

Date..... August 6, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 19, 2007, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from West Lakes Properties, LC (owner) represented by Gerard Neugent (officer) to rezone property located in the vicinity of 300 County Line Road from "A-1" Agricultural District to "PUD" Planned Unit Development to allow for development of approximately 128 acres with 4.4 acres designated for commercial development, 49.1 acres for multiple-family residential, 37.4 acres for standard lot single-family residential, and 33.9 acres for small-lot single-family residential development; and for approval of a proposed "PUD" Conceptual Plan titled "Southern Ridge Concept Plan" for such property, subject to the following conditions.

- 1) Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
- 2) Addition of a note on Sheet 2 indicating that the Future Low/Medium Density Residential and Future Commercial areas are subject to future amendments to the PUD Concept Plan.
- 3) Removal of the notes pertaining to the "Low/Medium Density Residential" bulk standards.
- 4) Addition of a note indicating that a property-owner association will be created to support the maintenance of the proposed open spaces, and public landscape and signage elements.
- 5) Provision of 60'-wide right-of-ways and 31'-wide pavement widths for all north/south and east/west through streets.
- 6) Provision of adequate spacing at the intersections with the major roads for the installation of traffic signals should they become necessary.
- 7) Addition of a note stating the builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
- 8) Provision of a 20' minimum front yard set back for all single-family dwellings with all garages being set back a minimum of 25'.
- 9) Requiring architectural variety in the overall development with:
 - a. at least 50% of the houses on the 50' lots to have front porch applications;
 - b. variable setbacks in all plats;
 - c. adhere to the architectural character as represented on the PUD conceptual plan, to be enforced by the Planning staff on a permit by permit basis;

(Continued)

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Date..... August 6, 2007

- 10) Minimization of impact on existing vegetation when locating and designing the storm water detention basin.
- 11) Consideration of additional public access through Parcel 13 to 9th Street and to County Line when the plan comes forward.

Subject property is a tract of land in Section 4, Township 77 North, Range 24 West of the 5th p.m., more specifically described as follows:

Beginning at the East ¼ corner of said Section 4; Thence S89°36'23"E, 1308.50' along the South line of the NE ¼ of said Section 4; Thence N00°56'49"W, 645.18 feet to the northeast corner of the South ½ of the Southwest ¼ of the Northeast ¼ of said Section 4; Thence S89°45'16"W, 1318.40 feet along the North line of said South ½ to a point on the West line of the Northeast ¼ of said Section 4; Thence N00°07'58"W, 1770.63 feet along the West line of the Northeast ¼ of said Section 4 to a point; Thence S89°58'59"E, 225.33 feet to a point; Thence N00°10'46"W, 175.69 feet to a point on the South right-of-way line of 80th Avenue S.W. (also known as County Line Road); Thence S89°53'48"E, 1972.82 feet along said South line to a point; Thence S00°07'32"E, 800.00 feet to a point; Thence S89°53'46"E, 440.00 feet to a point on the East line of said Section 4; Thence S00°04'28"E, 1790.32 feet along the East line of said Section 4 to the Point Beginning and containing 128.07 acres more or less.

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 rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on August 20, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.

(Continued)

★ Roll Call Number

Agenda Item Number

28

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August 6, 2007

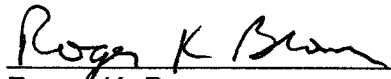
Date

-3-

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 Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:


Roger K. Brown
Assistant City Attorney

(ZON2006-00193)

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.

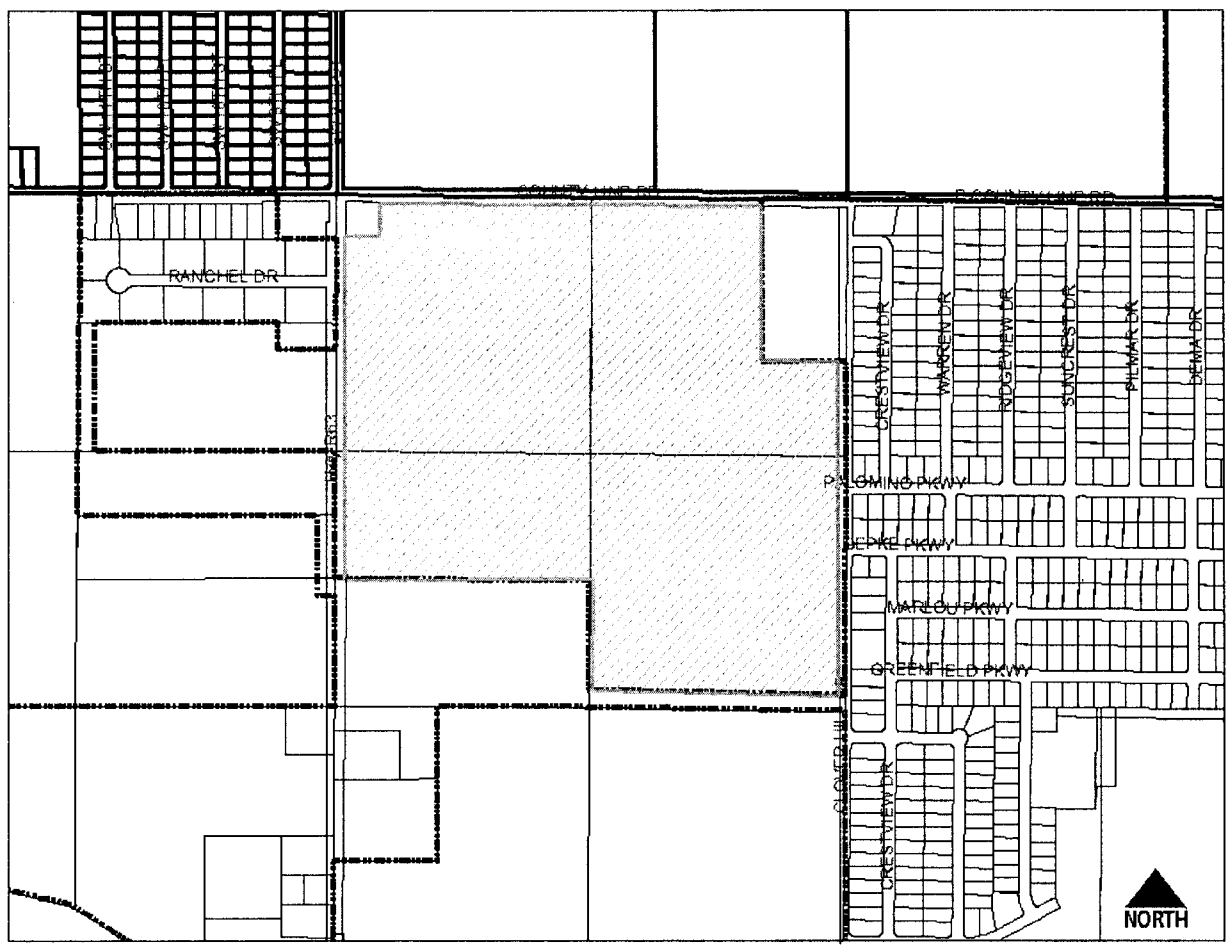
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

Request from West Lakes Properties, LC (owner) represented by Gerard Neugent (officer) to rezone property located in the vicinity of 300 County Line Road.			File #	
			ZON2006-00193	
Description of Action	Rezone property from "A-1" Agricultural District to "PUD" Planned Unit Development to allow for development of approximately 128 acres with 4.4 acres designated for commercial development, 49.1 acres for medium-density residential, 37.4 acres for standard lot single-family residential, and 33.9 acres for small-lot single-family residential development.			
2020 Community Character Plan	Low-Density Residential And No Designation.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"A-1" Agricultural District.			
Proposed Zoning District	"PUD" Planned Unit Development.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	2	12	0	<20%
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

West Lakes Properties LC - 300 County Line Road

ZON2006-00193



August 6, 2007

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 July 19, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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			

APPROVAL of a request from West Lakes Properties, LC (owner) represented by Gerard Neugent (officer) to amend the Des Moines 2020 Community Character Plan from Low Density Residential and undesignated to Commercial: Auto-Oriented Small Scale-Strip Development, Low Density Residential, Low/Medium Density Residential and Park/Open Space for property located in the vicinity of 300 County Line Road as more specifically shown on the accompanying map. (21-2006-4.22)

By same motion and vote, members recommended **APPROVAL** of a request to rezone subject property from "A-1" Agricultural District to "PUD" Planned Unit Development to allow for development of approximately 128 acres with 4.4 acres designated for commercial development, 49.1 acres for multiple-family residential, 37.4 acres for standard lot single-family residential, and 33.9 acres for small-lot single-family residential development; and for approval of a proposed "PUD" Conceptual Plan titled "Southern Ridge Concept Plan" for such property, subject to the following conditions:



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

- 1) Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
- 2) Addition of a note on Sheet 2 indicating that the Future Low/Medium Density Residential and Future Commercial areas are subject to future amendments to the PUD Concept Plan.
- 3) Removal of the notes pertaining to the "Low/Medium Density Residential" bulk standards.
- 4) Addition of a note indicating that a property-owner association will be created to support the maintenance of the proposed open spaces, and public landscape and signage elements.
- 5) Provision of 60'-wide right-of-ways and 31'-wide pavement widths for all north/south and east/west through streets.
- 6) Provision of adequate spacing at the intersections with the major roads for the installation of traffic signals should they become necessary.
- 7) Addition of a note stating the builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
- 8) Provision of a 20' minimum front yard set back for all single-family dwellings with all garages being set back a minimum of 25'.
- 9) Requiring architectural variety in the overall development with:
 - a. at least 50% of the houses on the 50' lots to have front porch applications;
 - b. variable setbacks in all plats;
 - c. adhere to the architectural character as represented on the PUD conceptual plan, to be enforced by the Planning staff on a permit by permit basis;
- 10) Minimization of impact on existing vegetation when locating and designing the storm water detention basin.
- 11) Consideration of additional public access through Parcel 13 to 9th Street and to County Line when the plan comes forward.

Written Responses

2 In Favor

12 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends the Plan and Zoning Commission find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan from Low Density Residential and undesignated to Auto-Oriented Small Scale-Strip Development, Low Density Residential, Low/Medium Density Residential and Park/Open Space.

Part C) Staff recommends approval of the requested rezoning and Southern Ridge Concept Plan subject to the following conditions.

- a. Submission of a tree preservation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
- b. Addition of a note on Sheet 2 indicating that the Future Low/Medium Density Residential and Future Commercial areas are subject to future amendments to the PUD Concept Plan.

- c. Removal of the notes pertaining to the “Low/Medium Density Residential” bulk standards.
- d. Addition of a note indicating that a property-owner association will be created to support the maintenance of the proposed open spaces, and public landscape and signage elements.
- e. Provision of 60’-wide right-of-ways and 31’-wide pavement widths for all north/south and east/west through streets.
- f. Provision of adequate spacing at the intersections with the major roads for the installation of traffic signals should they become necessary.
- g. Addition of a note stating the builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
- h. Provision of a 20’ minimum front yard set back for all single-family dwellings with all garages being set back a minimum of 25’.

STAFF REPORT

1. **Purpose of Request:** The proposed Southern Ridge Concept Plan includes a mix of single-family residential, multiple-family residential and neighborhood commercial uses with open space and trails.

The original request included two Medium Density Residential areas, which would imply the areas might have up to 17 dwelling units per acre. The applicant is now proposing Low/Medium Density Residential instead, which implies the areas might have up to 12 dwelling units per acre. The density and architecture of these areas would be subject to a PUD Concept Plan amendment . The submitted revisions also address many of the other comments from the June staff report.

2. **Size of Site:** Approximately 128 acres.
3. **Existing Zoning (site):** “A-1” Agricultural District.
4. **Existing Land Use (site):** Pasture.
5. **Adjacent Land Use and Zoning:**

North – “C-1” & “R1-80”; Uses are a convenience store and the Blank Park Golf Course.

South – Warren County “A-1” District; Use is undeveloped land.

East – Warren County “R-2” District; Uses consist of a church and single-family residential (Greenfield Plaza Subdivision).

West – “C-2” & Warren County “R-2” District; Uses consist of undeveloped land and single-family residential.

6. **General Neighborhood/Area Land Uses:** The proposed development is located in the southwest portion of the City in an area that transitions from urban development to agricultural uses along the City’s southern corporate limits.
7. **Applicable Recognized Neighborhood(s):** None.
8. **2020 Community Character Land Use Plan Designation:** Low-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. **Natural Site Features:** The subject site is a rolling pasture with trees along natural drainage ways. A north/south drainage-way with heavy vegetation is located in the eastern portion of the site. The plan identifies this area as park space. A second natural drainage-way is located to the west of the site. This drainage-way is smaller and does not have substantial vegetation like the eastern drainage-way. The submitted plan identifies the southern portion of this drainage-way as open space and includes a detention basin.

Numerous trees were removed from the site in the Spring of 2007. These trees were generally in the western and northern portions of the site. The City does not have an ordinance that prohibits the removal of trees on private property unless regulated by zoning conditions or easements. The developer agreed to cease the removal of trees once contacted by staff. Tree mitigation is discussed further in the "Landscaping & Buffering" portion of this report.

2. **Drainage/Grading:** The submitted concept plan identifies detention basins in the southeast and southwest corners of the site. These locations take advantage of the existing topography of the site. The concept plan also includes a note that states vegetated swales will be used upstream in conjunction with these basins. The eastern basin extends beyond the boundaries of the proposed PUD. The applicant must provide evidence of a legal arrangement allowing the basin to extend into this area.

No public storm sewer is available in the area. The applicant must comply with storm water management requirements, soil erosion protection and grading review at the preliminary subdivision plat/development plan stage.

3. **Utilities:** Water is available to the site from 12" mains in SW 9th Street and County Line Road. The applicant proposes to provide sanitary sewer to the development from an existing 8" line located in the eastern part of the site that flows south. Staff believes the developer will be able to supply adequate sewer to the development. Additional topographic information and a sanitary sewer service description will need to be provided to the Engineering Department for review. All future public easements for utilities not located in street right-of-way need to be identified on the concept plan as well.

4. **2020 Community Character Plan:** The Des Moines' 2020 Community Character Plan Land Use Designations currently identifies the western two-thirds of the site as Low-Density Residential, which allows single-family dwellings with a maximum density of 6 units per acre. The eastern third of the site has no land use classification. The applicant is proposing a mix of commercial, low density residential and low/medium density residential and open space land use designations for the entire property. The 2020 Community Character Plan describes Low/Medium Density Residential as areas developed with a mix of single-family, duplex and small multi-family units up to 12 units per net acre. Staff believes that a mixed-use development at this site is appropriate given its proximity to arterial streets and the Highway 5 corridor.

The submitted Concept Plan includes bulk regulations and general architectural requirements for the commercial and multiple-family residential areas but no specific design for these areas. The development of these area will require amendments to the PUD Concept Plan. Staff believes the bulk regulations notes for the multiple-family residential areas should be removed. The proposed multifamily bulk regulations are based on the "R-3" District, which would require the Medium Density Land Use Designation allowing up to 17 dwelling units per acre. The

density, intensity and design of these areas will not be finalized until a Concept Plan amendment has been approved.

- 5. Landscaping & Buffering:** The submitted concept plan identifies street trees along all streets; a uniform landscaped buffer along Clover Hill Road, County Line Road and SW 9th Street; and trees in the open space area generally located in the center of the site. The plan includes a roundabout generally in the center of the site but does not indicate any proposed landscape material. Staff recommends that the roundabout be landscaped with low-level shrubs and/or flowers. Landscaping and buffering for the areas designated for commercial and multiple-family residential uses will be evaluated further during future concept plan amendments and at the development plan stage.

As noted previously in this report, trees have been removed from the site. It is a general requirement that developers provide a tree preservation and mitigation plan for all trees over 6" in diameter prior to grading or tree removal. The applicant's original proposal included 1 street tree per single-family lot. Staff recommended in June that a total of 3 overstory trees be provided per lot as mitigation for the loss of existing trees. The applicant is now proposing that each lot have a 1 street tree, 1 overstory tree and 1 ornamental tree. The applicant is concerned that 3 overstory trees would crowd the lot. Staff is supportive of this alternative. Staff also recommends that a tree preservation plan be provided for all remaining trees over 6" in diameter prior to grading or additional tree removal.

The plan does not indicate how the landscape buffer strips, open spaces and the roundabout will be maintained. Staff recommends that a note be added to the plan that states a property-owners association will be created to maintain entrance features (signs and landscaping), perimeter landscaping buffers, landscaping within roundabouts and the open space areas.

- 6. Traffic/Street System:** Due to the scale of the submitted concept plan the exact widths of the proposed right-of-ways and streets cannot be determined. The Traffic & Transportation Division believes all north/south and east/west through streets should have right-of-way width of 60' with a pavement width of 31' as they will function as collector streets. They are also requesting that adequate spacing be provided at the intersections with the major roads for the installation of traffic signals should the locations eventually meet the warrant requirements.

Full access drives/roads onto SW 9th Street, County Line Road, and Cloverhill Road from this development should be limited to one point each approximately midway between collectors and major roadways. Right-in/right-out only access drives are possible on the large parcels, with approval based on spacing and that adequate sight distance is demonstrated. This will be reviewed further during future concept plan amendments and at the preliminary plat stage.

The right-of-way widths of the existing adjacent streets do not meet the standards for streets of their types. Ideally, the County Line Road right-of-way would 100'-wide, and SW 9th Street and Cloverhill Road right-of-ways would be 90'-wide. The Traffic & Transpiration Division has requested the developer allocate an appropriate amount of right-of-way for these streets. The exact amount of additional right-of-way may vary based on the location of the existing right-of-way lines and pavement. This will be evaluated further during the preliminary plat process.

The Traffic & Transportation Division is also requesting the developer install a 3rd lane along the adjoining portions of SW 9th Street to offset the impact of the development on the surrounding streets.

- 7. Urban Design:** The submitted concept plan includes 4.4 acres designated for commercial development, 49.1 acres for multiple-family residential, 37.4 acres for standard lot single-family residential, and 33.9 acres for small-lot single-family residential development. The single-family residential portion of the development would consist of 242 lots developed over ten

phases. The northern portion of the single-family portion would contain 110 lots with a minimum width of 60' and lot area of 7,500 square feet. The southern portion would contain 132 lots with a minimum width of 50' and lot area of 6,000 square feet. The 50'-wide lots will be developed with neo-traditional designs. Requirements in this area include front porches and the limitation of garages to the rear yard. The revised submittal includes additional design standards that address the recommendations for the June staff report. Staff's only new design related recommendation is regarding the single-family front yard setbacks. Staff recommends that all lots have a front yard set back of 20' with all garages being set back a minimum of 25'. In reviewing other PUD Concept Plan submittals staff believes these setbacks would be appropriate given the enmities this development includes.

The submitted Concept Plan does not detail the layout of the commercial and multiple-family residential areas or provide building elevations. A note describing appropriate building material and general architecture guidelines is provided for nonresidential development. The development of the commercial and multiple-family residential areas will require amendments to the PUD Concept Plan. Staff believes the bulk regulations notes for the multiple-family residential areas should be removed. The proposed multifamily bulk regulations are based on the "R-3" District, which would require the Medium Density Land Use Designation allowing up to 17 dwelling units per acre. The density, intensity and design of these areas will not be finalized until a Concept Plan amendment has been approved.

- 8. Additional Information:** The submitted concept plan includes an area within the subject site that is not within the City Limits. This southern most portion of the site should be identified on the concept plan but not shown within the boundaries of the "PUD" or included in the legal description. This segment consists of the southern most 90' of the site. The impact of the City Limits on these lots will be evaluated further during the platting process.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented staff report and recommendation.

Brook Rosenberg joined the meeting at 6:16 p.m.

Amy Staudt, 4949 Westown Parkway, West Des Moines: Explained the proposal to include future neighborhood commercial and multi-family residential. Indicated they attempted to explore the nature terrain and topography of the site with walkways and pedestrian trails. Indicated the tree removal that was done was largely due to damage from the ice storm and others were species that were not on the permitted species list. Explained trees on the permitted species list would be planted and would help to buffer the project. Noted a lot of the trees that had been removed were sprouting up. Indicated most vegetation that was removed was on the southwest corner.

Brian Millard: Expressed concern for the removal of such a large amount of trees. Noted he walked the property and measured stumps of trees that had been removed. Was disappointed the developer would remove trees without first doing a tree survey.

Amy Staudt: Noted they have a landscape architect on site who helped coordinate the tree removal and she listed the species of trees that were removed, indicating they do not have a formal survey from before the tree removal. Indicated they have agreed to work with staff from this point forward and noted they were going to plant over 2,000 1 ½" caliper over-story trees as part of the PUD.

Bruce Heilman: Suggested the future development of low to medium density residential would be across the street from single-family (Greenfield Plaza) and asked if they had considered moving the low to medium density up along County Line Road and continuing single-family across from existing single-family.

Amy Staudt: Noted they have done a lot of different layouts on the site and have tried to keep the street network in conjunction with the existing topography on the site. Explained there is a lot of natural vegetation that has been left in place along Clover Hill Drive that would be a natural buffer from the single-family residential.

Tim Urban: Suggested garages could be even with the houses in the large lot areas of the subdivision and asked if they were amenable to that; questioned if a standard was being enforced for a setback between the garages and houses in the larger lot areas.

Amy Staudt: Indicated they had not focused on a layout that would vary the garage setbacks on the 60' wide lots. Explained they could discuss that further with staff at the time of Preliminary Plat.

Mike Ludwig: Noted staff has offered to allow a minimum 20' front yard setback to provide an incentive to vary setbacks along the street.

Tim Urban: Expressed concern that offering the incentive would not ensure the development would have the desired look.

Mike Ludwig: Indicated a condition could be placed on the recommendation to ensure the setbacks were varied so buildings would be staggered.

Amy Staudt: Noted they work with a variety of builders so there would naturally be a variety of setbacks.

Tim Urban: Expressed concern for the traffic circulation, noting there was only one east/west street. He suggested requiring, when a site plan comes in on parcel 13, a public right-of-way be incorporated that would connect the diagonal street along the west edge to provide an additional means of ingress/egress to the subdivision besides Palomino Parkway.

Amy Staudt: Noted the main concern of neighbors during the neighborhood meeting was keeping the traffic down; also received comments about SW 9th improvements. Would be amenable to working with staff regarding traffic concerns.

Bruce Heilman: Asked if there had been any consideration of shared driveways to allow for more landscaping.

Gerard Neugent: Indicated there is nothing in their proposal that would preclude that from happening. If the situation occurred it would be natural to put the driveways together to get the additional space.

Brook Rosenberg: Questioned how they would control the housing styles.

Amy Staudt: Noted there would be covenants that would address the styles.

Larry Hulse: Indicated the best control to be how the developer sells their property, the covenants they put on, who they sell to and what they allow to be built.

Tim Urban: Asked how Community Development would enforce the housing styles to ensure they meet the requirements.

Larry Hulse: Noted on PUDs the planning staff works with the site plan and the Permit and Development center to ensure the PUD is happening.

Tim Urban: Did not see anything in the approval guidelines that would mandate that they adhere to the architectural character to the illustrations they submitted.

Larry Hulse: Indicated the PUD is the concept they must follow. It is their zoning and it has the illustrations. Noted the Commission could put in the motion to approve that the general philosophy was that the Commission liked the style and the collection of styles and any building permits would be submitted to the Planning staff for review prior to building permits to ensure they were done.

Amy Staudt: Noted they have worked with staff on the size of porches and other elements.

Kent Govern: Asked about storm water detention.

Caleb Smith (Civil Engineer), McClure Engineering: Explained they are proposing two separate detention basins: a wet bottom detention facility to the southeast that they would like it to be an amenity. Indicated there would be another wet bottom detention basin with the 5-year rate of release at the southwest corner of the site.

Dann Flaherty: Asked what would be done about runoff for the existing house at the southeast.

Larry Hulse: Asked if there would be runoff from their development to the property to the south.

Caleb Smith: Indicated they were trying to work with the natural terrain as much as possible. Most of the water drains to the north and west to the basin that ultimately leads down to the open space. A lot of the terrain naturally runs in that direction. Noted they would get into deeper detail during the final plat.

Brian Millard: Asked who would ultimately maintain the siltation fences and the siltation ponds.

Amy Staudt: Noted they have a system that involves a lot of different people beginning with the civil engineer and a grading and erosion control plan. They work with a company that is specialized with erosion control and explained further.

Brian Millard: Asked if the responsibilities would be transferred to the property owners or if they would manage it.

Amy Staudt: Noted the responsibility would be shared to some extent. The contractual liability with the DNR gets transferred when the lots are sold and the developer sends a letter to the DNR to let them know the lot has been sold and the buyer will assume the contractual responsibility and it is incorporated into the purchase agreement as well. The property owners would ultimately be responsible for their property, but when something comes up the developer is notified and they address it with the buyer/builder.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Tim Urban: Moved staff recommendation with (three) amendments:

1. Requiring architectural variety in the overall development
 - a. at least 50% of the houses have front porch applications;
 - b. variable setbacks in all plats;
 - c. adhere to the architectural character as represented be enforced by the Planning staff on a permit by permit basis be discretionary;
2. Two areas of storm detention have substantial vegetation –

- a. try to identify areas without substantial vegetation for their storm detention areas to avoid having to remove additional trees;
3. Plan for parcel 13 consider additional public access to 9th and to County Line when the plan comes forward.

Dann Flaherty: Suggested including that parcels 11 and 12 not be designated low to medium density until a plan is seen.

Tim Urban: Suggested the density proposed in the plan is not an entitlement, but is a maximum and that the density that would be permissible for those two parcels would be based upon an approved site plan.

Mike Ludwig: Explained the low/medium density land use category allows *up to* 12 units per acre and actual density would be subject to a site plan review. Staff has notified the developer that the design of the commercial and multi-family portions must be integrated so that there is access between the uses rather than requiring vehicles to go out to County Line Road or SW 9th Street.

Tim Urban: Suggested they could have an access to the north to give them the vehicular and pedestrian access from the neighborhood on a public right-of-way to get to the neighborhood commercial.

Mike Simonson: Noted he could be supportive to the setbacks and the character, however expressed concern that there had not been consistency regarding front porches.

Mike Ludwig: Noted there has been consistency of requiring either a porch of 60 square feet or 1/3 masonry on the front of the structure. Have not previously set how many lots need to have a porch versus masonry.

Tim Urban: Noted he was proposing it as a standard because the developer had proposed a project made up of front porch neo-traditional buildings, whereas others have only indicated they want to sell houses. Suggested they should be held to some standard to ensure the outcome is similar to what they are proposing.

Mike Simonson: Asked if past developers have been required to have porches or hard materials on certain lot sizes.

Mike Ludwig: Noted the architectural requirements applied to all PUD and straight subdivision requests over the last 1½ years, regardless of lot size.

Tim Urban: Asked if there was a desire to restrict the requirement for 50% of the houses to have porches only to the small lot portion of the subdivision.

Mike Simonson: Suggested if that is what has been done in the past, that is what should be done.

Larry Hulse: Suggested it would make sense to do it to the small lots because that is the character of the house.

Tim Urban: Changed the motion to require at least 50% of the houses on the 50' wide lots to have a front porch.

Bruce Heillman: Asked if the applicant was amenable to the staff conditions and with the additional recommendations.

Amy Staudt: Noted they support the front porch request, but would like clarification on the variable setback and the requirements; asked about the specifics.

Tim Urban: Explained all the lots should not have the houses be set back 20' so they are variable and not all uniform.

Larry Hulse: Noted the specific setbacks would need to be demonstrated when they return with the subdivision plat.

Amy Staudt: Hesitant to indicate how each lot would be but they would work with staff on it.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2006 00193

Date 6-11-07

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

31, 32, 35, 36 (SUBJECT PAR) 44, 46, 47
51

RECEIVED
JUN 15 2007

Print Name WEST LAKES PROPERTIES, LC

Signature *Deirdre Newgent, mgr*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 4949 Westown Pkwy, Ste 200
West Des Moines, IA 50266

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

SUBJECT PROPERTY PLUS OTHER
ADJOINING PARCELS

Item 2006 00193

Date 7/16/07

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

2 ELMER RIGGLE FOR
GRACE BAPTIST CHURCH

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JUL 17 2007

Print Name

Signature *Elmer L. Riggle*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 9936 COUNTY LINE ROAD

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

MINISTRY TO PEOPLE

June 16, 2007

The plan as proposed, in my opinion, is a poor use of the existing land. The plan is designed to make a select few millions of dollars without much thought being given to the harmony and quality of life as it pertains to the future new home owners. The small, packed together building sites should be eliminated and replaced with all standard lots, single family homes.

Also the East West extension of Palomino Parkway, as currently proposed, is a terrible choice. I predict, it will become a "speedway shortcut" from SW 9th St. and Cloverhill Dr., in both directions. This will have a huge negative impact on every new home owner on that street. It is very important to get the traffic flow right, not only for the new neighborhood, but also how it will impact the existing, surrounding neighborhoods.

The developer has more work to do in order to get the plan right. In addition, I would request that he be required to fund new landscape work to help restore the damage they have already done to the property by clear cutting 90 percent of the old tree growth, unbelievable!

Sincerely,

Norman G. Ross

Norman G. Ross

Item 2006 00193 Date 6/16/07

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

JUN 21 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name NORMAN ROSS
 Signature *NRoss*
 Address 8030 CRESTVIEW DR

Reason for opposing or approving this request may be listed below:
See attached letter dated 6-16-07

Item 2006 00193

Date 6-11-7

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

(Circle One)

RECEIVED

JUN 12 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Frederick Alan Duffield

Signature Frederick Alan Duffield

Address 8238 Gastrow Dr.

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

Five horizontal lines for providing reasons for opposing or approving the request.

