

Date..... October 23, 2006

WHEREAS, on October 9, 2006, by Roll Call No. 06-1975, it was duly resolved by the City Council, that the City Council consider a proposal from Jake Christiansen, as Manager of Nelson Development 14, L.L.C., to rezone certain property owned by the company and located in the vicinity of 401 31st Street from the "R1-80" One-Family Residential District classification to the "PUD" Planned Unit Development District classification, and to approve a "PUD" Conceptual Plan for the development of the property with four single family dwellings, and that such proposal be set down for hearing on October 23, 2006, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on October 12, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 401 31st Street, more fully described as follows (the "Property"):

That part of Lot 11 and Lot 9, Langan Place, an Official Plat, City of Des Moines, Polk County, Iowa, that is more particularly described as follows:

Commencing at the SW corner of said Lot 11; Thence N00°00'00"W (assumed for the purpose of this description only), 584.70 feet along the West line of said Lot 11 to the Point of Beginning; thence N00°00'00"W, 188.10 feet; thence S89°48'43"E, 329.33 feet; thence S89°59'17"E, 133.75 feet; thence S00°00'56"W, 188.51 feet; thence N89°48'44"W, 463.03 feet to the Point of Beginning.

from the "R1-80" One-Family Residential District classification to the "PUD" Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and conceptual plan be approved, subject to the conditions identified below; NOW, THEREFORE,

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed rezoning and "PUD" Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and "PUD" Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

Date..... October 23, 2006

3. The "PUD" Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

1. Provision for permanent conservation easements on the eastern and southern portions of parcel 4, and on the southern portion of parcel 3 to guarantee future protection of those timbered areas after single-family development occurs.

2. Provision of a statement that a tree protection and mitigation plan will be provided with any development plan/preliminary subdivision plat or grading plan as follows:

Developer shall establish by covenant a legally defined buffer and tree protection zone. Within said zone, none of the existing trees which are a minimum 6 inches in trunk diameter at 4-feet above ground shall be removed or destroyed and the existing underbrush shall be preserved to the maximum extent feasible as follows:

A) Buffer and tree protection zones will be designated in the field and verified by the Planning and Urban Design Division of the City of Des Moines prior to commencement of excavation, grading, or construction.

B) Barriers defining the buffer and tree protection zones shall be constructed of orange fencing a minimum of 4-feet in height, secured with metal posts, no closer than six feet from the trunk or 1/2 of the distance to the drip line of any existing tree within the buffer and tree protection zones, whichever is greater.

C) There shall be no storage or movement of equipment, material, debris, or fill within the fenced buffer and tree protection zones.

D) There shall be no cut or fill over a four-inch depth within the drip line of any tree in the buffer and tree protection zones, unless a qualified arborist or forester has evaluated and approved the disturbance.

E) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of vegetation within the buffer and tree protection zones.

F) No damaging attachment, wires, signs, or permits may be fastened to any tree within the buffer and tree protection zones.

G) The installation of utilities, irrigation lines, or underground fixtures within the buffer and tree protection zones requiring excavation deeper than 6 inches shall be accomplished by boring under the root system of existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from the tree diameter at 4 feet height in the chart described below:

(continued)

Date..... October 23, 2006

| Tree diameter at 4-ft height (inches) | Auger distance from) Face of Tree (feet) |
|--|--|
| 0-2 | 1 |
| 3-4 | 2 |
| 5-9 | 5 |
| 10-14 | 10 |
| 15-19 | 12 |
| Over 19 | 15 |

- H) The removal of utilities, irrigation lines, or any underground fixture within the buffer and tree protection zones requiring excavation deeper than 6-inches shall be accomplished by methods approved by the Planning and Development Administrator that protect the life of vegetation.
 - I) The destruction of any trees within the buffer and tree protection zones that meet or exceed the required diameter and height shall require the owner to plant 2 new trees at 3-inch caliper to replace any one tree destroyed.
 - J) No building construction shall be allowed in the reserve area.
3. Revising the storm water statement to read that storm water run-off from between the pre-developed 2-year and 100-year storm frequency will be detained on site in addition to the implementation of the stated conservation methods. Also, indicating that off-site water will be picked up and conveyed to an appropriate outlet to be released at velocities that are non-erosive.
 4. Provision of proposed grading contours.
 5. Replacement of the removed evergreen plantings on a one for one basis in a location north of the private drive. Replacement of the shrub line indicated for removal by the sanitary sewer installation.
 6. Addition of Conceptual street tree plantings in the parkway of 31st Street at one per 40 lineal feet
 7. Provision of a note that fire lanes and turnarounds shall be prominently signed for no parking.
 8. Provision of a statement that any single-family home will have a minimum square footage above the basement level and independent of the garage of 1,200 square feet for a single-story and 1,400 square feet for a two-story or greater.

(continued)

★ **Roll Call Number**

Agenda Item Number

51

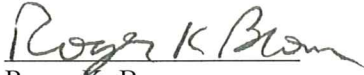
Date..... October 23, 2006

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- 9. Provision of a statement that homes on parcels 2,3, & 4 must have a primary entrance oriented toward the private drive, and the home on parcel 1, must have a primary entrance oriented toward either 31st Street or the private drive.

MOVED by _____ to adopt and approve the rezoning and Conceptual Plan as amended above, subject to final passage of the rezoning ordinance.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\WORK\REZONING\401 31st.doc

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

October 9, 2006

Date _____

Agenda Item 51

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 September 21, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 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 |
| Brian Meyer | X | | | |
| Brian Millard | X | | | |
| Brook Rosenberg | X | | | |
| Mike Simonson | | | | X |
| Kent Sovern | X | | | |
| Tim Urban | X | | | |
| Marc Wallace | | | | X |



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

APPROVAL of a request from Nelson Development 14, LLC (developer) represented by Jake Christiansen (officer), to rezone property located at 401 31st Street from "R1-80" One Family Residential District to "PUD" Planned Unit Development and to approve a proposed "PUD" conceptual plan for the development of the property with four single-family dwellings, subject to the following modifications: (ZON2006-00129)

1. Provision for permanent conservation easements on the eastern and southern portions of parcel 4, and on the southern portion of parcel 3 to guarantee future protection of those timbered areas after single-family development occurs.

2. Provision of a statement that a tree protection and mitigation plan will be provided with any development plan/preliminary subdivision plat or grading plan as follows:

Developer shall establish by covenant a legally defined buffer and tree protection zone. Within said zone, none of the existing trees which are a minimum 6 inches in trunk diameter at 4-feet above ground shall be removed or destroyed and the existing underbrush shall be preserved to the maximum extent feasible as follows:

A) Buffer and tree protection zones will be designated in the field and verified by the Planning and Urban Design Division of the City of Des Moines prior to commencement of excavation, grading, or construction.

- B) Barriers defining the buffer and tree protection zones shall be constructed of orange fencing a minimum of 4-feet in height, secured with metal posts, no closer than six feet from the trunk or ½ of the distance to the drip line of any existing tree within the buffer and tree protection zones, whichever is greater.
- C) There shall be no storage or movement of equipment, material, debris, or fill within the fenced buffer and tree protection zones.
- D) There shall be no cut or fill over a four-inch depth within the drip line of any tree in the buffer and tree protection zones, unless a qualified arborist or forester has evaluated and approved the disturbance.
- E) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of vegetation within the buffer and tree protection zones.
- F) No damaging attachment, wires, signs, or permits may be fastened to any tree within the buffer and tree protection zones.
- G) The installation of utilities, irrigation lines, or underground fixtures within the buffer and tree protection zones requiring excavation deeper than 6 inches shall be accomplished by boring under the root system of existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from the tree diameter at 4 feet height in the chart described below:

| <u>Tree diameter at 4-ft height (inches)</u> | <u>Auger distance from) Face of Tree (feet)</u> |
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- H) The removal of utilities, irrigation lines, or any underground fixture within the buffer and tree protection zones requiring excavation deeper than 6-inches shall be accomplished by methods approved by the Planning and Development Administrator that protect the life of vegetation.
 - I) The destruction of any trees within the buffer and tree protection zones that meet or exceed the required diameter and height shall require the owner to plant 2 new trees at 3-inch caliper to replace any one tree destroyed.
 - J) No building construction shall be allowed in the reserve are.
3. Revising the storm water statement to read that storm water run-off from between the pre-developed 2-year and 100-year storm frequency will be detained on site in addition to the implementation of the stated conservation methods. Also, indicating that off-site water will be picked up and conveyed to an appropriate outlet to be released at velocities that are non-erosive.
 4. Provision of proposed grading contours.
 5. Replacement of the removed evergreen plantings on a one for basis in a location north of the private drive. Replacement of the shrub line indicated for removal by the sanitary sewer installation.
 6. Addition of Conceptual street tree plantings in the parkway of 31st Street at one per 40 lineal feet

7. Provision of a note that fire lanes and turnarounds shall be prominently signed for no parking.
8. Provision of a statement that any single-family home will have a minimum square footage above the basement level and independent of the garage of 1,200 square feet for a single-story and 1,400 square feet for a two-story or greater.
9. Provision of a statement that homes on parcels 2,3, & 4 must have a primary entrance oriented toward the private drive, and the home on parcel 1, must have a primary entrance oriented toward either 31st Street or the private drive.

Written Responses

3 In Favor
 10 In Opposition
 1 Unknown

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning from "R1-80" One Family Residential District to "PUD" Planned Unit Development.

Part C) Staff recommends approval of the submitted PUD Conceptual Plan subject to the following modifications:

1. Provision for permanent conservation easements on the eastern and southern portions of parcel 4, and on the southern portion of parcel 3 to guarantee future protection of those timbered areas after single-family development occurs.
2. Provision of a statement that a tree protection and mitigation plan will be provided with any development plan/preliminary subdivision plat or grading plan as follows:

Developer shall establish by covenant a legally defined reserve area. Within said buffer and tree protection zones, none of the existing trees which are a minimum 6 inches in trunk diameter and a minimum of 4-feet in height shall be removed or destroyed and existing underbrush shall be preserved to the maximum extent feasible as follows:

- A) Buffer and tree protection zones will be designated in the field and certified by the Planning and Urban Design Division of the City of Des Moines prior to commencement of excavation, grading, or construction.
- B) Barriers defining the buffer and tree protection zones shall be constructed of orange fencing a minimum of 4-feet in height, secured with metal tree posts, no closer than six feet from the trunk or ½ of the drip line of any existing tree within the buffer and tree protection zones, whichever is greater.
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 9. Provision of a statement that homes on parcels 2,3, & 4 must have a primary entrance oriented toward the private drive, and the home on parcel 1, must have a primary entrance oriented toward either 31st Street or the private drive.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to develop the northern portion of the original single-family estate with four lots for single-family detached dwelling units served by a two-way private access drive from 31st Street. This is a reduction from a previously withdrawn request for up to 24 proposed townhome units that was to be considered at the May 18, 2006 meeting.
2. **Size of Site:** Two (2) acres.
3. **Existing Zoning (site):** "R1-80" One Family Residential District.
4. **Existing Land Use (site):** Vacant undeveloped land.

5. Adjacent Land Use and Zoning:

North – “R-4” & “R1-80”, Uses are a 186 unit high-rise apartment building and single-family dwelling with home studio for professional designer.

South – “R1-80”, Use is single-family estate.

East – “R1-80” Uses are single-family residential dwellings (Owl’s Head Local Historic District).

West – “R1-80” Use is single-family dwellings, and Unity Church and parsonage.

6. **General Neighborhood/Area Land Uses:** The subject property is located in a transition area on 31st Street south of the Grand Avenue corridor between high-rise residential complexes and offices to the north, large lot single-family residential areas to the south, and the Owl’s Head Local Historic District to the east.
7. **Applicable Recognized Neighborhood(s):** Greenwood Historic Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential, as amended by the Greenwood Historic Neighborhood Plan.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council. Section 134-695 of the Des Moines City Code specifies that the Commission shall also consider a conceptual plan as part of the rezoning to Planned Unit Development with a recommendation also forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property contains a significant portion of timbered area in the eastern half. The applicant has provided location of trees over six (6”) inches in caliper and information on the proposed area to be disturbed by grading and clearing.

There are approximately 24 over story trees totaling approximately 312 caliper inches that would be removed with the proposed development to provide for the private drive and single-family dwelling foundations. This is less than half of the 55 over story trees totaling approximately 710 caliper inches that were previously proposed with the townhome Conceptual Plan. With the current proposal there would be 1,206 caliper inches of over story trees species protected. The species include Mulberry, Elm, Cottonwood, Box Elder, Silver Maple, Buckthorn, Hackberry, Black Walnut, and Oak. There are three prominent trees that sit in front of the main timber as you view the property from the street. They include a 30 inch Elm, and two (2) - 48” Cottonwoods. The Elm would be removed with the proposed development of the private drive. Removal of the Cottonwoods would be dependent upon the specific location of a single-family dwelling on Parcel 3, but could likely be protected if desired by controlling placement of the dwelling for that parcel.

While staff recognizes that most of the large trees identified are of a volunteer species that have grown over the last 20-25 years; they ,along with the undergrowth, have created a visual

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separation from the Owl's Head Historic District to the east. Staff believes it is important to preserve as many of these trees along the eastern slope of the property as possible. They also serve to protect soil erosion. Trees removed should be mitigated with new plantings. Any development plan/preliminary plat should include a tree protection plan to identify areas and methods for tree protection during construction. Also, permanent conservation easements are recommended on the eastern and southern portions of parcels 4 and the southern portion of parcel 3 to guarantee future protection of those timbered areas after single-family development occurs.

2. **Drainage/Grading:** The subject two (2) acres of property is a part of an approximately 100 acre watershed that drains to a point behind the yards of 100 30th Street and 121 Lincoln Place Drive where the heaviest impacts are experienced. This drainage area is divided into two distinct sections: a section west of 31st Street, that is approximately 70 acres, and an eastern section that is about 29 acres.

The South of Grand PUD is within the 29 acre eastern section. Most of the ground within this section is wooded and hilly with open ditches in the rear yards. In larger, less frequent storm events, these ditches flow full of water. There have been no reports of homes or structures being damaged by the large storm events even though they have been erosive and have carried a significant amount of debris.

In the recent past, the City attempted to mitigate some of the storm water problems on the 70 acre western section of this drainage basin. These proposed improvements included a large basin south of Des Moines University that would have detained water from approximately 40 acres of the 70 acres of the west basin. The neighborhood groups in the area did not support the project because it would have required several trees to be cleared on the south of the Des Moines University property. The neighbors at the time indicated they would rather live with the storm water problems than lose the timbered area even if the trees were not on their property. Therefore the City only ended up slightly improving the situation by modifying the intake in the valley south of Des Moines University.

The subject property drains to the southeast on the eastern portion of the site and to the southwest on the western portion of the site. The testimony provided earlier this past spring by the adjoining neighbors indicates problems with erosion and debris with large storm events. The Conceptual Plan has a statement indicating the use infiltration trenches, rain gardens, and other methods in addition to standard storm water detention practices. An infiltration trench is a feature where the sub-soil is replaced with sand and gravel and recovered with a turf condition to provide collection and absorption of water into the ground that would normally continue to flow across the surface. These other methods will both reduce the amount of run-off leaving the property as well as will reduce the impacts of the more frequent storm events that have lower volumes of run-off. At this time the plan does not show the potential location for these improvements. Engineering staff has requested to see the location of where standard detention basins might be located in order to assess whether they can function properly within the context of the existing drainage pattern. There is also the expectation that storm water flowing from off the site will be picked up and conveyed by this development to a location where it can be discharged appropriately and at non-erosive velocities.

Any subdivision plat/development plan will be subject to all storm water management policies of the City. These required measures generally protect surrounding properties from the five-year to 100-year frequency storm events, by requiring that all run-off created by new development be released at the rate of the five-year frequency storm event that occurred before the development existed. These measures will not help handle the run-off from the more frequent than five-year event.

Neighbors have raised concerns about existing storm water problems in the nearby neighborhood, especially to the east and south. Engineering staff believes these concerns primarily involve storms more frequent than the five-year storm event. Therefore, in order to

mitigate the concerns of storm water to be generated by the proposed development, staff recommends that the PUD require that all run-off created by new development be detained and released at the rate of a two-year storm event prior to development. In addition, the conservation methods proposed should be required to reduce the overall volume of storm water leaving the property while handling run-off from the most frequent storm events. The Commission should note that even by following these recommendations for drainage, an approved development will not significantly reduce most of the current storm water problems that neighbors have reported in their testimony. This is due to the small percentage the subject property makes up in overall watershed.

Along with the conceptual location of storm water detention facilities, Engineering staff would also want conceptual grading shown on plan. Staff requests that the applicant be prepared to present the Commission with a conceptual grading plan at the September 21, 2006 meeting.

3. **Utilities:** The submitted Conceptual Plan proposes to extend water and sanitary sewer services from 31st Street. Electrical service exists on the northern portion of the property. Natural gas is also available in 31st Street. It is the obligation of the developer to extend required services and provide any necessary upgrades to utilities to serve the proposed development.
4. **Landscaping & Buffering:** The Des Moines Landscape Standards do not require specific landscaping for single-family development. No specific plantings have been identified on the Conceptual Plan. Some shrubbery along the 31st Street frontage is proposed to be removed for sanitary sewer placement. Approximately 10 young evergreen trees along the north side of the property are to be removed for the proposed private drive. Staff believes that the shrub line should be replaced with new plantings along 31st Street, and the evergreens should be replaced with new 2-½" caliper plantings on a one for one basis in a location north of the private drive. The only other landscaping that staff would recommend at this time is street trees in the parkway on 31st Street. While typically there would be one per parcel in a standard subdivision, staff would not recommend more than one per 40' of frontage to avoid overcrowding. Other landscaping will be at the future homeowners' discretion as is typical with single-family development.
5. **Traffic/Street System:** Traffic and Transportation Engineering staff has evaluated the revised PUD Conceptual Plan. Based on the number of new units, Traffic Engineering staff has indicated that the number of daily trips generated on 31st Street would not increase significantly enough to warrant additional access points or an upgrade of the 31st Street facility.
6. **Access or Parking:** The subject Conceptual plan proposes a two-way, 20' wide private drive with a hammer head turnaround for fire apparatus. The proposed private drive provides adequate fire access and ingress egress for the proposed single-family dwellings, subject to there being no obstruction of the turnaround. This fire lane and turnaround shall be prominently marked with signage prohibiting parking.
7. **2020 Community Character Plan:** The proposed four units of single-family is consistent with the Low Density Residential future land use designation. Therefore the Commission should find the request in conformance with the Des Moines' 2020 Community Character Land Use Plan.
8. **Urban Design:** The Conceptual Elevations for the proposed single-family homes indicate two and three-story row structures indicate an eclectic range of styles. This includes flat roofed and gabled designs between 1-½ and 2-½ stories. There are architectural standards included on the PUD Conceptual Plan that require brick, limestone, wood or cement board siding material allowing for painted steel trim. No expose concrete foundations are permitted. Exterior colors are to be limited through restricted covenants. Minimum two-car attached garages are required with no allowance for detached garages. Fencing and decks are allowed

as long as they are Redwood, Cedar, or another product approved by the homeowners association.

Setbacks are generally in conformance with those applicable in "R1-90" Districts. Individual parcel setbacks are indicated on the site plan portion of the Conceptual Plan. Staff recommends a note be provided that homes on parcels 2,3, & 4 must have a primary entrance oriented toward the private drive, and the home on parcel 1, must have a primary entrance oriented toward either 31st Street or the private drive.

The surrounding architectural character is fairly eclectic with mixed densities of residential, so it is difficult to provide compatibility with a particular architectural style. While the subject property adjoins the Owls Head Historic District, there is not an obligation to apply specific architectural guidelines as they are applied to the local historic districts. Therefore, staff finds the range of architectural style proposed acceptable within the context of the surrounding area.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Doug Saltsgaver, Engineering Resource Group, 2413 Grand Avenue: Responded to staff comments; noted they will shave a bit more off the hill to put the private drive in and will minimize the impact to the site. There will be a number of trees that will need to come out for home construction and for storm water management. They are going to investigate moving the drive a bit more to save a couple more trees. Will look at having a small detention around some of the existing trees since the density is very low and the impervious surface will be less than what they were proposing with the row houses. They will comply with the City's stormwater management requirements. Currently water runs off from the multi-family onto lot 4 and they will be redirecting the runoff to an existing waterway. They added two conservation easements to lots three and four and are looking at adding more trees along the north for more screening to the apartments to the north.

Dann Flaherty: Asked who the conservation easement will be conveyed to and expressed concern that there be enough allowance made so that if they need to be litigated it would not fall on them.

Roger Brown: Explained it would be conveyed to the City and held by the City as are all other easements for utilities.

Bruce Heilman: Asked if they were doing anything to alleviate existing problems prior to development in addition to controlling what the development will add to it.

Doug Saltsgaver: Noted the water would end up in the same place; any water coming into the back of the homes will go back into the same waterway. Have met with neighbors.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following individuals spoke in favor of the request:

Lou Hockenberg, 6601 Westown Parkway: Represented residents of 320 29th Street and 338 29th Street. They are in support of the project, however they have drainage concerns. Noted a lot of water pours off Grand; there is no provision for an easement on lot 3 or 4 and no provision for collecting water. They would like that included in the covenants. Also maintenance of the vegetation is a concern. They are willing to work with the developer and would be very supportive if their concerns could be dealt with.

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

Jake Christensen: 36 30th Street: Have met with neighbors on 12 occasions and they had valid concerns. He plans to put his personal residence on Lot 4 and intends to put plant material along the border to the 29th Street homes. The intent is to get as much vegetation to grow along the north border as possible. Some things Des Moines University has done in the past year have made a significant difference to the water runoff; the City improved the drainage intake at the bottom of the hill at 30th Street.

Kent Sovern: Asked the applicant to elaborate on the intent to intervene on storm water issues.

Doug Saltsgaver: Noted staff has asked them to release storm water at the 2 year storm frequency.

Mike Ludwig: Noted the 2-year requirement is the same that was put on the assisted living facility on SE 14th Street. Noted the applicant will be rerouting the storm water runoff so that it is redirected from adjoining properties to the west.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Bruce Heilman: Moved staff recommendation. Motion passed 8-0 (Jeffrey Johannsen was not in attendance during the vote).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 2006 00129

Date 9/13/06

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

(Circle One)

RECEIVED ✓

SEP 18 2006

COMMUNITY DEVELOPMENT DEPARTMENT

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

Print Name Rev. Orville H. Grove, Jr.

Signature Orville H. Grove, Jr.

Address Unity Church of Des Moines
414 31st Street

Des Moines, IA 50312-4318

Item 2006 00131

Date 9-18-06

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

(Circle One)

RECEIVED ✓

SEP 19 2006

COMMUNITY DEVELOPMENT DEPARTMENT

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

Print Name MARY K. EGGERS

Signature Mary K. Eggers

Address 326 31st, Des Moines 50312

Item 2006 00129

Date 09.12.06

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

(Circle One)

RECEIVED

SEP 18 2006

Print Name CRIG HANKEN

Signature [Handwritten Signature]

Address 2912 GRAND

COMMUNITY DEVELOPMENT

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

I AGREE TO THIS DEVELOPEMENT

Item 2006 00129 Date 9-14-06

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

RECEIVED ✓

SEP 18 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Mary M Rapp

Signature Mary M Rapp

Address 3100 Grand 6th

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

31st & Grand has enough traffic problems
(and accidents) without adding more
residents to the involved property —

Item 2006 00129 Date 9-13-06

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

RECEIVED ✓

SEP 18 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name WILLIAM R. GOFF

Signature William R Goff

Address 3100 GRAND Apt 25 Des Moines IA
50312

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

at 3100, we have a continuous problem with
tenants of 3000 Grand parking in our
lot. I would need proof of
ample parking available for the
residents of the new condo.

Item 2006 00129

Date 9-14-06

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

(Circle One)

RECEIVED

SEP 18 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Paul Norris & Norma Norris

Signature Paul Norris Norma Norris

Address 3100 Grand Ave, #6 A

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

Too much congestion with cars. Not
enough parking space allowed.
We both have the same reason.

• • • • •

Item 2006 00129

Date 9-14-06

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

(Circle One)

RECEIVED

SEP 18 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name HELEN PILLE

Signature Helen Pille

Address 3100 Grand Ave #5D

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

It will cause too much traffic on 31st!!

And it will create many parking problems -
of both ways - guests - visitors - we already
have this problem with 3000 Grand residents.

Item 2006 00129 * Date 9/21/06

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

(Circle One)

RECEIVED

SEP 21 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Shirley F Bowers

Signature Shirley Bowers

Address 314- 3rd Street Des Moines, IA

50312

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

Item 2006 00129 Date Sept 18, 2006

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

(Circle One)

RECEIVED

SEP 21 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Carl + Dixie Larson

Signature Dixie Larson

Address Box 756, Lake View, IA

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

51459
3100 Grand Piles Mar

The traffic is, even at this time is
too congested in this area & we
do not wish to interfere with natural
habitat

Item 2006 00129 Date _____

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

RECEIVED
SEP 19 2006
COMMUNITY DEVELOPMENT
DEPARTMENT



Print Name JR. ASHTON
Signature [Signature]
Address 3100 Grand SE Ogden

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

Traffic & Congestion

Item 2006 00129 Date 9-13-06

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

RECEIVED
SEP 14 2006
COMMUNITY DEVELOPMENT
DEPARTMENT



Print Name E. STEPHEN GRASK
Signature [Signature]
Address 3100 Grand Ave -4J

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

New Condos at 31st & Grand causes serious problems - due to traffic and parking on 31st Street. Please don't add to the mess we already have. There are too many condos and apartments in the area already. Do not complicate an already heavily congested problem.

□ □ □ □

Item 2006 00129

Date SEPT. 15, 2006

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

(Circle One)

RECEIVED

SEP 18 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name EDWARD C. WILES

Signature Edward C. Wiles

Address 3100 GRAND AVE #5B DES MOINES IA 50312

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

WILL MAKE MORE TRAFFIC CONGESTION ESPECIALLY MURKING
WHEN TRAFFIC IS ALREADY AT MAXIMUM ON GRAND AVE. A
31ST WILL ALSO BECOME THE SAME.

Item 2006 00129

Date 9-15-06

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

(Circle One)

RECEIVED

SEP 18 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Marilyn A. Hanson

Signature Marilyn A. Hanson

Address 3100 Grand #4I

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

Too much additional traffic
Noise level increases
31st & Grand - scene of many
accidents
Medical students crossing 31st
constantly

51

Item 2006 00129

Date 9/15/06

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

(Circle One)

RECEIVED

Print Name Margaret Wms. Grove

SEP 18 2006

Signature Margaret Wms. Grove

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 400-31st Street
Des Moines, IA 50312

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

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PRELIMINARY CONCEPTUAL PLAN FOR SOUTH OF GRAND ESTATES
 A PLANNED UNIT DEVELOPMENT IN THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA
 SHEET 1 OF 3

ZONING

EXISTING - R1-90
 PROPOSED - PUD

REGULATIONS

- A) COMPLY WITH THAT OF R1-90 (LARGE LOT ONE-FAMILY RESIDENTIAL) EXCEPT AS DENOTED
- B) SETBACKS: 30' MIN. (FRONT 31ST STREET)
- C) REAR - 30' MIN. (SOUTH SIDE OF 31ST STREET)
- D) SIDE - 20' TOTAL, 10' MIN. ONE SIDE
- E) HEIGHT: MAXIMUM 35'
- F) LOT AREA PER DWELLING: 12,500 SF (MIN)
- G) OPEN SPACE 20% (MIN)

DEVELOPMENT SCHEDULE

OCTOBER 2006 - OCTOBER 2007

NOTES

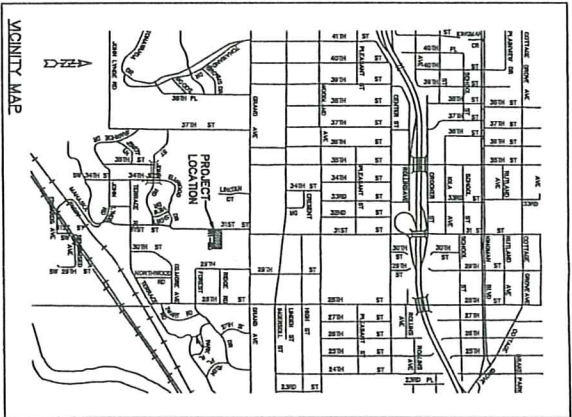
- PRE-APPLICATION MEETING HELD 01/21/06 & 08/01/06
- DES MOINES 2000 COMMUNITY CHARACTER PLAN USES:
- LOW DENSITY RESIDENTIAL
- DENSITY: 2 UNITS/AC
- * WIDE SIGNATURE SHALL BE PROVIDED ALONG ALL PUBLIC STREETS FRONTING THE PUD.

LEGAL DESCRIPTION

PARCELS 2, 4 OF THAT PART OF SENECA PLAT IN BOOK 6343 AT PAGE 699 IN THE OFFICE OF THE POLK COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 PARCEL "A"
 THAT PART OF LOT 11 AND LOT 9, LINDAN PLACE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SW CORNER OF SAID LOT 11; THENCE NORTH07°07'W, 140.0000000 FT; THENCE EAST07°07'W, 131.3170 FT; THENCE SOUTH42°42'E, 226.53 FT; THENCE SOUTH59°17'E, 133.75 FT; THENCE SOUTH07°09'W, 184.51 FT; THENCE NORTH46°44'W, 403.03 FT TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES BY SURVEY.

ARCHITECTURAL STANDARDS

- A. EXTERIOR SHALL BE BRICK, LIMESTONE, WOOD, CORNICE BOARD SIDING OR PAINTED STEEL TRIM.
- B. EXTERIOR FOUNDATIONS, NO EXPOSED CONCRETE FOUNDATIONS, BRICK MUST BE TAKEN DOWN TO GRADE, OR PAINTED CONCRETE.
- C. FOUNDATIONS ON THE EXTERIOR OF THE HOUSE SHALL BE DIVORCED THROUGH RESTRICTIVE COVANTS.
- D. PARKING, NO EXTERIOR STRUCTURES PERMITTED, OFF STREET PARKING FOR TWO CARS PER UNIT IS REQUIRED, MAXIMUM 7 CAR GARAGE.
- E. EXTERIOR FINISHES SHALL BE DIVORCED FROM CEILING OR HINGING, OR OTHER PRODUCTS ONLY AS APPROVED BY THE DEVELOPER OR HOME OWNERS ASSOCIATION, FINISHES AND RAWS MAY BE CONSTRUCTED FROM CEILING OR HINGING OR OTHER PRODUCTS ONLY AS APPROVED BY THE DEVELOPER OR ASSOCIATION AND THE DESIGN SHALL BE DIVORCED THROUGH RESTRICTIVE COVANTS.



PERMITTED LAND USES

ONLY USES DESCRIBED IN THESE AND DOCUMENTS SHALL BE ALLOWED. COMMENT USE IS VACANT LAND.

STORM WATER MANAGEMENT

THE SITE WILL PROVIDE STORM WATER MANAGEMENT WITH A COMBINATION OF CONVENTIONAL DETENTION AND INfiltration. CONVENTIONAL DETENTION METHODS, REQUIRED EROSION CONTROL METHODS WITH PERMITMENT DESIGN DECISIONS FOR EROSION PREVENTION.

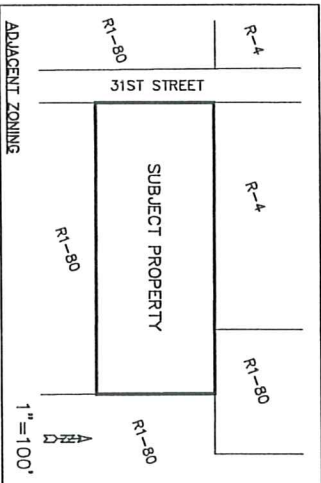
SANITARY SEWER

EXISTING PUBLIC SANITARY SEWER IS AVAILABLE IN 31ST STREET. THIS WILL BE EXTENDED INTO THE SITE TO SERVE THE UNITS.

PRESERVATION OF NATURAL RESOURCES

CONSTRUCTION FENCING WILL BE PLACED ALONG THE FINAL PROPERTY LINE AS REQUIRED FOR PROTECTION DURING CONSTRUCTION.

GENERAL DEVELOPMENT CONCEPT
 THE PROJECT CONSISTS OF 4 SINGLE FAMILY LOTS SERVED BY A COMMON PRIVATE DRIVEWAY. THE DRIVEWAY WILL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION.
 THE STYLE OF EACH HOME WILL BE DEPENDANT UPON THE DESIRES OF THE INDIVIDUAL HOMEOWNER/BUILDER.



APPROVED BY PLANNING AND ZONING COMMISSION WITH THE FOLLOWING CONDITIONS:

APPROVED BY CITY COUNCIL ON:

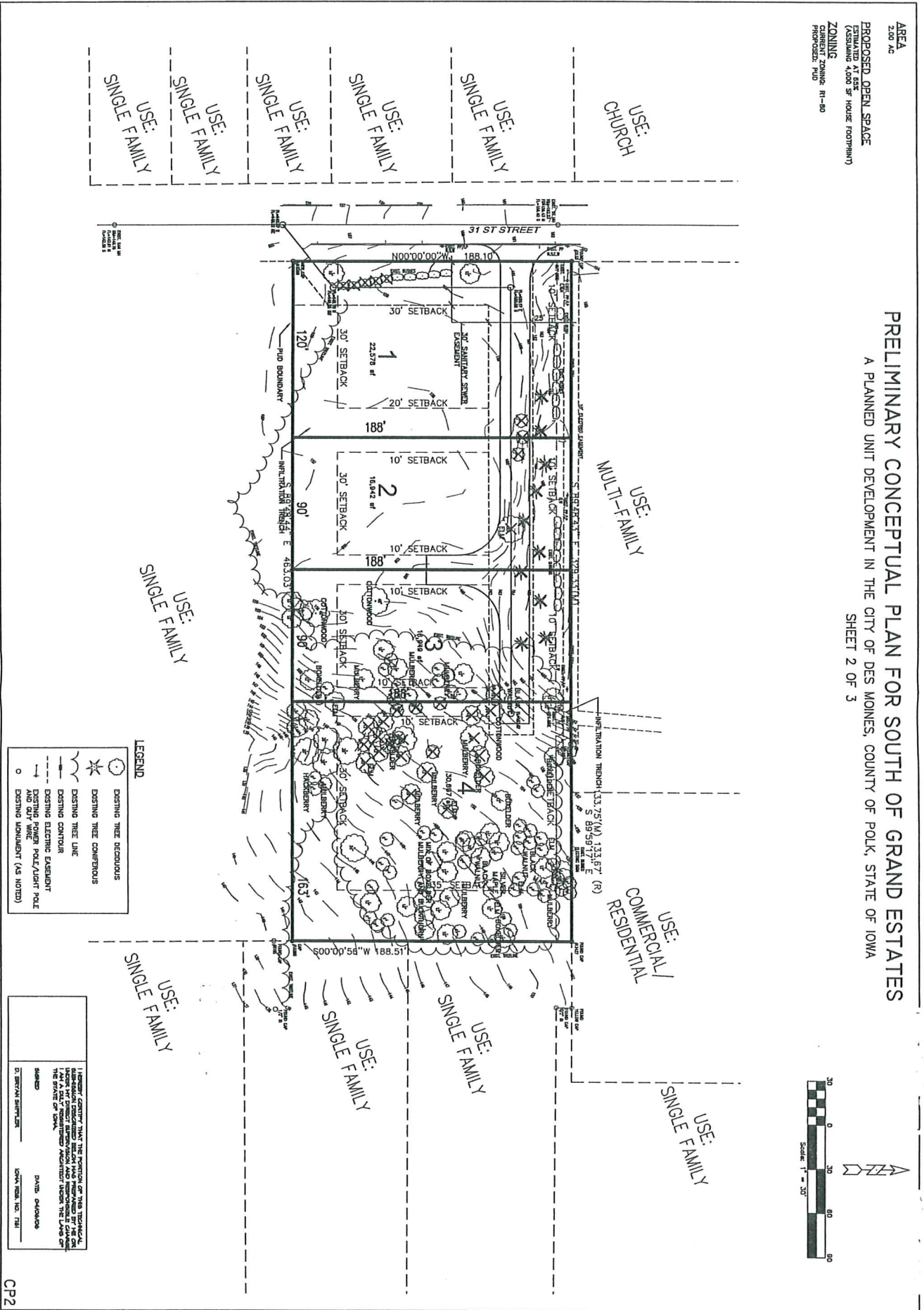
CPI

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|--|----------|------|----|------|--|--|--|--|--|-----------|--|--------------------------------------|--|---|--|---|--|
| Engineering Resource Group, Inc. Registered Professional Engineers 2419 GRAND AVENUE DES MOINES, IOWA 50312 (515) 281-4900 | | | | | <h2 style="margin: 0;">SOUTH OF GRAND ESTATES - CONCEPTUAL PLAN</h2> | | | | | LOCATION: | | SCALE: 1" = 20' 6092CP-SHEET1.DWG | | DESIGNED BY: DJS CHECKED BY: DJS SHEET 1 OF 3 | | DRAWN BY: KMS DATE: 08/23/06 FILE NO.: 6092 | |
| NO. | REVISION | DATE | BY | FOR: | | | | | | | | | | | | | |

51

AREA
2.00 AC
PROPOSED OPEN SPACE
(ASSUMING A 1,000 SF HOUSE FOOTPRINT)
ZONING
CONCEPT ZONING RI-80
PROPOSED ZONING
PROPOSED LOT

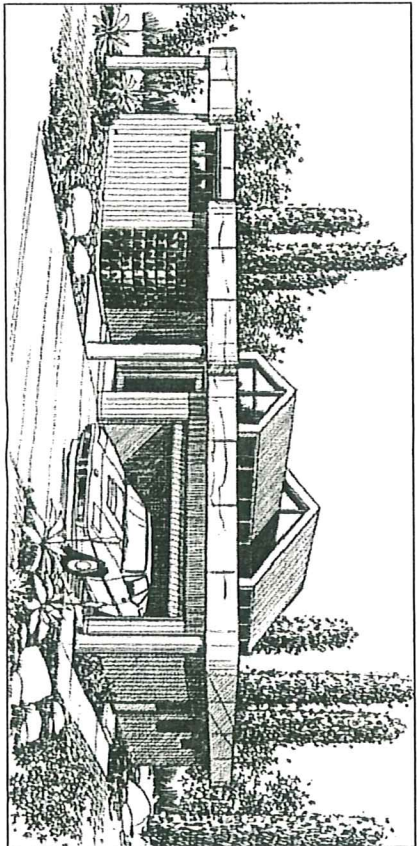
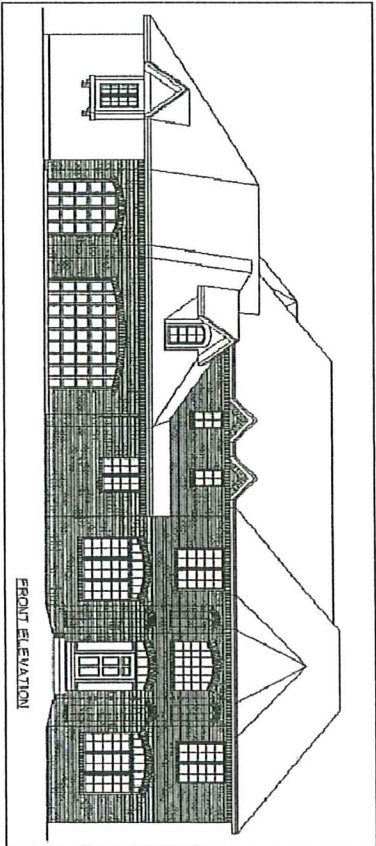
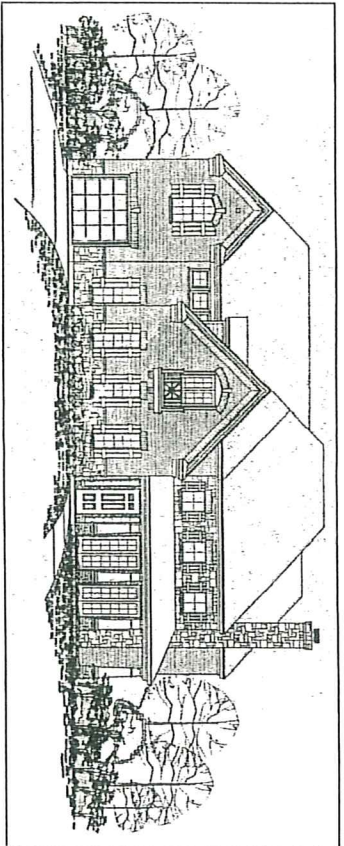
PRELIMINARY CONCEPTUAL PLAN FOR SOUTH OF GRAND ESTATES
A PLANNED UNIT DEVELOPMENT IN THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA
SHEET 2 OF 3



CP2

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|---|----------|--|----|-----|--|--|--|--|--|--|
| <p>ERG Engineering, Rezone Group, Inc. Engineers and Surveyors 8419 GRAND AVENUE DES MOINES, IOWA 50318 (515) 266-4883</p> | | <p>SOUTH OF GRAND ESTATES - CONCEPTUAL PLAN</p> | | | <p>SCALE: 1" = 30' DWG: 6092CP-SHEET2.DWG FIELD BOOK</p> | | <p>DESIGNED BY: DJS CHECKED BY: DJS SHEET 2 OF 3</p> | | <p>DRAWN BY: KMS DATE: 08/23/06 FILE NO.: 6092</p> | |
| NO. | REVISION | DATE | BY | FOR | LOCATION | | | | | |
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PRELIMINARY CONCEPTUAL PLAN FOR SOUTH OF GRAND ESTATES
 A PLANNED UNIT DEVELOPMENT IN THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA
 SHEET 3 OF 3



CP3

| | | | | | | | | | | | | | |
|--|----------|---|----|------|--|-----------|------------------------|-----------------|-----------------|------------------|----------------|---------------|--|
| ERG Engineering Resource Group, Inc. Engineers and Surveyors 8418 GRAND AVENUE DES MOINES, IOWA 50318 (515) 288-4800 | | SOUTH OF GRAND ESTATES - CONCEPTUAL PLAN | | | | LOCATION: | | SCALE: 1" = 20' | | DESIGNED BY: DJS | | DRAWN BY: KMS | |
| NO. | REVISION | DATE | BY | FOR: | | | DWG: 80130P-SHEETS.DWG | | CHECKED BY: DJS | | DATE: 04/08/08 | | |
| | | | | | | | FIELD BOOK: | | SHEET 3 OF 3 | | FILE NO: 8013 | | |