

September 10, 2007

Date

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 August 2, 2007, the members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from HDR Land Development, LLC (purchaser) represented by Matt DeMey (agent) to amend the Des Moines 2020 Community Character Plan future land use designation for the southern portion of the site (18.88 acres) located along NE 23rd Avenue (also known as Easton Blvd) from Low Density Residential to Low/Medium-Density Residential, which allows for a maximum density of 12 dwelling units per acre, 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

(21-2007-4.04)

Roger K. Brown, Assistant City Attorney

| 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

HDR Land Development LLC - 4680 NE 23rd Avenue

21-2007-4.04



September 10, 2007

Date _____

Agenda Item 64A

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 August 2, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 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 HDR Land Development, LLC (purchaser) represented by Matt DeMey (agent) to amend the Des Moines 2020 Community Character Plan future land use designation for the southern portion of the site (18.88 acres) located along NE 23rd Avenue (also known as Easton Blvd.) from Low Density Residential to Low/Medium-Density Residential, which allows for a maximum density of 12 dwelling units per acre, subject to a future PUD Concept Plan amendment.

(21-2007-4.04)

By same motion and vote, members recommended **APPROVAL** of a request to rezone property located at 4680 NE 23rd Avenue (Easton Blvd.) from "A-1" Agricultural District to "PUD" Planned Unit Development; and **APPROVAL** of "The Woods of Copper Creek" PUD Conceptual Plan for approximately 71 acres for 60' wide lot single-family residential development, approximately 22 acres of 70' wide lot single-family development, and approximately 18 acres for future multiple-family residential development to be defined with a future amendment, subject to the addition of the following:
(ZON2007-00035)



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. The roof on any home constructed shall be of architectural-type shingles or cedar shakes.
2. Provision of a traffic circle in the north 4-way intersection of the eastern collector street, with low-level shrubs and/or flower landscaping elements within the traffic circle that would be planted by the developer and owned and maintained by a homeowners association.
3. PUD Conceptual Plan must allocate half of the 80' ROW needed for NE 23rd Avenue (Easton Blvd.).
4. PUD Conceptual Plan must provide a 37' width pavement on the streets at NE 23rd Avenue (Easton Blvd.) to allow a 150' left-turn lane and taper back to 31' width.

Written Responses

2 In Favor

3 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 that the proposed rezoning to PUD District be found in conformance with the Des Moines' 2020 Community Character Plan for the areas designated for single-family residential, but not for the areas designated for multiple-family residential.

Part B) Staff recommends that the Des Moines' 2020 Community Character Plan future land use designation for the southern portion of the site (18.88 acres) be amended from Low Density Residential to Low/Medium-Density Residential, which allows for a maximum density of 12 dwelling units per acre subject to a future PUD Concept Plan amendment.

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

Part D) Staff recommends approval of the "The Woods of Copper Creek" PUD Conceptual Plan subject to the addition of the following:

1. The roof on any home constructed shall be of architectural-type shingles or cedar shakes.
2. Provision of a traffic circle in the north 4-way intersection of the eastern collector street, with low-level shrubs and/or flower landscaping elements within the traffic circle that would be planted by the developer and owned and maintained by a homeowners association.
3. PUD Conceptual Plan must allocate half of the 80' ROW needed for NE 23rd Avenue.
4. PUD Conceptual Plan must provide a 37' width pavement on the streets at NE 23rd to allow a 150' left-turn lane and taper back to 31' width.

STAFF REPORT

1. **Purpose of Request:** The applicant is proposing to rezone the property to "PUD" Planned Unit Development District. The proposed PUD Conceptual Plan provides approximately 71 acres for 60' wide lot single-family residential development, approximately 22 acres of 70' wide lot single-family development, and approximately 18 acres for multiple-family residential development. The PUD Conceptual Plan provides 19.4 acres of preservation easements within the rear of many of single-family residential lots to protect existing vegetation and natural drainage ways (17.5% of the overall 111-acre development). The PUD Conceptual Plan also states that the implementation of low impact design methods to supplement the City's regular storm water management standards shall be considered with any PUD Final Development Plan.

The Conceptual Plan includes a provision that development of the multiple-family residential area would be subject to review and approval of an amendment to the Conceptual Plan. Staff recommends that the 2020 Community Character Plan future land use designation for the multiple-family area be amended to Low/Medium Density Residential, which would allow for development with a density of up to 12 dwelling units per acre.

2. **Size of Site:** 111 acres.

3. **Existing Zoning (site):** "A-1" Agricultural District.

4. **Existing Land Use (site):** Agriculture and open space.

5. **Adjacent Land Use and Zoning:**

North – ***"S" Suburban (Polk County); Use is agricultural production.***

South – ***"R-3" (Pleasant Hill); Use is the Copper Creek golf course community with a mix of single-family and townhome dwellings.***

East – ***"S" Suburban (Polk County); Uses are a single-family dwelling and agricultural production.***

West – ***"S" Suburban (Polk County); Uses are single-family dwellings.***

6. **General Neighborhood/Area Land Uses:** The subject property is located in an undeveloped area of agricultural land on the north side of Easton Avenue.

7. **Applicable Recognized Neighborhood(s):** N/A.

8. **Relevant Zoning History:** The subject property was zoned to the "A-1" Agricultural District upon annexation to the City of Des Moines.

9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.

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 Site Features:** The subject property consists of rolling hills with significant vegetation along drainage ways and fence lines along the south, west, and north. Timbered natural drainage ways exist in several locations and contain natural vegetation (17.5% of the overall 111-acre development).

The PUD Conceptual Plan provides 19.4 acres of preservation easements within the rear of many of single-family residential lots to protect the existing vegetation and natural drainage ways.

The PUD Conceptual Plan includes a statement that a survey of all trees over 6" in caliper for the areas in which trees will be removed will be submitted at the Preliminary Plat PUD Development Plan review phase. It also indicates that no tree removal, grading, or construction will occur on the site until the PUD Final Development Plan is approved.

1. **Drainage/Grading:** Drainage and grading will be evaluated at the PUD Final Development Plan review phase. The PUD Conceptual Plan states that the builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards during construction.
2. **Stormwater Management:** The PUD Conceptual Plan provides multiple stormwater detention areas and bio-swales throughout the development. It also states that the implementation of low-impact design methods to supplement the City's regular storm water management standards shall be considered with any PUD Development Plan and Preliminary Plat.
3. **Utilities:** The developer will be required to extend services to serve the development. Staff believes there is sufficient capacity in the surrounding utilities to support future development. There is a sanitary trunk sewer crossing the site. The Des Moines Water Works has a 6" water main in NE 23rd Avenue (Easton Blvd).
4. **Landscaping & Buffering:** The PUD Conceptual Plan indicates that an overstory tree would be required within in the front yard of each single-family residential property. In addition, one street tree must be planted in the public right-of-way in front of each residential property.

Vegetation within preservation easements along the west and north site boundaries would provide a visual screen and buffer between the proposed development and the existing residential properties adjacent to the east and west in unincorporated Polk County.

The PUD Conceptual Plan indicates that low-level shrubs and/or flower landscaping elements will be provided within all landscape islands within cul-de-sacs. These landscape areas would be planted by the developer and owned and maintained by a homeowners association. Staff recommends that this be revised to also include landscape islands within traffic circles.

5. **Trail System:** The PUD Conceptual Plan provides an 8'-wide north/south recreational trail across the entire development that would be along the east side of the westernmost north/south street. The trail would serve as a connection between the City-designated bike route along Easton Boulevard and future residential development to the north.
6. **Traffic/Street System:** The PUD Conceptual Plan demonstrates a network of streets throughout the single-family residential areas. It indicates that there would be two main north/south streets across the entire development, with several shorter streets and cul-de-sacs. The proposed street network only provides one east/west connection between the two main north/south streets. Staff and the developer have discussed the possibility of providing an

additional east/west connection, but the developer indicated that any additional connection would require substantial grading across a natural drainage and would result in the significant loss of existing trees.

In order to provide for street connectivity with future development of land adjoining to the north and to the east, the Conceptual Plan provides three public street connections at the north site boundary and two public street connections at the east site boundary. Temporary turnarounds are provided at all of these street stubs.

The revised submittal responds to concerns raised by the Plan and Zoning Commission by shifting the westernmost north/south street 5' to the east in order provide additional lot depth to accommodate both tree preservation easements and bio-swaales at the rear of these lots.

The Conceptual Plan indicates that 4'-wide sidewalks shall be provided along both sides of all public streets. The 8'-wide recreational trail along the westernmost north/south street would be in place of a 4'-wide sidewalk. The sidewalks will be completed with the construction of each house.

The Traffic and Transportation Division has requested provision of a traffic circle in the north 4-way intersection of the eastern collector street. They have also indicated that the PUD Conceptual Plan must allocate half of the 80' ROW needed for NE 23rd Avenue and provide a 37' width pavement on the streets at NE 23rd to allow a 150' left-turn lane and taper back to 31' width.

- 7. 2020 Community Character Land Use Plan:** The 2020 Community Character Land Use Plan designates the entire site as Low-Density Residential, which allows for single-family residential development with net densities up to 6 dwellings unit per acre. The proposed single-family residential areas with 60'-wide and 70'-wide lots directly conform with the Low Density Residential designation.

Staff recommends that the Des Moines' 2020 Community Character Plan future land use designation for the southern portion of the site (18 acres) be amended from Low Density Residential to Low/Medium-Density Residential, which would allow for development with up to 12 dwellings units per acre. Future development of the multiple-family residential area would be subject to review and approval of an amendment to the Conceptual Plan.

- 8. Signage:** The PUD Conceptual Plan proposes an entry sign along Easton Boulevard at both of the proposed north/south streets. The conceptual diagram indicates that each sign would be constructed with stone and masonry materials.
- 9. Fencing:** The PUD Conceptual Plan provides several provisions regarding fencing on the single-family lots. No fence shall exceed 6' in height and no chain link fence would be permitted unless it is clad with black vinyl. In addition, fencing is prohibited in front yard areas and within easements for stormwater detention areas. Fencing within the multiple-family residential area would be subject to review and approval of a future amendment to the PUD Conceptual Plan.
- 10. Architectural Guidelines:** The revised PUD Conceptual Plan submitted following the July 19, 2007 Planning Commission satisfies all of the conditions previously recommended in the Staff Report except for the requirement that dwellings have either architectural or cedar shingles.

The PUD Conceptual Plan states that the same single-family dwelling plan shall not be built on adjacent lots and that each single-family dwelling unit shall have a private garage, whether attached or detached. It also states that all detached structures shall mimic and complement the main structure's architecture and style. It also indicates that the windows on the street

facade of any single-family dwelling shall have either shutters on each side or trim border not less than 4" in width. The PUD Concept Plan states that siding materials shall be masonry (brick or stone), vinyl (at least 40 mills thick), cedar, or hardi-plank siding.

The PUD Concept Plan also states that the front elevation of each single-family home constructed must contain one of the following: a front porch of not less than 60 square feet, or stone or brick masonry siding equal to a minimum of 1/3 of the first floor

Minimum building floor areas for 1-story single-family dwellings shall be 1,200 square feet excluding basement and minimum building floor areas for 1-½-story and 2-story single-family residential shall be 1,400 square feet excluding basement.

The PUD Concept Plan proposes that roofing materials shall be asphalt-type shingles and that architectural shingles or cedar shakes are optional. The developer believes that as a trade-off for not requiring architectural shingles, they are 1) providing 19.4 acres of preservation easements, 2) exploring alternate setbacks from lot to lot where possible, and 3) exploring use of low impact design methods for stormwater management during the design and grading phases.

SUMMARY OF DISCUSSION

Bert Drost: Presented staff report and recommendation and noted most of the Commission and staff's concerns have been responded to. Noted the applicant is in agreement with staff recommendations.

David Cupp: Asked who maintains the conservation easement.

Bert Drost: Explained it would be the individual property owner's responsibility as long as they are on private property. It would be part of each individual lot, however the homeowner would not be allowed to cut down trees or build anything in those areas.

Larry Hulse: Explained experience has shown once development occurs, the property owners tend to automatically maintain the areas. If there is a property owner who is not caring for the area then the City will take enforcement action.

Fran Koontz: Suggested the City needs to hire more enforcement officers.

Brook Rosenberg: Asked how big the temporary turn-arounds were and how far the power lines run.

Bert Drost: Explained the turn-arounds would be required to be large enough to accommodate a fire engine. Indicated the power lines run across the entire property, noting they are 50' tall high voltage lines.

Gary Reed, Civil Design Advantage, 5501 NW 112th St., Suite G, Grimes: Represented HDR Land Development and noted Matt Walker with CDA and Matt DeMey from HDR Land Development were present to respond to questions, also. Described the site and explained the request and the conceptual plan. Noted they are estimating approximately 20.9 acres of natural wooded drainage way exists on the property within the planned single-family area. Tree preservation is planned in the amount of 19.4 acres, which represents approximately 93% of the existing vegetation within the planned single-family area. Explained they have had two neighborhood meetings and explained the overriding concern expressed included the nature of the proposed future multi-family at the south end of the property. They indicated to the neighbors that when the tract develops the proposal will go through a public hearing process for review. Indicated they have relocated the bike trail from the east side of the far westerly north/south road to the west side, which eliminates

three roadway crossings for the bike trail. Explained they also slid the westerly-most north/south road over slightly to allow more room for the home construction as it relates to the tree line on the west property line. Additionally, they are committing to providing alternating setbacks along two of the more linear roads within the development; the westerly-most north/south road and the road adjacent to it. They believe providing the alternating setbacks will help to break up the view corridors along the linear roadways. They have revised the request for architectural requirements, as well and he presented sketches of the home designs, noting they are in agreement with the brick and/or porch finishes and have implemented the proposed architectural themes within the PUD submittal. They received their inspiration on the architectural theme from the Brook Run development. They believe their proposed architecture will fit in nicely with that neighbor. They are estimating 112 walk out single-family lots, but have not yet done a grade design. They are in agreement with staff conditions, however are requesting the ability to have architectural shingles as an option to the homebuyer.

Brian Millard: Asked about their resistance to architectural shingles.

Gary Reed: Explained it is an attempt to stay on the same playing field as other developments. Noted it is an attempt to offer flexibility to allow the homebuyer to decide where they want to invest their money.

Brook Rosenberg: Asked about drawings for the temporary turn-arounds and suggested it could affect the end lots.

Gary Reed: Indicated he did not have renderings, but if they could not get off-site easements it would affect the end lots.

Fran Koontz: Asked what they were considering for the multi-family.

Gary Reed: Explained they had not made a decision on what type of multi-family it would be, but noted if HDR Development does it, the proposal would return to the Commission to present the theme of the area. Also indicated that they are committing to doing alternating setbacks.

Brian Millard: Asked if the Commission decides to go forward with the staff recommendation, if the architectural shingles would break the deal.

Gary Reed: Indicated it would not.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Larry Hulse: Thanked the developer for listening to the Commissioner discussion and redesigning the development.

Fran Koontz: Moved staff recommendation.

Motion passed 10-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is fluid and cursive, with the first name "Michael" and last name "Ludwig" clearly distinguishable.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment