

Date June 4, 2007

WHEREAS, on May 21, 2007, by Roll Call No. 07-970, it was duly resolved by the City Council that the application of Gregory and Cheri Smith to rezone property they own in the vicinity of 2750 E. Pine Avenue, more fully described below, be set down for hearing on June 4, 2007, 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 May 24, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, 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, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Beginning 120 feet West of the Southeast corner, then North 323.47 Feet, West 827.09 Feet, South 323.47 Feet, East 827.09 Feet to Point of Beginning, less streets, in the Northeast ¼ of Section 36, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, (hereinafter referred to as the "Property").

from the "A-1" Agricultural District to a Limited "R1-60" One-Family Low-Density Residential District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. All lots and parcels hereafter created upon the Property with frontage on East Pine Avenue shall have a minimum width of 80 feet.
- B. Each single-family dwelling hereafter constructed or placed on the Property shall have a two-car garage and basement.
- C. The minimum finished floor area for each single-family dwelling hereafter constructed or placed on the Property shall be as follows:
  - i) Single-story (ranch) - 1,200 square feet, excluding basement area.
  - ii) All others - 1,400 square feet, excluding basement area.
- D. At least 50% of the single family dwellings hereafter constructed or placed on the Property shall satisfy one of the following standards:
  - i) At least one-third of the total area of the front elevation shall be masonry; or,
  - ii) The dwelling shall have a front porch with a floor area of at least 60 square feet.

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Date June 4, 2007

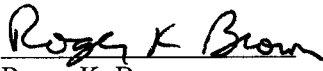
- E. The front elevation of each single-family dwelling hereafter constructed or placed on the Property must contain one of the following:
  - i) Shutters on each side of each window; or,
  - ii) Window trim not less than 4" in width.
- F. The exterior of each dwelling hereafter constructed or placed on the Property 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 roof on each dwelling hereafter constructed or placed on the Property shall be of architectural type shingles or cedar shakes.

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "R1-60" One-Family Low-Density Residential District are hereby overruled, and the hearing is closed.
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney  
 G:\shared\...\rezoning\A Ltd Rezoning.wpd

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

**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.

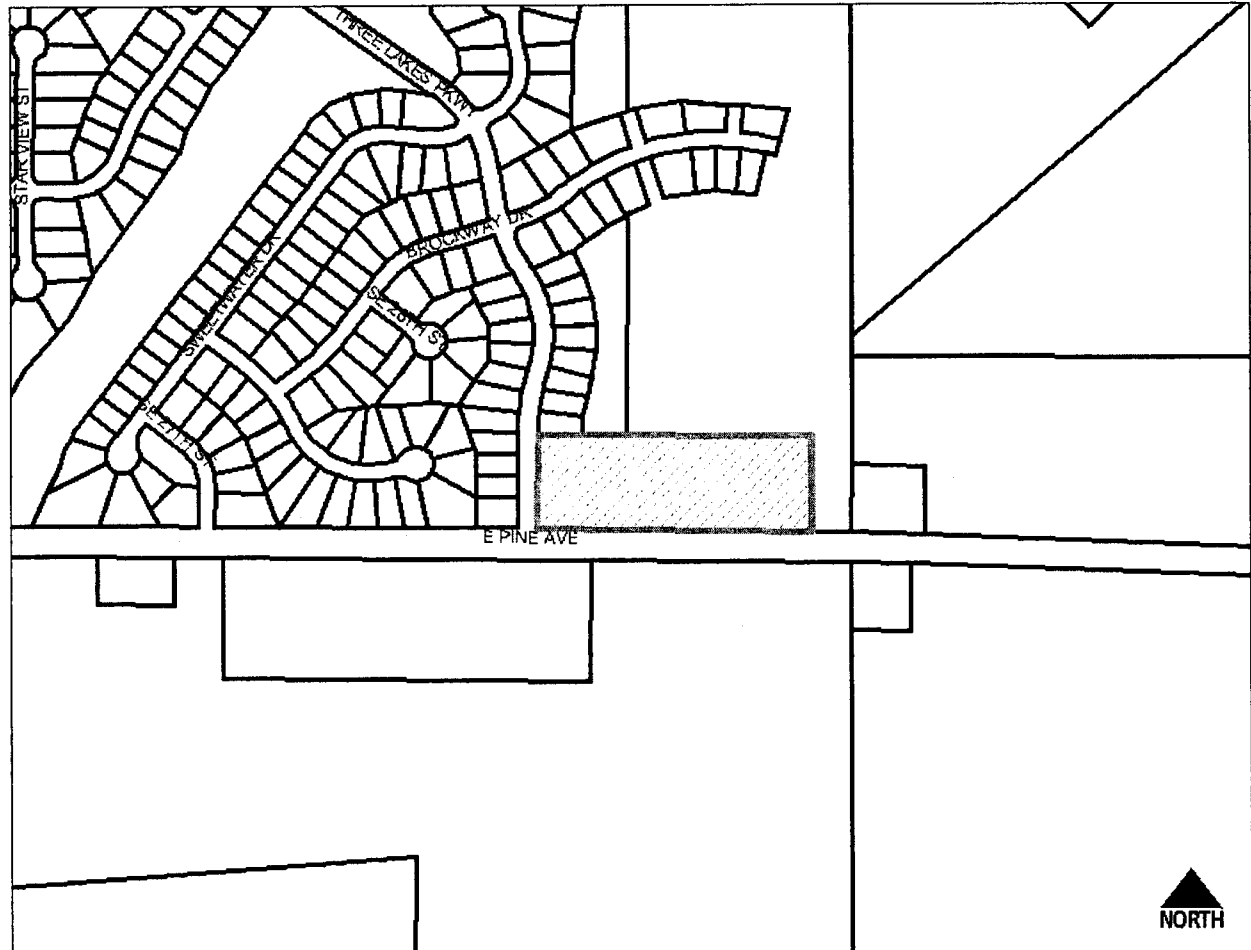
\_\_\_\_\_  
 City Clerk

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Request from Gregory & Cheri Smith (owners) to rezone property located at 2750 E. Pine Avenue.			File # <b>ZON2007-00033</b>	
<b>Description of Action</b>	Rezone property from "A-1" Agricultural District to "R1-60" One-Family Low-Density Residential District, to allow subdivision of the property for single-family residential development.			
<b>2020 Community Character Plan</b>	Easter Lake New Town Plan: General Development Zone – Low Density Residential			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements			
<b>Current Zoning District</b>	"A-1" Agricultural District			
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential District			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	3	0	0	<20%
<b>Plan and Zoning Commission Action</b>	Approval	13-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Gregory Smith - 2750 E Pine Avenue

ZON2007-00033



May 21, 2007

Date \_\_\_\_\_

Agenda Item 56

Roll Call # \_\_\_\_\_

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 May 3, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
David Cupp				X
Shirley Daniels	X			
Dann Flaherty				X
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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

**APPROVAL** of a request from Gregory & Cheri Smith (owners) to rezone property located at 2750 E. Pine Avenue from the "A-1" Agricultural District to the "R1-60" One-Family Low-Density Residential District, to allow subdivision of the property for single-family residential development subject to the owner agreeing to the following conditions: (ZON2007-00033)

1. Lots platted with frontage on East Pine Avenue must have a minimum of 80' in width.
2. Each single-family dwelling unit shall have a two-car garage and basement.
3. The minimum building floor areas for single-family residential shall be as follows:
  - a) Single-story (ranch) - 1,200 square feet, excluding basement area.
  - b) Two-story - 1,400 square feet, excluding basement area.
4. 1/3 to 1/2 masonry or a 60 square foot porch shall be required on the front elevation of at least 50% of the single-family dwellings.
5. 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.

6. 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.
7. The roof on any home constructed shall be of architectural type shingles or cedar shakes.

Written Responses

3 In Favor

0 In Opposition

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

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan as amended by the Easter Lake New Town Plan.

Part B) Staff recommends approval of the requested rezoning subject to the owner agreeing to the following conditions:

1. Lots platted with frontage on East Pine Avenue must have a minimum of 80' in width.
2. Each single-family dwelling unit shall have a two-car garage and basement.
3. The minimum building floor areas for single-family residential shall be as follows:
  - a. Single-story (ranch) - 1,200 square feet, excluding basement area.
  - b. Two-story - 1,400 square feet, excluding basement area.
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**STAFF REPORT**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to rezone for development of a single-family residential lot subdivision.
2. **Size of Site:** 5.29 acres (230,432 square feet)
3. **Existing Zoning (site):** "A-1" Agricultural District.
4. **Existing Land Use (site):** Single-family dwelling and open space.

## 5. Adjacent Land Use and Zoning:

**North** – “PUD”, Three Lake Estates Phase II (approved townhomes and single-family dwellings), Use is vacant land that has been prepared with rough grading for future development.

**South** – “A-1”, Use is agricultural.

**East** – “PUD”, Uses are single-family dwellings and vacant land that has been prepared with rough grading for future development.

**West** – “PUD”, Use is single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is within a transition area between recent residential neighborhood development and rural acreages adjacent to agricultural development.
7. **Applicable Recognized Neighborhood(s):** Bloomfield/Allen Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential described in the Easter Lake New Town Land Use Plan as areas developed with exclusively single-family up to 3.4 units per net acre.
10. **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. **Natural Features:** The subject property contains scattered trees primarily along the fence lines. There are more concentrated young trees and vegetation to the north and west of the existing single-family dwelling.
2. **Drainage/Grading:** There is an open drainage way running southwest to northeast over the eastern third of the subject property. Future subdivision of the property will be required to provide for storm water management in conformance with the platting requirements. Single-family dwellings with basements will be required to connect footing drains to public storm sewer or provide an alternative method approved by the Engineering staff in the Permit & Development Center.
3. **Utilities:** The developer of the property will be required to provide any and all necessary utility extensions to serve residential development through the subdivision platting process. Sanitary sewer is generally available from Three Lakes Parkway for lots that would front to the west. Sanitary sewer provision for the remaining portion of the property will most likely need to be extended from the proposed townhomes to the north as the Three Lakes Estates Phase II area builds out.
4. **Traffic/Street System:** The property fronts both East Pine Avenue and Three Lakes Parkway. The density permitted by the proposed development would not generate traffic volumes requiring any upgrade of those street facilities.

5. **Access or Parking:** A limited number of future single-family lots on the subject property would derive their driveway access from East Pine Avenue. This will be reviewed with any proposed plat. It is unlikely that any secondary access road or frontage system will be necessary.
6. **Des Moines' 2020 Community Character Plan:** The maximum densities allowed by the proposed zoning would keep the density within the Low Density Residential designation in the East Lake New Town Plan future land use. The applicant has provided a sketch of a potential lot layout and indicated large lots fronting East Pine Avenue and smaller lots fronting Three Lakes Parkway that would reflect the single-family lot pattern recently developed across the street to the west. Based on that sketch, staff recommends that only the lots exclusively with frontage on Three Lakes Parkway be able to be less than 80' wide. Lots with frontage on East Pine Avenue should have widths of 80' or greater.
7. **Urban Design:** In order to remain compatible with residential development to the west, staff believes that conditions should be placed on the property to require certain limitations on the physical design. The following are conditions that are consistent with those on land recently zoned (non-PUD) for single-family dwellings in the Easter Lake New Town Area.
  - A. Each single-family dwelling unit shall have a two-car garage and basement.
  - B. The minimum building floor areas for single-family residential shall be as follows:
    - a. Single-story (ranch) - 1,200 square feet, excluding basement area.
    - b. Two-story - 1,400 square feet, excluding basement area.
  - C. 1/3 to 1/2 masonry or a 60 square foot porch shall be required on at least 50% of the single-family dwellings.
  - D. 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.
  - E. 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.
  - F. The roof on any home constructed shall be of architectural type shingles or cedar shakes.

## SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation and noted there is a significant amount of woodlands along the north and west portion of the property. Noted this item would return as a preliminary plat.

*Jeffrey Johannsen joined the meeting at 6:18 p.m.*

Tim Urban: Asked what the corner lot frontage would be.

Erik Lundy: Noted it to be 84' and explained it may change.

Tim Urban: Asked if the only reason they were seeking an R1-60 was to accommodate three lots. Asked if the property were zoned R1-60, if all the vegetation would have to be removed to provide for the setbacks and frontage along Three Lakes Parkway.

Erik Lundy: Noted the developer may be able to bring excavating equipment in and under conventional methods most of the foliage would be affected. He noted the vegetation at the Southwest corner is thicker. Indicated there is a little more than a fencerow of trees along the frontage. The applicant is attempting to preserve vegetation. The lots on the end would be easier to develop because they already have a paved street and would be on the sewer already.

Bruce Heilman: Asked if the strip to the east is a potential street and if there would be cul-de-sacs to the north.

Erik Lundy: Noted there would be a private drive off Brockway and there would be a pod of townhomes that has already been approved to the north. There are more single family lots north of Brockway but there are lots approved for bi-attached units and townhomes that load on public streets.

Bruce Heilman: Suggested getting a street up north.

Erik Lundy: Noted there is a street to the east of the property that will access to the north and connect up near the ponds that are currently there.

Jim Martin: Noted there is another retention basin to the northeast.

Erik Lundy: Noted the road would deflect north and run further east and come out near the existing pond that he believed to be a silt pond at this time.

Greg Smith, 2750 E. Pine Avenue: Noted he and his wife have lived at this location for 20 years and they own and operate a business on the south side. Indicated staff has been supportive for helping them to develop the land. Explained Brian Meyer seemed to approve the project and he suggested they present the plan to the Bloomfield Neighborhood Association. There were 20-30 people in attendance and he did not think anyone was in opposition. They sent out post cards to the surrounding residents to attend a meeting at their home. Only one family attended but after hearing the plan they were in approval. He asked for a clarification on what the architectural shingles were.

Erik Lundy: Explained they are the type generally approved in developments now and described them to have a shake look but are still an asphalt-type shingle; they are not a tab-type shingle.

Greg Smith: Noted they were in agreement with staff recommendations and appreciated their input, but were concerned about the three large lots on the eastern end where they were requiring an 80' wide home and asked if it could be downsized to 60 or 70'. They were in agreement with the rest of staff recommendations and would adhere to them. Noted the trees are of poor quality and provide more windbreak in the summer than in the winter. There are a lot of volunteer trees of soft wood and they lose trees to breakage and damage. They have been cleaning up trees and are trying to save some of the better ones if possible. One of the lots they were able to save 5 good trees and still provide for setbacks and for machinery to come in. His son will build on that property if everything is approved. The rest of the property on the east end from their property; to the east it is fairly wide open property. As the land falls down to the east there is a draw with a small grove of trees and they would like to preserve all of them.

Tim Urban: Noted they will have to identify valuable trees to determine how many of them can be saved once driveways and pads are established in the platting stage.

Kent Sovern: Referred to item #1 in the staff recommendation, noting lots platted with frontage on East Pine were to have a minimum of 80'; clarified it is the lot that is 80' and not the houses.

Greg Smith: He thought the request was for an 80' wide house. Noted the lots would be 156' wide; he was amenable to the lot size.



**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak on this item.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jim Martin: Moved staff recommendation.

Brook Rosenberg: Asked if the 2 car garages would have to be attached.

Erik Lundy: Noted it was not distinguished in the staff report but the Commission could stipulate that they be attached. Staff wanted to be flexible and make sure there was a place for storage for two vehicles.

Motion passed 13-0 (David Cupp was absent for the vote).

Respectfully submitted,



Erik Lundy, AICP  
Senior Planner

EML:dfa

Attachment

Item 2007 00033

Date 4/26/07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

APR 30 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Sheryl Ledlie

Signature Sheryl Ledlie

Address 2683 E. Pine Ave

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

DM

Item 2007 00033

Date 4/25/07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

APR 30 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name J RALPH Ledlie Trust

Signature Richard Ledlie Trustee

Address 2683 E. PINE AVE DM

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

Item 2007 00033 1

Date 4-26-07

I (am) ( am not ) in favor of the request.  
(Circle One)

RECEIVED

Print Name Gregory + Cheri Smith

APR 27 2007

Signature \_\_\_\_\_

COMMUNITY DEVELOPMENT  
DEPARTMENT

Address 2750 E. Pine Ave.

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

We approve of this request for several reasons.

Two listed below:

1. we like the plan because of the low density.

2. we believe the plan fits in with the neighborhood

**SUBJECT PROPERTY**