

Date..... October 8, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 20, 2007, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from LeMar Koethe (owner) to rezone property located at 6001 Indianola Avenue more specifically described as the land between East Payton Avenue and East Army Post Road from Indianola Ave through the 2900 Block of East Payton Avenue; and the land between East Payton Avenue and East Porter Avenue/East Caulder Avenue from the 2700 Block through the 2900 Block from "R1-80" One-Family Residential District to "C-1" Neighborhood Retail Commercial District, "R-4" Multiple Family Residential District, Limited "R-3" Multiple-Family Residential District, and "R1-70" One-Family Low-Density Residential District to allow for large scale mixed use development, subject to the following conditions:

1. The proposed "R-3" District is limited to 12 units per net acre.
2. The area proposed to be zoned "R-4" District is zoned "R-3" District with a maximum of 17 units per acre.
3. Trails are provided as shown on the submitted conceptual development plan and in accordance with the Easter Lake New Town Plan.
4. The site is developed in substantial conformance with the submitted conceptual development plan.
5. Extension of SE 29th Court from its terminus at the north end of the site to East Army Post Road.
6. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Preliminary Plat for the property.
7. No trees over 6" in caliper shall be removed on the subject property until a grading plan is approved as part of a Preliminary Plat.
8. Each single-family dwelling unit shall have a private garage, whether attached or detached.
9. Minimum building floor areas for single-family residential shall be as follows:
 - a) Single-story (ranch) 1,200 square feet, excluding basements.
 - b) Two-story 1,400 square feet, excluding basements.
10. The front elevation of each single-family home constructed must contain one of the following:
 - a) A front porch of not less than 60 square feet; or
 - b) Stone or brick masonry siding equal to a minimum of 1/3 of the 1st floor.
11. The front elevation of each single-family home constructed must contain one of the following:
 - a) Shutters on each side of each window: or
 - b) Window trim not less than 4" in width.

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12. The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
13. The roof on any home constructed shall be of architectural type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
14. Fencing shall be limited as follows:
 - a) Black vinyl-clad chain link is the only fencing material permitted.
 - b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
 - c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 - d) 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.
 - e) 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.
 - f) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
15. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards. Erosion control and drainage plans for the entire development are to be determined prior to the site plan returning to the Planning Commission.
16. A unified landscaping theme for the overall development of the "C-1" District shall be prepared by the owners of the Property and approved by the Plan and Zoning Commission prior to approval of any site plan for the Property. No site plan shall be approved for the Property, which does not conform to the approved unified landscaping theme.
17. A unified architectural theme for the overall development of the "C-1 District shall be prepared by the owners of the Property and approved by the Plan and Zoning Commission prior to approval of any site plan for the Property. No site plan shall be approved for the Property, which does not conform to the approved unified architectural theme. The unified architectural theme shall include a requirement for a predominance of quality materials such as brick, stone, and/or masonry block.
18. There shall be no plats of survey. All subdivision of property is to be done through the subdivision process.

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19. Any multi-family areas and the C-1 District shall adhere to R-3 density limits.
20. Neighborhood to be notified when site plans return to the Commission.
21. Realign the east/west street to straighten it out and replace the R-3 portion north of the east/west street with R1-70, single-family residential zoning.

The subject property is more specifically described as follows:

That part of the south ½ of the southwest ¼, and the south ½ of the southeast ¼, and the northeast ¼ of the southeast ¼, all in Section 25, and Lots 2 and 3 of the Official Plat of the northwest ¼ of the southeast ¼ of Section 25, all in Township 78 North, Range 24 West of the 5th P.M., in the City of Des Moines, Polk County, Iowa and described as follows:

Beginning at the southwest corner of said Section 25; Thence north 0°02'35" west along the west line of the southwest ¼ of said southwest ¼, a distance of 1321.87 feet to the northwest corner thereof; Thence south 89°33'09" east along the north line of said southwest ¼ of the southwest ¼, a distance of 509.74 feet; Thence south 0°02'35" east, 463.02 feet; Thence south 89°33'09" east, 200.01 feet; Thence north 0°02'35" west, 463.02 feet to a point on said north line; Thence south 89°33'09" east along said north line, 606.81 feet to the northeast corner of said southwest ¼ of the southwest ¼; Thence south 89°42'37" east along the north line of the southeast ¼ of said southwest ¼, a distance of 1322.60 feet to the northeast corner thereof; Thence south 89°44'00" east along the north line of the southwest ¼ of said southeast ¼, a distance of 588.74 feet to the southwest corner of said Lot 2; Thence north 1°02'01" east along the west line of said Lot 2, a distance of 272.91 feet to the northwest corner thereof; Thence north 76°28'50" east along the north line of said Lot 2, a distance of 726.52 feet to the northeast corner thereof and at a point on the west line of said Lot 3; Thence north 0°16'53" east along said west line, 896.10 feet to the northwest corner of said Lot 3; Thence south 89°43'58" east along the north line of said Lot 3, a distance of 20.32 feet to the northeast corner thereof; Thence south 1°00'26" west along the east line of said Lot 3, a distance of 20.48 feet to the northwest corner of said northeast ¼ of the southeast ¼; Thence south 89°44'01" east along the north line of said northeast ¼ of the southeast ¼, a distance of 1316.87 feet to the east ¼ corner of said Section 25; Thence south 0°12'05" west along the east line of said northeast ¼ of the southeast ¼, a distance of 1321.64 feet to the southeast ¼ thereof; Thence continuing south 0°12'05" west along the east line of the southeast ¼ of said southeast ¼, a distance of 1321.29 feet to the southeast corner of said Section 25;

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Thence north 89°43'10" west along the south line of said southeast ¼, a distance of 2635.73 feet to the south ¼ corner of said Section 25; Thence north 89°39'27" west along the south line of said southwest ¼, a distance of 2634.42 feet to the Point of Beginning and containing 204.17 acres (8,893,797 s.f.).

Except those parcels conveyed to the City of Des Moines in Warranty Deeds recorded in Book 7611, Pages 662 and 666 and described as follows:

A part of the south ½ of the southeast ¼, Section 25, Township 78 north, Range 24 west of the 5th P.M., Polk County, more particularly described as follows:

Commencing as a Point of Reference at the southwest corner of Section 25, Township 78 north, Range 24 west of the 5th P.M.; Thence south 89°36'44" east along the south line of said Section 25, a distance of 247.91 feet; Thence north 0°00'00" east 66.10 feet; Thence north 50°22'10" west 263.42 feet to the Point of Beginning; Thence continuing north 50°22'09" west, 15.58 feet; Thence north 0°00'22" east, 302.62 feet; Thence south 89°13'49" east, 12.00 feet; Thence south 0°00'22" west, 312.55 feet to the Point of Beginning; All now included in and forming a Part of the City of Des Moines, Polk County, Iowa and containing 3,697 square feet and (except the east 200 feet of the west 710 feet of the north 463 feet), All in Section 25, Township 78 north, Range 24 west of the 5th P.M., more particularly described as follows:

Commencing as a Point of Reference at the southwest corner of Section 25, Township 78 north, Range 24 west of the 5th P.M.; Thence south 89°36'44" east along the south line of said Section 25, a distance of 247.91 feet; Thence north 0°00'00" east 66.10 feet to the Point of Beginning; Thence north 50°22'10" west, 23.91 feet; Thence south 89°12'56" east, 93.63 feet; Thence south 0°47'05" west, 15.00 feet; Thence north 89°12'56" west 75.00 feet to the Point of Beginning, All now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 1,265 square feet.

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 October 22, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.

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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

(ZON2007-00140)

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 LeMar Koethe (owner) to rezone property located at 6001 Indianola Avenue more specifically described as the land between East Payton Avenue and East Army Post Road from Indianola Ave through the 2900 Block of East Payton Avenue; and the land between East Payton Avenue and East Porter Avenue/East Caulder Avenue from the 2700 Block through the 2900 Block.		File # ZON2007-00140			
Description of Action	Rezone subject property from "R1-80" One-Family Residential District to "C-1" Neighborhood Retail Commercial District, "R-4" Multiple Family Residential District, "R-3" Multiple-Family Residential District, and "R1-70" One-Family Low-Density Residential District to allow for large scale mixed use development.				
2020 Community Character Plan	Easter Lake New Town Plan: General Development Zone Low Density Residential, Village Development Low-Density Residential, Village Development Low/Medium Density Residential, Village Development Medium-Density Residential, Village Development Mixed Use and Density Residential, Village Development Neighborhood Commercial Center, Park/Open Space - Public, Park/Open Space - Private, Public/Semi-Public				
Horizon 2025 Transportation Plan	Indianola Avenue from SE 14 th Street to Army Post Road to widen from 2 lane undivided to 4 lane divided.				
Current Zoning District	"R1-80" One-Family Residential District.				
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District, "R-4" Multiple Family Residential District, "R-3" Multiple-Family Residential District, and "R1-70" One-Family Low-Density Residential District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	5	12	0	<20%	
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Date _____

Agenda Item 23

Roll Call # _____

October 8, 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 September 20, 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 LeMar Koethe (owner) to amend the Des Moines 2020 Community Character Plan land use designation for property located in the vicinity of 6001 Indianola Avenue and consisting of the land between East Payton Avenue and East Army Post Road from Indianola Ave through the 2900 Block of East Payton Avenue, and the land between East Payton Avenue and East Porter Avenue/East Caulder Avenue from the 2700 Block through the 2900 Block, as referenced in the Easter Lake New Town Plan as follows: (21-2007-4.12)

1. From Medium-Density Residential, Park/Open Space – Private, Mixed Use and Density Residential, Village Development Low Density Residential and Low-Medium Density Residential to Neighborhood Commercial Center, Medium Density Residential, and Low-Medium Density Residential; and
2. From General Development Low Density Residential, Park/Open Space – Public, and Public/Semi-Public to Low-Medium Density Residential and Park/Open Space – Public.



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

By same motion and vote, members recommended **APPROVAL** of a request to rezone subject property from "R1-80" One-Family Residential District to "C-1" Neighborhood Retail Commercial District, "R-4" Multiple Family Residential District, Limited "R-3" Multiple-Family Residential District, and "R1-70" One-Family Low-Density Residential District to allow for large scale mixed use development, subject to the following conditions: (ZON2007-00140)

1. The proposed "R-3" District is limited to 12 units per net acre.
2. The area proposed to be zoned "R-4" District is zoned "R-3" District with a maximum of 17 units per acre.
3. Trails are provided as shown on the submitted conceptual development plan and in accordance with the Easter Lake New Town Plan.
4. The site is developed in substantial conformance with the submitted conceptual development plan.
5. Extension of SE 29th Court from its terminus at the north end of the site to East Army Post Road.
6. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Preliminary Plat for the property.
7. No trees over 6" in caliper shall be removed on the subject property until a grading plan is approved as part of a Preliminary Plat.
8. Each single-family dwelling unit shall have a private garage, whether attached or detached.
9. Minimum building floor areas for single-family residential shall be as follows:
 - a) Single-story (ranch) 1,200 square feet, excluding basements.
 - b) Two-story 1,400 square feet, excluding basements.
10. The front elevation of each single-family home constructed must contain one of the following:
 - a) A front porch of not less than 60 square feet; or
 - b) Stone or brick masonry siding equal to a minimum of 1/3 of the 1st floor.
11. The front elevation of each single-family home constructed must contain one of the following:
 - a) Shutters on each side of each window; or
 - b) Window trim not less than 4" in width.
12. The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
13. The roof on any home constructed shall be of architectural type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
14. Fencing shall be limited as follows:
 - a) Black vinyl-clad chain link is the only fencing material permitted.
 - b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
 - c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 - d) 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.
 - e) 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.
 - f) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
15. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards. Erosion control and drainage plans for the entire development are to be determined prior to the site plan returning to the Planning Commission.
16. A unified landscaping theme for the overall development of the "C-1" District shall be prepared by the owners of the Property and approved by the Plan and Zoning Commission prior to approval of any site plan for the Property. No site plan shall be approved for the Property, which does not conform to the approved unified landscaping theme.
17. A unified architectural theme for the overall development of the "C-1 District shall be prepared by the owners of the Property and approved by the Plan and Zoning Commission prior to

approval of any site plan for the Property. No site plan shall be approved for the Property, which does not conform to the approved unified architectural theme. The unified architectural theme shall include a requirement for a predominance of quality materials such as brick, stone, and/or masonry block.

18. There shall be no plats of survey. All subdivision of property is to be done through the subdivision process.
19. Any multi-family areas and the C-1 District shall adhere to R-3 density limits.
20. Neighborhood to be notified when site plans return to the Commission.
21. Realign the east/west street to straighten it out and replace the R-3 portion north of the east/west street with R1-70, single-family residential zoning.

Written Responses

5 In Favor

11 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 be found not in conformance with the existing Des Moines' 2020 Community Character Plan Land Use Map.

Part B) Staff recommends approval of requested amendments subject to the area proposed to be designated Mixed Use and Density Residential being designated Medium Density Residential.

Part C) Staff recommends approval of the requested rezoning subject to the following conditions:

1. The proposed "R-3" District is limited to 12 units per net acre.
2. The area requested for "R-4" District be zoned "R-3" District with a maximum of 17 units per acre.
3. Trails are provided as shown on the submitted conceptual development plan and in accordance with the Easter Lake New Town Plan.
4. The site is developed in substantial conformance with the submitted conceptual development plan.
5. Extension of SE 29th Court from its terminus at the north end of the site to East Army Post Road.
6. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Preliminary Plat for the property.
7. No trees over 6" in caliper shall be removed on the subject property until a grading plan is approved as part of a Preliminary Plat.
8. Each single-family dwelling unit shall have a private garage, whether attached or detached.
9. Minimum building floor areas for single-family residential shall be as follows:
 - a) Single-story (ranch) 1,200 square feet, excluding basements.
 - b) Two-story 1,400 square feet, excluding basements.
10. The front elevation of each single-family home constructed must contain one of the following:
 - a) A front porch of not less than 60 square feet; or

- b) Stone or brick masonry siding equal to a minimum of 1/3 of the 1st floor.
11. The front elevation of each single-family home constructed must contain one of the following:
 - a) Shutters on each side of each window: or
 - b) Window trim not less than 4" in width.
 12. 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.
 13. The roof on any home constructed shall be of architectural type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
 14. Fencing shall be limited as follows:
 - a) Black vinyl-clad chain link is the only fencing material permitted.
 - b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
 - c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 - d) 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.
 - e) 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.
 - f) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
 15. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
 16. A unified landscaping theme for the overall development of the "C-1" District shall be prepared by the owners of the Property and approved by the Community Development Director prior to approval of any site plan for the Property. No site plan shall be approved for the Property, which does not conform to the approved unified landscaping theme.
 17. A unified architectural theme for the overall development of the "C-1 District shall be prepared by the owners of the Property and approved by the Community Development Director prior to approval of any site plan for the Property. No site plan shall be approved for the Property, which does not conform to the approved unified architectural theme. The unified architectural theme shall include a requirement for a predominance of quality materials such as brick, stone, and/or masonry block.

STAFF REPORT

1. **Purpose of Request:** The subject site is generally located between East Payton Avenue and East Army Post Road from Indianola Ave through the 2900 Block of East Payton Avenue. The applicant is proposing to rezone the northeast 80.11 acres of the site to "R1-70" One-Family Low Density Residential District, the central and southeast 80.88 acres to "R-3" Multiple Family Residential District with a limit of 12 units per acre, the northwest 9.34 acres to "R-4" Multiple Family Residential District and the western 33.84 acres to "C-1" Neighborhood Retail Commercial District.
2. **Size of Site:** 204.17 acres.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** Undeveloped.

5. Adjacent Land Use and Zoning:

North – “PUD”, “R1-70”, “R1-90”, “PUD”; Townhomes, undeveloped land and single-family dwellings.

South – “Three Lakes Estates PUD” & “R1-80”; Cemetery, future city park and single-family dwellings.

East – “PUD” & “R1-60”; Undeveloped land and single-family dwellings.

West – “R1-80” & “C-1”; Single-family dwellings and convenience store.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the Easter Lake New Town Plan area. The surrounding area generally consists of single-family dwellings, townhomes and agricultural land.
7. **Applicable Recognized Neighborhood(s):** Easter Lake Area Neighborhood.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Easter Lake New Town Plan: General Development Low Density Residential, Village Development Low Density Residential, Low-Medium Density Residential, Medium Density Residential, Mixed Use and Density Residential, and Neighborhood Commercial Center.
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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property consists of rolling hills that generally slope downward towards the east and south. The majority of the site has historically been used for agricultural production. Several natural drainage ways dissect the property many of which include large clusters of trees. There is also significant lineal tree coverage along East Payton Avenue and East Army Post Road.

The submitted conceptual development plan identifies two areas in the eastern portion the site and one in the northwestern portion of the site as park space. These areas are in the vicinity of future park/open space identified in the Easter Lake New Town Plan and are located in some of the wooded areas of the site. Staff believes there are more opportunities to save trees on the site than in addition to these areas. Staff recommends that approval of the requested rezoning be on the condition that a survey of all trees over 6” in caliper and a tree protection plan be submitted during the Preliminary Plat review process. Staff further recommends that no trees over 6” in caliper be removed on the subject property until a grading plan is approved as part of a Preliminary Plat. The mitigation of the loss of trees will be reviewed after the tree survey and tree protection plan are submitted.

2. **Drainage/Grading:** Drainage and grading will be evaluated at the plat phase of the development and during the review of site plans for individual projects within the development. The portion of the site south of East Payton Avenue generally drains to the south and then east along the

southern portion of the site. The portion of the site north of East Payton Avenue generally drains to the east.

3. **Utilities:** The developer will be required to extend services into the development. Staff believes there is sufficient capacity in the surrounding utilities to support future development.
4. **Landscaping & Buffering:** The submitted conceptual development plan identifies a total of 13 acres of park space that will provide some buffering for adjoining uses and from within the proposed development. Staff believes there are opportunities to save additional trees on the site that would provide additional buffering. Staff is recommending that this be explored further during platting.

The City's Landscape Standards require the provision of open space, bufferyards, parking lot interior plantings and parking lot perimeter plantings in the "R-3", "R-4" and "C-1" Districts. Multi-family site plan review(s) will be required for future development of the requested "R-3" and "R-4" portions of the site. Development in these areas must comply multi-family design guidelines contained in Chapter 82 of the City Code.

5. **Traffic/Street System:** The subject site is generally bounded by Indianola Avenue to the west, East Army Post Road to the south and East Payton Avenue to the north. The Easter Lake New Town Plan shows four north/south streets and one east/west street bisecting the subject site. The submitted development concept plan shows two north/south streets and one east/west street in addition to the existing streets. Staff believes that SE 29th Court should be extended from the north through the site to East Army Post Road. A fourth north/south through street, generally aligned with SE 28th Street is not practical given the pattern of the development that has occurred to the north.

A traffic study will need to be prepared for review by the City's Traffic & Transportation Division at the time of platting. The developer will be required to provide traffic circles at collector street intersections; additional right-of-way along East Payton Avenue and Indianola Avenue; and an additional lane along East Army Post Road during platting.

6. **Parks & Trail System:** The submitted concept plan includes trails that generally follow the paths identified in the Easter Lake New Town Plan.

The submitted conceptual plan identifies two areas in the eastern portion the site and one in the northwestern portion of the site as park space. These areas are in the vicinity of future park/open space identified in the Easter Lake New Town Plan. The park space identified on the Easter Lake New Town Plan in the northeast portion of the site is much larger than what is shown on the submitted conceptual plan. The Park and Recreation Department believes a park should be developed in this location with a minimum area of 10 acres and that a substantial portion of the park needs to be open space that allows for multi-purpose use. The exact boundaries of this park and any other parks or open spaces in the development will be evaluated further during the preliminary plat process.

7. **Easter Lake New Town Plan:** The western portion of the site is located in a Village Development Zone as described below by the Easter Lake New Town Plan.

Concentrated development that forms compact villages is proposed in the western-most area of the Easter Lake New Town with its proximity to Indianola Road. The area will be composed of three villages, each village is approximately ½ mile square with a center made up of commercial or public uses. Densities of 3-12 dwelling units/acre, with an average of 6-8 dwellings units/acre are propose. The overall density and design character of development within the village will change as one move; from its centers to its edges.

The eastern portion of the site is located in the General Development Zone as described below by the Easter Lake New Town Plan.

New development will be consistent with current development at densities of approximately 3-4 dwelling units per acre meeting the area's current market niche – large lot, single-family homes. To create a strong neighborhood unit in the General Development Character Zone, the Easter Lake New Town Plan proposes an interconnected streets system that minimizes the number of cul-de-sacs.

The existing rural road profile of the east-west streets through this character zone – Easter Lake Drive, Payton Avenue, Army Post Road, and Pine Avenue – fit with its rural aesthetic. These roads should be designated as scenic corridors with few or no curb cuts and gutters. This would transition from the more urban road profile proposed for the section of these roads in the Urban Village Character Zone.

Generally speaking the proposed land use amendments expand the area designated for Neighborhood Commercial Center, shifts the area designated for Mixed Use and Density Residential to the north and west, and expands the area designated for Low-Medium Residential to the east. Staff is supportive of the proposed land use amendments as they reflect natural breaks in the proposed collector street system and provide a transition of density from higher to lower as you move east from Indianola Avenue and north from East Army Post Road on the site.

Staff believes the proposed "R1-70", "R-3" and "C-1" Districts are appropriate if the "R-3" District is limited to a maximum of 12 units per acre as proposed by the applicant. The "R-3" District normally allows up to 17 units per acre. Staff believes the "R-4" is not appropriate because it allows up to 51 units per acre. The Mixed Use and Density Residential land use designation allows for developments over 17 units per acre as well as commercial uses. However, staff believes this designation was intended for areas that would be developed with a mix of uses where a particular parcel within the area might have a density over 17 units per acre but that would be offset by commercially zoned parcels with no residences. Staff recommends the area proposed to be zoned "R-4" District be zoned "R-3" District with a maximum of 17 units per acre.

8. **Urban Design:** The development of this site will be subject to the City's Subdivision Ordinance, which includes the review and approval of all Preliminary Plats by the Plan and Zoning Commission. Final Plats are reviewed and approved by the City Council.

The site plan for any project within the subject development containing three or more dwelling units would be subject to review and approval by the Plan and Zoning Commission in accordance with the City's Design Guidelines for Multiple Family Dwellings as described in Section 82-214.05 of the City Code.

The proposed commercial area in the development will be highly visible and its character will have an impact on the image of the Easter Lake area. Therefore, staff believes the commercial area should have a unified appearance. All buildings developed in this area should follow a unified architectural theme that includes a predominance of quality materials such as brick, stone, or masonry block. Specific conditions are listed in the Staff Recommendation (Section III) portion of this report.

All single-family residences proposed on any portion of the subject site would be subject to the minimum design standards contained in Section 134-342 of the City Code. In addition, staff believes that additional conditions should be placed on each of the requested zoning districts to ensure that future single-family residential development is compatible with existing residential development in the area and consistent with requirements placed on other recent developments in the City. Specific conditions are listed in the Staff Recommendation (Section III) portion of this report.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. Noted the developer is not who will implement the development so they want the flexibility to have differing zonings.

Larry Hulse: Asked if the multiple development plans would have to return to the Commission.

Erik Lundy: Indicated each development plan would return to the Commission. The single-family development is the preliminary plat so the Commission will see that as well.

Jim Martin: Asked what can and cannot be on C-1 property.

Erik Lundy: Noted C-1 intent is for neighborhood-level retail commercial and is very limited in auto-oriented uses such as auto repair, car washes and car lots, for example. Gas stations are allowed in C-1 and on the Army Post Road corridor they can have up to 8 vehicle fueling stations.

Mike Ludwig: Explained the C-1 District also allows any use permitted in an R-4 multi-family residential district. Suggested the C-1 area be further limited to restrict the density on the subject property to R-3 with no more than 17 units per acre. He further explained the permitted uses in a C-1 zoning district. Suggested that freestanding bars or taverns be prohibited. The use would be acceptable if located within a retail center

David Cupp: Noted a fear of the neighborhood residents is that on the R1-70 areas, the Commission would have no control over what goes in there.

Erik Lundy: Noted the Commission would review all subdivision plats, which would provide the street and lot layouts. He explained the housing sizes have been recommended minimum standards for the single-family residential areas consistent with other recent PUDs.

David Cupp: Explained the concern of a number of residents is that the Commission is going to approve the development and they will be forced to accept a lot of low-income housing.

Bruce Heilman: Asked staff about R1-70 lots in a conservation area having to be larger.

Erik Lundy: Explained that to be the densities in the Easter Lake New Town Plan, which has two different categories of low-density projected.

Brian Millard: Referred to Sawyer's Landing regarding lot maintenance and erosion control and asked whether the developer can be held responsible for maintaining a storm water erosion company to manage it.

Erik Lundy: Noted the condition staff is recommending is that the builder/owner is responsible.

Larry Hulse: Explained fines have been levied against the individual developers in the Savannah Homes area. Suggested the Commission could make it very strong in the recommendation that they expect the developer to use a professional group to manage the soils and demonstrate to the City and other groups that it will be managed appropriately.

Brian Millard: Indicated the residents are having to put up with the storm water problems.

Roger Brown: Suggested identifying, at the subdivision stage, a plan be presented to address drainage.

Jim Martin: Indicated drainage is already a problem.

David Cupp: Indicated there is a lot of construction; clarified the request could be passed with a restriction that it return to the Commission.

Larry Hulse: Affirmed but explained the landowner would have to agree to the restriction. Noted conditions #16 and #17 in the staff recommendations. It would be submitted to the Community Development department for the Planning Commission's recommendation. It would also include other issues such as the lotting, how the drainage would work, and erosion control. It would be more work for the Commission. The Commission would be giving approval of the densities and type of uses; all the zoning things, but when it returns the Commission could not change their mind on something unless they had a very good reason and everyone agreed. The Commission would not be saying anything could be built because the details would be returning for review and recommendation.

Mike Simonson: Referred to conditions #16 and #17 of the staff recommendations and asked if it would be possible for some of the lots to be carved off for multiple owners before an actual site plan were submitted. Suggested according to the language the owner of the property has to submit a master plan. If the first person only owns two acres, he questioned who would do the master plan.

Larry Hulse: Indicated commercial development is different than residential. The owner would have to subdivide the property and make it so it can be sold. He suggested when the subdivision comes in the Commission could ask for some of the themes they want.

Jim Martin: Summarized that all of the separate zonings would return to the Commission with more detail with the exception of C-1.

Erik Lundy: Noted the R-3 would return to the Commission as a multiple-family site plan with design guidelines. The R1-70 would return as a preliminary plat for street and lot layouts; staff is already suggesting some architectural restrictions in the conditions that would apply to those plats. Under the 16th and 17th conditions of the staff recommendation the C-1 areas would also return to the Commission rather than being at the purview of the Community Development Director.

Larry Hulse: Suggested a condition requiring a plat of survey not be used when there's any land division.

LeMar Koethe, 3514 142nd Street, Urbandale: Noted before he bought the property the previous owners did not want to get the sewer brought up to the property. He is not a developer, but he wanted to be sure it was done right with continuity. He agrees with all of staff recommendations. He met with the neighborhood association and they wanted less density. He is agreeing to going from the R-3 down to 12 units per acre and taking out the R-4 proposal and going to R-3 and not more than the maximum of 17 units per acre.

Bruce Heilman: Asked who is advising him as a developer for the big picture.

LeMar Koethe: Noted he has talked to a lot of different people.

Bruce Heilman: Asked if he was comfortable that staff explained the advantages of a PUD.

LeMar Koethe: Indicated he understood there are many advantages to a PUD, which is why he is in agreement with the staff recommendations with all the stipulations.

Jim Martin: Asked about the rumor of section 8 housing.

LeMar Koethe: Explained Section 8 housing would ruin the looks of the area and would lower the quality of the area.

