On request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38th Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in the number of lots from 131 to 158, subject to conditions, (10-27-08). Moved by Mahaffey to refer back to Plan and Zoning Commission to take another look at the optional garages in this project. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: November 6, 2008

Action: Affirm the previous Plan & Zoning recommendation regarding the request from Savannah Homes, Inc. represented by Ted Grob (officer) for an amendment to the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 38th Avenue to allow optional garages on interior lots served by alleys and to allow reconfiguration of the street, alley, and lot layout, including an increase in the number of lots from 131 to 158 subject to conditions.

Date: September 18, 2008.

Action: Recommendation to approve request from Savannah Homes, Inc. represented by Ted Grob (officer) for an amendment to the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 38th Avenue to allow optional garages on interior lots served by alleys and to allow reconfiguration of the street, alley, and lot layout, including an increase in the number of lots from 131 to 158 subject to conditions.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

If relief is granted, the Plan and Zoning Commission will review the vehicle display lot according to existing standards.

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