



Date December 22, 2008

WHEREAS, on November 10, 2008 by Roll Call No. 08-1963, it was duly resolved by the City Council that the application of Savannah Homes, Inc., to amend the approved Silver Leaf PUD Conceptual Plan for certain property owned by it and located in the vicinity of 5100 NE 38th Avenue, more fully described below, be set down for hearing on November 24, 2008, 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 November 17, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, on November 24, 2008, by Roll Call No. 08-2085 it was duly resolved by the City Council to refer this item to the City Manager and the Legal Department to work with the developer on a process to require a garage to be built within a specific time frame and to continue further Council consideration until the December 22, 2008 meeting; and

WHEREAS, at the present time developer and City staff have been unable to agree on a process to require that garages be provided for all lots in the development within a specific time frame.

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

Alternative A: Approving Amendments to PUD
Conceptual Plan

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 5100 NE 38th Avenue, and more specifically described below, are hereby overruled and the hearing is closed.



Date December 22, 2008

Beginning at the south $\frac{1}{4}$ corner of said section 22; thence north $0^{\circ}09'40''$ east along the west line of said southeast $\frac{1}{4}$, a distance of 1327.07 feet to the northwest $\frac{1}{4}$ of the south $\frac{1}{2}$ of said southeast $\frac{1}{4}$; thence continuing north $0^{\circ}09'40''$ east along said west line, 66.00 feet; thence south $26^{\circ}30'20''$ east, 73.53 feet to a point on the north line of said south $\frac{1}{2}$ of the southeast $\frac{1}{4}$; thence north $89^{\circ}39'02''$ east along said north line, 1216.74 feet; thence south $0^{\circ}22'00''$ west, 1342.89 feet to a point on the south line of said southeast $\frac{1}{4}$; thence south $89^{\circ}37'24''$ west along said south line, 1244.88 feet to the point of beginning and containing 38.25 acres (1,666,173 s.f.), an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

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

3. The amended 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 conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by _____ to approve the amendments.

Alternative B Denying Amendments to PUD
Conceptual Plan

Upon due consideration of the facts, statements of interested persons and arguments of council, the proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 5100 NE 38th Avenue, more specifically described as:

Beginning at the south $\frac{1}{4}$ corner of said section 22; thence north $0^{\circ}09'40''$ east along the west line of said southeast $\frac{1}{4}$, a distance of 1327.07 feet to the northwest $\frac{1}{4}$ of the south $\frac{1}{2}$ of said southeast $\frac{1}{4}$; thence continuing north $0^{\circ}09'40''$ east along said west line, 66.00 feet; thence south $26^{\circ}30'20''$ east, 73.53 feet to a point on the north line of said south $\frac{1}{2}$ of the southeast $\frac{1}{4}$; thence north $89^{\circ}39'02''$ east along said north line, 1216.74 feet; thence south $0^{\circ}22'00''$ west, 1342.89 feet to a point on the south line of said southeast $\frac{1}{4}$; thence south $89^{\circ}37'24''$ west along said south line, 1244.88 feet to the point of beginning and containing 38.25 acres (1,666,173 s.f.), an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa



Roll Call Number

Agenda Item Number

42

Date December 22, 2008

are hereby denied.

MOVED by _____ to deny the amendments.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

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

★ **Roll Call Number**

08-2085

F.A.
12-22-08
Agenda Item Number

46 42

Date November 24, 2008

WHEREAS, on November 10, by Roll Call No. 08-1963, it was duly resolved by the City Council that the application of Savannah Homes, Inc., to amend the approved Silver Leaf PUD Conceptual Plan for certain property owned by it and located in the vicinity of 5100 NE 38th Avenue, more fully described below, be set down for hearing on November 24, 2008, 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 November 17, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; 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 amendments to the approved PUD Conceptual Plan for the property in the vicinity of 5100 NE 38th Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

Beginning at the south $\frac{1}{4}$ corner of said section 22; thence north $0^{\circ}09'40''$ east along the west line of said southeast $\frac{1}{4}$, a distance of 1327.07 feet to the northwest $\frac{1}{4}$ of the south $\frac{1}{2}$ of said southeast $\frac{1}{4}$; thence continuing north $0^{\circ}09'40''$ east along said west line, 66.00 feet; thence south $26^{\circ}30'20''$ east, 73.53 feet to a point on the north line of said south $\frac{1}{2}$ of the southeast $\frac{1}{4}$; thence north $89^{\circ}39'02''$ east along said north line, 1216.74 feet; thence south $0^{\circ}22'00''$ west, 1342.89 feet to a point on the south line of said southeast $\frac{1}{4}$; thence south $89^{\circ}37'24''$ west along said south line, 1244.88 feet to the point of beginning and containing 38.25 acres (1,666,173 s.f.), an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

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



Roll Call Number

08-2085

Agenda Item Number

46

Date November 24, 2008

3. The amended 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 conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by Coleman to continue to December 22, 2008 at 5:00 PM; refer to the City Manager and Legal to work with the developer on a process to require a garage to be built within a specific time frame.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLAASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin 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.

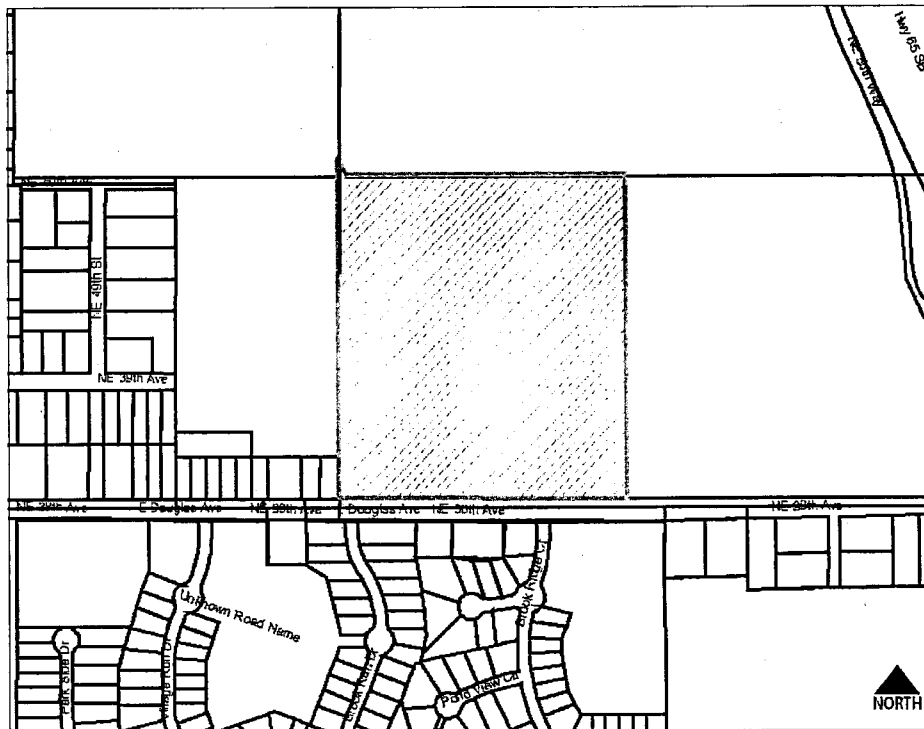
Diane Rauh

City Clerk

08-1963 ZPB
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City Council initiated request to reconsider the request from Savannah Homes, Inc. represented by Ted Grob (officer) for optional garages within proposed amendment to the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 38 th Avenue. Subject property is owned by Central Iowa Developers, LC.					File # ZON2008-00130		
Description of Action		Reconsider the request from Savannah Homes, Inc. for optional garages within proposed amendment to the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 38 th Avenue.					
2020 Community Character Plan		Low-Density Residential and Low/Medium Density Residential.					
Horizon 2025 Transportation Plan		No Planned Improvements.					
Current Zoning District		"PUD" Planned Unit Development District.					
Proposed Zoning District.		"PUD" Planned Unit Development District.					
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition		
Inside Area					N/A		
Outside Area							
Plan and Zoning Commission Action		Approval	8-3	Required 6/7 Vote of the City Council		Yes	N/A
		Denial				No	N/A

Savannah Homes Inc. (Amend Silver Leaf PUD) - 5100 NE 38th Avenue ZON2008-00130



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REGISTER
ORDER NO. 6451

ROLL
CALL LEGAL

BULLETIN
BOARD

FOLLOW UP

NOTICE OF HEARING

Notice is hereby given that on November 24, 2008, at 5:00 P.M., in the Council Chambers at City Hall at 400 Robert D. Ray Drive, Des Moines, Iowa, a hearing will be held by the City Council concerning a request from Savannah Homes, Inc. represented by Ted Grob (officer), Central Iowa Developers, LC (owner), to amend the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 38th Avenue to allow reconfiguration of the street, alley, and lot layout, including an increase in the number of lots from 131 to 158 subject to conditions.

The subject property is more specifically described as follows:

Beginning at the south 1/4 corner of said section 22; thence north 0°09'40" east along the west line of said southeast 1/4, a distance of 1327.07 feet to the northwest 1/4 of the south 1/2 of said southeast 1/4; thence continuing north 0° 09'40" east along said west line, 66.00 feet; thence south 26°30'20" east, 73.53 feet to a point on the north line of said south 1/2 of the southeast 1/4; thence north 89°39'02" east along said north line, 1216.74 feet; thence south 0°22'00" west, 1342.89 feet to a point on the south line of said southeast 1/4; thence south 89°37'24" west along said south line, 1244.88 feet to the point of beginning and containing 38.25 acres (1,666,173 s.f.), an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

At the above designated time and place, opportunity to be heard will be given to proponents and opponents of the proposed rezoning.

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: Diane Rauh, City Clerk

Published in the Des Moines Register on November 17, 2008.

Date November 10, 2008
 Agenda Item 23
 Roll Call # 08-1963
 2015 46

November 7, 2008

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 6, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-3 as follows:

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

AFFIRMATION of the previous Plan & Zoning recommendation to allow optional garages on interior lots served by alleys (no shed required).

(ZON2008-00130)

STAFF RECOMMENDATION TO P&Z COMMISSION

Staff recommends that garages remain optional for units having rear loaded access on a private alley, but recommends that a further condition be added to the Conceptual Plan for Silver Leaf that units not providing garages must provide a minimum 80 square foot storage building subject to the following:

1. Exterior materials that are compatible with the principal dwelling such as lap siding (or vinyl lap-style) and shingled roof material.
2. No storage building shall be located outside the rear yard and shall be no closer than five feet to any property line.
3. Any storage building not requiring a building permit shall be constructed on an adequate foundation system or anchored to resist common wind loads.



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

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** Reconsideration by the Commission of a previous recommendation to allow optional garages on lots interior to the development that have access onto private alleys. Staff suggests that the developer provide a minimum 80 square feet storage shed on each lot that does not provide a garage.

2. **Size of Site:** 38.25 acres.

3. **Existing Zoning (site):** "PUD" Planned Unit Development.

4. **Existing Land Use (site):** Vacant agricultural land.

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

North – "A-1", *Use is vacant agricultural use.*

South – "PUD" (Brook Run), *Uses are mixed density residential dwellings.*

East – "PUD" (Brook Run North), *Use is vacant agricultural use.*

West – "A-1" & "S" Suburban District (Polk County), *Uses are vacant agricultural use and single-family residential dwellings.*

6. **General Neighborhood/Area Land Uses:** The proposed development is located in the northeast portion of the City in an area that contains a mix of urban and rural residential development, agricultural land and commercial uses.

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

8. **Relevant Zoning History:** The subject property was rezoned to "PUD" District on August 20, 2007 with approval of the Silver Leaf PUD Conceptual Plan. The subject property adjoins land to the east that was rezoned by the City Council on July 14, 2008 to "PUD" District for "Brook Run North" to allow 20 acres of medium density residential, 16.5 acres of low/medium density residential, and 1.3 acres of neighborhood commercial.

On September 18, 2008, the Plan & Zoning Commission reviewed a requested amendment to the Silver Leaf PUD Conceptual Plan to allow reconfiguration of the street, alley, and lot layout, including an increase in the number of lots from 131 to 158, including 139 lots for single-family residential and 19 lots for two-family residential. The Commission recommended approval of the amendment subject to the following:

1. Addition of a note stating that each builder/owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
2. One additional tree per two lots, which means 1 street tree per lot and 79 additional trees throughout the development.
3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
4. The northernmost east/west street shall have a 26-foot back to back paved width.

5. Inclusion of a statement describing how a second public street connection to NE 38th Avenue would be achieved in the future to accommodate development of land adjoining to the west.
6. Revise the emergency fire access drive to indicate its width (min. 20 feet) and that it have a dustless surface (not gravel) such as recycled asphalt product.
7. Provision of the following:
 - a. Each single-family dwelling unit with street loaded access shall have a private garage, whether attached or detached, with rear loaded lots having an optional garage, thereby removing the note #5 on additional conditions.
 - b. The roof on any home constructed shall be of architectural type shingles or cedar shakes. Note #10 shall be revised to remove the ability to have standard asphalt shingles.
 - c. Remove the provision in note #11(f) allowing review by the Zoning Board of Adjustment.

The City Council received the recommendation on October 13, 2008 and referred it back to the Commission to review the recommendation for allowance of optional garages on interior lots within the development that have access to private alleys.

9. **2020 Community Character Land Use Plan Designation:** The subject property is identified within the Des Moines' 2020 Community Character Plan future land use plan as Low Density Residential and Low/Medium Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. Any proposed dedication of park or open space land to the city shall be considered by the Park and Recreation Board in a timely manner prior to final action by the City Plan and Zoning Commission. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Neighborhood Character:** Based on the direction by the City Council for the Commission to reconsider the optional garages, staff has reviewed the regulations that are applied to typical single-family Zoning Districts. Section 134-1276(c)(1) requires any single-family dwelling without a basement or a garage to provide an accessory storage building of at least 80 square feet per dwelling unit. In this instance the developer is proposing to require a basement for all units. Staff believes that it is appropriate in a Planned Unit Development to provide a minimum of 80 square feet of storage on interior lots with access to private alleys where a garage is not provided in addition to the requirement for basements.
2. **Urban Design:** Staff believes that in a Planned Unit Development, any storage building or detached garage should be comprised of materials that are compatible with the primary

dwelling such as lap siding (or vinyl lap-style) and shingled roof material. This storage building should be located in the rear yard no closer than five feet to any property line. While the City building regulations do not require a permit for a storage building under 120 square feet, any such structure is still required to be placed on an adequate foundation system or anchored to resist common wind loads.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Greg Jones stated that he does not want the provision of a shed to preclude the construction of a garage.

Ted Irvine asked why is staff asking for a shed when the development has a basement.

Larry Hulse explained that items such as mowers cannot be stored in a basement.

Ted Irvine asked if other developers have been asked to do the same.

Erik Lundy stated that in all PUD's developers have been required to build garages. In this case it was unusual to allow optional garages for some lots but this development was considered to be unique in that it provided private alleys.

Brian Millard stated that anything that contains gasoline cannot be stored in the house.

Leisha Barcus asked about the letter from Linda Westergaard where she states that City staff apparently proposed making some changes in shingle style and changes to the landscaping plans from the plans that were originally approved and according to staff recommendation nothing has changed. Staff should let her know that there have not been any changes since the Commission recommendations were sent to Council.

Erik Lundy stated he thought she may have been talking about the previous changes required by the Plan & Zoning Commission in their recommendation on September 18, 2008.

Ted Grob 800 50th Street, West Des Moines stated that they were told in the beginning by staff, it was recommended by P&Z Commission and confirmed by City Council that if alleys were added and if he would build houses with a full basement he would be allowed to have optional garages on all but 42 of their lots. According to the building code the builder must provide a full basement or a shed, they have been asked to provide both which means they will have to spend an additional \$200,000 on the subdivision to build 135 sheds. This is in addition to the existing list of expensive requirements that they have been asked to meet. Adding 135 sheds would not make it a more attractive place to live. It would put them at a competitive disadvantage based on how other builders are currently regulated and they would create a financial and aesthetic detriment to sales.

Brian Millard asked where would people store there lawn mowers, tillers, and gas cans if sheds are not built.

Ted Grob stated that he does not know and the code only requires that there is a basement or a shed.

Larry Hulse explained that in an "R-1" district the minimum requirements do not require a garage, rather it requires a parking area and a shed and/or a basement. However, this is a PUD zoning request. Staff did not require the alleys but said they would be a good idea. The garage and shed got added because of some concerns expressed by Council and neighboring residents.

08-1963 73
2085 46
42

Greg Jones stated that the streetscape is going to look so much better without a driveway, having the alley adds a different character.

Ted Irvine asked about the impact of the shed requirement on sale price and market for home purchasers.

Ted Grob stated that this has become an expensive subdivision because of the requirements that the City has placed on him. His preference is to have a normal design subdivision that allows optional garages without spending money on alleys

JoAnne Corigliano asked if there is going to be a homeowners association.

Ted Grob stated yes, the alleys will be owned and maintained by the homeowners association.

JoAnne Corigliano stated that she see no problem because usually the homeowners association will make sure the area is kept neat and tidy.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to discuss this item.

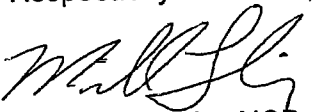
CHAIRPERSON CLOSED THE PUBLIC HEARING

Dann Flaherty pointed out that he was absent at the meeting when the Commission voted on this earlier, but he thinks that when building a subdivision like this they need garages in the back of these units.

Kent Sovern moved to affirm the previous Plan & Zoning recommendation to allow optional garages on interior lots served by alleys (no shed required).

Motion passed 8-3 (Brian Millard, Jim Martin, and Dann Flaherty opposed).

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

08-1943
2085 73
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September 29, 2008

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 18, 2008, 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
Bruce Heilman	X			
Ted Irvine				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard				X
Mike Simonson				X
Kent Sovern	X			
Marc Wallace	X			

APPROVAL of a request from Savannah Homes, Inc. represented by Ted Grob (officer), Central Iowa Developers, LC (owners) to be found in conformance with the existing Des Moines' 2020 Community Character Plan and amend the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 28th Avenue to allow reconfiguration of the street, alley, and lot layout, including an increase in the number of lots from 131 to 158 subject to the following conditions: (ZON2008-00130)

1. Addition of a note stating that each builder/owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
2. One additional tree per two lots, which means 1 street tree per lot and 79 additional trees throughout the development.
3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
4. The northernmost east/west street shall have a 26-foot back to back paved width.
5. Inclusion of a statement describing how a second public street connection to NE 38th Avenue would be achieved in the future to accommodate development of land adjoining to the west.



CITY PLAN AND ZONING COMMISSION
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ALL-AMERICA CITY
1949, 1976, 1981
2003

- 42
6. Revise the emergency fire access drive to indicate its width (min. 20 feet) and that it have a dustless surface (not gravel) such as recycled asphalt product.
 7. Provision of the following unless waived in part or whole by the Plan and Zoning Commission:
 8. Each single-family dwelling unit with street loaded access shall have a private garage, whether attached or detached, with rear loaded lots having an optional garage, thereby removing the note #5 on additional conditions.
 9. ~~Revision of note #9 that if vinyl siding is selected, it must be at least 44 mills thick.~~ (deleted per motion)
 10. The roof on any home constructed shall be of architectural type shingles or cedar shakes. Note #10 shall be revised to remove the ability to have standard asphalt shingles.
 11. Remove the provision in note #11(f) allowing review by the Zoning Board of Adjustment.

Written Responses

1 In Favor

6 In Opposition

This item will require a 6/7 vote of City Council due to the percentage adjoining property owners in opposition.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends that the proposed amendment be found in conformance with the existing Des Moines' 2020 Community Character Plan. Staff recommends approval of the requested amendment to the "Silver Leaf" PUD Conceptual Plan subject to the following revisions:

1. Addition of a note stating that each builder/owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
2. Provision of a note stating that one street tree per parcel for a dwelling unit and one additional over story tree shall be planted by the home builder, within either the front or rear yard area, of each parcel for a dwelling unit.
3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
4. The northernmost east/west street shall have a 26-foot back to back paved width.
5. Inclusion of a statement describing how a second public street connection to NE 38th Avenue would be achieved in the future to accommodate development of land adjoining to the west.
6. Revise the emergency fire access drive to indicate its width (min. 20 feet) and that it have a dustless surface (not gravel) such as recycled asphalt product.
7. Provision of the following unless waived in part or whole by the Plan and Zoning Commission:
 - a. Each single-family dwelling unit with street loaded access shall have a private garage, whether attached or detached, with rear loaded lots having an optional garage, thereby removing the note #5 on additional conditions.
 - b. Revision of note #9 that if vinyl siding is selected, it must be at least 44 mills thick.
 - c. The roof on any home constructed shall be of architectural type shingles or cedar shakes. Note #10 shall be revised to remove the ability to have standard asphalt shingles.
 - d. Remove the provision in note #11(f) allowing review by the Zoning Board of Adjustment.

68-2085
42

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The developer seeks to redesign the previously approved PUD Conceptual Plan which created a low to low/medium density residential subdivision with up to 112 single-family parcels surrounding a series of town parks and 19 two-unit parcels (38 dwelling units). The amendment proposes to eliminate the town parks in favor of a looped-grid street configuration and additional set-aside open space. The number of single-family lots would increase to 139 lots by generally reducing the size of private alley loaded lots to 50 feet wide and conventionally loaded lots to between 55 and 60-foot wide. The 19 two-unit parcels (38 dwelling units) would remain in the same configuration.
2. **Size of Site:** 38.25 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Vacant agricultural land.
5. **Adjacent Land Use and Zoning:**
 - North* – "A-1", Use is vacant agricultural use.
 - South* – "PUD" (Brook Run), Uses are mixed density residential dwellings.
 - East* – "PUD" (Brook Run North), Use is vacant agricultural use.
 - West* – "A-1" & "S" Suburban District (Polk County), Uses are vacant agricultural use and single-family residential dwellings.
6. **General Neighborhood/Area Land Uses:** The proposed development is located in the northeast portion of the City in an area that contains a mix of urban and rural residential development, agricultural land and commercial uses.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** The subject property was rezoned to "PUD" District on August 20, 2007 with approval of the Silver Leaf PUD Conceptual Plan. The subject property adjoins land to the east that was rezoned by the City Council on July 14, 2008 to "PUD" District for "Brook Run North" to allow 20 acres of medium density residential, 16.5 acres of low/medium density residential, and 1.3 acres of neighborhood commercial.
9. **2020 Community Character Land Use Plan Designation:** The subject property is identified within the Des Moines' 2020 Community Character Plan future land use plan as Low Density Residential and Low/Medium Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. Any proposed dedication of park or open space land to the city shall be considered by the Park and Recreation Board in a timely manner prior to final action by the City Plan and Zoning Commission. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** The subject property is gently rolling in topography with a significant timbered drainage way along the western boundary. The Conceptual Plan proposes to keep the southwestern and western portion of this in a common open space area. A tree protection plan will be necessary as part of any amendment to the preliminary plat or grading plan, with no trees removed from the subject property prior to approval of a tree protection/mitigation plan. This is reflected in the Conceptual Plan requirements.
2. **Drainage/Grading:** The subject property drains generally south and west. There is a significant drainage way flowing north to south along the western edge of the property. The Conceptual Plan proposes to provide a substantial portion of the required detention within the common open space at the southwest corner of the development, along this drainage way. A note must be added to state that each builder/owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.

No public storm sewer is currently available in the area. The applicant is responsible for meeting storm water management requirements and review of a grading/soil erosion protection plan. This will be required to be revised with the review of an amendment to the preliminary subdivision plat by the Commission. The developer will also be responsible for filing a Storm Water Pollution Prevention Plan (SWPPP) with the Iowa DNR. Issuance of an National Pollutant Discharge Elimination System (NPDES) storm water discharge permit will also be required of the developer by IDNR.

3. **Utilities:** Public sanitary sewer to serve the proposed development will be extended by the developer from the main near NE 38th Avenue and Brook Run Drive that was developed as part of the Brook Run PUD. Public water main will be extended from the 12" Des Moines Waterworks main located in NE 38th Street. Water mains to serve the individual dwellings will now be located within the public streets rather than the previously planned "town parks". Electrical service is available to the development from NE 38th Avenue. However, all extension of electrical service to serve the development must be extended underground.
4. **Landscaping & Buffering:** The Conceptual Plan provides for a row of over-story trees spaced a minimum of 50' on center to be located in the south 15' of the PUD along NE 38th Avenue right-of-way in lieu of required street trees in order to avoid overhead lines within the right-of-way. There are also five overstory trees proposed in the roundabout. Staff believes that the Conceptual Plan should also require installation of at least one street tree per single-family parcel with at least one additional over story tree planted by the home builder within each parcel with a dwelling unit, in order to ensure shading for better energy conservation over time.
5. **Neighborhood Character:** The proposed development concept provides for some narrower lot sizes (minimum 50'-wide) to be served by common privately maintained drives at the rear of lots in the same fashion as a public alley, thereby eliminating the need for a front loaded driveway that would take up lot width. For lots to be served by rear access drives, the plan proposes a 20' front yard house setback with porches as close as 15' from the front property line to accommodate the rear yard

08-2015
42

parking and provide a usable rear yard. Staff believes that the lesser front yard setback is acceptable as there will be no driveways in the front yard.

The Conceptual Plan specifies that all porches must be "open or unenclosed"; that driveway access through the front yard of those lots is prohibited; and that garages on rear loaded lots be limited to 576 square feet in size. Staff believes that the street side lot line on corner lots should be adjusted from 10 feet as proposed to 15 feet to remain consistent with the front yard setback for porches. This should be able to be accommodated as the corner lots are proposed at 55 feet rather than 50 feet.

The remaining single-family lots are proposed at 55 feet wide or wider at the front yard setback. Most will be accessed by a separate access driveway for each lot from the public street.

Staff recommends that lots that are less than 60 feet in width at the front yard setback be required to have any attached or detached garage located in the rear yard. The detail provided on Sheet 2 of 3 indicates that the garages on these lots will be accessed by 12-foot wide driveway from the public street to the rear yard. The minimum front-yard setback will be 20 feet (including the porch).

Staff believes that lots 60 feet wide or greater may have front loaded garages provided the garage door is set back at least 25 feet from the front lot line. The minimum front-yard setback for the main part of the house (including the porch) may be setback 20 feet from the front lot line.

Single-family semi-detached or two-family homes are proposed on lots adjoining the north/south connector street. Any garages for the paired homes shall be located in the rear yard whether attached or detached. The garages will be accessed by rear private shared driveways from the public street. The developer reserves the right to propose detached single-family residential units on these lots should the market dictate (subject to same setback requirements noted above).

The applicant proposes that all homes be a minimum of 1,000 square feet in area for single-story dwellings and 1,250 square feet in area for two-story dwellings. All homes are required to have full basements but are not required to have garages. The plan states that units without garages would be required to have a parking pad that would accommodate a future garage. However, staff recommends that all units with front loading driveways be required to provide at a minimum a single-car garage, either attached or detached. The developer anticipates that a majority of homebuyers will want a garage, but some may wait until the future to when their finances allow.

6. **Traffic/Street System:** The proposed development gains access from NE 38th Avenue by extension of a north/south collector street with a 60'-wide right-of-way and 31' back to back paved width. This is proposed to extend to the north property line to serve future development. Fire code requires that a turnaround be provided until the street is extended in the future. Based on a recommendation from Traffic and Transportation Engineering staff, a 37' flair tapered for 150' has been shown on the plan where this street intersects with NE 38th Avenue to allow for a left turning lane.

Traffic and transportation staff requested at the pre-application meeting that a trip generation analysis be prepared by the developer prior to any preliminary subdivision plat approval. As part of the platting, a fair share contribution to necessary improvements to NE 38th Avenue may be required for that development based on the analysis or in conjunction with future adjoining development when that impact level necessitates the improvements.

The proposed development also includes a 50-foot wide collector street right-of-way running east/west with a 26-foot back to back paved width and a roundabout where it intersects with the north/south collector. This street also accommodates future development adjoining on the east and the west boundaries. A looped grid street system is proposed off of the east/west collector to serve as the local street network. These streets are proposed with a 50-foot wide right-of-way, 26 feet back to back paved width with a four-foot wide sidewalk and standard curbs. The exception to this is the

northernmost east/west street which is shown at 25 feet back to back paved width. Staff recommends that this be revised to be 26 feet.

Additional north/south street access to NE 38th Avenue is critical for any future development to occur on property adjoining to the west of this development. This could be accommodated west of the drainage way within the subject PUD or achieved in another manner. Staff recommends that the developer illustrate how this connection would be accomplished in the future as a condition of any PUD Concept plan approval. To meet fire requirements in the short term, an emergency access is shown to NE 38th Avenue. The Fire Department requires that this be dimensioned with a minimum 20-foot width. Engineering staff requires that the surface be dustless rather than gravel. A recycled asphalt product is typically acceptable to meet this provision.

7. **Des Moines' 2020 Community Character Plan:** The Community Character Plan does not designate a future land use for the subject property at this time. Based on the surrounding neighborhood area and street network, staff believes that the Low Density Residential designation is an appropriate intensity with the Low/Medium Density Residential designation appropriate for the paired housing units proposed along the west side of the north/south collector street to provide a transition to future development between the subject property and the Highway 65 bypass.
8. **Urban Design:** The Conceptual Plan provides a series of typical house elevations with a variety of single and two-story designs. All homes have an open porch element and gabled or hipped roofs. There are also typical bi-attached unit elevations that look very much like single-family homes. All of the designs provide a substantial amount of architectural detail found with traditional single-family homes such as shutters and muntin bars on windows, brick or stone elements, shed porch roofs, and cross roof gables. The same house plan cannot be built on any two adjoining single-family lots.

SUMMARY OF DISCUSSION

Erik Lundy: Presented the staff report and recommendation.

Kent Sovern: Asked why staff was requesting a minimum requirement of 44 mil thickness in vinyl siding instead of the 42 mil.

Erik Lundy: Stated that the federal government has indicated in development that is federally funded that 44 mil is a minimum requirement.

Kent Sovern: Asked if that is an automatic deal with local ordinances if there is an amendment in federal divisions.

Mike Ludwig: Stated that the Neighborhood Conservation Services division is asking for 44 mil of projects the city is contributing funds for. Also, Commissioner Millard brought the concern to staff based on his conversations with a siding contractor that 42 mil was close to an inferior product (a weed eater would be able to cut through it) and encouraged staff to start requiring 44 mil minimum.

Bruce Heilman: Asked about the 50 foot lots, and whether it was discussed.

Erik Lundy: Stated that the 50 foot lots are located on the alley systems. Remaining lots are 55 feet wide or greater would have the drive entrance off of the street.

Mike Ludwig: Stated lots abutting alleys are restricted to the alley access.

Erik Lundy: Stated that staff is recommending that each single-family dwelling unit with street loaded access have a private garage, whether attached or detached, with rear loaded lots having an optional garage as a requirement.

AS 2013
42

Ted Grob, with Savanah Homes, 800 S. 50th Street, Suite 101, West Des Moines: Listed the items that they disagree with the City on: Condition #2, (one additional tree per lot) #7c requiring architectural shingles that will increase the cost, #7b will increase siding cost at about 25%. He noted it is hard for him to figure out what siding thickness has to do with zoning, #7a - impacts 42 of their lots and is essential to their success that the commission waives it. It states that optional garages will not be allowed on 42 lots not on an alley; these are in fact some of their most saleable lots because they do not include the cost of an alley. He asks that the commission overrule staff recommendations and waive the requirement for architectural shingles, the 158 extra trees, the 44 mil siding, and the garages on non-alley lots.

Bruce Heilman: Asked if the Commission required garages on the non-alley lots in the previous design.

Ted Grob: Confirmed that garages were required on the previous plan.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to discuss this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Leisha Barcus: Asked for examples of land development cost being more in Des Moines than in Ankeny since Mr. Grob mentioned it.

Ted Grob: Stated that Des Moines ranges about 4 or 5 thousand more for house in a 100 lot subdivision, for example a \$90,000 sanitary sewer connection fee on this land, a \$54,000 system development fee for the water works. Ankeny allows private inspections, Des Moines requires an City inspector at a cost of \$550.00, Des Moines has a different street light ordinance.

Leisha Barcus: Asked are there one or two types of houses in this development and can he guarantee that there will be a variety of styles.

Ted Grob: Stated that they would commit to no less than eight types, they do not allow the same houses to be next to each other, or the same color next to each other.

JoAnne Corigliano: Asked if they were going to bury cables and wires or are they going to be on poles. Also will they be building homes as requested or a lot of them ahead of time hoping to sell them.

Ted Grob: Stated that the cables and wires will be underground and they usually find that the entry level market works better when you have a decent supply of speculative homes.

JoAnne Corigliano: Asked what they expect with the overload of housing stock.

Ted Grob: Stated that they have a product that no one else has in their price range, but the garages have to be optional.

Kent Sovern: Stated that we are at a competitive disadvantage in Des Moines often in certain ranges of homes because of good meaning, well thought out additional requirements that we might put on developers. Some of what we do discourages development and think that we should just take a step back and look at what we have done over the years.

Larry Hulse: Noted that development has a cost, but the question is what is the cost over a period of time and does the development add value or not. The reason we looked at more thickness on

the siding is because it came from this commission. Mr. Millard suggested after talking to siding contractors that is what they use. We reflect all of those things that you have brought up that you said is important. They are always a recommendation and we feel very firm or we would not recommend them. Trees that have been in discussion for hours with this group and staff is recommending adding tree cover to the community besides just street trees. Part of the garage issue started because people began storing their things in ways that did not look good for the community or the neighbors and the parking of cars and how the property looked.

Mike Ludwig: Stated that there is tax abatement offered by the City. A lot of these requirements have been an emphasis of the Council to improve the quality of the housing stock that is being built in Des Moines in exchange for tax abatement that they are offering, recognizing that the market is in a turmoil right now concerns them.

The garage recommendation is exactly the same as it was before on this project, the City gave flexibility in the proposal to allow optional garages where they were going to have alleys. The 42 lots where garages are required are basically on the perimeter and those are areas directly abut either public right-of-way or abut adjoining property and is important that on those areas that there should be garages to ensure that the appearance from adjoining property and public right-of-way was acceptable.

The argument has been made that people will build the garages later. Staff believes the credit market is tightened for commercial lending and residential lending and the idea that next year someone will build a garage or guarantee they will build a garage, staff just doesn't feel comfortable saying that. It is an issue that we need to consider on these projects.

Ted Grob: Stated there is a common misconception that the staff has and that is the extra cost that you require in your housing is offset by tax abatement, it is not. This area has the highest individual real estate tax area in greater Des Moines. Tax abatement offsets the real estate tax, it cannot offset other costs. He believes that the City of Des Moines does a better job of being stewards of the money that is given than almost any other city. However, the fact is tax abatement can only be used for one thing, either the extra cost or the high taxes that will be on these houses. He believes that it was intended to be used to offset the high taxes on these houses not a litany of other things that is okay to add to the development of the house.

Kent Sovern: Stated that he remembers the discussions when the Chamber of Commerce asked for tax abatement. He believes that they were looking at the number of housing starts surrounding Des Moines and the number in Des Moines proper at that time, and the number in Des Moines was miniscule, less than 50 a year. The public policy around tax abatement was to spur residential development in Des Moines and that is why tax abatement was established.

JoAnne Corigliano: Asked for clarification about the garages that are required are just on the perimeter and the ones that are in the center are going to be optional.

Mike Ludwig: Stated that anything that does not have an alley frontage must have a garage.

JoAnne Corigliano: Asked if the number of trees that was in the picture are what the developer would like to plant rather than what was required by the City, noting that these are only 50 foot lots so one tree in the front seem adequate from the pictures shown.


Ted Grob: Confirmed that the landscape plan that he showed was one tree per lot versus the staff recommendation.

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Leisha Barcus: Moved that the proposed amendment be found in conformance with the existing Des Moines' 2020 Community Character Plan and the approval of the requested amendment to the "Silver Leaf" PUD Conceptual Plan be subject to condition.

Motion passed 8-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

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Item 2008 00130 Date 9/19/2008

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

(Circle One)

SEP 22, 2008

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Gary Stout

Signature Gary Stout

Address 5210 Meadow Wood Cir.

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

Bring down home value would like to see more
expensive homes.

42

The Des Moines Register

AFFIDAVIT OF PUBLICATION

COPY OF ADVERTISEMENT

Exhibit "A"

Notices

NOTICE OF HEARING

Notice is hereby given that on November 24, 2008, at 5:00 P.M., in the Council Chambers of City Hall at 400 Robert D. Ray Drive, Des Moines, Iowa, a hearing will be held by the City Council concerning a request from Savannah Homes, Inc. represented by Ted Grob (officer), Central Iowa Developers, L.C. (owner), to amend the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 38th Avenue to allow reconfiguration of the street, alley, and lot layout, including an increase in the number of lots from 131 to 158 subject to conditions.

The subject property is more specifically described as follows: Beginning at the south 1/4 corner of said section 22; thence north 0°09'40" east along the west line of said southeast 1/4, a distance of 1327.07 feet to the northwest 1/4 of the south 1/2 of said southeast 1/4; thence continuing north 0°09'40" east along said west line, 66.00 feet; thence south 26°30'20" east, 73.33 feet to a point on the north line of said south 1/2 of the southeast 1/4; thence north 89°39'02" east along said north line, 1216.74 feet; thence south 0°22'00" west, 1342.89 feet to a point on the south line of said southeast 1/4; thence south 89°37'24" west along said south line, 1244.88 feet to the point of beginning and containing 38.25 acres (1,666,173 s.f.), an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

At the above designated time and place, opportunity to be heard will be given to proponents and opponents of the proposed rezoning.

CITY OF DES MOINES, IOWA
By: T.M. Franklin
Cowanite, Mayor

ATTEST:
Diane Rauh, City Clerk
Published in the Des Moines Register on November 17, 2008.

STATE OF IOWA

SS

COUNTY OF POLK

The undersigned, being first duly sworn on oath, states that she/he is the

Accounting Specialist *Kristi Martin*

of The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER (Daily)

DES MOINES SUNDAY REGISTER

newspapers of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made a part of this affidavit, was printed and published in The Des Moines Register (daily) on the following dates

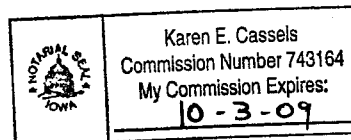
NOV 17 2008

Subscribed and sworn to before me by said affiant this *17th* day of *November*

2008

Karen E. Cassels

Notary Public in and for Polk County, Iowa



PD6451; #895, -

street address: 715 Locust Street, Des Moines, IA 50309 • mailing address: P.O. Box 957, Des Moines, IA 50306 • (515) 284-8000

