

Date October 22, 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 September 20, 2007, the members voted 10-0 in support of a motion to recommend **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:

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,

all as more specifically identified on the accompanying map.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.

MOVED by _____ to adopt, and approve the proposed amendment.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

(21-2007-4.12)

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

MOTION CARRIED

APPROVED

Mayor

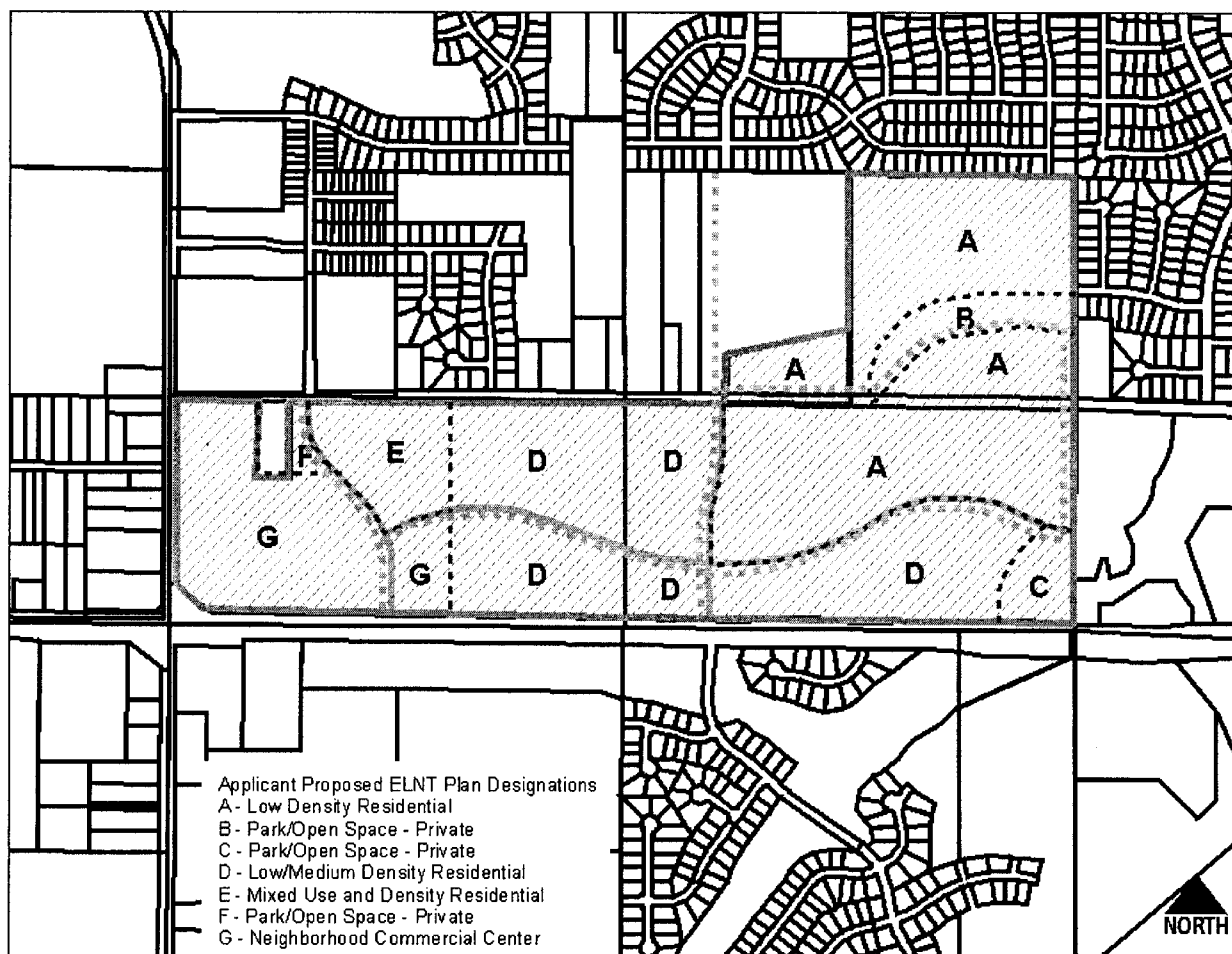
CERTIFICATE

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

47A



October 22, 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 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, 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 proposed. The overall density and design character of development within the village will change as one moves 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 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.

Larry Hulse: Explained Section 8 is not low-income housing areas. It is a certificate someone can take anywhere and subsidize their rent. It is a way for people to get housing they can afford and it can be in any area of the city.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following individuals spoke in favor:

Jason Jenkins, 2911 E. Diehl Avenue: He votes support with some reservations. He appreciated some of the conditions. He noted residents are concerned and they plan to watch the development, but they realize there is a lot that is premature and cannot be predicted. Urged the Commission to watch what is being done.

Mike Simonson: Explained he would have an opportunity to see all the plans as they come up, if it passes, and will be notified.

The following individuals spoke in opposition:

Charles Cruz, 2720 Shoreview Circle: Opposed to the R-3 and preferred single-family dwellings.

Nolen Etter, 2520 E. Payton: Expressed the following concerns:

- preferred single-family dwellings to R-3;
- already a high number of townhouses in the area;
- trees have been removed on Payton;
- increased traffic counts with more condos being built on Payton.

Jim Martin: Noted in the Capitol Improvement Plan both Indianola Avenue and Army Post are scheduled for 2009 improvements and widening.

Penny Orewiler, 3022 E. Highview Drive: Expressed the following concerns:

- none of the subject property is proposed for R1-80 zoning as it was originally planned;
- 394 townhomes and condos are in Carmen Estates alone, some of which haven't even sold yet and a new plat is being started with another 980 units;
- additional traffic; Payton is a single-lane with a single lane bridge;
- schools are already overcrowded;
- current runoff from erosion will be intensified with more development.

Jay Hagedorn, 3012 E. Highview Drive: Expressed concern for the runoff. Questioned if the area is ready for all the development and noted Easter Lake is dying because of siltation.

Dian Gunderman, 3006 E. Highview Drive: Expressed the following concerns:

- R-3 zoning and the potential for the units to be turned into apartments;
- feared what R1-70 would do to property values in the area;
- current issues of water runoff will be intensified;
- quality of the homes that will be built and the prices;
- in favor of revitalization of the south side.

Michael Klier, 3018 E. Highview Drive: Concerned with:

- plans constantly change from R1-80; none in the subject property;
- suggested waiting for market conditions to change;
- erosion and runoff will only get worse with more development.

Mike Ludwig: Clarified the existing zoning of the area is R1-80, but when the Easter Lake New Town Plan was adopted there were areas designated for higher density. The reason it wasn't rezoned from R1-80 at that time was because if a legislative rezoning had been done to implement the plan there would have been no opportunity to put conditions on the zoning. The plan was that individual requests to rezone property in compliance with the Easter Lake New Town Plan would come forward and give the City the opportunity to place conditions on the zoning. Noted the Easter Lake New Town Plan is an element of the Comprehensive Plan that does call for higher density adjoining Indianola Avenue and on Army Post Road. Noted there are a lot of PUDs in the area, which is what the Easter Lake New Town Plan anticipated. Noted R1-60 means that is the minimum lot width, but lots could be platted wider. In response to water runoff, he noted there are some areas where there are over ground drainage easements for water.

Jan LeCroy, 3021 Hart Avenue: Expressed concerns as follows:

- townhomes will turn into rental units; townhome and condo market seems to be overbuilt;
- water runoff.

David Cupp: Asked if some runoff is caused by the construction that is going on currently. Questioned how much would be limited when that is established because there is a lot of bare ground.

Glenadine Etter, 2520 E. Payton Avenue: Opposed to the R-3 for townhouses; does not want to look out her door and see townhomes. Single-family dwellings would be acceptable.

Jim Schwartz, 2930 Southlawn Drive: Expressed concern for water runoff and the loss of a nice, quiet lifestyle due to the townhomes.

Dann Flaherty: Asked which way the water flows.

Jim Schwartz: Explained where it runs.

Jim Bollard, 4007 SE 26th Street, President of the Easter Lake Neighborhood Association: Thanked the developer, noting he has been good to work with; has been open to suggestions and has made some changes. He expressed concern for the density and indicated there was some discussion with Mr. Koethe about turning the R-3 into more C-1 and have more commercial such as Dental and doctor offices. Concerned that C-1 could support R-3 zoning and could potentially become townhouses if commercial didn't sell. Supported the comments made about additional review. The City doesn't seem to have much patience because zoning is being approved beyond the demand and infrastructure is not being added in advance of the demand. Noted there is real estate available to do a school but the capacity is not there for Des Moines to do it. Indicated there has been some expectation that the Easter Lake New Town Plan would change, but the R-3 is beyond what anyone has expected in terms of density.

LeMar Koethe: Indicated the C-1 would never be R-3 because it is C-1. The sooner the R1-70 at the north is developed, the sooner the water problems are eliminated. Indicated the roads are not

going to be developed first. Common sense is that the development won't happen before the roads are in.

Bruce Heilman: Asked how firm the developer is on needing R-3 zoning along Payton.

LeMar Koethe: Indicated no one will go in and develop the area unless there is a demand. Suggested it would not be apartments, but very nice units because of the density. Suggested it makes sense for the R-3 to be there as long as the units are nice.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Dann Flaherty: Asked why the R-3 areas at the north; didn't think they fit in with the R1-70 to the east.

LeMar Koethe: Indicated with what the surrounding area is zoned the R-3 just seemed to make sense with the uses and the demand in the area.

Jim Martin: Asked the applicant if the R-3 at the north was a "deal breaker".

LeMar Koethe: Indicated it would not be; noted he could bend. He explained there is a part that if the line is moved to the west he could take ½ the area and put it into R1-70 and leave the remainder R-3.

Jim Martin: Suggested a dividing line running east/west would make more sense, particularly because the major complaints about the R-3 are those areas across to the north and east.

Tim West, Snyder & Associates: Explained there are a lot of small changes that could be made. Suggested if some of the R-3 were switched to R1-70 the roadway configuration may need to change. There are some areas that could be compromised on.

LeMar Koethe: Asked if the suggestion was to straighten out the east/west road and put the R1-70 north of the road and R-3 south.

Bruce Heilman: Suggested that would look better and would ease the neighbors to the north side on Payton and keep the denser R-3 across from existing R-3.

LeMar Koethe: Noted if that will make everyone happy it could be done.

Dann Flaherty: Asked the applicant if he would want to continue the request and work the roadway out with staff.

Mark Trost, Trost Development Services, 13503 Village Court, Clive: Suggested working with staff and the leeway given would allow them to ensure they can work with the engineer to make sure they have the depth for the street for the R1-70, but not necessarily continue the request.

Dann Flaherty: Working with staff on a continuance would allow them to get the line in place so the Commission could recommend on the zoning.

Bruce Heilman: Asked how dependant on the topography the east/west road was.

Mark Trost: Noted a lot of it is based on depths for proposed development.

Bruce Heilman: Would not want to see the road sneak north further than where the northernmost curves are and suggested flattening the road out to as much of a straight line as possible.

Larry Hulse: Summarized the discussion that the C-1 is okay as it was shown, the R-3 south of the east/west street would probably be okay, the east/west street could be realigned so more R-3 could be picked up south of it, but north of the east/west street the applicant should be looking at R1-70 and the R1-70 in the far north portion is okay.

Bruce Heilman: Noted the exception to that statement would be the more dense R-3 area north of the east/west street, which is across from existing dense development, indicating it would be acceptable as well.

Larry Hulse: Suggested the applicant can pick up some R-3 by changing the road configuration, but next to Payton would be single-family with the exception of the R-3 across from the existing multi-family.

Mark Trost: They could agree with that.

Dann Flaherty: Suggested continuing to the next meeting.

Larry Hulse: Asked Legal counsel if a recommendation could be made at this time.

Roger Brown: Noted a recommendation showing the rezoning and street alignment adjustments graphically with maps would be sufficient to move forward; legal descriptions can be worked out at the City Council.

Mike Ludwig: Would ask that the revision come in from the applicant prior to the City Council so it will be clear to the Council what the recommendation is.

Mike Simonson: Moved staff with the revision that the road way be relocated generally as sketched by staff, understanding it may move up and down depending on grades.

Dann Flaherty: Offered a friendly amendment about the plats and subdivisions returning.

Larry Hulse: Reiterated the additional conditions for the motion:

- conditions 16 and 17 in the staff recommendations would change for the unified landscaping themes and architectural schemes for the C-1 area to return to the Commission not staff;
- erosion control and drainage plans for the entire development return at that time when that level of detail is presented;
- there would be no plats of survey. All subdivision of property would be done through the subdivision process;
- limit any multi-family and the C-1 to R-3 density instead of R-4;
- neighborhood notification when the site plans return to the Commission.

Dann Flaherty: Moved to file the plat presented as part of the information that would be relied upon in making that decision.

Mike Simonson: Noted on Item #12 of the Staff recommendations, masonite should not be allowed.

Motion passed 10-0.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment