★ **Roll Call Number**

Agenda Item Number 43

Date December 21, 2015

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4209 Lower Beaver Road from the "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District classification",

which was considered and voted upon for the first time under Roll Call No. 15-2013 of November 23, 2015, and considered and voted upon for the second time under Roll Call No. 15-2075 of December 7, 2015, again presented.

Moved by _____ that this ordinance do now pass.

(Council Communication No. 15-669)

ORDINANCE NO._____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

From: DON CORRIGAN [mailto:donindsm@msn.com]
Sent: Sunday, December 20, 2015 12:12 PM
To: Cownie, Frank; Moore, Skip; Coleman, Chris; Gray, William S.; CityClerk
Subject: Item 43 4209 Lower Beaver rezoning.

Honorable Mayor and Members of the City Council:

While my concerns over the location of the drive and equalization of the project's structures from neighbors on both Twana and Valdez have been addressed and it appears that now an 8 foot wide trail, beginning at Lower Beaver and proceeding to the park has been replaced by four foot sidewalks on each side of the private drive and an eight foot trail beginning at the north south drive to the park, several concerns still exist.

First is the density of the project and how it fits with the existing neighborhood, the project essentially places duplexes between single family homes. I am especially concerned with the 15 foot side yard requirement for the units on the north/south private drive that abut existing homes with the opposite orientation. I am not so much concerned about the allowance of vinyl siding as I am at the ease to which it seemed to be allowed. Which brings me to probably my biggest concern about this and similar projects.

It appears that over the years the City and it's leadership has forgotten how great a place this is. There are very few development opportunities left and those that are should be treated as the gems they are. Instead of going with a development that replicates those in the suburbs, except for vinyl siding, we should be asking for more and innovation by negotiating better deals for all current residents involved. It was disheartening hearing a member of the Plan and Zoning Commission say" we can't tell property owners how to use their land."

Finally I still see no indication of how the negotiations over the sewer easements and disruption of the Woodlawn Park are going to be handled. I assume instead of a point of negotiation it will just be handled by the City as a redevelopment cost.

Thank you for your time and consideration, unfortunately due to prior commitments I was unable to attend the last City Council meet and will also be unable to attend the meeting of December 21, 2015, I would request that this communication be added into the record.

Don Corrigan
3316 Twana Drive
Des Moines Iowa
515-277-8066

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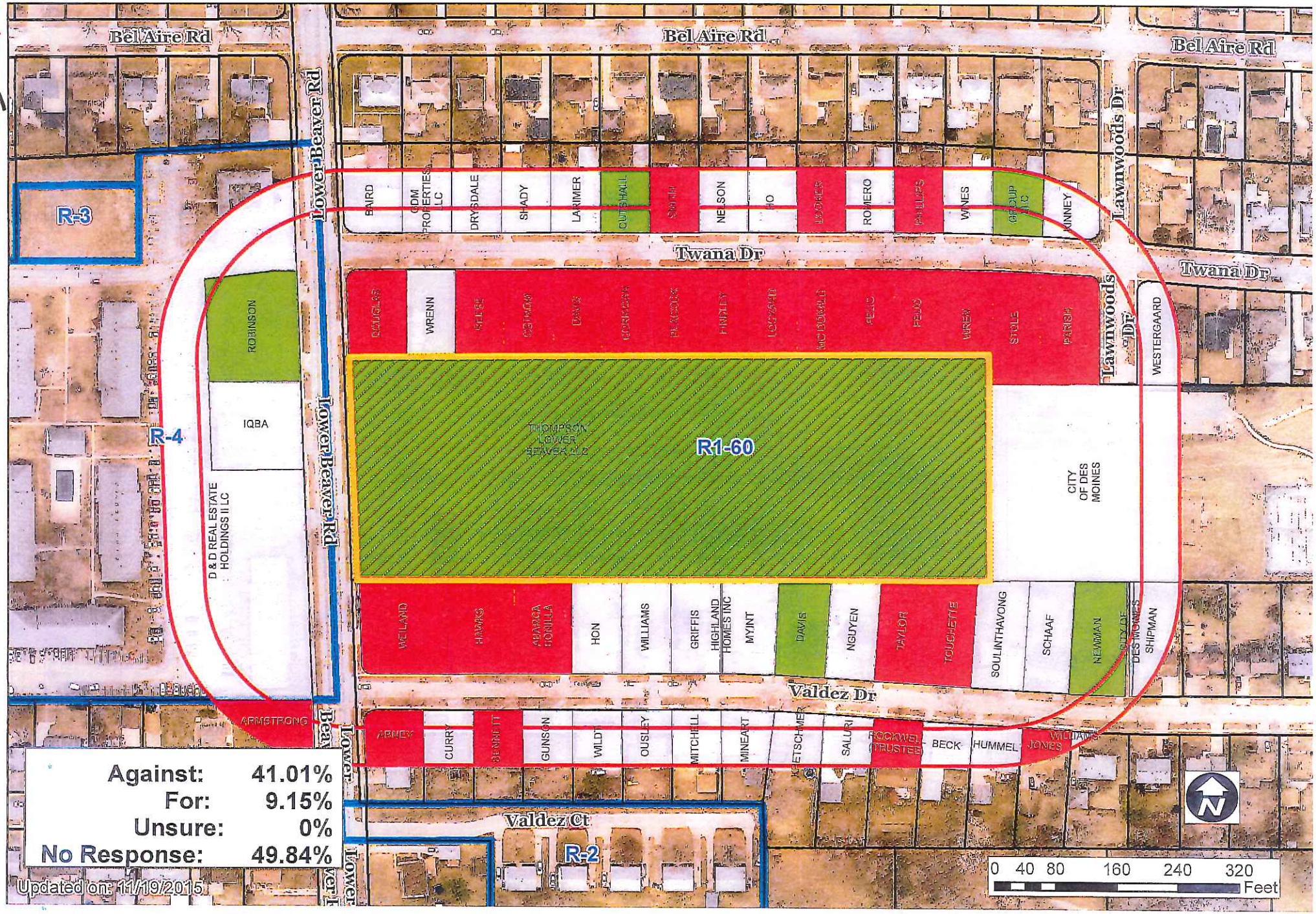
IS-2015

Hubbell Realty Company, 4209 Lower Beaver Road

ZON2015-00200



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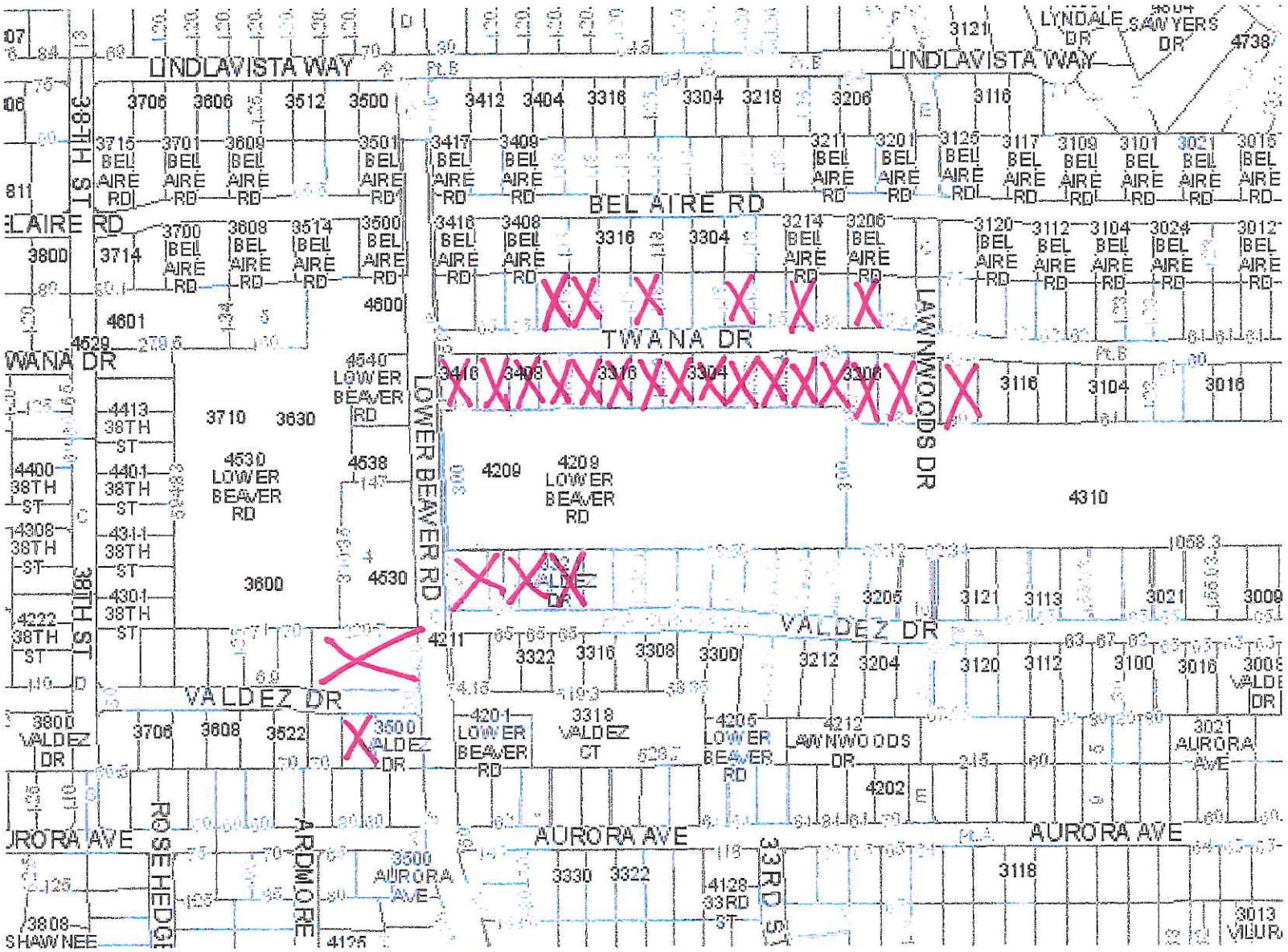
No Response:	49.84%

Updated on: 11/19/2015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BEL AIRE RD
TWANA DR
VALDEZ DR
AURORA AVE
LOWER BEAVER RD
LAWNWOODS DR
38TH ST
ROSEHEDGE
ARDMORE
33RD ST
LYNDALE DR
SAWYERS DR
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3008 VALDEZ DR
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3522
3500 VALDEZ DR
4201 LOWER BEAVER RD
3318 VALDEZ CT
4205 LOWER BEAVER RD
4212 LAWNWOODS DR
4202
3021 AURORA AVE
3600 AURORA AVE
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4128 33RD ST
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3013 VILLA
3808 SHAWNEE
4136

S.207S

15-2075 ~~15-2013~~
~~54C~~
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Prepared by:	Lawrence R. McDowell, Deputy City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309 Phone: 515/283-4130
Return Address:	City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309
Title of Document:	City of Des Moines, Ordinance No. _____
Grantor/Grantee:	City of Des Moines, Iowa
Legal Description:	See page 1, below.

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4209 Lower Beaver Road from the "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 4209 Lower Beaver Road, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District classification:

All that part of the South Half (S ½) of the Northeast Quarter (NE ¼) of Section 20, Township 79, Range 24, West of the 5th P.M., lying within the following described lines: Commencing at a point on the Section line 461.34 feet, North of the Northeast corner of the Southeast Quarter (SE ¼) of said Section 20, thence West and parallel with the South line of the NE ¼ of said Section 20, a distance of 1058.3 feet to place of beginning, thence continuing West a distance of 871.2 feet to the center line of Lower Beaver Road, thence Northwesterly along the center line of Lower Beaver Road, a distance of 300 feet, thence East 871.2 feet, thence South 300 feet to place of beginning.

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Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Lawrence R. McDowell
Deputy City Attorney

Date_____

Agenda Item 38

Roll Call # 15-2015

CITY OF DES MOINES
COMMUNITY DEVELOPMENT

November 18, 2015

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 5, 2015, the following action was taken regarding a request from Hubbell Realty Company (purchaser) represented by Joe Pietruszynski (officer) to rezone property located at 4209 Lower Beaver Road. The subject property is owned by Lower Beaver, LLC.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
Brian Millard	X			
William Page				X
Jonathan Rosenbloom				X
Mike Simonson				X
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of staff recommendation regarding Part A) approval of the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan, approval of Part B) requested amendment of the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Low/Medium Density Residential, approval of Part C) to rezone from "R1-60" District to "PUD" and approval of Part D) the PUD Conceptual Plan subject to the following revisions:

(21-2015-4.23 & ZON2015-00200)

1. Provision of a statement that all development shall comply with the City's Tree Protection and Mitigation Ordinances.

2. Revision of the stormwater management statement to further indicate that storm water management would shall be required to detain storms for both water quality and for overall flood control purposes, holding between 2-100 year storm events and releasing at pre-developed rates in accordance with SUDAS Section 2G-1. Any detention basin shall be required to release the larger storms at two or more points or otherwise spread the release to minimize potential for erosion.

3. Provision of a statement that extension of storm water sewer, sanitary sewer, and trail development shall be coordinated through the Parks and Recreation Department prior to final approval of any Development Plan.

4. Provision of an 8-foot wide pedestrian walk integrated into the north side of the private drive running from Lower Beaver Road to align with the proposed trail connection to Woodlawn Park.

5. Provision of a statement that any number of residential units built in excess of 30 units shall have approval by the Fire Marshall under alternate design or with an approved secondary fire access drive.

6. Provision of statements in the architectural standards that indicate the following:

    - The applicant will try to negotiate and work with staff for the material of siding, whether vinyl or cement board, wood, or engineered wood with a minimum 50-year warranty.
    - All windows within portions of the façade sided with lap or shake siding shall include a minimum 4-inch wide trim board that is painted a different color than the lap siding.
    - There shall be a contrasting trim band between gabled façades and wall façade elements.
    - All dwelling units shall have architectural asphalt shingles.
    - There shall be at least 10 feet of total separation between any portion of the side facades of any two buildings.
    - There shall be a minimum 5-foot differential between any two adjacent buildings of the setback of the building from the private drive.
    - Facades of the buildings along Lower Beaver Avenue include the brick or stone wainscot additionally on the side and rear façades oriented toward the public street.
    - All primary entrances should be oriented toward the private drive subject to stormwater constraints
    - Provision of a small decorative sign
    - The final PUD plan shall be shown to the neighbors
    - Full build out with the same quality level and the same type of home
    - The neighbors and neighborhood will take care of the planting bed in front together.

- The Home Owners Association will be encouraged to partner with neighbors and neighborhood.
- Continue discussion with the City for Stormwater intake tie in to their system.
- Urged that the offset of the street be centered and if they have to have an offset it is near the street.

7. The final PUD plan to return to Plan and Zoning Commission.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested amendment of the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Low/Medium Density Residential.

Part C) Staff recommends approval of the requested rezoning from "R1-60" District to "PUD".

Part D) Staff recommends approval of the submitted PUD Conceptual Plan subject to the following revisions.

1. Provision of a statement that all development shall comply with the City's Tree Protection and Mitigation Ordinances.

2. Revision of the stormwater management statement to further indicate that storm water management would shall be required to detain storms for both water quality and for overall flood control purposes, holding between 2-100 year storm events and releasing at pre-developed rates in accordance with SUDAS Section 2G-1. Any detention basin shall be required to release the larger storms at two or more points or otherwise spread the release to minimize potential for erosion.

3. Provision of a statement that extension of storm water sewer, sanitary sewer, and trail development shall be coordinated through the Parks and Recreation Department prior to final approval of any Development Plan.

4. Provision of an 8-foot wide pedestrian walk integrated into the north side of the private drive running from Lower Beaver Road to align with the proposed trail connection to Woodlawn Park.

5. Provision of a statement that any number of residential units built in excess of 30 units shall have approval by the Fire Marshall under alternate design or with an approved secondary fire access drive.

6. Provision of statements in the architectural standards that indicate the following:

   - All lap and shake style siding shall be cement board, wood, or engineered wood with a minimum 50-year warranty.

- All windows within portions of the façade sided with lap or shake siding shall include a minimum 4-inch wide trim board that is painted a different color than the lap siding.
- All garage doors shall have windows on the upper panel.
- There shall be a contrasting trim band between gabled façades and wall façade elements.
- All dwelling units shall have architectural asphalt shingles.
- There shall be at least 10 feet of total separation between any portion of the side facades of any two buildings.
- There shall be a minimum 5-foot differential between any two adjacent buildings of the setback of the building from the private drive.
- Facades of the buildings along Lower Beaver Avenue include the brick or stone wainscot additionally on the side and rear façades oriented toward the public street.
- All primary entrances should be oriented toward the private drive.

Written Responses
6 In Favor
22 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant seeks to redevelop a commercially used property for low/medium density residential use. A Conceptual Plan has been submitted with the rezoning request that includes 19 single-family semi-detached (bi-attached) townhomes for a total of 38 units or approximately 6.63 units per acre of density. While not restricted to senior living, the applicant has indicated that their marketing would be toward "empty nesters".

2. **Size of Site:** 5.73 acres

3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.

4. **Existing Land Use (site):** The subject property is currently occupied by a 2,520-square foot office building and the remaining slabs from former warehouse buildings. These were built around 1945-46. There is also a substantial amount of graveled area.

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

   North – *"R1-60", Uses are single-family dwellings.*

   South – *"R1-60", Uses are single-family dwellings.*

   East – *"R1-60", Use is Woodlawn City Park.*

   West – *"R-4", Uses are a limited food sales store, an auto repair garage, and multiple-family dwellings.*

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area of mixed densities of residential and commercial use, surrounded by a predominantly single-family residential neighborhood. Lower Beaver Avenue, which provides access to the subject property, serves a major collector conveying traffic from the surrounding neighborhood area in Des Moines to Douglas Avenue, a major highway commercial corridor.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Lower Beaver Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on October 20, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on October 16, 2015 (20 days prior) and on October 26, 2015 (10 days prior) to the Lower Beaver Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

   All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Lower Beaver Neighborhood Association notices were mailed to Brian Millard, 3920 Lynner Drive, Des Moines, IA 50310.

   The applicant has held multiple meetings with the neighborhood and surrounding property owners. The applicant will provide a summary of the meetings at the public hearing.

8. **Relevant Zoning History:** On August 2, 2007, the Plan and Zoning Commission recommended denial of a request to rezone to the "R-3" District to allow for 26 two-family dwellings (52 residential units). The applicant withdrew the application prior to being received by the City Council.

9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may 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 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 the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended PUD Conceptual Plan 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 site is currently partially developed with an office building and remaining warehouse building foundations. It contains several mature trees in the eastern portion of the property and one mature tree within the paved parking area west of the commercial buildings. There is volunteer tree growth within the fence line shared with Woodlawn Park to the east. The submitted development concept does not appear to protect the few existing mature trees within the property. It is possible that necessary filling or grading would not permit saving of any trees. A tree protection/mitigation plan would be are required element of any PUD Development Plan/Preliminary Subdivision Plat submitted in furtherance of any approved PUD Conceptual Plan. This shall be in accordance with the Tree Protection and Mitigation Ordinances in the City Code. Staff believes that the Conceptual Plan indicates adequate landscaping material to meet the needed mitigation. This would be calculated and reviewed with an actual Development Plan submittal.

2. **Drainage/Grading:** The property currently drains from west to east over approximately a 10' drop in grade. Current surface drainage patterns take storm water from the subject property through Woodlawn Park into a drainage way at the east end of the park.

   The development concept submitted by the applicant indicates the intent to use surface detention basin at the eastern edge of the property for storm water management of the site. Engineering staff indicates that storm water management would be required to detain storms for both water quality and for overall flood control purposes, holding between 2-100 year storm events and releasing at pre-developed rates in accordance with SUDAS Section 2G-1. The Engineering staff also indicated that any detention basin would be required to release the larger storms at two or more points or otherwise spread the release to minimize potential for erosion. A storm water management plan filed with the City along with a Storm Water Pollution Protection Plan (SWPPP) filed with Iowa DNR will require approval before any grading of the site would be permitted. Both plans will be necessary as part of a required Development Plan/Preliminary Subdivision Plat reviewed by the Commission. Staff believes that any approved Conceptual Plan shall have revised statements to reflect the comments made by the Engineering staff.

3. **Utilities:** The submitted Conceptual Plan proposes to access sanitary sewer located at Lawnwoods Drive and Twana Drive with a long private sewer main connection east of the subject property through Woodlawn Park and a segment of Lawnwoods Drive. The statements in the Conceptual Plan should be updated to indicate this more specifically. This would also require coordination with the Parks and Recreation Department development staff to minimize impacts of utility construction on Woodlawn Park.

4. **Landscaping & Buffering:** The proposed PUD Conceptual Plan indicates a requirement to meet Open Space and Bufferyard requirements from the Des Moines Landscaping Standards. These requirements are the same as would be required for "R-3" Districts. The Conceptual Plan layout indicates that an over story tree would be planted between each semi-detached building and a dense row of evergreens between Woodlawn Park and the proposed development. Staff believes this would create a fairly dense landscape concept for the property.

5. **Neighborhood Character:** While the general character of the surrounding area includes a mix of commercial buildings, higher density multi-story apartments, duplexes, and single-family dwellings; the area immediately abutting the subject property consists solely of single-family dwellings. These dwellings are primarily single-story ranch units with hipped asphalt shingled roofs. Most have a detached one or two-car garage with hipped roof. Some have attached one-car garages. Most of the homes have a significant percentage of brick or stone material on the street façade. Staff believes that any proposed development on the subject property should emulate both the variety of house design and the common exterior elements of these surrounding single-family dwellings.

6. **Traffic/Street System:** Traffic and Transportation staff has indicated that expected traffic volumes generated by 38 units with a single private drive egress would not place an undue burden on Lower Beaver Avenue. Anticipated average trips generated for peak hour traffic (weekday morning and afternoon rush hours) are 0.5 per unit on average or 19 trips. Approximately 80% (16 trips) of these will be leaving the property with the other 20% (3 trips) coming during that hour. The average is one trip entering or exiting every three minutes and 10 seconds.

   In order to reduce any stacking of vehicles for a waiting for a left turn onto Lower Beaver Avenue that may occur during peak flows on Lower Beaver Avenue, the developer would be permitted to have a 36' wide drive entrance to accommodate a left and right turn egress lane. While not an absolute requirement by Traffic and Transportation Engineering, Planning staff believes that such a design would be beneficial.

7. **Access or Parking:** The proposed development concept provides a double-attached garage space and a double driveway space per unit. The minimum off-street parking requirement is one space per unit. Four spaces per unit would be sufficient to manage required and visitor parking.

   Fire access is proposed via a 24' wide drive access into the property with a 24-foot wide hammerhead turnaround on the east end. Provision of more than 30 units of residential requires a secondary fire access, which is not proposed. Therefore the applicant will require alternative methods for meeting the Fire Code, such as ultimate provision of the access or providing fire sprinklers within a required number of units.

   The applicant is proposing an 8-foot wide trail connection to Woodlawn Park. Parks staff has requested that this connection would be coordinated with the Parks Department, and indicates it should be developed to make a connection with the existing parking lot in Woodlawn Park. Additionally staff would recommend that the private drive be widened with an integrated 8-foot walk along the north side which would align with the trail connection to the park and would also connect to sidewalk in Lower Beaver Road. If it meets minimum design thickness the integrated trail could also serve as a portion of the fire access. The private drive width then could be reduced to 20 feet and still meet the two-way traffic width requirement.

8. **Des Moines' 2020 Community Character Plan:** In order to find the proposed rezoning to "PUD" in conformance with the Community Character Plan, an amendment to the future land use plan has been requested from Low Density Residential to Low/Medium

Density Residential, which allows up to 12 units per acre. The density of the proposed development concept is approximately 6.63 units per acre. Staff realizes that a change in the land use designation may be necessary to offset land, site preparation and development costs based on the current housing market; and, it may not be feasible to develop with single-family detached dwellings.

9. **Urban Design:** The submitted development concept includes renderings of the proposed unit design. There are three different unit types being proposed. These designs. All propose vinyl lap and shake type siding materials with asphalt shingle roofs. There is a brick or stone wainscot across the front facades of all the units. Two of the unit plans (Forester and Bradford) have front facing entrances, while the third plan (Charleston) proposes entrance porches which would be side facing.

   To achieve compatibility with the adjoining single-family residential development, staff believes that all non-stone or non-brick should be a cement board type siding material for longer lasting durability. While vinyl may offer a lesser level of maintenance in the short term, it does not give the same long term durability as cement board.

   Consistent with recent development of two-unit and multiple-family residential development staff recommend the following further requirements to be compatible with the surrounding residential neighborhood:

   - All lap siding shall be cement board, wood, or engineered wood with a minimum 50-year warranty.
   - All windows within portions of the façade sided with lap or shake siding shall include a minimum 4-inch wide trim board that is painted a different color than the lap siding.
   - All garage doors shall have windows on the upper panel.
   - There shall be a contrasting trim band between gabled façades and wall façade elements.
   - All dwelling units shall have architectural asphalt shingles.
   - There shall be at least 10 feet of total separation between any portion of the side facades of any two buildings.
   - There shall be a minimum 5-foot differential between any two adjacent buildings of the setback of the building from the private drive. This will help articulate the lineal views and prevent a straight row or barracks effect.

   Structures fronting the private access road would all be one of two designs that are differentiated by varying amounts of stone material, horizontal lap siding, and shake-pattern siding. Staff recommends that the highly visible side facades of the buildings along Lower Beaver Avenue include the brick or stone wainscot to the side and rear façades oriented toward the public street.

   In order to preserve the character of the neighborhood, front door entrances should be oriented toward the private drive for all units. This would require an adjustment to the Charleston type design.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Brian Millard stated there have been two issues expressed by everyone over and over. One is a huge amount of water coming off of this property. It sheets across the property and is going on to properties along Valdez Drive. Two is the offset street that the applicant is being forced by the City to do causing the bi-attached units to be a lot closer to the homes along Twana Drive.

Joe Pietruszynski with Hubbell Realty Co. 6900 Westown Parkway stated they were approached two years ago to look at this area for a residential investment. They passed. Then they heard from the local real estate community around the Lower Beaver Neighborhood that there is a need for housing for people to stay in the neighborhood. They want an environment where their home is professionally managed, where exterior of the home is professionally managed and lawn care and snow removal is provided. They were also looking for a solution like what Hubbell Realty Company has created throughout the metro for the same type of demographics that were interested in staying in their neighborhood. The typical demographics that are approaching them were mainly folks 55 and older, houses are paid off, and they are looking to invest in new appliances and new home amenities and an environment that could be taken care of for them. They are looking for homes that can be priced somewhere between $205,000 - $240,000. They worked with the existing landowner and negotiated to try to come to a point where they can make a project like those they have done in Johnston and West Des Moines work in this neighborhood. It is an $8 million dollar investment to the neighborhood that could provide a housing opportunity. They worked very hard to come up with solutions to meet this goal. They looked at concerns regarding circulations to move fire trucks through the area, traffic concerns, and how this site can be serviced. Currently, this site does not have access to sanitary sewer. The stormwater that exist is less than ideal. It will take a significant investment to bring those utilities from the east though the park and work closely with the City of Des Moines to provide significant investment in the area. What they came up with is 38 bi-attached units. They are proposing a variety of different units to meet those different price points and they all have basements. He pointed out the three different plans. The Bradford plan is the smaller plan, the next level up is the Charleston plan which moves into a higher price plan and then the Forester. They are proposing to put vinyl siding on these homes. They are asking for approval of the materials and designs they have submitted otherwise they do not have a viable project. Maybe the City would be willing to help compensate some of that economic loss that prevents the project to go forward by paying for off-site improvements. At this time they do not believe this is a viable option. They are asking to move forward with the designs that are accepted elsewhere throughout the community that they believe is appropriate and is of high quality and value to the area.

They met with the neighborhood association. They did meet with a large contingency of folks that represent the neighborhood. A Polk County Supervisor attended the meeting, as well as, past supervisor and leaders in the area. It was a well-received meeting. The comments they received from the neighborhood were to incorporate some things into the site:

1. Provision of a tasteful sign at the entrance that names the site and set in the Lower Beaver Neighborhood.
2. Incorporate and install a community garden on the west side of the development.

The concerns of the neighbors were:

1. The proximity to their homes

2. 38 bi-attach homes are too much
3. The impact on traffic

They do not believe the bi-attached units will cause more traffic. This is a quality project and they look forward to being a good neighbor. Hubbell Realty does not own this property. They have a purchase agreement that expires in December. They have asked for a extension of the purchase agreement to continue to work with the neighborhood and staff for a solution for this area. However, time is running out and that is why they are now moving forward.

Brian Millard commented about the neighborhood meeting. The applicant came to the neighborhood association meeting before the City had any inclination to their plan and presented. The applicant went above and beyond about notifying them. Then they did have a neighbor meeting also, that they allowed the neighborhood association to attend. The Neighborhood Association did not take a position and has not taken a vote. They have asked for certain things if it does go through. He believes that all but one has been agreed by the applicant.

CJ Stephens asked with 106 new trees added, how many trees will be removed.

Doug Saltzgaver Engineering Resource Group 2413 Grand Avenue stated they do not have a specific count but will try to save as many trees as possible.

CJ Stephens asked if this property is over an acre then it is subject to mitigation.

Doug Saltzgaver stated yes they have not started that yet.

CJ Stephens asked if they were working with the Municipal Arborist, 106 trees are a lot but diversification is important too.

Doug Salzgaver stated not at this point. Currently, they are looking to rezone the property and if they move forward then they will do more detailed design and they will get an arborist involved.

John "Jack" Hilmes asked if they would equalize the back yards if that became a disputed concern.

Joe Pietruszynski stated if that is the will of the Commission and Council they do not have a problem with equalizing those north and south backyards. It is kind of tight on the development to the east because of the hammer head design they need for traffic.

Mike Ludwig asked the applicant to clarify if minimum setback on the north units is 30 feet. In an "R1-60" District the minimum rear yard is 30 feet in Des Moines. So the applicant is complying with the minimum rear yard setback on all of the units on this project. Then he noted that the side of the unit on the east end would be 15 feet setback.

Doug Saltzgaver stated yes but the south side is closer to 70 feet.

Mike Ludwig notes that if those were single-family houses the minimum setback would be 30 feet from a lot line.

Joe Pietruszynski stated that was his understanding.

Jeff Spence CVRE 6900 Westown Parkway, West Des Moines he represented the seller Darlene Thompson and the possible sale to Hubbell Realty. This property has been on the market since 2008. Ms. Thompson has been trying to sell the property since 2008. This property has been under contract from Hubbell since February 2015 so they have done their due diligence very well and have come up with a plan that makes economic sense and Ms. Thompson supports it full heartedly and would like to move forward with it. Ms. Thompson is retired and spends a lot of time in the Des Moines area and is happy to work with Hubbell on getting this completed.

CHAIRPERSON OPENED THE PUBLIC HEARING

Don Corigan 3316 Twana Drive stated his concerns are the density, parking, and drainage. The location of the units is not centered. He believes that Twana Drive is becoming a busy street. With traffic coming towards Twana Drive going north there is going to be a very short distance for him to see that traffic coming at him. He would like to see that area become a park or more of a villa style residential. He is in the demographics that the applicant was talking about and he believes that their proposal is not attractive. He is big on walkability and would like to see sidewalks on both sides of the street. Lastly, he would like the property renamed to the Beaverfield Project after the historic use of this site.

Terry Lockard 3304 Twana Drive stated she would like the Commission to receive and file petitions they have taken around to the neighborhood. She is asking that the applicant's request be denied from a PUD and maintained "R1" because of the high multi-family concentration that's already existing in the area. There are the apartments and duplexes on Valdez Court. She points out that her home is one of the homes that has vinyl and she did that so that she could stay in her home. She has tried to make it maintenance free on the outside so she doesn't have to move into a townhome situation. She believes there are other ways you can stay in your own home and still maintain it. She does not understand the turning point, the 15 feet setback is a concern because she was told by PZ with that 15 feet on the north and south side they could potentially add on to their property up to that 15 feet point. She would like to see the street centered if this is going to happen.

Lesley Peacock 3312 Twana Drive stated she is not looking to move into a townhome when she retires, she is looking to stay in her home. The multi-family concentration at the apartment complex is enough. If this goes forward that street must be centered. Unequal backyards are not cool. The 15 feet minimum setback is actually stated on the plan and if the applicant wants to add on and they get approval to do that they can go back to 15 feet. Her backyard is 60 feet deep and these houses are probably going to be a story and half tall and to have them that close to her property they will be towering over her. If this moves forward she would like to see a high quality, low maintenance privacy fence on both the north and south boundaries, in addition to all of the trees. They have heard from the applicant that there are still a lot of unknowns, so her understanding of the process is that this is the only opportunity they will get to review any plan unless they specifically ask that any future development plans, site plans or something may be platted and come back through this process, so that neighbors have a chance to know about them, see them and comment on them providing input. There is a memorial tree and believes it should not be

desecrated. She is also concerned with the water run-off. She showed pictures of the Lower Beaver lot with it being empty of the amount of water gathers there.

Brian Millard stated he was not aware of the memorial tree and asked would centering the driveway clear that tree.

Leslie Peacock stated she is not sure.

John "Jack" Hilmes asked has water problem been there the entire time she has lived there.

Leslie Peacock stated yes, some of the pictures she showed from 2009, 2010, 2012.

John "Jack" Hilmes asked does she allow for the possibility that a new owner would remediate the water problem.

Leslie Peacock stated that would be nice, but she has also heard they are going to build up the land and it will slope towards her property and Valdez. They would have to do a lot of remediation and she is hearing they are saying their profit is not great to start with. She reiterated that because of the unknowns anything else that goes forward should be presented to the neighbors for an opportunity to give input.

Mark Reese 3408 Twana Drive stated he has lived here since 1999. His concern is the water run-off and the bi-attached units towering over his property. He believes that it is not economically feasible and he is opposed and ask the Commission to deny the applicant's request.

Devin Rend 3210 Twana Drive stated his concerns are the pricing of the bi-attached units and the water drainage. He believes that the value of the proposed homes versus the value of the surrounding homes is bad. He doesn't understand why someone would want to spend more money on a home in the neighborhood that has less value than the bi-attached units.

Denis Fehic 3218 Twana Drive stated he has lived there since 1998 and his concerns are the proximity and safety. He would like to see the concern with water run-off and traffic addressed. He suggest there be a special time during the rush hours for the traffic to turn, and would like privacy fence.

Marybeth Newman 3201 Valdez Drive stated her young neighbors that live behind the detention pond are just scared. She is favor of the applicant's request because she is going to count on the engineer to take case of the water problem. Whenever, there is a good rain her entire backyard pools. She is 10 feet below the park. She believes that this is a good idea and a big improvement to the terrible plan that came before the neighbors 5 or 6 years ago. She believes that Hubbell should get the City to work with them on this. The water problem has been going on for 50 years, maybe that will make it more financially doable and to do a really nice job. The neighbors suggestions are very good idea. She believes that maybe their housing values will rise with the bi-attached priced more expensive than theirs. She is really worried about the water.

Rebuttal

Joe Pietruszynski stated Beaverfield is a nice name and they will bring it back to his marketing department. They just learned about the memorial tree. If it's in the way of infrastructure that would need to go in they would consider incorporating it into gardens and could perhaps be a part of the community feature to the west side of the park. Sidewalks are in the next phase. Centering the street, they do know that the final plat has to come back to the City, they have talked to the neighborhood association members about a process as to which the applicant could bring back this plan even if it is just a review period, they would be happy to do so. The number one goal of this area is to make sure that the stormwater is addressed appropriately. From their perspective Mr. Saltzgaver is here to touch on the processes he has to go through and why it is designed the way it is. He also agrees with Ms. Newman about the value of the new homes will improve valuation in the area.

Tim Fitzgerald asked about the privacy fencing.

Joe Pietruszynski stated Hubbell Realty is not a big fan of putting up privacy fencing. At this time it is not in their plan. They like to do tasteful landscaping, and preserve fencing and landscaping that is already in existing. But putting a fence in is a substantial cost and maintenance requirement of the association.

Sasha Kamper asked what was driving 15 feet versus 30 feet setback on the far eastern units.

Joe Pietruszynski stated if she looks at the side of the units they are the larger units of the higher priced home that has its rear yards up against the street. There is a large storm and sanitary sewer that's pushing those homes requiring the side yard setbacks at 15 feet at those two locations. He proposed to concentrate landscaping on those sides in the rear yards. It is a side wall of the units where there are less window space in those areas that can be address with landscaping.

Doug Saltsgaver stated no matter what project would go there, if this land is developed there is going to have to be a stormwater management detention basin. That is the lowest portion of the site. Most likely it is going to be a detention basin, there is criteria that they have to follow not only by the City but the Federal EPA dictates nationally what has to be done. The City is recommending a more stringent requirement than what typically the City of Des Moines requires and even the EPA. He has done this on some other multi-family projects and they met those requirements. When they first began looking at this site, they knew where the detention basin would have to go and because this is a relatively flat site they are not able to put a berm in to trap the water. They have to excavate down. Therefore, the people who are concerned that the applicant is going to build something up and run water on them is not going to happen. Because they have to excavate down, they will have to bring the stormsewer through the park. The park is going to see a big benefit from that because right now anything that comes off of this property the park goes over land. They have also offered to tie in some existing storm drains that are currently in the park into the storm sewer to help solve some minor problems the neighbors have there. It is an additional expense to run that storm sewer, but in order to make this site function and solve some of the rear lot issues this project will allow them to do something with that. The most critical areas they have to deal with are right up against the neighbors. They are not going

to put dirt in the back to push water onto the neighbors. They will probably have to take a little dirt out to channel water away. If they are not successful in coming up with a plan to remedy stormwater management and drainage they are not going to get approved. He talked to Engineering about the water on Beaver and the response he got was they did not know there was an issue. He could have been talking to the wrong person, because this response was not the normal response he has received before. They usually let him know they are already aware of the problem. The other response was currently there is nothing in the budget for doing any improvements in this area. It will be very costly to do that. The applicant has a new project going in that is open and he does not know what is going on downstream and what the capacities are. That is something that the City Engineering will have to work with them, but if there was ever a time to put a relief sewer in for Lower Beaver this would be an opportunity to do so.

Mike Ludwig asked if the detention basin will permanently hold water and if not, how long does it take for the water to fill and drain out of that basin.

Doug Saltsgaver stated it will be a dry basin. The majority of the water would drain out in 2 to 3 hours. There might be some that is going to remain there for maybe up to 24 hours. That is a Federal requirement.

Mike Ludwig asked Commissioner Millard if the neighborhood plan identified stormwater at that location as a concern.

Brian Millard stated that entire area up there is the void of intakes. When the Sawyer Landing plan went through Plan and Zoning and went to City Council, the Council stopped the entire plan and checked out the hillside and found that there was a huge problem back there and the City put in a 1.2 to 1.7 million dollar stormwater system in the neighborhood at the end around Twana to get the water out of there and down the hill. A discussion occurred and it was suggested that if a couple of intakes were put in the street could they tie into your system. It seems like it was a solution and would work on both sides.

John "Jack" Hilmes confirmed that the applicant is going to catch, control and channel the water so it does not run on other properties.

Doug Saltsgaver stated yes they have to.

Brian Millard asked if he could go over the list that the neighborhood association had at their meeting:

1. Small decorative sign
2. The final PUD plan be shown to the neighbors
3. The final PUD plan to return to Plan and Zoning Commission
4. Full build out with the same quality level and the same type of home
5. The neighbors and neighborhood will take care of the planting bed in front together.
6. The Home Owners Association will be encouraged to partner with neighbors and neighborhood.
7. Discussion with the City regarding Stormwater intakes

Joe Pietruszynski stated their history in the City of Des Moines is Hubbell Realty Company, even in the times of the recession kept the building through the projects. They set the stage to preserve value in the entire metropolitan area, where others was slashing prices,

they held firm and took slower sales as a result. As a result of that they preserved true value in the community and helped the community to rebound at a faster rate. This will be professionally managed by Hubbell Realty Company, the same company that managed the Clark portfolios and turned those around 180 degrees, crime free, brand new investment in these communities throughout the metro, the same type of management will be applied.

Brian Millard asked if the stormwater/sewer line has to be so far apart from the houses.

Joe Pietruszynski stated they are meeting City standards with easement requirement for the depth of the sewer so if they have ever go in an repair something or something gets clogged they can open it up. Mr. Saltsgaver will look at that. They will push those homes as far away from the north and south property lines as they can and adhere to the City's requirements.

Brian Millard stated the question came forward at the meeting about bio-swales, weed fill or any of those things that will clean the detention basin.

Joe Pietruszynski stated the detention basin is proposed to be a turf grass. This will collect as homes are being built. It will act as a backstop for stormwater pollution prevention plan to prevent silt and they will have to go in and clean it up on a regular basis. Once the process is finalized it will be settled back and be a nice grass amenity.

Brian Millard asked is the only point of contention that the things that were requested that is an issue is vinyl siding. Hubbell says it needs to be vinyl siding even on the front.

Joe Pietruszynski stated they respect the position of the neighborhood for asking for a higher cost level of siding. But the issue is one of economics. They are maximizing the price point of the house as they clear that area and at their very minimum investment return which is 5%. These upgrades that staff is asking for on the house eliminates that profitability which eliminates the project. The applicant believes that vinyl will not degrade the neighborhood. It is exactly what they do throughout the metro. It can still provide for a very nice looking project. The benefits with an association management is it is more, it is easier to maintain and less costly to maintain.

CJ Stephens asked if the applicant agrees to all of staff's recommendations.

Joe Pietruszynski stated they do not agree to staff's architecture standard. The staff talks about 5' staggering of the homes as you move down the street. They are not necessarily against that, but there may be some stormwater constraints. They want to make sure that it all works. The architecture requirements mainly pertain to the garage door. The upgrade is very expensive to put windows on the garage door and the other that is real expansive is to move from a vinyl siding to a hardi-style and then moving into painting will add significant cost.

CJ Stephens asked for clarification as to which condition they are in disagreement with.

Joe Pietruszynski stated on the following:
Condition #6 bullet point 1 "All lap and shake style siding shall be cement board, wood, or engineered wood with a minimum 50-year warranty". They cannot meet that standard with

the price plans of housing. They are asking that they apply the same type of vinyl material as they do elsewhere in the metro.
Bullet point 2 "All windows within portions of the façade sided with lap or shake siding shall include a minimum 4-inch wide trim board that is painted a different color than the lap siding". The trim is not an issue for them.
Bullet point 3 "All garage doors shall have windows on the upper panel." This is a significant upgrade in cost so they are in opposition of this standard.
Bullet point 4 "There shall be a contrasting trim band between gabled façades and wall façade elements. – This is not an issue.
Bullet point 5 "All dwelling units shall have architectural asphalt shingles." This is not an issue, it is a standard these days.
Bullet point 6 "There shall be at least 10 feet of total separation between any portion of the side facades of any two buildings". – He believes they have already adhered to those requirements in their proposal.
Bullet point 7 "There shall be a minimum 5-foot differential between any two adjacent buildings of the setback of the building from the private drive." – This is subject to stormwater constraints.
Bullet point 8 "Facades of the buildings along Lower Beaver Avenue include the brick or stone wainscot additionally on the side and rear façades oriented toward the public street." This is something that was important to the neighbors and they agreed.
Bullet point 9 "All primary entrances should be oriented toward the private drive." – He believes that they all are.

CJ Stephens clarified that the only condition the applicant has a problem with is bullet point 1 and bullet point 3 of condition 6.

Joe Pietruszynski stated the key is the vinyl and the garage door are the two biggest cost.

Greg Jones asked did he want some wiggle room on the 5' stagger.

Joe Pietruszynski stated that he did not mind the stagger but would like some flexibility with staff that depending upon the stormwater requirements and separation from the northside houses that the neighborhood believes is very important.

Brian Millard asked if they are opposed to centering the roadway.

Joe Pietruszynski stated they are not as long as it is plan safe and approved by the City.

CHAIRPERSON CLOSED THE PUBLIC HEARING

CJ Stephens thanked all those who came up to tell the Commission their stories. She sympathizes with them and understands, but this is a piece of private property and the lady has a right to sell it and what happens to it sounds to me that the builder is being very open as to what the neighbor's concerns are and regarding the water she believes that is a no-brainer because they have to do that according to standards that are established by the EPA and the City of Des Moines. The neighbor's water problems that they are concerned about should improve. She believes that the neighbors' homes could increase in value and she has no doubt that someone will buy these homes because it is a lovely neighborhood. If there was any doubt that the homes would not sale, the builder wouldn't be here tonight.

CJ Stephens wants to move staff. She would like to see some negotiations on the vinyl siding versus the cement and wood and let staff recommendation rule. She believes that if having a solid garage door with no window is not a major issue then she would go along with the solid garage doors. So her motion would include that solid garage doors are fine as long as they are quality garage doors.

Sasha Kamper clarified the motion asking is the motion to want the cement board, wood or engineered wood constraints to hold.

CJ Stephens stated she wants that to be negotiated if possible. She does not want to eliminate it.

Sasha Kamper stated she was not sure what negotiated really means. Either it is a requirement or it is not.

CJ Stephens stated for staff to negotiate it.

Mike Ludwig clarified that Commissioner Stephens is asking the applicant to look at their options.

CJ Stephens stated there is new material out that the Commission was presented by another builder and maybe they can take a look at that and see if that would work.

Mike Ludwig stated they could bring that information to the Council hearing on the zoning.

Brian Millard asked if a friendly amendment of the list of eight items the applicant agreed to be added to the conditions, which are the following:

1. Small decorative sign
2. The final PUD plan be shown to the neighbors
3. The final PUD plan to return to Plan and Zoning Commission for comment

CJ Stephens asked if a special vote need to be made to bring it back to the Commission for review.

Greg Jones stated yes a special vote is needed to bring the PUD plan back to the Commission.

Brian Millard continued with a request for additional items as follows:

4. Full build out with the same quality level and the same type of home
5. The neighbors and neighborhood will take care of the planting bed in front together.
6. The Home Owners Association will be encouraged to partner with neighbors and neighborhood.
7. Continue Discussion with the City for Stormwater intake tie in to theirs
8. Urged that the offset of the street be instead centered and if they have to have an offset it is near the street.

CJ Stephens stated she would not be in favor of the condition #8 if it loses trees.

Brian Millard stated that centering the street would keep the trees.

CJ Stephens agrees with the friendly amendment.

Sasha Kamper asked if most of the homes in his neighborhood have garage doors with windows.

Brian Millard stated he is sure there are some with windows, but his street is brick ranches with attached garages. He doesn't believe there are many windows.

Greg Wattier he knows that one goal for City Council and for the City is to encourage and find ways to build homes in our neighborhoods and to also provide a mix of housing types. It is always a struggle for Des Moines to try and compete with outlying communities. He applauds developers like Hubbell that are trying to come in and do these types of projects. He offers as a thought that when it comes to the vinyl siding and cement board, he believes there are no huge significant increase in quality to go to cement board over vinyl siding. The cement board has a lot of maintenance requirements and his experience is that most people don't pay attention to that. They are both synthetically produced materials. He does agree that it is necessary to do the window panels. He also agrees with centering the street and look forward for this project moving forward.

COMMISSION ACTION:

CJ Stephens moved Part A) approval of the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan, Part B) approval of the requested amendment of the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Low/Medium Density Residential, Part C) approval of the requested rezoning from "R1-60" District to "PUD" and Part D) approval of the submitted PUD Conceptual Plan subject to the following revisions.

1. Provision of a statement that all development shall comply with the City's Tree Protection and Mitigation Ordinances.

2. Revision of the stormwater management statement to further indicate that storm water management would shall be required to detain storms for both water quality and for overall flood control purposes, holding between 2-100 year storm events and releasing at pre-developed rates in accordance with SUDAS Section 2G-1. Any detention basin shall be required to release the larger storms at two or more points or otherwise spread the release to minimize potential for erosion.

3. Provision of a statement that extension of storm water sewer, sanitary sewer, and trail development shall be coordinated through the Parks and Recreation Department prior to final approval of any Development Plan.

4. Provision of an 8-foot wide pedestrian walk integrated into the north side of the private drive running from Lower Beaver Road to align with the proposed trail connection to Woodlawn Park.

5. Provision of a statement that any number of residential units built in excess of 30 units shall have approval by the Fire Marshall under alternate design or with an approved secondary fire access drive.

15-2015

6. Provision of statements in the architectural standards that indicate the following:

   - The applicant will try to negotiate and work with staff for the material of siding, whether vinyl or cement board, wood, or engineered wood with a minimum 50-year warranty.
   - All windows within portions of the façade sided with lap or shake siding shall include a minimum 4-inch wide trim board that is painted a different color than the lap siding.
   - There shall be a contrasting trim band between gabled façades and wall façade elements.
   - All dwelling units shall have architectural asphalt shingles.
   - There shall be at least 10 feet of total separation between any portion of the side facades of any two buildings.
   - There shall be a minimum 5-foot differential between any two adjacent buildings of the setback of the building from the private drive.
   - Facades of the buildings along Lower Beaver Avenue include the brick or stone wainscot additionally on the side and rear façades oriented toward the public street.
   - All primary entrances should be oriented toward the private drive subject to stormwater constraints
   - Provision of a small decorative sign
   - The final PUD plan shall be shown to the neighbors
   - Full build out with the same quality level and the same type of home
   - The neighbors and neighborhood will take care of the planting bed in front together.
   - The Home Owners Association will be encouraged to partner with neighbors and neighborhood.
   - Continue discussion with the City for Stormwater intake tie in to their system.
   - Urged that the offset of the street be centered and if they have to have an offset it is near the street.

7. The final PUD plan to return to Plan and Zoning Commission.

Motion passed 11-0.

Respectfully submitted,

Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

15-2075

Hubbell Realty Company (purchaser) represented by Joe Pietruszynski (officer) for property located at 4209 Lower Beaver Road. The subject property is owned by Lower Beaver, LLC.	File # ZON2015-00200

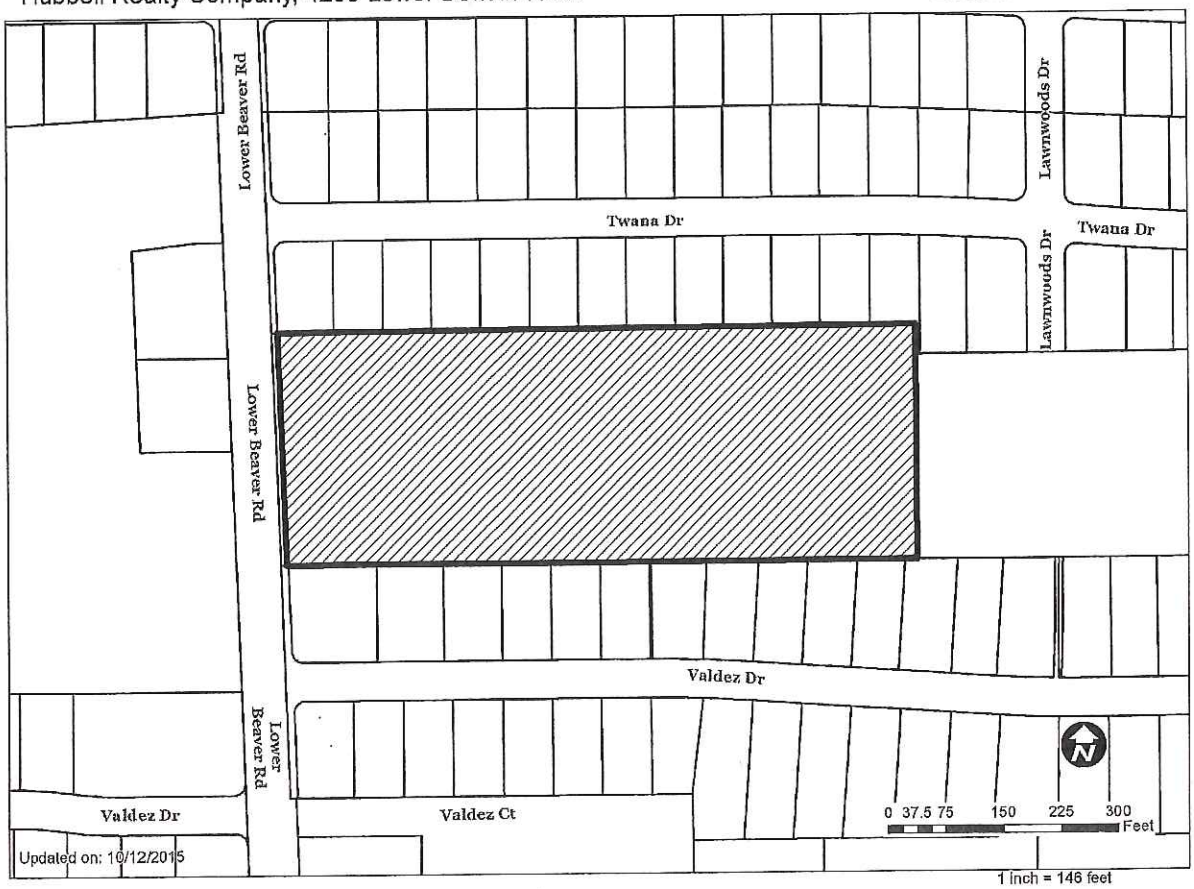
Description of Action	Approval of the rezoning property from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development and approval of the submitted PUD Conceptual Plan subject to conditions.
2020 Community Character Plan	Current: Low-Density Residential. Proposed: Low/Medium Density Residential.
Mobilizing Tomorrow Transportation Plan	N/A
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.
Proposed Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.

Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	6	22		
Outside Area				

Plan and Zoning Commission Action			**Required 6/7 Vote of the City Council**		
	Approval	11-0		Yes	X
	Denial			No	

Hubbell Realty Company, 4209 Lower Beaver Road

ZON2015-00200



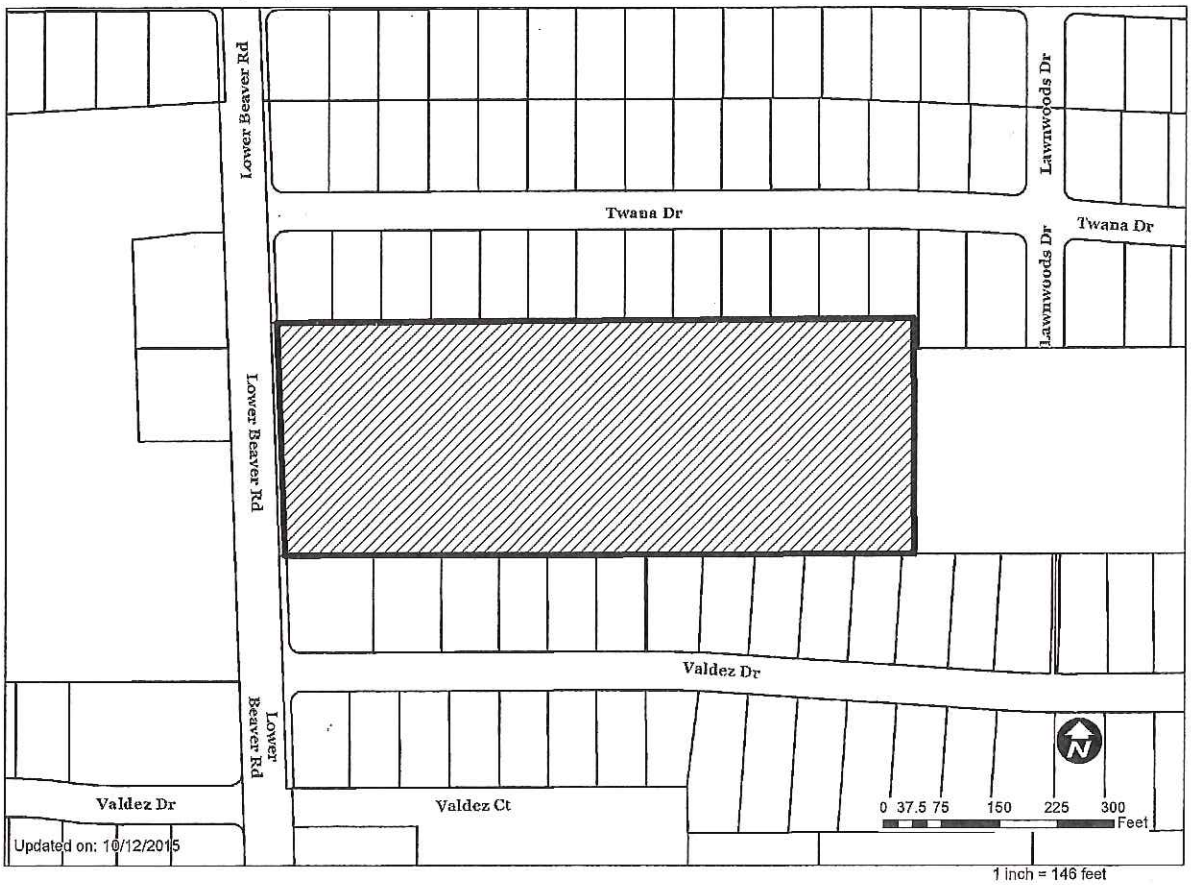
15-2015

Hubbell Realty Company (purchaser) represented by Joe Pietruszynski (officer) for property located at 4209 Lower Beaver Road. The subject property is owned by Lower Beaver, LLC.	File # 21-2015-4.23
Description of Action	Approval of request to amend the Des Moines 2020 Community Character Plan existing future land use designation from Low-Density Residential to Low/Medium Density Residential.
2020 Community Character Plan	Current: Low-Density Residential. Proposed: Low/Medium Density Residential.
Mobilizing Tomorrow Transportation Plan	N/A
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.
Proposed Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.

Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	6	22		
Outside Area				

Plan and Zoning Commission Action			Required 6/7 Vote of the City Council		
	Approval	11-0		Yes	X
	Denial			No	

Hubbell Realty Company, 4209 Lower Beaver Road **21-2015-4.23**



15-2075

Minhas, Anuprit J.

From: Lundy, Erik M.
Sent: Thursday, November 05, 2015 11:42 AM
To: Minhas, Anuprit J.
Subject: FW: 4209 Lower Beaver Road

From: Greg Robinson [mailto:gdrobin@aol.com]
Sent: Thursday, November 05, 2015 10:13 AM
To: Lundy, Erik M.
Subject: 4209 Lower Beaver Road

RE: Rezoning of 4209 Lower Beaver Road

Dear Mr Lundy,

I am the owner of the property at 4540 Lower Beaver Road. Because of recent hospitalization I was unable to return the card regarding this rezoning in a timely

manner. I am very much in favor of this rezoning. I hope that the city will do everything possible to facilitate the development of this property.

Thank you for your attention to this.

Sincerely,

Greg D. Robinson

15-2075

Item ~~ZON2015-00200~~ Date 11-1-2015

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 05 2015
DEPARTMENT

Print Name Barnard Diane Bennett

Signature Diane Bennett

Address 3322 Valdez Drive
3322 Valdez D.P.M.

Reason for opposing or approving this request may be listed below: 4. Negative impact on Park and Loop

Oppose due to these reasons:
1. Impact on storm sewer system - will lead to more flooding on Lower Beaver and on our street and yards as have going
2. Traffic impact - lack of stop lights
3. Lack of adequate storm sewer and drainage on private drive

Item ~~ZON2015-00200~~ Date OCTOBER 29, 2015

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

RECEIVED
COMMUNITY DEVELOPMENT
NOV 04 2015
DEPARTMENT

(Circle One)

Print Name JUAN A. McDONALD

Signature Juan A. McDonald

Address 3300 TWANA DRIVE, DES MOINES, IA 50310

Reason for opposing or approving this request may be listed below:
STREET IN DEVELOPMENT NEEDS TO BE CENTERED SO BACKYARDS ARE SAME ON BOTH SIDES. UNITS ARE PRICED WAY ABOVE NEIGHBOR HOMES ASSESSED VALUE. $205,000 VS $130,000. CONCERN ABOUT MORE FLOODING ON LOWER BEAVER DURING HEAVY RAINS. UNITS TOO CLOSE TO PROPERTY LINES. INCREASED TRAFFIC ON LOWER BEAVER. COMMUNITY GARDENS IN FRONT OF DEVELOPMENT COULD BE UNATTRACTIVE IF NOT KEPT UP.

Item ~~ZON2015-00200~~ Date 10/30/15

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

RECEIVED
COMMUNITY DEVELOPMENT
NOV 04 2015
DEPARTMENT

(Circle One)

Print Name Jessica Touchette

Signature Jessica Touchette

Address 3213 Valdez Dr, DSM 50310

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

Primarily - Do not want backyard neighbors - would at least want 6ft security fence

Possible potential increase in flooding problems

Inappropriate building price for neighborhood?

Item ZON2015-00200 Date 10/29/15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 04 2015
DEPARTMENT

Print Name Devin & Sheri Wren

Signature

Address 3210 Twana Drive

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

- Drainage problems
- Property value decrease
- traffic, noise
- emergency vehicle - lack of proper access

Item ZON2015-00200 Date 10-28-2015

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

RECEIVED
COMMUNITY DEVELOPMENT
NOV 05 2015
DEPARTMENT

(Circle One)

Print Name Ashleigh Davis

Signature

Address 3400 TWANA DRIVE DM IA 50310

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

Item ZON2015-00200 Date 10/29/15

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

RECEIVED
COMMUNITY DEVELOPMENT
NOV 04 2015
DEPARTMENT

(Circle One)

Print Name MARK Reese

Signature

Address 3408 Twana Dr.

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

Single family zoning is just fine
I oppose it on a variety of reason,
we already have a multi-family
apartments in the neighborhood.

15-2075

Item ZON2015-00200 Date 10/29/2015

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

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NOV 09 2015
DEPARTMENT

Print Name Monte Weiland

Signature Monte Weiland

Address 3405 Valdez Dr.

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

Hubbell has to rezone to make money? From the public meeting for the Tower Beaver Assoc., they only seem to want the city to address issues so they can make $. Further, they wish to elevate the property, impeding the flow of H2O in my direction. NO!

Item ZON2015-00200 Date 11/1/15

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

RECEIVED
COMMUNITY DEVELOPMENT
NOV 05 2015
DEPARTMENT

Print Name Lisa Ann Smith

Signature Lisa Ann Smith

Address 3313 Twana Dr.

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

traffic patterns especially with (1)
off drive on North side (2)
Increased traffic + inability to get out onto Beaver in am/pm heavy volume times.
Density - especially with 2 apartments -

Item ZON2015-00200 Date 10/31/15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 04 2015
DEPARTMENT

Print Name Terri Lockard

Signature Terri Lockard

Address 3304 Twana Dr

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

Off center street results in properties within 30-32ft of existing properties, 15' setback on N+S could allow for properties to add on closer to existing properties, Marketability is based on realtors' opinion, Price too high for neighborhood.

Item ZON2015-00200 Date 10/29/15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 04 2015
DEPARTMENT

Print Name Jena + Jim Parish

Signature Jena Parish

Address 3200 Twana DR

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

- Water of land is built up
- Community gardens
- high traffic

Item ZON2015-00200 Date 11/2/15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 05 2015
DEPARTMENT

Print Name Dennis W. Peacock

Signature Dennis W. Peacock

Address 3816 Amick for 3312 Twana

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

- not low density; too much multi family concentration
- off-center street
- 15' min. setbacks on north-south properties
- 30' or smaller backyards abutting 60' Twana

15-2075

Item ~~ZON2015-00200~~ Date 10-30-15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 05 2015
DEPARTMENT

Print Name DAVE OSTROM

Signature Dave Ostrom

Address 3404 TWANA DR.

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

Water Run off Streets ...
Privacy - Appearance

Item ~~ZON2015-00200~~ Date 10/29/15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 05 2015
DEPARTMENT

Print Name Blake + Karie Arney

Signature Blake Karie Arney

Address 4203 Lower Beaver Rd.

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

We would rather see the park expanded and to keep more green space in the neighborhood.

Item ~~ZON2015-00200~~ Date 11/01/2015

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 05 2015
DEPARTMENT

Print Name Denis Felic

Signature

Address 3218 TWANA DR.

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

Density & sewer/drainage problems

Item ZON2015-00200 Date 10-29-15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 03 2015
DEPARTMENT

Print Name Don A. Corrigan

Signature Don A C

Address 3316 Twana Drive

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

Density Density issues, traffic, water run off - Proximity to Twana Drive properties, entrance to property to close to Twana Drive

Item ZON2015-00200 Date 10/28/2015

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 03 2015
DEPARTMENT

Print Name David & Wendy Jones

Signature David & Wendy Jones

Address 3204 Valdez Dr. Desmoines, IA 50310

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

We are concerned about the number of units for the acreage. We are also concerned about water run off affecting not only the immediate properties but also those downhill and Lower Beaver, which tends to flood easily right in front of this property. Finally we are concerned about Hubbell building the units as their quality is low.

Item ZON2015-00200 Date After 11/5 P&Z

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 09 2015
DEPARTMENT

Print Name ROGER TAYLOR

Signature Roger Taylor

Address 3217-VALDEZ DR

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

AGAINST RAISE TAX

Item ZON2015-00200 Date Nov. 6, 2015

I (am) (am not) in favor of the request. After 11/5 P&Z

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 13 2015
DEPARTMENT

Print Name Dan Looker

Signature Dan Looker

Address 3301 Twana Drive

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

Density, Inadequate set-back

Item ZON2015-00200 Date 11-01-15

I (am) (am not) in favor of the request. After 11/5 P&Z

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 06 2015
DEPARTMENT

Print Name ELVIS FELIC

Signature

Address 3214 TWANA DR DSM IA 50310

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

OPPOSING - DEVELPMENT ONLY IS FEET TO MY FENCE! EVERY WHERE ELSE YOUR BACKYARD NEIGHEIBORS HAVE THEIR YARD FACING YOUR BACKYARD THIS DEVELOPMENT HAS THEIR WALL RIGHT UP TO MY FENCE - NO PRIVICY FOR EITHER, DRAINAGE ISSUES VALUE OF PROPERTIES NOISE

Item ZON2015-00200 Date 11-2-15

I (am) (am not) in favor of the request. After 11/5 P&Z

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 06 2015
DEPARTMENT

Print Name Marcella Phillips

Signature Marcella Phillips

Address 3215 Twana Dr. - DSM 50310

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

1- Plan better than all others proposed EXCEPT street should be centered within the area - NOT offset.
2- Units should be single family dwellings, NOT 2.
3- Prices are exorbitant - should be $150-200K to conform to neighborhood.
4- Lakes, Ok at 45 AK but MUST be constantly flowing/aerated

15-2075

Item ZON2015-00200 Date 11-1-15
After 11/5 P&Z

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

RECEIVED
COMMUNITY DEVELOPMENT
NOV 09 2015
DEPARTMENT

Print Name Brooke Findley
Signature
Address 3308 Tuana Dr. Des Moines, IA 50310

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

Concern about water issues, runoff
Concern about ability to sell
townhomes, high density in a low-
density area

Item ZON2015-00200 Date 11/3/15
Received after P&Z 11/5

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

RECEIVED
COMMUNITY DEVELOPMENT
NOV 09 2015
DEPARTMENT

Print Name Damon E Rockwell
Signature Damon E Rockwell
Address 3218 Valley Dr.

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

Decreased property values to single family
homes. Increased traffic and noise of 38
homes and loss of open space in the
neighborhood.

Item ZON2015-00200 Date 11/5/15
Received at P&Z Hearing 11/5

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

Print Name Newman, Robert Maribeth
Signature Maribeth Newman
Address 3201 Valley

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

Attend to storm H2O
Cert City Involved

Item ~~ZON2015-00200~~ Date 10-27-15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 02 2015
DEPARTMENT

Print Name Dan Lee Investment Group

Signature [signature] - owner

Address 3207 Tuxedo

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

Item ~~ZON2015-00200~~ Date 10/31/15

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
NOV 04 2015
DEPARTMENT

Print Name Carl + Debbie Davis

Signature [signature]

Address 3301 Valdez Dr.

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

The property backs up to our home. Building will eliminate the property not being cared for. And there will no longer be people walking their dogs or just strolling through when they don't belong. Now water sits there & it is a Mosquito Breeding Place.

:015-00200 Date 10-31-15

) in favor of the request.

ne) Print Name Darlene Thompson

EIVED Signature Darlene Thompson

Y DEVELOPMENT Address 4209 Lower Beaver

05 2015

ARTMENT

osing or approving this request may be listed below:

own this property
hope the City Plan
ing Commission approve
request from Hubbell
ty. Thank you.

015-00200 Date 11/2/2015

in favor of the request.

ne) Print Name Lynn Cutshall

ELOPMENT Signature Lynn Cutshall

2015 Address 3307 Tuscan Dr., Dyer

ENT

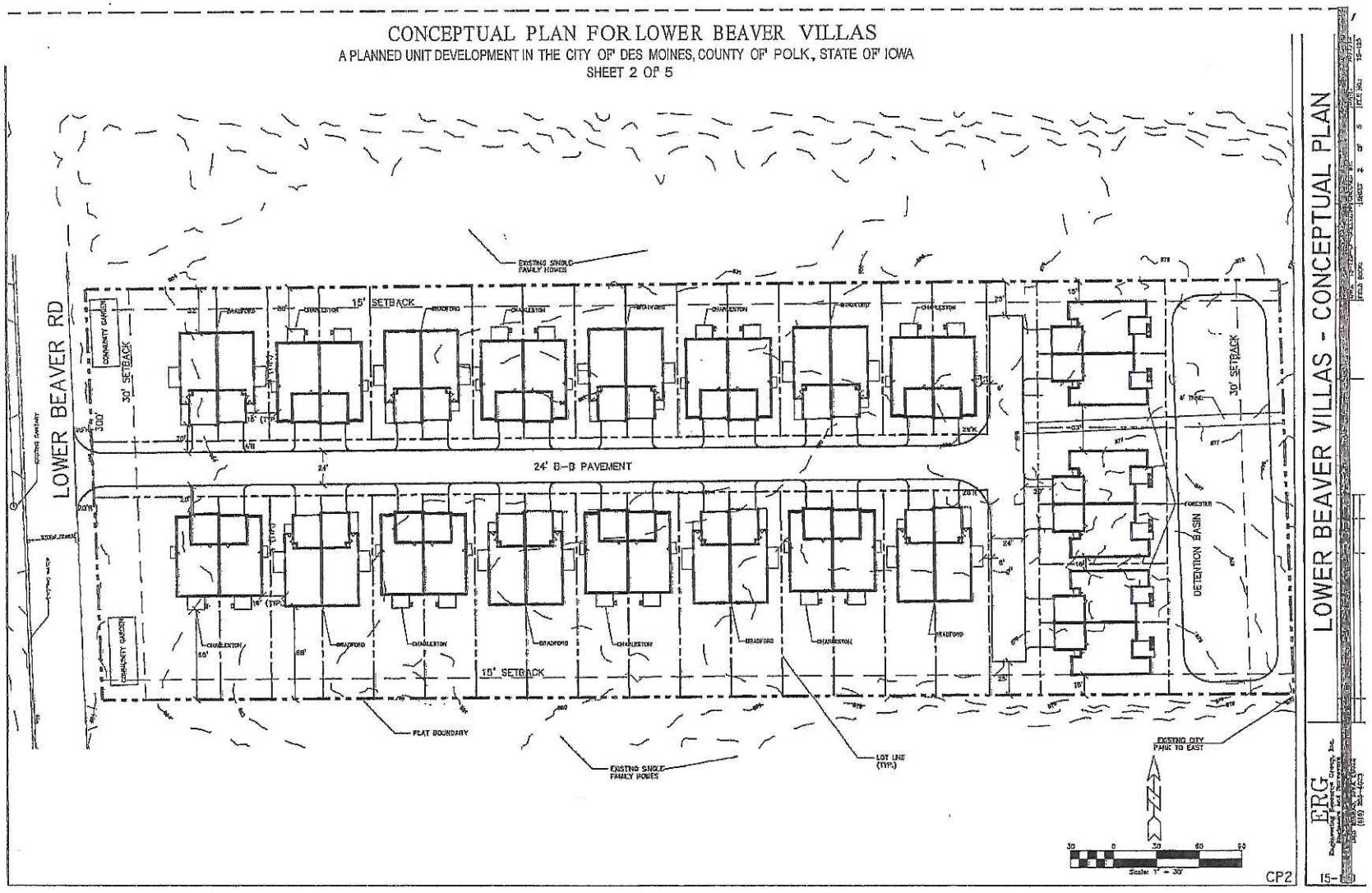
osing or approving this request may be listed below:

THIS IS A PUBLIC PETITION TO ADDRESS HUBBELL REALTY'S APPLICATION TO REZONE 4209 LOWER BEAVER ROAD FOR THE PUPOSE OF DEVELOPING 19 BUILDINGS (38 UNITS) ON THE SITE ABUTTING SINGLE FAMILY HOMES ON TWANA DRIVE AND VALDEZ DRIVE. THE PROPERTY ALSO ABUTS WOODLAWN PARK. THE CONCEPT PLAN FOR THE DEVELOPMENT AND A BRIEF DESCRIPTION OF THE DEVELOPMENT IS INCLUDED WITH THIS PETITION.

15.2075

PROPOSAL TO REZONE 4209 LOWER BEAVER ROAD FROM RI-60 TO PUD

HUBBELL REALTY CONCEPTUAL PLAN: 19 BI-ATTACHED BUILDINGS; 38 UNITS; 2 CAR GARAGE PER UNIT; BRADFORD UNIT 1,179 SF LIVING SPACE WITH 2 BDS; CHARLESTON UNIT: 1,348 SF LIVING SPACE WITH 3 BDS; FORESTER UNIT: 1,596 SF LIVING SPACE WITH 3 BDS.



HUBBELL DEVELOPMENT PROPOSAL FOR 4209 LOWER BEAVER ROAD.

1. REZONE R1-60 LOW DENSITY RESIDENTIAL LAND TO PLANNED UNIT DEVELOPMENT (PUD)
2. DEVELOP 19 BI-ATTACHED BUILDINGS = 38 DWELLING UNITS WITH 2 CAR GARAGES
3. UNIT SIZES: 1,755 SF, 1,800 SF AND 2,660 SF, INCLUDING ATTACHED 2 CAR GARAGES
4. UNIT PRICES: $204,000, $225,000 AND $240,000.
5. DEVELOPMENT ACCESS: ONE DEAD END PRIVATE DRIVE FROM LOWER BEAVER ROAD
6. DRY STORM WATER DETENTION BASIN AT EAST END OF SITE ABUTTING WOOLAWN PARK
7. SANITARY AND STORM SEWER BUILT THROUGH WOODLAWN PARK TO SERVE DEVELOPMENT
8. EMERGENCY ACCESS BUILT THROUGH WOODLAWN PARK TO SERVE DEVELOPMENT
9. BUILDINGS ABUTTING VALDEZ DRIVE SINGLE FAMILY HOMES ARE 66 FEET FROM PROPERTY LINE
10. BUILDINGS ABUTTING TWANA DRIVE SINGLE FAMILY HOMES ARE 30 FEET FROM PROPERTY LINE
11. 15 FOOT REAR YARD SETBACKS ON NORTH AND SOUTH BOUNDARIES OF PROPERTY
12. DEVELOPER SUGGESTS HOUSING APPEALS TO EMPTY NESTER MARKET (CHILDLESS FAMILIES)

NEIGHBORHOOD CONCERNS REGARDING THE PROPOSED DEVELOPMENT

1. NEIGHBORHOOD APPROPRIATENESS OF HOUSING TYPE, SIZE AND PRICE
2. FAILURE OF MARKET TO ABSORB PROPERTIES AS PRICED FOR INTENDED MARKET
3. LAND USE WOULD BE REDESIGNATED FROM LOW DENSITY TO MEDIUM DENSITY
4. TRAFFIC CONGESTION, TURNING CONFLICTS & SAFETY COMPROMISES ON LOWER BEAVER ROAD
5. REAR AND SIDE SETBACKS SMALLER THAN EXISTING PROPERTIES
6. OFF CENTER STREET RESULTING IN PROPOSED DWELLINGS CLOSER TO EXISTING TWANA DR PROPERTIES
7. RAISED STREET WOULD RESULT IN SLOPING LAND AND STORM RUN OFF TOWARD EXISTING PROPERTIES
8. INCREASED STORM DRAINAGE POTENTIALLY RESULTING IN WATER DAMAGE TO EXISTING HOMES
9. FAILURE OF STORM WATER DETENTION BASIN
10. STORM AND SANITARY SEWER DEVELOPMENT IMPACT ON WOODLAWN PARK
11. TAXPAYER RESPONSIBILITY FOR CARE & REPAIR OF DEVELOPMENT'S STORM & SANITARY SEWER
12. POTENTIAL IMPACTS TO VEGETATION AT EAST END OF WOODLAWN PARK
13. IMPACT TO WOODLAWN PARK FROM REQUIRED EMERGENCY ACCESS TO SERVE PROPERTY
14. LONG TERM SECURITY AND MAINTENANCE OF PRIVATE DRIVE AND COMMON GROUND
15. LONG TERM STABILITY AND RELIABILITY OF HOME OWNER'S ASSOCIATION

15-2015

PROPOSAL TO REZONE 4209 LOWER BEAVER ROAD FROM RI-60 TO PUD

I UNDERSTAND THE INFORMATION PRESENTED AND REMAIN CONCERNED THE CURRENT PROPOSAL DOES NOT ADEQUATELY ADDRESS THE CONCERNS NOTED HEREIN; THEREFORE, I REQUEST THE DES MOINES PLAN AND ZONING COMMISSION DENY THE APPLICATION FOR REZONING

PRINT NAME	SIGNATURE	ADDRESS / NUMBER AND STREET
1. Lawrence Stale	Lawrence Stale	3208 Twana Dr.
2. Charlotte Stale	Charlotte Stale	3206 Twana Dr.
3. Sheri Wren	Sheri Wren	3210 Twana Dr.
4. K. Devin Wren	K. Devin Wren	3210 Twana Dr.
5. Renee Haywood	Renee Haywood	3207 Twana Dr.
6. ELVIS FELIC		3214 TWANA DR.
7. Erica Felic		3214 Twana Dr.
8. JOAN McDONALD	Joan a McDonald	3300 TWANA DR.
9. Barbara McDonald	Barbara McDonald	3300 Twana Dr.
10. Brooke Findley	Brooke Findley	3308 Twana Dr.
11. Dave OSTROM	Dave Ostrom	3401 Twana Dr.
12. Julie Reese	Julie Reese	3408 Twana Dr.
13. MARK Reese		3408 TWANA DR
14. William Wrenn		3412 TWANA DR
15. Sherry Wrenn	Sherry Wrenn	3412 TWANA DR
16. Lesley Peacock	Lesley Peacock	3312 Twana
17. LISA SMITH		3313 Twana Dr
18. Carmen Janssen		3313 Twana Dr
19. Danny Peacock	Danny Peacock	3312 Twana Dr.
20. Ryan Lomlin		9917 Hillcrest
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27.		

PROPOSAL TO REZONE 4209 LOWER BEAVER ROAD FROM RI-60 TO PUD

I UNDERSTAND THE INFORMATION PRESENTED AND REMAIN CONCERNED THE CURRENT PROPOSAL DOES NOT ADEQUATELY ADDRESS THE CONCERNS NOTED HEREIN; THEREFORE, I REQUEST THE DES MOINES PLAN AND ZONING COMMISSION DENY THE APPLICATION FOR REZONING

PRINT NAME	SIGNATURE	ADDRESS / NUMBER AND STREET
1. ZEHRIJA FELIC	Zehrija Felic	3218 TWANA DR.
2. DENIS FELIC	Felic	3218 TWANA DR
3. ASHLEIGH DAVIS		3400 TWANA DR.
4. Thomas Glasgow		3400 TWANA DR.
5. Sophia Douglas	Sophia Douglas	3416 Twana Dr.
6. GARY DOUGLAS	Gary Douglas	3416 Twana Dr
7. DEBRA J WEILAND	Debra J Weiland	3405 VALDEZ DR
8. Monte Weiland	Monte Weiland	3405 Valdez Dr.
9. TOM ARMSTRONG		4304 LOWER BEAVER RD
10. Charlie Hughes		4204 Lower Beaver Rd.
11. Joy Laudick	Joy Laudick	3506 Valdez Dr
12. Steve Laudick		3506 Valdez Dr.
13. Angela Hawks Hefner	Angela Hefner	3323 Valdez Dr.
14.		3323 Valdez Dr
15. Veronica Gonzalez		3321 Valdez Dr
16. Andres Abarca		3321 Valdez Dr
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15-2075