# Roll Call Number

Date April 21, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2008, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from DRC Land and Development, LLC. (owner), represented by Richard Shook (officer), to amend the "Three Lakes Estates Phase II" PUD Conceptual Plan for property located in the vicinity of 3001 East Army Post Road, to modify the exterior design and materials of the proposed row townhomes, reducing the area dedicated to townhomes allowing wider adjoining single-family lots, and to add seven (7) additional row townhome units subject to the following conditions:

- Replacement of note #11 with the following, "Townhome parcels shall submit a planting plan which incorporates a variety of deciduous and evergreen types and sizes that enhance the appearance of the townhomes and provide buffering for the adjoining single-family lots to the satisfaction of the Community Development Director."
- 2) Provision of the following single-family lot design standards for any area not final platted as of April 3, 2008.
  - a) Minimum building floor areas for single-family residential dwellings shall be as follows:
    - i) Single-story (ranch) 1,200 square feet, excluding basements.
    - ii) Two-story 1,400 square feet, excluding basements.
  - b) The same house plan shall not be built on any two adjoining lots.
  - c) The front elevation of each home constructed on the property must contain one of the following:
    - i) A front porch of not less than 60 square feet; or
    - ii) Stone or brick masonry siding equal to a minimum of 1/3 of the 1<sup>st</sup> floor.
  - d) The front elevation of each home constructed on the property must contain one of the following:
    - i) Shutters on each side of each window: or
    - ii) Window trim not less than 4" in width.
  - e) The roof on any home constructed on the property shall be of architectural type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

(continued)



Agenda Item Number 29

Date April 21, 2008

f) The exterior of homes 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.

-2-

g) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.

The subject property is more specifically described as follows:

A parcel of land in the NE ¼ of Section 36, Township 78 North, Range 24 West, and also in the NW ¼ of Section 31, Township 78 North, Range 23 West, of the 5<sup>TH</sup> P.M. in the City of Des Moines, Polk County, State of Iowa, and is more particularly described as follows:

Beginning at the E 1/4 corner of said Section 36-78-24: Thence N89°57'59"W 120.19 Feet along South line of said NE 1/4 of Section 36-78-24 to a point; Thence N00°20'34"W, 323.45 Feet to a point; Thence N89°54'58"W, 558.41 Feet to a point; Thence N89°55'24"W, 135.33 Feet to a point; Thence N00°00'00"W 58.22 Feet to a point: Thence N12°34'36"E, 122.51 Feet to a point: Thence N08°50'20"E, 80.68 Feet to a point; Thence N00°02'25"E, 80.63 Feet to a point; Thence N09°09'09" 80.61 Feet to a point: Thence N17°54'13"W. 80.62 Feet to a point: Thence N26°47'25"W, 71.06 Feet to a point; Thence S65°35'08", 36.46 Feet to a point; Thence N27°12'55"W, 151.70 Feet to a point; Thence Northeasterly along a curve to the left having a radius of 400.00 Feet, an arc length of 25.27 Feet, and a Chord bearing of N60°15'31"E to a point; Thence N25°36'34"W, 156.38 Feet to a point; Thence N45°53'16"E, 197.02 Feet to a point; Thence N00°00'00"W, 187.08 Feet to a point; Thence N09°44'30"E, 153.80 Feet to a point; Thence N49°31'13"E, 146.56 Feet to a point; Thence N40°28'47"W, 163.00 Feet to a point: Thence N49°31'13"E. 166.00 Feet to a point; Thence N40°28'47"W. 174.59 Feet to a point; Thence N57°52'27"E, 6.68 Feet to a point; Thence N45°57'10É, 156.24 Feet to a point; Thence S00°18'04"E, 5.14 Feet to a point; Thence N65°33'05"E, 711.36 Feet to a point; Thence S89°34'06"E, 27.35 Feet to a point; Thence S86°31'33"E, 375.99 Feet to a point; Thence N86°41'17"E, 207.41 Feet to a point; Thence S39°28'19"E, 385.07 Feet to a point; Thence S24°28'19"E 540.00 Feet to a point; Thence N70°28'52"E, 192.83 Feet to a point; Thence S00°00'42"E, 1794.04 Feet to a point on the South line of the NW 1/4 of said Section 31-78-23; Thence N88°16'39"W, 1218.04 Feet along said South line to the point of beginning, and containing 101.941 Acres more or less.

# Roll Call Number

Date April 21, 2008

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

- 1. That the meeting of the City Council at which the proposed "PUD" conceptual plan amendment is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 5, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
- 2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the lowa Code.

MOVED by \_\_\_\_\_\_ to adopt.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney

(ZON2008-00021)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY			•	
KIERNAN				-
MAHAFFÈY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	-1	-	APPR	OVED

#### 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.

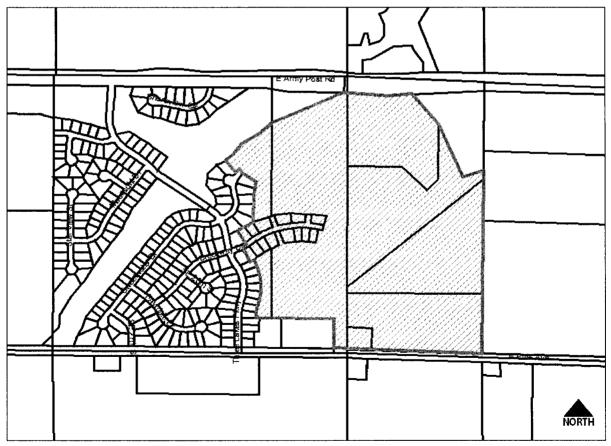
**City Clerk** 

Mayor

Request from DI									File #
Shook (officer) to property located						nceptual Pla	n for	ZON	2008-00021
Description of Action	design an	d materials (	of the propo	sed	ase II" PUD Con I row townhome: nal row townhon	s, to remove			
2020 Communit Plan	y Characte	Reside	ntial, Villag	e De	n: General Deve evelopment Low lic, Park/Open S	/Medium De	nsity Re		
Horizon 2025 Tr Plan	ansportati				from SE 14 <sup>th</sup> Str lanes undivided		5 <sup>th</sup> Stre	et to w	iden from
Current Zoning I	District	"PUD"	Planned Ur	nit D	evelopment		- kr C		
Proposed Zoning	g District	"PUD"	Planned Ur	nit D	evelopment				
Consent Card R		In	Favor		Not In Favor	Undetern	nined	%	Opposition
Outside	Area		0		3	0			<20%
Plan and Zoning		pproval	13-0		Required 6/7 \	/ote of the	Yes		
Commission Act	ion [	enial)			City Council		No		X

The Palms PUD - 3001 SE Army Post Road

ZON2008-00021



29

April 21, 2008

Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held April 3, 2008, the following action was taken:

#### **COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	Х			
JoAnne Corigliano	Х			
David Cupp	Х			
Shirley Daniels	Х			
Dann Flaherty	Х			
Bruce Heilman	Х			
Jeffrey Johannsen	Х			
Greg Jones	Х			
Frances Koontz	Х			
Kaye Lozier	Х			
Brian Millard	Х			
Mike Simonson				Х
Kent Sovern	Х			
Tim Urban				Х
Marc Wallace	Х			

APPROVAL of a request from DRC Land and Development, LLC. (owner), represented by Richard Shook (officer), to amend the "Three Lakes Estates Phase II" PUD Conceptual Plan for property located in the vicinity of 3001 East Army Post Road, to modify the exterior design and materials of the proposed row townhomes, reducing the area dedicated to townhomes allowing wider adjoining single-family lots, and to add seven (7) additional row townhome units subject to the following conditions: (ZON2008-00021)

- Replacement of note #11 with the following, "Townhome parcels shall submit a planting plan which incorporates a variety of deciduous and evergreen types and sizes that enhance the appearance of the townhomes and provide buffering for the adjoining single-family lots to the satisfaction of the Community Development Director."
- 2) Provision of the following single-family lot design standards for any area not final platted as of April 3, 2008.
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    - ii) Two-story 1,400 square feet, excluding basements.
  - b) The same house plan shall not be built on any two adjoining lots.



CITY PLAN AND ZONING COMMISSION ARMORY BUILDING 602 ROBERT D. RAY DRIVE DES MOINES, IOWA 50309 –1881 (515) 283-4182

> ALL-AMERICA CITY 1949, 1976, 1981 2003

- c) The front elevation of each home constructed on the property must contain one of the following:
  - i) A front porch of not less than 60 square feet; or
  - ii) Stone or brick masonry siding equal to a minimum of 1/3 of the 1<sup>st</sup> floor.
- d) The front elevation of each home constructed on the property must contain one of the following:
  - i) Shutters on each side of each window: or
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- e) The roof on any home constructed on the property shall be of architectural type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- f) The exterior of homes 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.
- g) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.

#### Written Responses 0 In Favor

3 In Opposition

This item will not require a 6/7 vote of City Council.

#### STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the proposed PUD Concept Plan amendment subject to the following conditions.

- 1) Replacement of note #11 with the following, "Townhome parcels shall submit a planting plan which incorporates a variety of deciduous and evergreen types and sizes that enhance the appearance of the townhomes and provide buffering for the adjoining single-family lots to the satisfaction of the Community Development Director."
- 2) Provision of the following single-family lot design standards for any area not final platted as of April 3, 2008.
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- f) The exterior of homes 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.
- g) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.

#### **STAFF REPORT**

#### I. GENERAL INFORMATION

1. **Purpose of Request:** The existing "Three Lakes Estates Phase II PUD Concept Plan includes 206 single-family residential lots and 194 townhome dwelling units. The 194 townhome units are divided into two areas. The northern area measures 16.80 acres. The southern area measures 11.55 acres. The proposed amendment would reduce the size of the northern area to 15.58 acres and increase the number of units from 97 to 104. This would increase the density of the area from 5.77 units per acre to 6.68 units per acre. The reduction in area will allow the width of the adjoining single-family lots to the southwest to be increased.

The applicant is also proposing a change in the architectural style of the northern townhome area from a standard townhome design to a Mediterranean theme. The new design is based on clusters of 6 units. The previous design was based on clusters of 2, 3 and 4 units. The applicant is not proposing any changes to the design or density (8.4 units/acre) of the southern townhome area.

- 2. Size of Site: Approximately 102 acres.
- 3. Existing Zoning (site): Three Lakes Estates Phase II "PUD" District.
- 4. Existing Land Use (site): Undeveloped.

### 5. Adjacent Land Use and Zoning:

- North Limited "R-3" & "PUD"; Use is undeveloped agricultural land.
- *South* "R1-60" & "A-1"; Use is single-family residential and undeveloped agricultural land.
- East "A-1"; Use is undeveloped agricultural land.
- *West* "PUD"; Use is Three Lakes Estates Phase I single-family residential development.
- 6. General Neighborhood/Area Land Uses: The proposed development is located in the Easter Lake New Town Plan area. The surrounding area generally consists of single-family dwellings and agricultural land.
- 7. Applicable Recognized Neighborhood(s): Easter Lake Area Neighborhood.
- 8. 2020 Community Character Land Use Plan Designation: Easter Lake New Town Plan Low Density Residential and Low/Medium Density Residential.

**9. Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

- 1. Platting/Grading: The subject property has an approved preliminary plat. Fourteen of the single-family lots along Brockway Drive have been final platted. The proposed amendment will have no impact on this area. The site has been rough graded and sanitary sewer has been installed. The wooded conservation easement areas identified on the Concept Plan are intact.
- 2. **Drainage:** The proposed development will be served by four storm water retention ponds. Three of the ponds have been constructed. The fourth pond is identified on the proposed amendment as previously approved.
- 3. Landscaping & Buffering: The submitted Concept Plan amendment includes street trees along all streets, landscape buffer easements along East Pine Avenue and buffer plantings around the perimeter of the southern townhome area. Staff believes additional landscape buffering needs to be provided around the northern townhome area and recommends that Note #11 on the Concept Plan be amended to ensure that it is provided. Specific language for the note is identified in the staff recommendation section of this report.
- 4. Street System: The applicant is not proposing any changes to the previously approved street system. The developer will be required to make any improvements necessary to East Army Post Road to facilitate the development.
- 5. Urban Design: The applicant is proposing to change the architectural style of the northern townhome area from a standard townhome design to a Mediterranean theme. The new design is based on clusters of 6 units. The previous design was based on clusters of 2, 3 and 4 units.

The applicant is not proposing any changes to the design standards for the single-family portion of the development. Staff recommends the design minimums for the single-family areas that have not been final platted be brought into conformance with the current standards as listed in the staff recommendation section of this report. The City has been using these standards for several years. These standards were incorporated in the recent rezoning to the west and north of Three Lakes Estates. Staff believes adding these standards will mitigate the proposed increase in density.

6. **2020 Community Character Plan:** The proposed amendment is in conformance with the existing Low Density Residential and Low/Medium Density Residential designations.

#### SUMMARY OF DISCUSSION

<u>Jason Van Essen</u>: Presented staff report and recommendation along with the existing PUD, noting there are two townhome areas and explained the proposed amendments deal with the northern area and the single-family lots to the south and west. There are no other changes being proposed.

<u>Brian Millard</u>: Asked if the conservation easement behind lots 51 through 57 and those abutting behind would preclude them from being buildable lots.

<u>Jason VanEssen</u>: Noted it was the existing arrangement, but deferred to the applicant for response.

<u>David Cupp</u>: Asked about traffic concerns; if the requested development would negatively impact traffic.

<u>Jason VanEssen</u>: Explained the development has been approved and gone through preliminary plat review with Traffic & Transportation and noted it has two access points to Army Post, three accesses to Pine and the opportunity to connect to the east in two different areas. The existing developed north portion of Three Lakes only has one access point.

<u>Leisha Barcus</u>: Referred to the response cards received and asked for some history on the area in response to the comments.

<u>Jason Van Essen</u>: Explained the individuals were not aware of what was previously approved that the applicant has the right to build. He noted the difference is that the land acreage dedicated to the northern pod of townhomes has been reduced. It has been moved to the north and east to allow the single family lots to be increased in size. The applicant is proposing more townhouse units on a smaller acreage.

<u>Brett Johnson</u>, CEC, 2400 86<sup>th</sup> Street: Noted Dick Schook, the designer, was also present to address questions or concerns. Noted Tim Ericson was the original developer and owner of the property and was working with Regency Builders. The previous plan of townhomes was based on Regency plans. DRC has their own plans for what they would like to build. The previous plan by Regency had 2, 3and 4-plex units with a lot of side yard between the units. DRC would like to do 4 and 6-plex units and 18 buildings, eliminating the side yards between the buildings with wider lots to the west and south of the site. They have added a minimum of 10' width to the lots to the southwest. There were previously 97 units approved and now they are asking for 104. SE 30<sup>th</sup> is the north/south street bisecting the townhouse piece with an additional 3 units on the west and 4 units on the east of SE 30<sup>th</sup>. Noted they are in agreement with staff recommendations.

<u>Richard Schook</u>, Consultant for DRC, 408 Linn Street, Slater, Iowa: Presented schematics of the home designs. Noted the 4" window trim would not be a problem relative to the modification in the materials. The vinyl siding would be heavy duty and would meet or exceed the minimum requirement of 40 mils. There would be cultured stone and E.I.F.S. They do not want cookie cutter duplicates next to each other and will want as much variety as possible. He also presented the design of the townhome units and noted they are hoping to find a cost-effective tile look to help carry the Mediterranean theme through.

Fran Koontz: Asked if they would be willing to use hardi-plank siding.

<u>Richard Schook</u>: Explained the vinyl siding would be durable and the hardi-plank would not be cost-effective.

JoAnne Corigliano: Asked how they would use E.I.F.S.

<u>Richard Schook</u>: Noted they would use it on a curb element and on the backs. Noted they address efface low to the ground by placing rock and other materials to prevent wear and aging.

#### CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in favor of the request:

<u>Jim Martin</u>, 6813 Star View, Des Moines: Noted they had a pleasant meeting with the developer, but they are opposed to the increased density. They had no problem with the single family, but were concerned about the access roads onto Army Post and asked what the time frame was for that and the addition of a signal. They were pleased with the style of the homes. Asked if the developer could arrange to place a sign on the entrance of Three Lakes Parkway that indicates it is not a construction access to prevent having construction equipment going into the neighborhood and causing deterioration on the road. He was impressed with the designs but confused about the tiled roofs.

There was no one in the audience to speak in opposition.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

<u>Brett Johnson</u>: Responded to the traffic concern noting the plan is to construct the two townhouse buildings and the single-family lots to the southwest in Phase One. In Phase Two they would build the other buildings and make the SE 30<sup>th</sup> Connection to Army Post and build the turn lanes in Army Post Road. They have discussed having a timetable that would start when Phase One is platted, that would provide approximately two years to get the turn lanes installed on Army Post and for the Phase Two construction. Signalization on Army Post is a staff question for Traffic and Transportation, but would be determined by how quickly the area south of Army Post is developed.

<u>Larry Hulse</u>: Noted there are triggers for traffic signalization when the traffic meets standards for signalization.

Leisha Barcus: Asked if the sign requested by the neighbor would be the responsibility of the applicant.

Larry Hulse: Noted it was a good idea and staff would help to accommodate it.

David Cupp: Moved staff recommendation.

Motion passed 13-0.

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

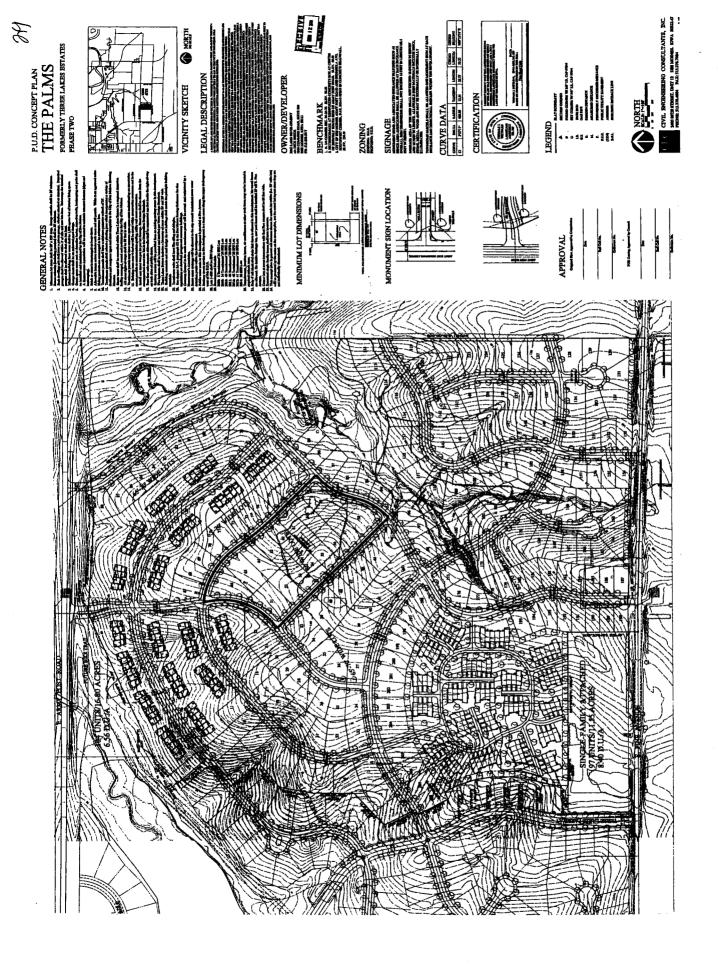
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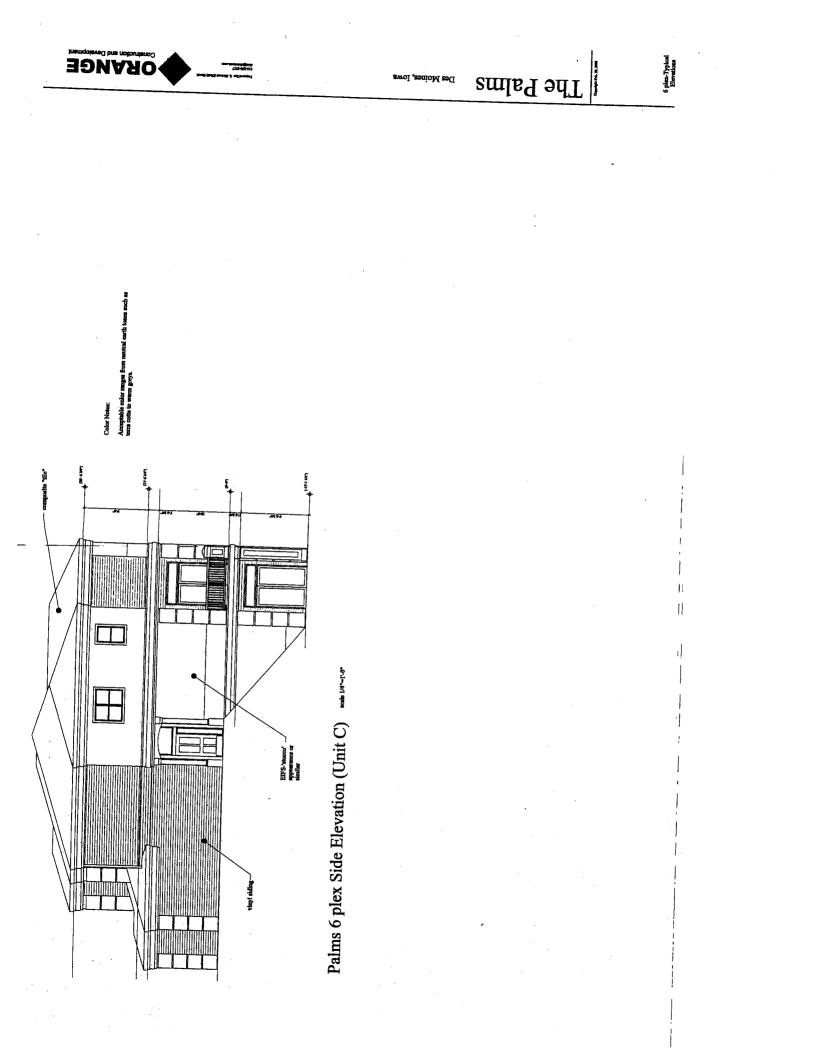
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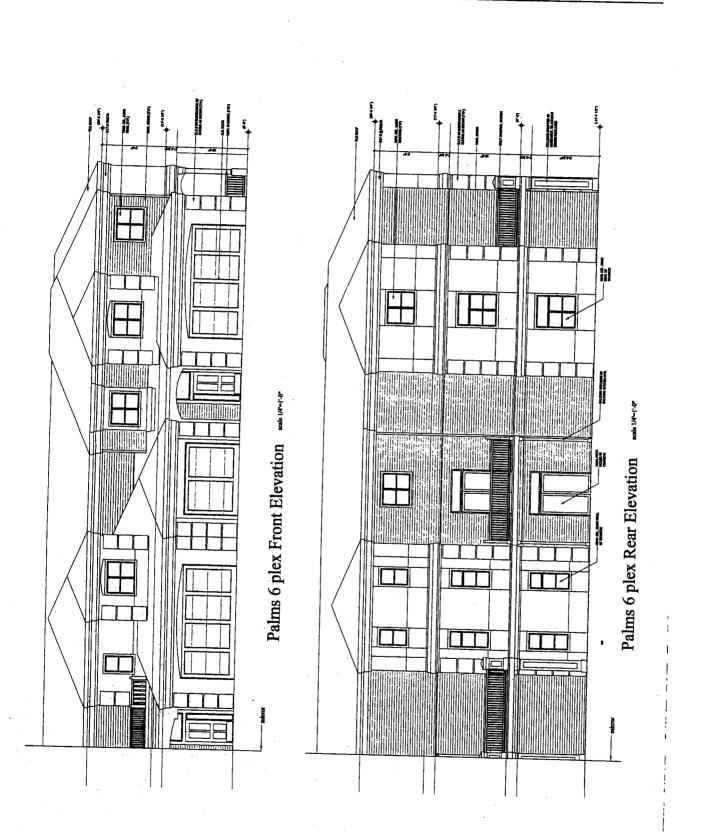
,24  $\partial \alpha$ ltem\_ 2008 Date\_ March 00021 I (am) (am not) in favor of the request. (Circle One) RECEIVED rint Name MAR 2 6 2008 Signature COMMUNITY DEVELOPMENT Address DEPARTMENT Reason for opposing or approving this request may be listed below: ſ Ŋ 3-26-08 Item. 2008 00021 Date I (am) (am not) in favor of the request. Circle One) Russell Myerr **Print Name** AR 2 7 Signature ITY DE DEPARTMENT Drive EAST 680 IA 50320 Address Desmainer

Reason for opposing or approving this request may be listed below:

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х -	(Circle One) RECEIVE		Print Name	SKAFF	
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	COMMUNITY DEVELO		Address 28	32 Suntu	att Dr
•	DEPARTMENT Reason for opposition		ing this requ	lest may be listed	below:
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TIS Des Moines, Iowa

**JONARO** 

The Palms

6 plex-Typical Elevations

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