

Date August 20, 2007

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

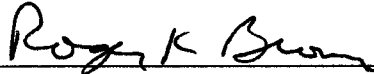
WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held July 19, 2007, the members voted 8-1 in support of a motion to recommend **APPROVAL** of a request from Savannah Homes, Inc. (purchaser) represented by Ted Grob (officer) to amend the Des Moines 2020 Community Character Plan to designate the property located in the vicinity of 5100 NE 38<sup>th</sup> Avenue as Low Density Residential and as Low/Medium Density Residential as more specifically shown on the accompanying map. The subject property is owned by Central Iowa Developers, L.C.

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

1. That the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.
2. That all other parts of said Des Moines 2020 Community Character Land Use Plan are hereby deemed to remain in full force and effect and the Plan adopted by the City Council by Roll Call No. 00-3381 on August 7, 2000, and all subsequent amendments thereto including the amendment herein shall constitute the official comprehensive plan known as the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt, and approve the proposed amendment.

FORM APPROVED:

  
 Roger K. Brown, Assistant City Attorney

(21-2007-4.08)

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

MOTION CARRIED

APPROVED

**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.

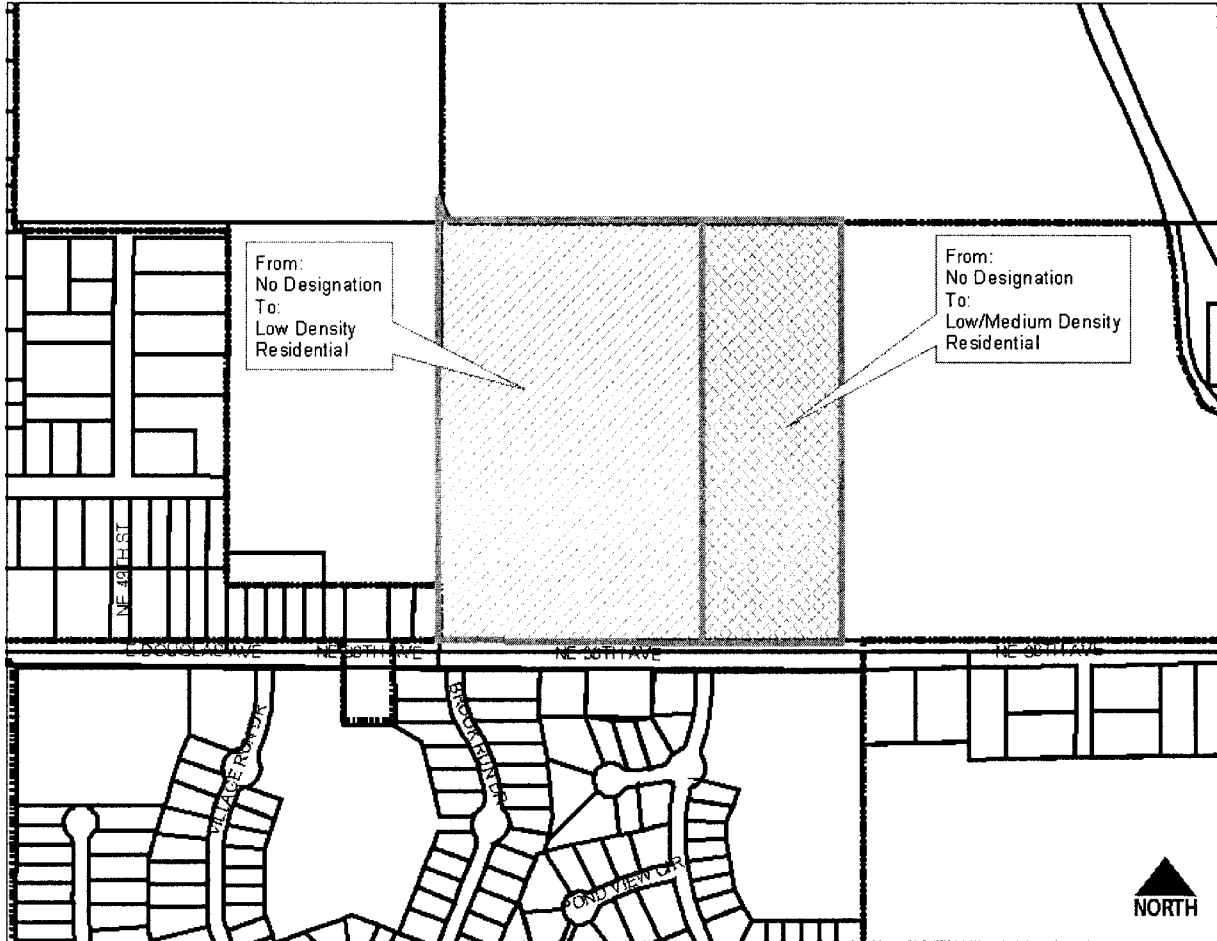
\_\_\_\_\_  
 Mayor

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

64A

Savannah Homes Inc. (Silver Leaf PUD) - 5100 NE 38th Avenue

21-2007-4.08



64A

August 20, 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 8-1 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 Savannah Homes, Inc. (purchaser) represented by Ted Grob (officer) to amend the Des Moines 2020 Community Character Plan to designate the property located in the vicinity of 5100 NE 38<sup>th</sup> Avenue as Low Density Residential and as Low/Medium Density Residential as more specifically shown on the accompanying map. The subject property is owned by Central Iowa Developers, L.C. (21-2007-4.08)

By same motion and vote, members recommended **APPROVAL** of a request to rezone approximately 37 acres of agricultural land located in the vicinity of 5100 NE 38<sup>th</sup> Avenue from "A-1" Agricultural District to "PUD" Planned Unit Development District, and for approval of a PUD Conceptual Plan titled "Silver Leaf" to allow development of such property with 121 single-family residential lots and 38 bi-attached residential units, subject to the following revisions:



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. Provision of a note stating that a tree protection plan will be submitted as part of any preliminary plat or grading plan and that no trees will be removed from the subject property prior to approval of a tree protection/mitigation plan.
2. Provision of a note stating that analysis by the developer of the town park areas for implementation of conservation storm water management practices will be made as part of any preliminary plat or development plan submitted under the PUD.
3. Addition of a row of over-story trees spaced at a minimum of 50' on center in the south 15' of the PUD along NE 38th Avenue in lieu of required street trees.
4. Provision of a note in the bulk regulations that the porch setback requirements are for open / unenclosed porches only.
5. Provision of a note that prohibits drive access from the public street for those lots served by a common private drive in the rear yards.
6. Provision of a note in the bulk regulations limiting the total amount of attached or detached garage area on rear-loaded lots to a maximum 576 square feet and the total amount of detached garages or accessory structures on all other lots to a maximum 720 square feet.
7. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
8. Provision of a 37' flair tapered for 150' on the plan where the north/south collector street intersects with NE 38th Avenue (also known as E. Douglas Avenue).
9. Demonstration of 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.
10. Revision of the crescent or looped streets to have a 22' back to back paved width and a minimum 4' wide integrated sidewalk of a design capable of supporting all emergency apparatus in the City inventory. Design of street must be acceptable to Fire Chief.
11. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
12. Provision of the following unless waived in part or whole by the Plan and Zoning Commission at the subdivision platting stage:
  - a). Each single-family dwelling unit shall have a private garage, whether attached or detached. Garages are optional for lots with rear access via private alleys.
  - b). Minimum building floor areas for single-family residential shall be as follows
    1. Single-story (ranch) 1,000 square feet, excluding basements.
    2. Two-story 1,250 square feet, excluding basements.
  - c). The front elevation of each single-family home constructed excluding windows and doors must consist of 1/3 to 1/2 stone or brick masonry or have a front porch that is at least 60 square foot in size.
  - d). The front elevation of each single-family home constructed must contain one of the following:
    1. Shutters on each side of each window; or
    2. 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 either standard asphalt shingles, architectural type shingles or cedar shakes.
  - g). Fencing shall be limited as follows:
    1. Black vinyl-clad chain link is the only fencing material permitted.
    2. The maximum height of fencing allowed in a side or rear yard is five-feet (5').
    3. Fencing is prohibited within any front yard and within access easements to detention basins or trails.
    4. If fencing is placed in an easement that prohibits access, the City may remove the fence to gain access. Replacement of the fence shall be the responsibility of the homeowner.

5. Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
6. All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.

Written Responses

3 In Favor  
5 In Opposition  
1 Unknown

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

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan, as it does not currently designate a future land use for the subject property.

Part B) Staff recommends approval of a amendment to the Des Moines' 2020 Community Character Plan designating the property Low Density Residential with Low/Medium Density Residential for the paired housing units proposed on the west side of the proposed north/south collector.

Part C) Staff recommends approval of the requested rezoning from "A-1" Agricultural District to "PUD" Planned Unit Development.

Part D) Staff recommends approval of the submitted "Silver Leaf" PUD Conceptual Plan subject to the following revisions:

1. Provision of a note stating that a tree protection plan will be submitted as part of any preliminary plat or grading plan and that no trees will be removed from the subject property prior to approval of a tree protection/mitigation plan.
2. Provision of a note stating that analysis by the developer of the town park areas for implementation of conservation storm water management practices will be made as part of any preliminary plat or development plan submitted under the PUD.
3. Provision of a note stating that one over story tree be planted by the home builder within either the front or rear yard area of each parcel for a dwelling unit.
4. Addition of a row of over-story trees spaced at a minimum of 50' on center in the south 15' of the PUD along NE 38th Avenue in lieu of required street trees.
5. Provision of a note in the bulk regulations that the porch setbacks requirements are for open / unenclosed porches only.
6. Provision of a note that prohibits drive access from the public street for those lots served by a common private drive in the rear yards.
7. Provision of a note in the bulk regulations limiting the total amount of attached or detached garage area on rear-loaded lots to a maximum 576 square feet and the total amount of detached garages or accessory structures on all other lots to a maximum 720 square feet.
8. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
9. Provision of a 37' flair tapered for 150' on the plan where the north/south collector street intersects with NE 38th Avenue.
10. Demonstration of 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.

11. Revision of the crescent or looped streets to have a 22' back to back paved width and a minimum 4' wide integrated sidewalk of a design capable of supporting all emergency apparatus in the City inventory.
12. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
13. Provision of the following unless waived in part or whole by the Plan and Zoning Commission:
  - a). Each single-family dwelling unit shall have a private garage, whether attached or detached.
  - b). Minimum building floor areas for single-family residential shall be as follows
    1. Single-story (ranch) 1,200 square feet, excluding basements.
    2. Two-story 1,400 square feet, excluding basements.
  - c). The front elevation of each single-family home constructed excluding windows and doors must consist of 1/3 to 1/2 stone or brick masonry.
  - d). The front elevation of each single-family home constructed must contain one of the following:
    1. Shutters on each side of each window; or
    2. 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.
  - g). Fencing shall be limited as follows:
    1. Black vinyl-clad chain link is the only fencing material permitted.
    2. The maximum height of fencing allowed in a side or rear yard is five-feet (5').
    3. Fencing is prohibited within any front yard and within access easements to detention basins or trails.
    4. If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
    5. Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
    6. All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.

## STAFF REPORT

1. **Purpose of Request:** The developer seeks to create a low to low/medium density residential subdivision with up to 121 single-family parcels and 38 two-unit parcels. The development would intend to reach a new market niche in the City of Des Moines by providing a system of narrow public streets, rear private-drive loaded detached garages or attached garages loading from the rear of the dwelling, shallow front setbacks, front porches, and a series of "town park" common open space areas distributed throughout the development.
2. **Size of Site:** 38.25 acres.
3. **Existing Zoning (site):** "A-1" Agricultural District.
4. **Existing Land Use (site):** Vacant agricultural land.
5. **Adjacent Land Use and Zoning:**
  - North* – "A-1", Use is vacant agricultural use.
  - South* – "PUD" (Brook Run), Uses are mixed density residential dwellings.
  - East* – "A-1", Use is vacant agricultural use.

**West** – “A-1” & “S” Suburban District (Polk County), Uses are vacant agricultural use and single-family residential dwellings.

6. **General Neighborhood/Area Land Uses:** The proposed development is located in the northeast portion of the City in an area that contains a mix of urban and rural residential development, agricultural land and commercial uses.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** The subject property is a part of the land considered under a rezoning application made in July of 2006 by Central Iowa Developers, LC. for a “PUD” for “Brook Run North” to allow 27.3 acres of medium density residential, 15.2 acres of low/medium density residential and up to 283 single-family lots. This request was subsequently withdrawn in October of 2006.
9. **2020 Community Character Land Use Plan Designation:** The subject property is not identified within the Des Moines’ 2020 Community Character Plan future land use plan.
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.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. Any proposed dedication of park or open space land to the city shall be considered by the Park and Recreation Board in a timely manner prior to final action by the City Plan and Zoning Commission. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** The subject property is gently rolling in topography with a significant timbered drainage way along the western boundary. The Conceptual Plan proposes to keep the southern portion of this in a common open space area. While none of the proposed lots for development appears to require any timber to be disturbed, staff recommends that a requirement be placed on the Conceptual Plan that a tree protection plan will be necessary as part of any preliminary plat or grading plan, with no trees removed from the subject property prior to approval of a tree protection/mitigation plan.
2. **Drainage/Grading:** The subject property drains generally south and west. There is a significant drainage way flowing north to south along the western edge of the property. The Conceptual Plan proposes to provide a substantial portion of the required detention within the common open space at the southwest corner of the development, along this drainage way.

No public storm sewer is currently available in the area. The applicant will be responsible for meeting storm water management requirements and review of a grading/soil erosion protection plan. This will be required either prior to or concurrently with the review of a preliminary subdivision plat by the Commission. The developer will also be responsible for filing a Storm Water Pollution Prevention Plan (SWPPP) with Iowa DNR. Issuance of an NPDES storm water discharge permit will also be required of the developer by IDNR.

Staff believes that the "town park" areas could be utilized for conservation storm water management practices such as rain gardens. Staff recommends of a note be added to the PUD Conceptual Plan stating that analysis by the developer of the "town park" areas for implementation of conservation storm water management practices will be made as part of any preliminary plat or development plan submitted under the PUD. This request must be balanced with the need for private recreational open space.

3. **Utilities:** Public sanitary sewer to serve the proposed development will be extended by the developer from the main near NE 38<sup>th</sup> Avenue and Brook Run Drive that was developed as part of the Brook Run PUD. Public water main will be extended from the 12" Des Moines Waterworks main located in NE 38<sup>th</sup> Street. Water mains to serve the individual dwellings will conceptually be located within the "town parks" or the public streets. Electrical service is available to the development from NE 38<sup>th</sup> Avenue. However, all extension of electrical service to serve the development must be buried underground.
4. **Landscaping & Buffering:** The only required landscaping proposed by the developer in the Conceptual Plan is for 104 trees to be located within the "town park" areas and the traffic circle. These essentially replace the normal provision of street trees in the public right-of-way. Staff believes that at least one additional over story tree should be planted by the home builder within each parcel with a dwelling unit, in order to ensure shading for better energy conservation over time. In addition staff believes that a row of over-story trees spaced a minimum of 50' on center should be located in the south 15' of the PUD along NE 38<sup>th</sup> Avenue in lieu of required street trees to avoid overhead lines in the street right-of-way.
5. **Neighborhood Character:** The proposed development concept provides for some narrower lot sizes (min. 50') to be served by common, privately maintained drives at the rear of lots in the same fashion as a public alley, thereby eliminating the need for a front loaded driveway that would take up lot width. The applicant proposes a 20' front yard house setback with porches as close as 15' from the front property line to accommodate the rear yard parking and provide a usable rear yard. Staff believes that the lesser front yard setback is as there will be no driveways in the front yard. However, staff requests that notes be added to the Concept Plan to specify that all porches must be "open or unenclosed"; that driveway access through the front yard of those lots is prohibited; and that garages on rear loaded lots be limited to 576 square feet in size and that the garage doors be setback at least 8' from the rear lot line. Staff encourages additional lots be served by the common, privately maintained drives at the rear of the lots.

The remainder of the proposed single-family lots are 55' wide or larger at the front yard setback and will be accessed by a separate access driveway for each lot from the public street.

Lots that are less than 60' in width require any attached or detached garage to be located in the rear yard. The detail provided on Sheet 2 of 3 indicates that the garages on these lots will be accessed by 12'-wide driveway from the public street to the rear yard. The minimum front-yard setback will be 20 feet (including the porch).

Lots 60' wide or greater may have front loaded garages provided the garage door is set back at least 25 feet from the front lot line. The minimum front-yard setback for the main part of the house (including the porch) may be setback 20 feet from the front lot line.



Paired homes are proposed on lots adjoining the north/south connector street. Any garages for the paired homes will be detached and located in the rear yard. The garages will be accessed by private shared driveways from the public street. The developer reserves the right to propose detached single-family residential units on these lots should the market dictate (subject to same setback requirements noted above).

The applicant proposes that all homes be a minimum of 1,000 square feet for single-story and 1,250 square feet for two-story homes. All homes are required to have full basements but are not required to have garages. Units without garages would be required to have a parking pad that would accommodate a future garage. Consistent with all recent residential PUD developments, staff recommends that all units be required to provide at a minimum a single garage, either attached or detached. However, the Commission may want to consider the developer's approach of providing the private town park areas and rear loaded private drives as a concession for the typically mandatory garages and minimum building square footages. The developer anticipates that a majority of homebuyers will want a garage, but some may wait until the future to when their finances allow.

6. **Traffic/Street System:** The proposed development gains access from NE 38<sup>th</sup> Avenue by extension of a north/south collector street with 60' right-of-way and 31' b/b paved width. This is proposed to extend to the north property line to serve future development. Fire code requires that a turnaround be provided until the street is extended in the future. Traffic and Transportation Engineering staff also recommend that a 37' flair tapered for 150' be shown on the plan where this street intersects with NE 38<sup>th</sup> Avenue to allow for a left turning lane.

Traffic and transportation staff requested at the pre-application meeting that a trip generation analysis be prepared by the developer prior to any preliminary subdivision plat approval. As part of the platting, a fair share contribution to necessary improvements to NE 38<sup>th</sup> Avenue may be required for that development based on the analysis or in conjunction with future adjoining development when that impact level necessitates the improvements.

The proposed development also includes a 60'-wide collector street right-of-way running east/west with a 31' feet paved width and a traffic circle where it intersects with the north/south collector. This street also accommodates future development adjoining on the east and the west boundaries. A looped or crescent street network is proposed off of the east/west collector to serve as the local street network. These streets are proposed with a 40'-wide right-of-way with 20' b/b paved width plus a 4'-wide integrated sidewalk with rolled curb on the dwelling side of the street. The plan proposes a standard curb around the inside of the loop around the town park common open spaces with parking allowed along this side. A counter clockwise one-way circulation is intended for these streets.

A similar street system has been used in the "Tradition Greens" development in Ankeny. Fire Department and Traffic & Transportation Engineering staff have physically reviewed the existing developments in Ankeny and have recommended that in order to allow on-street parking, these streets should be revised to a 22' paved width b/b with an integrated 4'-wide sidewalk of a design thickness and sub-grade capable of supporting all emergency vehicles in the City inventory. This provides for a 26' paved width capable of allowing vehicle parking and the required 20'-wide emergency vehicle access. This consistent with more recent streets permitted in Ankeny at "Twin Gates" development. Alternatively, the proposed 20'-wide design is acceptable with the addition of 2' insets where parking would be permitted on the inside of the looped street. This would still require an acceptable design for the sidewalk paving to support emergency apparatus.

Additional north/south street access to NE 38<sup>th</sup> Avenue is critical for any future development to occur on property adjoining to the west of this development. This could be accommodated

west of the drainage way within the subject PUD or may be achieved in another manner. Staff recommends that the developer illustrate how this connection would be accomplished in the future as a condition of any PUD Concept plan approval.

The proposed Conceptual Plan indicates 4' sidewalks on both sides of collector streets and on the dwelling side of the looped streets. Staff believes that the limitation on grid circulation to the street network necessitates additional sidewalk/trail connections to future areas to the north and to NE 38<sup>th</sup> Street to the south. This would be accomplished with sidewalk connections between parcels on the ends of two of the looped streets in each direction. The Brook Run PUD to the south provides a trail along the south side of NE 38<sup>th</sup> Street. Portions of this are in place where the newer development has occurred.

7. **Des Moines' 2020 Community Character Plan:** The Community Character Plan does not designate a future land use for the subject property at this time. Based on the surrounding neighborhood area and street network, staff believes that the Low Density Residential designation is an appropriate intensity with the Low/Medium Density Residential designation appropriate for the paired housing units proposed along the west side of the north/south collector street to provide a transition to future development between the subject property and the Highway 65 bypass.
8. **Urban Design:** The Conceptual Plan provides a series of typical house elevations with a variety of single and two-story designs. All homes have an open porch element and gabled or hipped roofs. There are also typical bi-attached unit elevations that look very much like single-family homes. All of the designs provide a substantial amount of architectural detail found with traditional single-family homes such as shutters and muntin bars on windows, brick or stone elements, shed porch roofs, and cross roof gables. The same house plan cannot be built on any two adjoining single-family lots. Staff recommends that the standard single-family architectural requirements be a condition of approval unless they are waived in part by the Commission due to the unique development amenities that are proposed (i.e. private town parks and "alleys"). Staff does recommend that standard fencing notes be added to the concept plan.

## SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. Noted the loop streets would be designed as one-way and would be signed. Staff believes parking will occur on the looped streets even if signage is posted that parking is prohibited, thus the recommendation of 22' wide streets with 4' attached walk.

Ted Grob, Savannah Homes, 1309 50<sup>th</sup> Street: Explained the project indicating it would combine three approaches and indicated it implements some of the elements mentioned in the 2020 Community Character Plan. Presented cost summaries and housing requirements between the developer's request and staff's recommendation.

Tim Urban: Asked about the character of the street system and extending the private alley down so that only the four of the lots at the end of the cul-de-sac would have access from the front.

Ted Grob: Noted there are six different options for designs. Noted in actual practice everyone will have a garage in 12-18 months and they build their own. Indicated every single home has a sidewalk that goes out to the street. Noted he presented the concept to the City 14 years ago, but it was turned down.

Bruce Heilman: Asked about the street widths and how they would keep cars off since the Fire Department would not allow parking if the streets were only 20' wide.

Ted Grob: Noted the curb on the street side is vertical curbing where parking is allowed. Indicated there has to be parking access on one side of the street. Explained they put a 4' sidewalk adjoining the street to take the street to 24'. Staff indicated the 4' sidewalks would have to be strong enough to hold the equipment.

Larry Hulse: Explained staff took the Fire Chief to the development in Ankeny.

Mike Ludwig: Noted staff has tried to encourage the development and is excited about the innovation in the development and has tried to work with the City departments to make it work. After the visit to Ankeny, the 22' street width with a rollover curb and 4' sidewalk was determined acceptable by the Fire Department and Engineering Department. Explained ultimately the Fire Chief makes the call and staff has offered some other options such as parking inlets, which would cut down on the open space. Other discussion was the flexibility on the pavement thickness on the private alley because it would not be a public right-of-way. Staff did recommend consideration by the Commission of variation of some of the single-family architectural standards that have been typical on subdivisions. Given that there are town parks and private alleys are being proposed, there are significant amenities in the development that warrant the Commission's consideration of whether or not to require a garage and flexibility on the square footage of units.

Dann Flaherty: Noted the Commission's role is not to change the Code requiring street widths.

Mike Simonson: Did not think the code was that clear; suggested West Des Moines doesn't have street trees because the Fire Department doesn't want them to obstruct emergency equipment. Suggested it should be looked at outside the subject discussion; was not sure the code was stipulating all the requirements.

Dann Flaherty: Expressed concern for traffic flow with only one east/west street in and out of the subdivision. Suggested the streets in the middle could be used for future development into other subdivisions.

Ted Grob: Indicated staff recommended they show how that would happen and explained future street connections.

Dann Flaherty: Expressed concern that NE 56<sup>th</sup> Street is a heavily-traveled street and the traffic from the subdivision will be exiting very close to it. Suggested there needs to be more than one access from the subdivision to avoid congestion.

*Brook Rosenberg left the meeting at 8:50 p.m.*

Tim Urban: Noted streets have been created for a private, safe environment, but to connect to the north or the south, one of the park areas will have to have traffic going through it. Suggested establishing a right-of-way in the far southwest corner to allow an access point to the land to the west when it is developed. The other option would be to force the developer to give up an enclave to allow the traffic to egress out of the neighborhood.

*Mike Simonson left the meeting at 8:56 p.m.*

Mike Ludwig: Noted Traffic and Transportation has been amenable with waiting for the future development to provide the second access to the subdivision, the only requirement was that a turnaround provided at the north end of the north/south street and at the west end of the east/west street.

Tim Urban: Expressed concern for the pedestrian circulation noting the dead ends do not provide any means for pedestrians to get out of the subdivision area. Pedestrian accesses need to be included.

Dann Flaherty: Suggested the applicant may be amenable to continuing and working more with staff.

Ted Grob: Indicated he has already done that. He would be happy to do that if some Planning Commissioners could be included in the meeting.

Mike Ludwig: Indicated the provision of easements has been discussed for trail access. Indicated there is flexibility on the design standards.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following individual spoke in favor of the request:*

Darwin Hook, 5055 NE 38<sup>th</sup> Avenue: Finds the plan intriguing. Noted he likes what he sees because he expected to see another layout of curvilinear streets. He suggested the concept was neat but he had a concern about the 50' right-of-way because it is nothing but trees and drainage. Did not know why the street on the east could not be moved to the middle and split. He liked the concept.

Jerry Skeers, 4052 Wallace Lane: Spoke in favor of the development. Recommended voting to keep the developer building in Des Moines.

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

Ted Grob: Concerned about two large items on the development costs: improvements to NE 38<sup>th</sup> Avenue - he did not know what a "fair share contribution" was; and the sanitary sewer connection fee.

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

Bruce Heilman: Moved staff but would like the Commission to consider item-by-item the architecture and garage items, with clarification on the development items to determine if there are any items the Commission could consider, realizing many of them the Commission has no input into.

Mike Ludwig: Regarding the public trees, noted the Subdivision ordinance requires street trees and explained the Commission could make a recommendation to City Council that they waive that requirement on an individual lot basis.

Dann Flaherty: Indicated if there is VA financing there may need to be trees to obtain financing.

Kent Sovern: Was uncertain the applicant's requested recommendation was a precedent the Commission wanted to set. He would prefer to look at eliminating staff recommendations.

Bruce Heilman: Did not think some of the applicant's requests could be responded to by the Commission due to lack of authority.

Larry Hulse: Explained the Commission could make a recommendation regarding street trees and although the flared tapered end is a traffic operation issue related to the amount of traffic that there probably will be. The Commission could do something different, but the City may end up putting in a flair sometime in the future.

Mike Ludwig: Indicated there was no traffic study specific recommendations for improvements on Douglas Avenue. Suggested if the cost of improvements is too much at the time of preliminary plat, the developer can choose not to develop the plat.

Larry Hulse: Noted the Commission has no authority over the Water System development fee nor would they on the Sanitary Sewer connection fee, and would have to be dealt with through the City Council, although it would be difficult to waive. Adjoining sidewalk thickness could be less, but they would have to demonstrate its adequacy to the City Engineer. Trail connections and street trees are in the Commission's purview.

Mike Ludwig: Noted the WRA is not supportive of waiving the Sanitary Sewer Connection fee. Other developers and existing houses have already paid into that fee and there would have to be numerous refunds issued to property owners who have paid into the fee.

Bruce Heilman: Asked about the Housing Items submitted by the applicant. Noted he would love to see the development occur but has some concerns. Suggested the applicant has some good points and the square footage could be a trade-off; he would be willing to acquiesce to the applicant's square footage. He did not know what the difference was between the shingles but would leave it up to the developer. Since the development is not a closed development or gated community he would be willing to leave those up to customer option along with the garages with rear access alleys. Suggested extending the back alleyways to provide more rear accessed lots. Suggested not doing the entire development as optional garages, but only those with the rear alley access.

Mike Ludwig: Explained the difference between shingles.

Ted Grob: Noted Sawyers Landing has an option on shingles.

Bruce Heilman: Would be willing to trade off the shingles.

Tim Urban: Asked if the proposal has the same architectural restrictions as the prior development such as variable setbacks, trading brick for porches and other things consistent with the architectural plans.

Mike Ludwig: Noted the standard conditions are listed under condition #13 of the staff recommendations. The only architectural related conditions are A through F. The 60 square foot porch is a requirement.

Ted Grob: Noted Sawyers had the option of a porch or masonry.

Bruce Heilman: Noted the front masonry could be left as either/or for a porch at 60 square feet or brick. Variable setbacks and no like architecture in the same vicinity. Public trees on the yard, the park setting is a good tradeoff; would be willing to let the customer do their own landscaping. Would include in the motion a decision on the street that the final design must be acceptable to the Fire Department. Would not vote for the request if "no parking" signs go up because it is unrealistic. Sidewalk trail connections are a minimal cost and he would like to keep them in there.

Tim Urban: Asked if it would make sense to require a right-of-way for the sidewalk connections. Regarding the public tree issue there will be a landscape plan and many of the trees on the park may offset; suggested making it subject to the landscaping plan.

Bruce Heilman: Suggested waiving front yard trees and leave the landscape plan up to staff.

Tim Urban: Suggested if there is a traffic study done that demonstrates that the trip generation caused by this project would require the widening of Douglas as a trigger point, then it would seem

the developer would have to contribute to the widening of Douglas. If the traffic does not show the project to have a significant impact on the daily traffic requirements for Douglas then it would seem to be unreasonable.

Larry Hulse: Asked if sidewalk connections comment was to reserve the place where a sidewalk could go and not put the concrete in.

Tim Urban: Explained if they were put in as sidewalk connections, privacy fences would have to go in or something; a standard incorporated as a design detail requiring that the association be held responsible for providing the sidewalks at some future date if at some time there are sidewalks to access to. Also if the association holds the City harmless and the association is responsible for maintaining and replacing the sidewalks adjoining the streets, the thickness of the sidewalk for the fire department's equipment is not an issue.

Larry Hulse: Suggested the sidewalks would be something that returns for subdivision plat.

Tim Urban: Asked if the motion implies encouraging the developer to extend the alley.

Bruce Heilman: Explained the garage option is for where there is rear access; whether the alley is extended is up to the developer.

Ted Grob: Explained if the alleyway is extended the lot widths would have to be reduced to 50' wide.

Kent Sovern: Called the question.

Motion passed 8-1 (Dann Flaherty was in opposition). In favor were: Greg Jones, Kent Sovern, Jeffrey Johannsen, Kaye Lozier, Bruce Heilman, Shirley Daniels, Tim Urban and Marc Wallace.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment