

Date..... June 27, 2011

WHEREAS, on June 13, 2011 by Roll Call No. 11-0990, the City Council duly resolved that a public hearing be held on June 27, 2011, at 5:00 p.m. in Council Chambers at City Hall to consider a proposal from HDR Land Development, LLC to amend the approved The Woods of Copper Creek PUD Planned Unit Development Conceptual Plan for property located in the vicinity of the 4600 block of Easton Boulevard to revise the southeastern five acres removing it from Area C for multiple-family residential development and adding it to Area A for single-family residential development subject to the following revisions:

1. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard.
2. Demonstration of the sanitary sewer that would serve the additional single-family lots as provided on the preliminary plat.
3. Provision of a note to state the development will comply with the International Fire Code Section D 107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30.
4. Administrative review and approval of the final PUD Conceptual Plan documents.

The Property is described as follows:

A part of the West half of the Southwest quarter of Section 27 and a part of the East half of the East half of the Southeast quarter of Section 28, all in Township 79 North, Range 23 West of the 5<sup>th</sup> P.M., Polk County, Iowa and more particularly described as follows:

Beginning at the northeast corner of Four Mile Plat No. 2, an official plat; thence north 89°45'40" east along the north line of said southeast quarter of Section 28, a distance of 650.34 feet to the east quarter corner of said Section 28; thence south 89°57'21" east along the north line of said southwest quarter of Section 27, a distance of 1323.88 to the northwest corner of Tract "A" in Lot 1 of the Plat of Stephen Harvey Estates in the east half of the southwest quarter as shown on the Plat of Survey recorded in Book 5735, Page 973; thence south 00°18'37" west along the west line of said Tract "A", 2118.66 feet to a line north 533 feet and parallel with the south line of said southwest quarter of Section 27; thence north 89°49'09" west along a line north 533 feet and parallel with the south line of said southwest

(Continued on Page 2)

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quarter of Section 27, a distance of 452.38 feet; thence south 00°03'18" west, 443.00 feet; thence north 89°49'09" west, 861.95 feet to the west line of said Section 28; thence south 89°59'27" west, 64.00 feet; thence north 00°03'08" east along a line 64 feet west and parallel with the east line of said southeast quarter of Section 28, a distance of 241.00 feet; thence south 89°59'27" west along a line 331 feet north and parallel with the south line of said southeast quarter of Section 28, a distance of 200.00 feet; thence south 00°03'08" west along a line 264 feet west and parallel with the east line of said southeast quarter of Section 28, a distance of 331.00 feet to the south line of said southeast quarter of Section 28; thence south 89°59'27" west along said south line, 394.75 feet to the southeast corner of Four Mile Plat No. 2, an official plat; thence north 00°14'05" east along the east line of said Four Mile Plat No. 2, a distance of 2645.93 feet to the point of beginning and containing 111.00 acres (4,835,257 square feet).

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 16, 2011, as provided by law, setting forth the time and place for hearing on the 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 above; and,

WHEREAS, in accordance with the published notice those interested in the 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 the proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of the 4600 Block of Easton Boulevard are hereby overruled and the hearing is closed.
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.

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Date June 27, 2011

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 above and in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(Council Communication No. 11-431 )

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

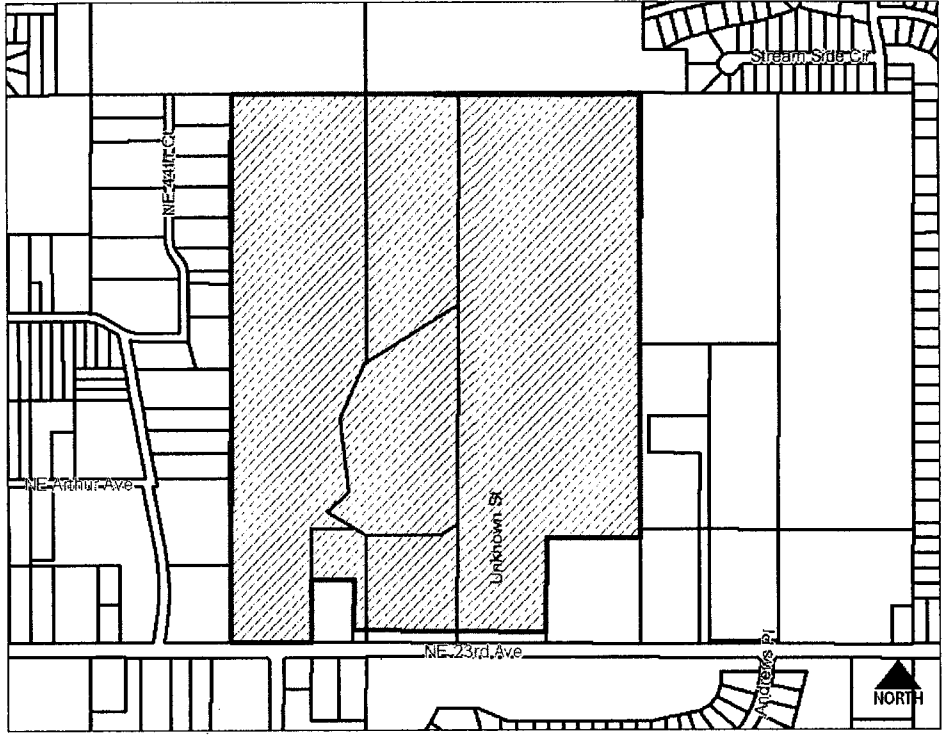
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

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

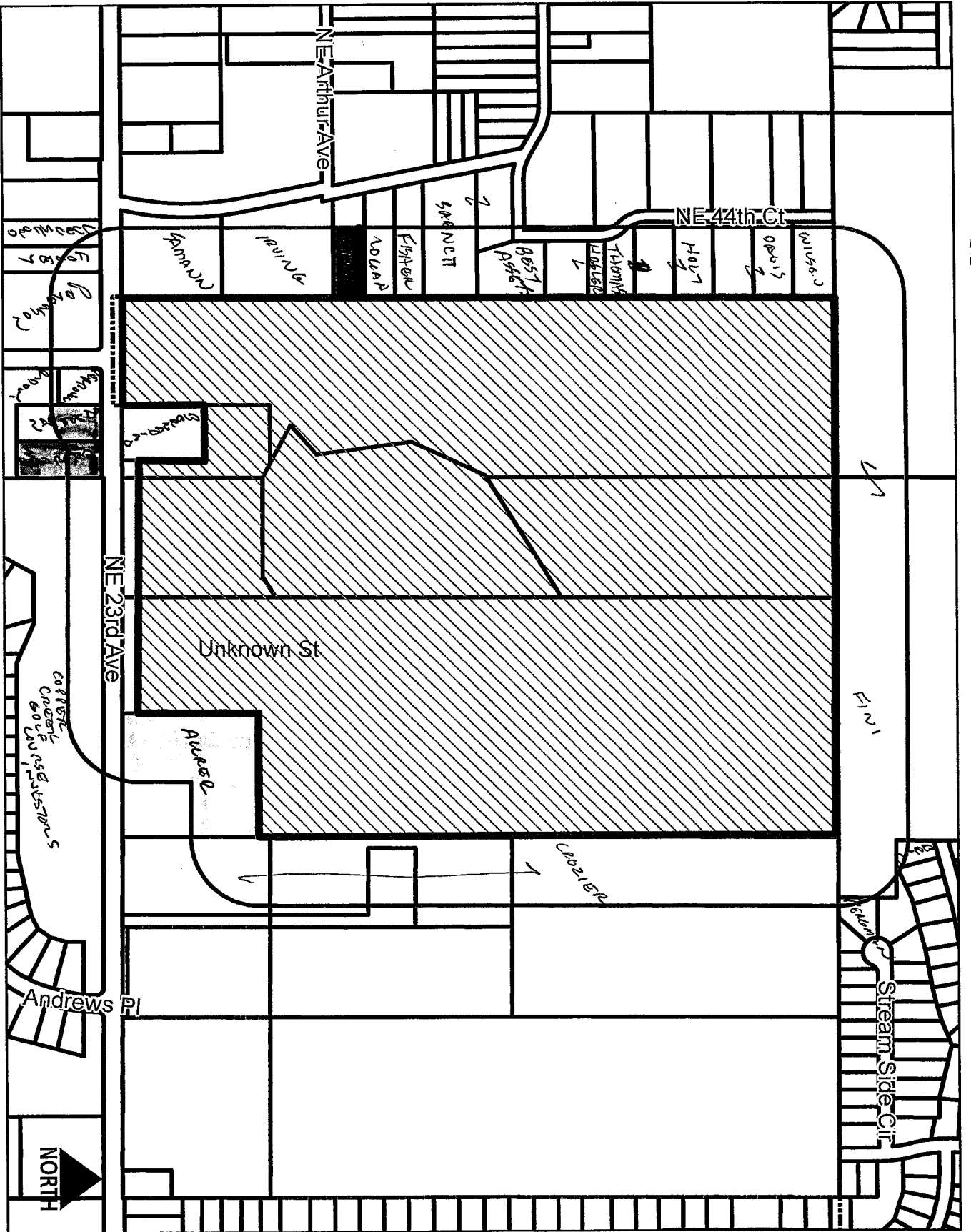
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Request from HDR Land Development, LLC (owner) represented by Larry Handley (officer) and Richard N. Downs Trust (owner) to amend The Woods of Cooper Creek PUD Conceptual Plan to revise the southeastern five acres removing it from Area "C" for multiple-family residential development and adding it to Area "A" for single-family residential development for property in the vicinity of 4600 block of Easton Boulevard.		<b>File #</b> ZON2011-00095		
<b>Description of Action</b>	Review and approval of an amendment to The Woods of Cooper Creek PUD Conceptual Plan to revise the southeastern five acres removing it from Area "C" for multiple-family residential development and adding it to Area "A" for single-family residential development.			
<b>2020 Community Character Plan</b>	Multiple-Family Residential			
<b>Horizon 2035 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	4	1		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

The Woods at Copper Creek PUD - Vicinity of 4600 NE 23rd Avenue ZON2011-00095



The Woods at Copper Creek PUD - Vicinity of 4600 NE 23rd Avenue ZON2011-00095



June 9, 2011

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 June 2, 2011, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:



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

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano				X
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
Brian Millard	X			
William Page	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

**APPROVAL** of a request from HDR Land Development, LLC (owner) represented by Larry Handley (officer) and Richard N. Downs Trust (owner) with regard to property in the vicinity of 4600 block of Easton Boulevard:

ZON2011-00095 & 13-2011-1.30

Part A) to approve the amendment to "The Woods of Copper Creek" PUD Conceptual Plan subject to the following revisions:

1. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard.
2. Demonstration of the sanitary sewer that would serve the additional single-family lots as provided on the preliminary plat.
3. Provision of a note to state the development will comply with the International Fire Code Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30;

And

Part B) to approve the amendment to "The Woods of Copper Creek" Preliminary Plat subject to the following revisions:

1. Compliance with all administrative review comments by the Permit and Development Center.
2. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard
3. Provision of low-level shrubs within all landscape islands within cul-de-sacs and traffic circles planted by the developer and owned and maintained by a homeowners association.
4. Any cul-de-sac over 150 feet in length must have a minimum diameter of 96 feet.
5. Provision of a note to state the development will comply with the International Fire Code Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30.
6. Demonstration of how Outlots Y & Z will be owned and maintained to the satisfaction of both Polk County and the City of Des Moines.

#### Written Responses

4 In Favor

1 In Opposition

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

Part A) Staff recommends approval of the amendment to "The Woods of Copper Creek" PUD Conceptual Plan subject to the following revisions:

1. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard.
2. Demonstration of the sanitary sewer that would serve the additional single-family lots as provided on the preliminary plat.
3. Provision of a note to state the development will comply with the International Fire Code Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30.

Part B) Staff recommends approval of the amendment to "The Woods of Copper Creek" Preliminary Plat subject to the following revisions:

1. Compliance with all administrative review comments by the Permit and Development Center.
2. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard
3. Provision of low-level shrubs within all landscape islands within cul-de-sacs and traffic circles planted by the developer and owned and maintained by a homeowners association.
4. Any cul-de-sac over 150 feet in length must have a minimum diameter of 96 feet.
5. Provision of a note to state the development will comply with the International Fire Code Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30.

6. Demonstration of how Outlots Y & Z will be owned and maintained to the satisfaction of both Polk County and the City of Des Moines.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to amend the Woods at Copper Creek PUD Conceptual Plan to revise five acres at the southeast corner of the PUD from multiple-family residential to single-family residential. The approved "Woods of Copper Creek" PUD Conceptual Plan provides for approximately 71 acres for 60-foot wide lot single-family residential development, approximately 22 acres of 70-foot wide lot single-family development, and approximately 18 acres for multiple-family residential development to be defined with a future PUD Conceptual Plan amendment.

The applicant is also proposing to amend the Preliminary Plat for "The Woods of Copper Creek" to divide the southeastern five acres into 16 lots for single-family dwellings. The Preliminary Plat demonstrates these additional lots would each have at least 11,000 square feet of lot area and widths ranging between 66 feet and 87 feet.

2. **Size of Site:** Overall "PUD" Planned Unit Development includes 112.91 acres.
3. **Existing Zoning (site):** Woods at Copper Creek "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** Agriculture and open space.
5. **Adjacent Land Use and Zoning:**
  - North* – "A-1"; Use is agricultural production.
  - South* – "R-3" (Pleasant Hill); Use is the Copper Creek golf course community with a mix of single-family and townhome dwellings.
  - East* – "A-1"; Uses are a single-family dwelling and agricultural production.
  - West* – "S" Suburban (Polk County); Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an undeveloped area of agricultural land on the north side of Easton Avenue.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** The subject property was zoned to the "A-1" Agricultural District upon annexation to the City of Des Moines. On September 10, 2007, the City Council rezoned the site to "PUD" District and approved the Woods at Copper Creek PUD Conceptual Plan (Ordinance 14,699).
9. **2020 Community Character Land Use Plan Designation:** 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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

The Commission reviews all preliminary plats. The Commission shall determine if such preliminary plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

**II. ADDITIONAL APPLICABLE INFORMATION**

**1. Natural Site Features:** The subject property consists of rolling hills with significant vegetation along drainage ways and fence lines along the south, west, and north. The PUD Conceptual Plan and Preliminary Plat provide significant preservation easements within the rear of many of single-family residential lots to protect the majority of existing vegetation and natural drainage ways. There are areas on the plat where it is necessary to disturb vegetation in order to provide street connectivity and a stormwater detention basin.

The PUD Conceptual Plan includes a statement that future plats and development plans shall outline measures to protect the preservation areas during construction and specific easement language for perpetual protection and management of the areas.

The Preliminary Plat is required to comply with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code), which requires provision of 1 overstory tree per 2,000 square feet of canopy being removed. The submitted plat indicates removal of 151,893 square feet (14.8%) of the existing 1,023,028 square feet of tree canopy. Therefore, a total of 76 overstory trees are required to be planted as mitigation.

The proposed Preliminary Plat for 149 single-family lots provides a total of 298 overstory trees and 149 ornamental trees. It requires one 1.5-inch caliper street tree, one ornamental tree in each front yard, and one 1.5-inch caliper overstory tree in each rear yard. Staff recommends that the requirement for an ornamental tree in each front yard should be revised to require an ornamental or overstory tree in each front yard to allow flexibility.

**2. Landscaping:** The PUD Conceptual Plan indicates that low-level shrubs and/or flower landscaping elements will be provided within all landscape islands within cul-de-sacs and traffic circles. These landscape areas would be planted by the developer and

owned and maintained by a homeowners association.

The plat states that low-level shrubs will be provided within all landscape islands within cul-de-sacs. This must be revised to also include all landscape islands within traffic circles. These landscape areas must be planted by the developer and owned and maintained by a homeowners association.

3. **Drainage/Grading:** The Preliminary Plat states that the builder on each lot is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards during construction. The stormwater management plan directs stormwater through surface flowage easements to a detention basin in the western portion of the site. The stormwater management plan must be approved as part of the Final Plat.
4. **Stormwater Management:** The PUD Conceptual Plan provides multiple stormwater detention areas and bio-swales throughout the development. It also states that the implementation of low-impact design methods to supplement the City's regular storm water management standards shall be considered with any PUD Development Plan and Preliminary Plat.
5. **Utilities:** The developer will be required to extend utilities to serve the development. There is a sanitary trunk sewer crossing the site. The Des Moines Water Works has a 6-inch water main in Easton Boulevard. The PUD Conceptual Plan must demonstrate the sanitary sewer that would serve the additional single-family lots as provided on the preliminary plat.
6. **Trail System:** The PUD Conceptual Plan provides an 8-foot wide north/south recreational trail across the entire development that would be along the east side of the westernmost north/south street. The trail would serve as a connection between the City-designated bike route along Easton Boulevard and future residential development to the north. The submitted Preliminary Plat does not include this portion of the PUD.
7. **Traffic/Street System:** The proposed PUD Conceptual Plan amendment does not modify the approved street configuration, which includes a mix of cul-de-sacs, traffic circles, and street connections to future development to the north and east.

The Conceptual Plan indicates that 4-foot wide sidewalks shall be provided along both sides of all public streets. The 8-foot-wide recreational trail along the westernmost north/south street would be in place of a 4-foot-wide sidewalk. The sidewalks will be completed with the construction of each house.

8. **Fire Protection:** In accordance with International Fire Code (IFC) Section 503.2.5, cul-de-sacs over 150 feet in length must have a minimum diameter of 96 feet. The plat must include a note to state the development will comply with the IFC Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of dwelling units exceeds 30. This road has can have restricted access and must be at least 20 feet wide and designed to support a fire apparatus.
9. **2020 Community Character Land Use Plan:** The proposed amendment to the PUD Conceptual Plan to allow 16 additional single-family residential lots complies with the 2020 Community Character Land Use Plan designation for Medium-Density Residential

use.

**10. Fencing:** The PUD Conceptual Plan provides several provisions regarding fencing on the single-family lots. No fence shall exceed 6 feet in height and no chain link fence would be permitted unless it is clad with black vinyl. In addition, fencing is prohibited in front yard areas and within easements for stormwater detention areas. Fencing within the multiple-family residential area would be subject to review and approval of a future amendment to the PUD Conceptual Plan.

**11. Architectural Guidelines:** The PUD Conceptual Plan and Preliminary Plat state that the same single-family dwelling plan shall not be built on adjacent lots and that each single-family dwelling unit shall have a private garage, whether attached or detached. It also states that all detached structures shall mimic and complement the main structure's architecture and style. It also indicates that the windows on the street facade of any single-family dwelling shall have either shutters on each side or trim border not less than 4 inches in width. The PUD Concept Plan states that siding materials shall be masonry (brick or stone), vinyl (at least 40 mills thick), cedar, or hardi-plank siding. Roof materials shall be architectural asphalt shingles or cedar shakes.

The PUD Concept Plan also states that the front elevation of each single-family home constructed must contain one of the following: a front porch of not less than 60 square feet, or stone or brick masonry siding equal to a minimum of 1/3 of the first floor

Minimum building floor areas for 1-story single-family dwellings shall be 1,200 square feet excluding basement and minimum building floor areas for 1-½-story and 2-story single-family residential shall be 1,400 square feet excluding basement.

**12. Additional Information:** The PUD Conceptual Plan proposes an entry sign along Easton Boulevard at both of the proposed north/south streets. The conceptual diagram indicates that each sign would be constructed with stone and masonry materials.

The Preliminary Plat includes Outlots Y & Z along Easton Boulevard (NE 23<sup>rd</sup> Avenue) that are within unincorporated Polk County. The Preliminary Plat must demonstrate how these outlots will be owned and maintained to the satisfaction of both Polk County and the City of Des Moines. Furthermore, the developer should be aware that the proposed entry feature on one of these outlots will be subject review and approval by Polk County.

## **SUMMARY OF DISCUSSION**

*There was no discussion*

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition*

**COMMISSION ACTION:**

Greg Jones moved staff recommendation Part A) to approve the amendment to "The Woods of Copper Creek" PUD Conceptual Plan subject to the following revisions:

1. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard.
2. Demonstration of the sanitary sewer that would serve the additional single-family lots as provided on the preliminary plat.
3. Provision of a note to state the development will comply with the International Fire Code Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30;


And

Part B) to approve the amendment to "The Woods of Copper Creek" Preliminary Plat subject to the following revisions:

1. Compliance with all administrative review comments by the Permit and Development Center.
2. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard
3. Provision of low-level shrubs within all landscape islands within cul-de-sacs and traffic circles planted by the developer and owned and maintained by a homeowners association.
4. Any cul-de-sac over 150 feet in length must have a minimum diameter of 96 feet.
5. Provision of a note to state the development will comply with the International Fire Code Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30.
6. Demonstration of how Outlots Y & Z will be owned and maintained to the satisfaction of both Polk County and the City of Des Moines.

Motion passed 11-0.

Respectfully submitted,

  
 Michael Ludwig, AICP  
 Planning Administrator

MGL:clw

Attachment

Item 2011 00095-17

Date June 2, 11

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

(Circle One)

Print Name Mrs. Huffman

Signature 4575 N.E. 23<sup>rd</sup> Ave

Address DM 1250317

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

I just ask that the homes are real nice ones. Please don't let us have another (dog patch) as they called this part of town back in 1951.

Item 2011 00095

Date 5-25-11

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

(Circle One)

Print Name Kam Gollant

Signature Kam Gollant

Address 4597 NE 23rd

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

Now that you've changed to single houses instead of apartments I think it's a good idea, please put entrance farther east + NOT across from my house. ~~longer~~

Item 2011 00095

Date 5.26.11

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

(Circle One)

Print Name Clyde + Kathy Allred

Signature Clyde Allred Kathy Allred

Address 4780 NE 23rd Ave  
Des Moines, IA 50317

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

We approve only because it is the  
lesser of two evils. We hope much  
forethought and planning is used on this  
project - water run-off, water pressure,  
traffic, quality of the houses, effects on  
present property owners. Thank you

Item 2011 00095

Date \_\_\_\_\_

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

Sheridan Gardens NH. Assoc.

(Circle One)

Print Name CHRISTINE E. LARSON

Signature Christine E Larson

Address 2721 E. 39th St DSM  
50317

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

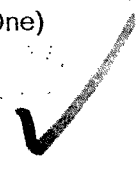
Single family residential development  
is a better fit for the immediate area.  
There are enough multiple-family  
dwellings already.

Item 2011 00005-1

Date 5-25-2011

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

(Circle One)



Print Name James C Frost

Signature James C Frost

Address 2446 E Grand

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

Don't want land developed!!  
Leaves as farm land and  
natural habitat.