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Agenda	Item Number
Ü	43

Date February 9, 2009

WHEREAS, on November 10, 2008 by Roll Call No. 08-1963, it was duly resolved by the City Council that the application of Savannah Homes, Inc., to amend the approved Silver Leaf PUD Conceptual Plan for certain property owned by it and located in the vicinity of 5100 NE 38<sup>th</sup> Avenue, more fully described below, be set down for hearing on November 24, 2008, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on November 17, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, on December 22, 2008, by Roll Call No. 08-2225 it was duly resolved by the City Council to refer this item to the City Manager and the Legal Department to work with the developer on a process to require a garage to be built within a specific time frame and to continue further Council consideration until the January 5, 2009 meeting; and

WHEREAS, developer and City staff have met and discussed revisions to the proposed amended PUD Conceptual Plan including a substantial reduction in the number of lots with optional garages, an increase in lot width for certain lots, and the elimination of certain alleys; and

WHEREAS, on January 5, 2009 by Roll Call No. 09-023 the City Council continued the hearing on this matter until the January 26, 2009 City Council meeting to allow developer to submit a drawing of the proposed revisions and allow City staff sufficient time to review and to make a recommendation to City Council; and

WHEREAS, on January 26, 2009 by Roll Call No. 09-131 the City Council further continued the hearing until the February 9, 2009 City Council meeting at 5:00 p.m. and directed the City Manager to arrange a meeting between Council Member Mahaffey, the Neighborhood Association and the Developer. These parties met and discussed the proposed amendment to the approved Silver Leaf PUD Conceptual Plan on February 5, 2009; and

WHEREAS, 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 38<sup>th</sup> Avenue. The revised plan includes the following:

• 130 single family detached lots and 19 paired housing lots (a reduction of 9 single-family detached lots from the proposal recommended by P&Z).

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Date February 9, 2009

- 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.

WHEREAS, in accordance with the published notice and roll calls continuing the date of the hearing, those interested in the proposed amendments, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to City Council; and

Beginning at the south ½ corner of said section 22; thence north 0°09'40" east along the west line of said southeast ¼, a distance of 1327.07 feet to the northwest ¼ of the south ½ of said southeast ¼; thence continuing north 0° 09'40" east along said west line, 66.00 feet; thence south 26°30'20" east, 73.53 feet to a point on the north line of said south ½ of the southeast ¼; thence north 89°39'02" east along said north line, 1216.74 feet; thence south 0°22'00" west, 1342.89 feet to a point on the south line of said southeast ¼; thence south 89°37'24"

west along said south line, 1244.88 feet to the point of beginning and containing 38.25 acres (1,666,173 s.f.), an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

- A. Upon due consideration of the facts and statements of interested persons and arguments of counsel, the objections to the proposed amendments to the approved Silver Leaf PUD Conceptual Plan are hereby overruled and the hearing is closed.
- B. The proposed amendments to the Silver Leaf PUD Conceptual Plan are hereby APPROVED, subject to the revisions set forth above and well as the following additional conditions:
  - 1. Addition of a note to sheet stating that each building/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.

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	Street Avenue would adjoining to the west of the emergency and dustless surface (note of the emergency of th	by fire access drive to indicate its width (min. 20 feet) and that it have of gravel) such as recycled asphalt product. It with street loaded access shall have a private garage, detached. Lots 1-19 and 32-49 on the PUD concept may have an one constructed shall be of architectural type shingles or cedar shakes. It wised to remove the ability to have standard asphalt shingles. It is note #11 (f) allowing review by the Zoning Board of the test 1 of 3 of the Concept Plan that 40' of right-of-way will be aglas Avenue (NE 38th Avenue). The test 1 of 3 of the Concept Plan that the 2020 Community Character than for the subject property are Low Density Residential and the regulations regarding rear loaded lots to reference only Lots 32-49.
	MOVED by	to
FOR	M APPROVED:	
	hael F. Kelley stant City Attorney	

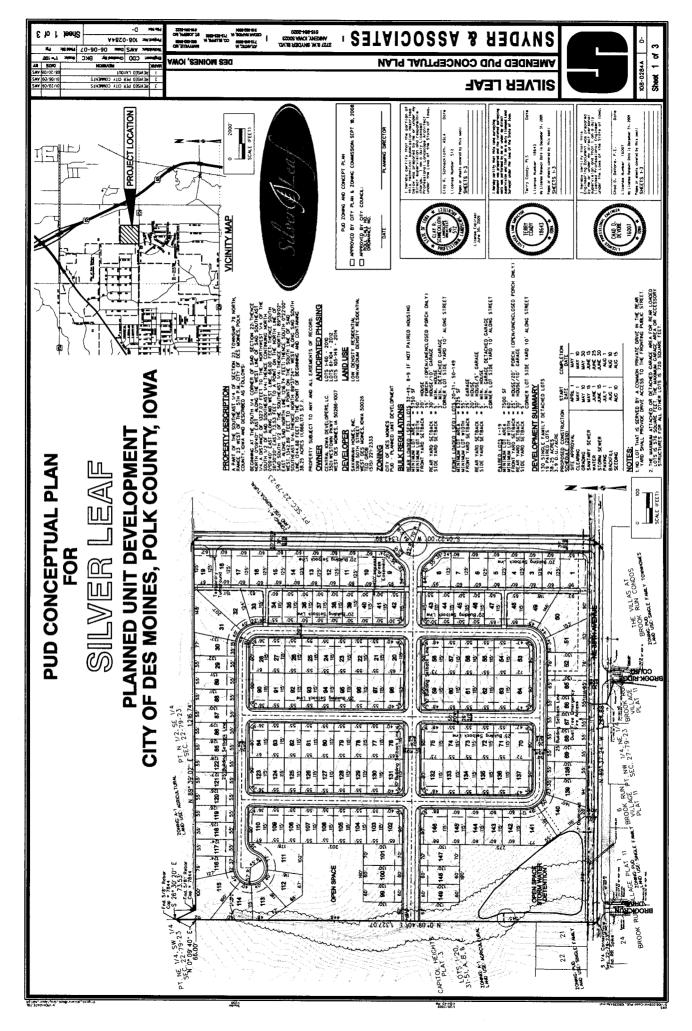
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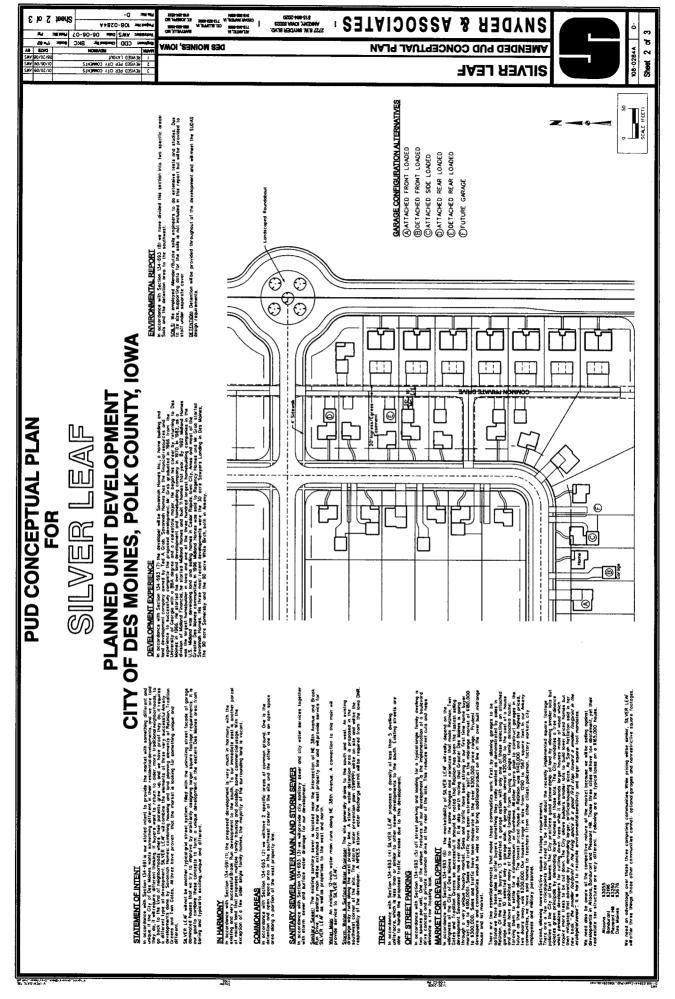
### **CERTIFICATE**

I, DIANE RAUH, 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.

City	Cler
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Sheet 3 of 3 **ASSOCIATES** • SNADER 108-0284A D-Sheet 3 of 3 AMENDED PUD CONCEPTUAL PLAN SILVER LEAF

PARED HOMES SHOWN WITH GARAGE CONFIGURATION ALTERNATIVE E IL F SHEET 2

SHOLE FAMEY DETACHED HOWES SHOWN WITH GARAGE CONFIGURATION ALTERNATIVE A, SHEET 2

# **PUD CONCEPTUAL PLAN**

# SILVER LEAF

## CITY OF DES MOINES, POLK COUNTY, IOWA PLANNED UNIT DEVELOPMENT

SAMPLE HOME STYLES

## OT CONFIGURATION

te have included a few sample elevations of the homes Savannah will build although it must specifically understood that we are working an a complete new series of plans for this

### ANDSCAPING

n occordance with Section 134-694 (7) There wilbe no monument signs however there wilbs various materials signs and flogs.

# dedece, allo Septen 15-648 il o a devand acciding the proposed badden stribbit requirement amme depend investment acciding to the control of the control of

### DEEDED AREAS

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occordonce with Section 134-694 (11) our development will be completed in three stoges. We will divide to and after one topocomisely the section that of the Copporationally the section that of the Copporational than the copporational than the copporation of th

## NEIGHBORHOOD MEETING

August 7, 2008, o neighborhood meeting was held of hope Lutheran Church, 3057 East 42nd Street, ann 1500 for not 7, 2009 to Apparamently to notices were made to the sprayly owners without 350 at automoting the property. One decided respectively to single property stilledge that meeting the meeting the meeting the meeting the spray stilledge the meeting the meeting the companies of the stilledge of the stilledge of the property of the stilledge of the commonly of the stilledge.

## ADDITIONAL CONDITIONS OF THE PUD

- A tree protection plan will be submitted as a part of any prefinings plat or grading plan and no trees will be removed from the subject property prior to approvad of a free protection/migalian plan. The developer will analyze the potentialuse of the open space oreas for implementation of conserval immuniter management proctices as a port of any prefiningly plot or development pion submitted into PUO.
- The builder / owner is responsible for lot mointenance, erosion control, and othering to all EPA and DMF standards.
  - A secondary graveloccess to ME 38th Averus will be provided through approximately lot 70 at the stating field occess location for emergency fire access.
    - . Garages are optional for alkols within the development. The optional parages can be attached or desoched.
      - Mahinum building floor oracs for single-fornly residential shall be as follows:

        | Single-stoy ty (rooth) 1,000 squore feet, excluding bosements.

        | Two stoy 1,250 squore feet, excluding bosements.
- The front elevation of each single-formly home constructed excluding windows and doors must consist o 1/3 to 1/2 stone or brick mosovry or hove a front parch that is at least 60 square foot in size.

  - . The front elevation of each home constructed must contain one of the following:

    o. Subtlers on each side of each windows of

    o. Window item not less thon 4-inches as wath.
- The exterior of each single-lamby home must be of masonry (brick or stone) and/or viny), cedar. Masonite, or Hords-Plank siding, if viny/siding is selected, if must be greater than 40-mis thick.
- O. The roof on any hame constructed shalbe either standard apphal shingles, orchitectural type shingles cadar shakes.
- It freshed public briefled of long of each ference are the only fercoing motiving permitted.

  In modern, head often the ord anced ference are the only fercoing motiving permitted.

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- meawher. When located outside of the required ants and when adjoining private













SINCLE FAMILY DETACHED HOMES SHOWN WITH GARAGE CONFIGURATION ALTERNATIVES B. C, D. E, & F, SHEET 2

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Agenda Item No. 57
Roll Call No. 09Communication No. 09-043
Submitted by: Larry Hulse, Director, Community
Development

January 26, 2009

Date

### **AGENDA HEADING:**

Hearing on amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38<sup>th</sup> 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 38<sup>th</sup> 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

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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 1/4 -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-

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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 38<sup>th</sup> 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 38<sup>th</sup> 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

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Action: On amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38<sup>th</sup> 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 38<sup>th</sup> 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 38<sup>th</sup> 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 38<sup>th</sup> 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 38<sup>th</sup> 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.

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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.

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 second 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.