

*22*

December 7, 2009

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 19, 2009, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Greater Des Moines Habitat for Humanity (owner) represented by Lance Henning (officer) for an amendment to the Rose of South Des Moines PUD Conceptual Plan on property located at 1005 Maury Street, for revision of the site redevelopment to allow a subdivision of 10 platted lots for single-family dwellings.

The subject property is more specifically described as follows:

Lots 1 through 10, Block 5, Allen's Second Addition, an Official Plat; and the vacated North/South alley right-of-way lying East of adjoining said Lots 1 through 5; and the East 10 feet of SE 10th Street right-of-way lying West of and adjoining said Lots 1 through 5; and the West 10 feet of SE 11th Street right-of-way lying East of and adjoining said Lots 6 through 10, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

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 December 21, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
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.

FORM APPROVED:

MOVED by \_\_\_\_\_ to adopt.

*[Signature]*

Michael F. Kelley, Assistant City Attorney

(ZON2009-00203)

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

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

MOTION CARRIED

APPROVED

.....  
Mayor

22

Request from Greater Des Moines Habitat for Humanity (owner) represented by Lance Henning (officer) for an amendment to the Rose of South Des Moines PUD Conceptual Plan on property located at 1005 Maury Street,				<b>File #</b>	
				ZON2009-00203	
<b>Description of Action</b>	Amendment to the Rose of South Des Moines PUD Conceptual Plan on property located at 1005 Maury Street, for revision of the site redevelopment to allow a subdivision of 10 platted lots for single-family dwellings.				
<b>2020 Community Character Plan</b>	High-Density Residential				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"PUD" Planned Unit Development District				
<b>Proposed Zoning District</b>	"PUD" Planned Unit Development District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	5			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	8-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

GDMHFH (Rose of South Des Moines PUD) - 1005 Maury Street ZON2009-00203



Date \_\_\_\_\_

November 20, 2009

Agenda Item 22

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 November 19, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley				X
Dann Flaherty	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Jim Martin	X			
Brian Millard	X			
William Page				X
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of a request from Greater Des Moines Habitat for Humanity (owner) represented by Lance Henning (officer) for property located at 1005 Maury Street for revision of the site redevelopment to allow a subdivision of 10 platted lots for single-family dwellings.  
ZON2009-00203

Written Responses

- 1 In Favor
- 5 In Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested amendment for the Habitat 20/10 PUD Conceptual Plan subject to the following:

The Conceptual Plan shall be revised to:

1. Reflect footing drain storm sewers if basements are to be allowed. Otherwise it needs to be explicit in the Plan that basements are not permitted.
2. Indicate that a storm water runoff control plan per Sec. 106-136 of the City Code will be required along with locations of proposed detention.
3. Any proposed sanitary sewer extension shall be shown on the Conceptual Plan within a 30-foot sanitary sewer easement.



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

4. Indicate additional fire hydrant locations to ensure that a fire hydrant on a fire access road will be located within 400 feet of any dwelling within the proposed development.
5. Show street tree will be planted in the right-of-way in front of each lot to meet subdivision requirements.
6. Indicate siding material for any single-family dwelling or garage will be cement board or at least 42 mil thick vinyl siding.
7. Modify the side yard setback minimum to at least 10 feet on one side and 15 feet total for the side yard. Otherwise, a private alley should be provided at the rear lot line.
8. Establish minimum floor areas for any single-family dwelling at 1,095 square feet.
9. Require a minimum one-vehicle garage with driveway access for each single-family dwelling. The garage shall be constructed with asphalt shingles, a gabled roof (3/12 pitch or greater), and cement board or at least 42 mil thick vinyl siding. A typical elevation of a garage shall be provided on Sheet 4 of the Conceptual Plan.
10. The Conceptual Plan must be sealed by a Registered Architect or Licensed Landscape Architect. Typical elevation drawings must be sealed by a Registered Architect.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to revise the PUD Conceptual Plan for the Rose of South Des Moines, (a three-story, 58-unit multi-family residential assisted living facility) to a Conceptual Plan for Habitat 20/10, a 10 lot single-family subdivision. The applicant has plans to complete a predominance of the construction activity over a 20 day period for all 10 homes during the Fall of 2010.
2. **Size of Site:** The site measures 280' x 320' or 89,600 square feet (2.16 acres) including the vacated right-of-way.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** vacant land.
5. **Adjacent Land Use and Zoning:**

*North* – "R1-60" Use is single-family residential.

*South* – "C-1", Use is the Youth Emergency Services and Shelter.

*East* – "R1-60", Use is single-family residential.

*West* – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located just west of the SE 14<sup>th</sup> Street commercial corridor in a predominantly low-density residential area. The subject property is adjacent to Youth Emergency Services and Shelter.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** The property was rezoned by the City Council to "PUD" on September 25, 2006 along with the approval of the Conceptual Plan for a 58-unit assisted living facility.
9. **2020 Community Character Land Use Plan Designation:** High-Density Residential.

- 10. Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

- 1. Drainage/Grading:** The applicant will be required to comply with site plan standards for providing storm water management. The proposed PUD Concept Plan provides a storm water detention discussion on Sheet 3. A statement on the PUD Concept Plan indicates that the site will be graded to allow the collection of surface drainage at an intake at the northeast corner of the property. The collected storm water will be piped to a storm sewer manhole in the intersection of Maury Street and Southeast 11<sup>th</sup> Street.

It is not known whether basements are proposed for any single-family dwellings. Engineering review staff indicates that basements will require footing drains and public storm sewer will be required to handle the footing drains. The Conceptual Plan will need to be revised to reflect footing drain storm sewers if basements are to be allowed, otherwise it needs to be explicit in the Plan that basements are not permitted. Engineering review comments indicate that the public storm sewer shown on the Plan in the Southeast 10<sup>th</sup> Street right-of-way is abandoned south of Maury Street and not available.

Because the Site is over an acre in size a storm water runoff control plan per Sec. 106-136 of the City Code will be required. This is storm water management for water quality purposes and requires control of storm water from more frequent rain events. Therefore, locations of proposed detention required by this regulation will need to be reflected on the Conceptual Plan. The applicant will be also be required to file a grading and soil erosion control plan at the development plan phase along with a Storm Water Pollution Prevention Plan with the City and Iowa DNR.

- 2. Utilities:** Sheet three indicates that the property will be served by public sanitary sewer service in Maury Street. The Plan indicates that a public sanitary sewer will be extended to serve the lots. Engineering staff indicates that public sanitary sewer mains exist and are available in both Southeast 10<sup>th</sup> and Southeast 11<sup>th</sup> Street. It is further indicated by Engineering staff that the proposed sanitary sewer extension is allowed, but will need to be shown as proposed on the Conceptual Plan with a 30-foot sanitary sewer easement.

Des Moines Water Works water mains are available in both Southeast 10<sup>th</sup> Street (6-inch) and Southeast 11<sup>th</sup> Street (8-inch) to serve the proposed single-family lots. Fire hydrant locations must be added to ensure that a fire hydrant on a fire access road will be located within 400 feet of any dwelling within the proposed development.

- 3. Landscaping & Buffering:** The Proposed Concept Plan indicates that a single two-inch caliper over story tree will be planted within the front yard area of each single-family dwelling. The Plan should also be revised to show that a street tree will also be planted in the right-of-way in front of each lot to meet subdivision requirements. Staff believes that this would be adequate landscaping given the compact size of the lots and the fact that no existing trees are being removed.

There are two existing mature street trees shown in the Southeast 10<sup>th</sup> Street right-of-way. If these street trees are able to be protected and conserved during construction, new street trees will not be required for those two affected lots.

- 4. Traffic/Street System:** The subject property is served by paved public streets with public sidewalk on three sides: Maury Street, Southeast 10<sup>th</sup> Street, and southeast 11<sup>th</sup> Street. The Conceptual Plan indicates the intent to preserve the public sidewalks, therefore any sidewalk sections damaged or removed for construction will need to be repaired or replaced.

Traffic Engineering staff indicate that the adjoining streets can adequately handle the traffic generated by the proposed 10 single-family dwellings.

- 5. 2020 Community Character Plan:** The existing High-Density Residential designation was put in place to accommodate the existing Conceptual Plan for 58-units of assisted living. A development with 10 single-family dwellings is within the maximum density contemplated by this designation and therefore is in conformance with the existing future land use designation of High Density Residential in the Community Character Plan.

The Des Moines' 2020 Community Character Plan does not describe a housing typology or define an era of housing development for the surrounding neighborhood area. The character of the surrounding area reflects mixed periods of housing and commercial/industrial development.

- 6. Urban Design:** The submitted Conceptual Plan describes three single-family house designs to be used for the 10 lots. They are single story designs with side-gabled roofs with a Arts and Crafts style designs. This includes a blend of shake shingle, lap board, and board and batten siding textures; asphalt shingle roofs, and wood column or railing front porch designs. Staff would recommend that these be of a cement board or 42 mil or thicker vinyl siding material to ensure durability. This is consistent with requirements placed on other single-family residential PUDs. The designs meet all single-family design guidelines contained in the Zoning Ordinance. Generally single-family PUDs have included some amount of brick or stone material on the front facades or an open front porch. In this instance none of three designs includes any brick or stone material, but all three include open front porches in their design.

The proposed lot sizes are a minimum of 8,266 square feet (51.7-feet by 159.88-feet) with the corner lots having 70-foot lot widths and the southernmost lots having a 54.6-foot minimum lot width.

The proposed front yard setbacks are 25 feet, the rear yards 30 feet and the side yards five (5) feet. Staff believes that these are appropriate given the scale of the lots, except there should be at least 10 feet on one side and 15 feet total for the side yard to ensure that a driveway to a rear yard can be provided. This would be comparable to how Lot of Record provisions for side yard setback are applied to a 50-foot lot in a standard single-family zoning district. This can still be accomplished given the size of the lots and the proposed 26-foot width of the dwellings. Otherwise, a private alley should be provided at the rear lot line.

The proposed footprints of the dwelling units are approximately 1,095 square feet for each design depending slightly on which porch design is used. The Plan does not establish a minimum floor area for a single-family dwelling. However staff recommends that it be established to accommodate the proposed areas but no less.

No attached or detached garages are proposed. Staff believes this creates a problem with the ability to provide vehicle and other storage. This is compounded if basements will not be provided. Staff believes that at a minimum a single detached garage should be provided. The

material of such garage should meet the same standards as the principle dwelling. Therefore a garage should be provided that has asphalt shingles, gabled roof (3/12 pitch or greater), and cement board or 42 mil or thicker vinyl siding.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendation.

Dann Flaherty asked what code provisions apply with respect to garages.

Erik Lundy explained if this was a typical single-family district a house would require either a basement or attached garage otherwise it would have to have 80 square feet of storage in another type of building.

Dann Flaherty asked if they are really looking for storage area.

Erik Lundy stated a basement would allow it to meet the minimum standard of the zoning code.

Larry Hulse stated that if you are doing an infill then there is no requirement for garage in Des Moines. This is a policy question.

Greg Jones asked what the lot was originally before they were PUD, and are we really just going back to what it was before.

Erik Lundy stated yes they are basically going back to what it was before.

Greg Jones stated that we should encourage this.

JoAnne Corigliano asked if they are losing the softball field, and is there any stormwater control on this property.

Erik Lundy stated the softball field was abandoned when they moved the South Des Moines Little League over to Cownie Sports Complex. It would have to come back to the Commission as a preliminary 12 03 09 PZ Meeting plat and meet all of the standards based on how much area is disturbed.

Lance Henning 2341 2<sup>nd</sup> Avenue, Executive Director of Habitat for Humanity gave a brief history of what they provide. They did meet with the neighbors and will address the issue regarding the water table and believe they will do what they can to reduce any flooding risk. They agree with all of the conditions except the garage requirement which would raise the cost making the homes not available to target families.

Brian Millard asked if the Commission agreed to make the garage optional, would they eliminate the vinyl siding and make the structures hardi-plank siding and a shed on every site.

Lance Henning stated yes, they would be willing to eliminate vinyl siding and make the structures hardi-plank siding and a shed on every site.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in favor.*

Mark Katzureck represents Youth Emergency Services and Shelter at 918 SE 11<sup>th</sup> and they would like to see the garage as optional.

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

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Kent Sovern asked staff is this area prone to flooding.

Erik Lundy stated he thinks there is issue with stormwater but does not think that it is flooding. Stormwater did say that neighbors have had problem with water in their basement. This is not in a restricted floodplain.

**COMMISSION ACTION**

Greg Jones moved to approve the requested amendment for the Habitat 20/10 PUD Conceptual Plan subject to the following:

The Conceptual Plan shall be revised to:

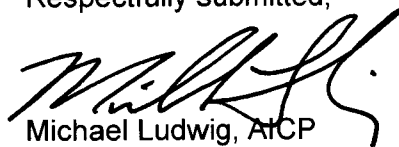
1. Reflect footing drain storm sewers if basements are to be allowed. Otherwise it needs to be explicit in the Plan that basements are not permitted.
2. Indicate that a storm water runoff control plan per Sec. 106-136 of the City Code will be required along with locations of proposed detention.
3. Any proposed sanitary sewer extension shall be shown on the Conceptual Plan within a 30-foot sanitary sewer easement.
4. Indicate additional fire hydrant locations to ensure that a fire hydrant on a fire access road will be located within 400 feet of any dwelling within the proposed development.
5. Show street tree will be planted in the right-of-way in front of each lot to meet subdivision requirements.
6. Indicate siding material for any single-family dwelling or garage will be cement board.
7. Modify the side yard setback minimum to at least 10 feet on one side and 15 feet total for the side yard. Otherwise, a private alley should be provided at the rear lot line.
8. Establish minimum floor areas for any single-family dwelling at 1,095 square feet.
9. The Conceptual Plan must be sealed by a Registered Architect or Licensed Landscape Architect. Typical elevation drawings must be sealed by a Registered Architect.
10. The front yard setback varied a little bit so everything is not in a straight row and some driveway side by side

Brian Millard asked for a friendly amendment to condition 6 that the applicant would go with hardi-plank instead of vinyl siding.

Mike Simonson asked for a consideration amendment that the front yard setback varied a little bit so everything is not in a straight row and some driveway side by side.

Motion passed 8-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment



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

22

RECEIVED

Print Name Marty Gardner

Signature Marty Gardner

NOV 16 2009 Address 804 SE 15th

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

The whole area Charles Babby every year... By the way I should mention it played on everyday... ready to put on us. find a market for the bottles

Item 2009 00203 Date 11/12/09

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

RECEIVED

Print Name GMS Investments

Signature Gary D. Pitts Manager

NOV 16 2009 Address 800-SE 10

Reason for opposing or approving this request may be listed below: Waiting for Do Box 37247 DMI 50315

Need to maintain at least 60' lots to reduce

population density.

Flood area - Additional water removal should

be provided. Like additional storm pipe

to river.

Item 2009 00203 Date Nov. 13, 2009

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

RECEIVED

Print Name RAY ZENOR JR.

NOV 16 2009

Signature Ray Zenor

COMMUNITY DEVELOPMENT DEPARTMENT

Address 911 SE 11th

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

Don't WANT higher TAXES  
OVER crowding in SMALL  
AREA

Item 2009 00203 Date 11-15-09

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

(Circle One)

Print Name RANDY LENZE

Signature *Randy*

**RECEIVED**

NOV 18 2009 Address 805 SE 11th St

COMMUNITY DEVELOPMENT DEPARTMENT

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

OTHER THINGS NEEDED TO BE DONE THE HOUSE NEXT DOOR NEEDS TO BE TORN DOWN TO THE SOUTH OF ME, PEOPLE USE THE FIELD A LOT IN SUMMER TIME ITS NICE TO SEE THEM PLAY!

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

On Community Development Dept's Emergency Services Shelter - We support the project.

**RECEIVED**

Address 918 SE 11th St Des Moines

Signature

*STEPHEN QUARK* Executive Dir

Print Name

*STEPHEN QUARK*

(Circle One)

Item 2009 00203 X Date 11/13/07

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

Item 2009 00203 Date 11-12-09

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

(Circle One)

**RECEIVED**

NOV 16 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

It's just going to raise taxes in this area and we don't need that and we don't want the traffic

Print Name

*David Speed*

Signature

*David Speed*

Address

*921 S.E. 9th 50309*



918 SE 11th Street  
Des Moines, IA 50309  
515-282-YESS (9377)  
Fax 515-282-6162  
www.yessiowa.org

November 13, 2009

Lance Henning, Executive Director  
Greater Des Moines Habitat for Humanity  
2341 2nd Avenue  
PO Box 716  
Des Moines, Iowa 50303-0716

RE: Amendment to the Rose of South Des Moines PUD (property at 1005 Maury Street)

Dear Mr. Henning:

Thank you for your efforts in keeping me aware of your proposal on the property to the north of Youth Emergency Services & Shelter (YESS). I do appreciate the extra due diligence that you and your staff have extended to me during the planning phases of this project.

On behalf YESS, it is my honor to support the proposal that you presented at the public meeting on November 4<sup>th</sup>. I can support every step of the process and the proposed outcome of the development. As mentioned to you and at the public meeting, please consider YESS a partner in this incredible effort to build ten homes on that property next summer and fall. I am willing to assist in any way I can and will extend a hand on volunteer recruitment, construction activities and will offer our facility and property as appropriate to make this a successful project.

Please feel free to share this correspondence with City Leaders and other partners. Let me know if there is anything else I can do to assist.

I can assure you and the eventual residents of the homes that YESS will great neighbor.

Sincerely,

Stephen B. Quirk  
Executive Director