

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	December 21, 2015
	<b>Agenda Item No.</b>	<b>43</b>
	<b>Roll Call No.</b>	<b><u>15-2144</u></b>
	<b>Communication No.</b>	<b><u>15-669</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Final consideration of request to rezone 4209 Lower Beaver Road from “R1-60” (One-Family Low Density Residential) to Planned Unit Development (PUD).

**SYNOPSIS:**

Staff met with Hubbell Development (Developer) and Lower Beaver Neighborhood Association President (Brian Millard) on Tuesday December 15, 2015 to review the proposed PUD Conceptual Plan and discuss items described in the Additional Information section of this report. Staff recommends approval of the request to rezone the property and approval of the PUD Conceptual Plan subject to conditions as recommended by the Plan and Zoning Commission and subject to provisions identified in this Council Communication.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

City Council asked that staff provide additional information regarding the following items:

Relocation of entrance drive at Lower Beaver Road: The Traffic and Transportation Division has stated that the private drive can be shifted up to 20-feet south of the original location. Moving the drive between 15 and 20-feet will center the drive in the middle of the property and generally equalize the building setbacks on from the north and south boundaries. The applicant has agreed to accommodate this change in their Final Development Plan submittal.

Provision of 4-foot wide sidewalks on north and south side of the private drive: The applicant has agreed to accommodate this request in the Final Development Plan submittal.

Location of an 8-foot wide trail connection to the park: The site plan shows an 8-foot wide trail from the easterly terminus of the private drive between the proposed buildings, through the detention basin and into Woodlawn Park. The location of the trail follows a sanitary sewer easement between two (2) of the buildings in the middle of the development. The trail is setback a minimum of 100-feet from north lot line and more than 100-feet from the south lot line. Staff believes the proposed location is acceptable and presents no significant impact to adjoining property owners. No further change is proposed by the developer.

Side yard setbacks of the easterly six (6) units within the development: Six (6) dwelling units are proposed at the east end of the development along a north/south oriented private drive. The side wall of the northernmost unit would be 15-feet from the north property line. The side wall of the southernmost unit would be 15-feet from the south property line. The applicant has indicated that the proposed buildings cannot be moved further from these lot lines. Staff recommends that the proposed 15-foot setbacks are appropriate for the following reasons:

- 1) The R1-60 district would allow a minimum side yard setback of 7-feet.
- 2) The proposed buildings have minimal window openings facing the north and south property lines.
- 3) There are detached garages located in the rear yards of adjoining properties that are directly adjacent to the areas where the 15-foot building setbacks are proposed. Aerial photography indicates that building setbacks for the following properties:
  - a) 3214 Twana (Felic) - detached garage 3-feet from rear lot line; house 53-feet from rear lot line.
  - b) 3218 Twana (Felic) - detached garage 7-feet from rear lot line; house 53-feet from rear lot line.
  - c) 3217 Valdez (Taylor) - detached garage 20-feet from rear lot line; house 72-feet from rear lot line.
  - d) 3221 Valdez (Nguyen) - detached garage 16-feet from rear lot line; house 68-feet from rear lot line.

The applicant has agreed to place additional landscaping within the 15-foot setback area as part of their Final Development Plan.

Vinyl siding: The staff recommendation to the Plan and Zoning Commission was that fiber cement board siding be used on the structures. The Plan and Zoning Commission recommended that vinyl or cement board could be used. Current tax abatement regulations allow use of vinyl siding for single-family construction with no specification on minimum thickness. Staff is currently reviewing tax abatement design standards for multi-family residential uses. Preliminary information indicates that premium vinyl siding is at least 0.042 millimeters thick. While staff believes that even thicker and more durable siding may be necessary for use on multi-family structures, the developer has provided manufacturers specifications indicating the proposed vinyl siding is 0.042 millimeters thick and therefore is a premium vinyl siding product (see attached manufacturers information). Staff also notes that the each of the structures will have a masonry wainscot for a portion of the front building elevation. The applicant has also agreed to provide masonry wainscot on a portion of the side building elevations for the two (2) end units facing Lower Beaver Road per the Plan and Zoning Commission's recommendation. The applicant has indicated that the project cannot proceed if the proposed premium vinyl siding is prohibited.

Storm water management: The developer's consulting engineer and the City's storm water utility staff have discussed ponding that has occurred on Lower Beaver Road during heavy rain events. Options that are being considered include oversized footing drains or storm sewer within the proposed private drive and/or oversizing the storm water detention basin at the east edge of the development before it outlets into a storm sewer pipe that will be installed through Woodlawn Park and connected to an existing storm sewer near 30<sup>th</sup> Street. A final storm water design for the site has not been completed at this time, but the consulting engineer will be present at the December 21, 2015 meeting to update Council on current discussions. Staff has requested that the applicant provide a cross section drawing of the site to reflect the elevation of proposed buildings to neighboring structures and to show how drainage swales will be

incorporated along the north and south boundaries to convey storm water surface flows to the detention basin. The storm water management design must be finalized prior to approval of Final Development Plan by the Plan and Zoning Commission.

Process for review of the Final Development Plan: A proposed condition of approval would require the applicant to submit a final development plan for review and approval by the Plan and Zoning Commission. Staff will send notices to all property owners and neighborhood associations within 250-feet of the subject property 10 days prior to the P&Z hearing where the Final Development Plan will be considered. In addition, the Lower Beaver Neighborhood Association President has stated that they will jointly host a neighborhood meeting with the developer to review the final development plan with neighbors prior to the P&Z hearing on any final development plan for this PUD.

### **PREVIOUS COUNCIL ACTION(S):**

Date: December 7, 2015

Roll Call Number: [15-2075](#)

Action: [Rezone](#) 4209 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). Moved by Gray that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Cownie.

Date: November 23, 2015

Roll Call Number: [15-2011](#), [15-2012](#), and [15-2013](#)

Action: Items regarding Hubbell Realty Company, “Woodlawn” (a/k/a Lower Beaver Villas), 4209 Lower Beaver Road, for redevelopment of the property with 38 single-family semi-detached dwellings:

- (A) [Request](#) to amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential. Moved by Gray to adopt and approve the proposed amendment. Motion Carried 7-0.
- (B) [Hearing](#) to rezone the property from “R1-60” (One Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the “Woodlawn” (a/k/a Lower Beaver Villas) PUD Conceptual Plan. Moved by Gray to adopt; refer to the City Manager to review storm water drainage, quality of vinyl siding, placement of driveway and additional trees and shrubs on the northeast part of the project. Motion Carried 7-0.
- (C) [First](#) consideration of ordinance above (requires six votes for approval due to percent of written protest). Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

### **BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: November 5, 2015

Resolution Number: 21-2015-4.23 and ZON2015-00200

Action: Approval of staff recommendation regarding Part A) approval of the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan, approval of Part B) requested amendment of the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Low/Medium Density Residential, approval of Part C) to rezone from "R1-60" District to "PUD" and approval of Part D) the PUD Conceptual Plan subject to the following revisions:

- 1) Provision of a statement that all development shall comply with the City's Tree Protection and Mitigation Ordinances.
- 2) Revision of the storm water management statement to further indicate that storm water management would shall be required to detain storms for both water quality and for overall flood control purposes, holding between 2-100 year storm events and releasing at pre-developed rates in accordance with SUDAS Section 2G-1. Any detention basin shall be required to release the larger storms at two (2) or more points or otherwise spread the release to minimize potential for erosion.
- 3) Provision of a statement that extension of storm water sewer, sanitary sewer, and trail development shall be coordinated through the Parks and Recreation Department prior to final approval of any Development Plan.
- 4) Provision of an 8-foot wide pedestrian walk integrated into the north side of the private drive running from Lower Beaver Road to align with the proposed trail connection to Woodlawn Park.
- 5) Provision of a statement that any number of residential units built in excess of 30 units shall have approval by the Fire Marshall under alternate design or with an approved secondary fire access drive.
- 6) Provision of statements in the architectural standards that indicate the following:
  - The applicant will try to negotiate and work with staff for the material of siding, whether vinyl or cement board, wood, or engineered wood with a minimum 50-year warranty.
  - All windows within portions of the façade sided with lap or shake siding shall include a minimum 4-inch wide trim board that is painted a different color than the lap siding.
  - There shall be a contrasting trim band between gabled façades and wall façade elements.
  - All dwelling units shall have architectural asphalt shingles.
  - There shall be at least 10-feet of total separation between any portions of the side facades of any two (2) buildings.
  - There shall be a minimum 5-foot differential between any two (2) adjacent buildings of the setback of the building from the private drive.
  - Facades of the buildings along Lower Beaver Avenue include the brick or stone wainscot additionally on the side and rear façades oriented toward the public street.
  - All primary entrances should be oriented toward the private drive subject to storm water constraints
  - Provision of a small decorative sign
  - The final PUD plan shall be shown to the neighbors

- Full build out with the same quality level and the same type of home
- The neighbors and neighborhood will take care of the planting bed in front together.
- The Home Owners Association will be encouraged to partner with neighbors and neighborhood.
- Continue discussion with the City for Storm water intake tie in to their system.
- Urged that the offset of the street be centered and if they have to have an offset it is near the street.

7) The final PUD plan to return to Plan and Zoning Commission.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Review and approval of the PUD Final Development Plan by the Plan and Zoning Commission.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).