

Date March 7, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING
COMMISSION REGARDING APPROVAL OF A PRELIMINARY PLAT AND
PUD DEVELOPMENT PLAN "WOODLAWN" ON PROPERTY
LOCATED AT 4209 LOWER BEAVER ROAD**

WHEREAS, on February 18, 2016, the City of Des Moines Plan and Zoning Commission voted 9-0 to **APPROVE** a request from Hubbell Realty Company (purchaser), represented by Joe Pietruszynski (officer), for review and approval of a Preliminary Plat and PUD Development Plan "Woodlawn" on property located at 4209 Lower Beaver Road owned by Lower Beaver, LLC, to allow 38 single-family semi-detached dwellings on 38 lots accessed by a private drive outlot, subject to the following conditions:

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Revision to the PUD Development Plan to meet the landscaping minimums on the north and south buffer yards in compliance with the landscaping standards in the approved PUD Conceptual Plan.
3. Provision of the sign design and location for a small decorative sign based on consultation with the Lower Beaver Neighborhood.
4. Revision to the PUD Development Plan to provide 4-foot walks along the private drive in lieu of the submitted 8-foot walk on the north side of the drive.
5. Inclusion of a note on both the Preliminary Plat and PUD Development Plan that development of units in excess of 30 shall require approval of an alternate design by the Fire Marshall.
6. Revision of the PUD Development Plan to amend submitted design elevations for the single-family semi-detached units so that facades of the buildings along Lower Beaver Road include the brick or stone wainscot additionally on the portion of the rear facades oriented toward the public street and all primary entrances are oriented toward the private drive subject to stormwater constraints.
7. Tree protection standards be indicated on the plan for existing trees, and perform a second review for any additional existing trees that can be saved or protected; and

WHEREAS, the final subdivision plat will be submitted for City Council approval when completed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the attached communication from the City Plan and Zoning Commission is hereby received and filed.



Roll Call Number

Agenda Item Number

23

Date March 7, 2016

MOVED by _____ to receive and file.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(13-2016-1.32)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MOORE | | | | |
| WESTERGAARD | | | | |
| 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

Date _____

Agenda Item 23

Roll Call # _____



February 23, 2016

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 February 18, 2016, the following action was taken regarding a request from Hubbell Realty Company (purchaser) represented by Joe Pietruszynski (officer) for review and approval of a Preliminary Plat and PUD Development Plan "Woodlawn" on property located at 4209 Lower Beaver, to allow 38 single-family semi-detached dwellings on 38 lots accessed by a private drive outlot. The subject property is owned by Lower Beaver, LLC.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|---------------------|-----|------|------|--------|
| Dory Briles | X | | | |
| JoAnne Corigliano | X | | | |
| David Courard-Hauri | X | | | |
| Jacqueline Easley | | | | X |
| Tim Fitzgerald | X | | | |
| Jann Freed | | | | X |
| John "Jack" Hilmes | | | | X |
| Greg Jones | X | | | |
| Sasha Kamper | | | | X |
| William Page | X | | | |
| Mike Simonson | X | | | |
| CJ Stephens | X | | | |
| Greg Wattier | X | | | |

APPROVAL of the proposed Preliminary Plat and PUD Conceptual Plan subject to the following conditions: (13-2016-1.32 & 10-2016-7.68)

1. Compliance with all administrative review comments of the Permit and Development Center.

2. Revision to the PUD Development Plan to meet the landscaping minimums on the north and south buffer yards in compliance with the landscaping standards in the approved PUD Conceptual Plan.
3. Provision of the sign design and location for a small decorative sign based on consultation with the Lower Beaver Neighborhood.
4. Revision to the PUD Development Plan to provide 4-foot walks along the private drive in lieu of the submitted 8-foot walk on the north side of the drive.
5. Inclusion of a note on both the Preliminary Plat and PUD Development Plan that development of units in excess of 30 shall require approval of an alternate design by the Fire Marshall.
6. Revision of the PUD Development Plan to amend submitted design elevations for the single-family semi-detached units so that facades of the buildings along Lower Beaver Road include the brick or stone wainscot additionally on the portion of the rear facades oriented toward the public street and all primary entrances are oriented toward the private drive subject to stormwater constraints.
7. Tree protection standards be indicated on the plan for existing trees, and take a second look at possibly saving existing trees.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Preliminary Plat and PUD Conceptual Plan subject to the following conditions"

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Revision to the PUD Development Plan to meet the landscaping minimums on the north and south buffer yards in compliance with the landscaping standards in the approved PUD Conceptual Plan.
3. Provision of the sign design and location for a small decorative sign based on consultation with the Lower Beaver Neighborhood.
4. Revision to the PUD Development Plan to provide 4-foot walks along the private drive in lieu of the submitted 8-foot walk on the north side of the drive.
5. Inclusion of a note on both the Preliminary Plat and PUD Development Plan that development of units in excess of 30 shall require approval of an alternate design by the Fire Marshall.
6. Revision of the PUD Development Plan to amend submitted design elevations for the single-family semi-detached units so that facades of the buildings along Lower Beaver Road include the brick or stone wainscot additionally on the portion of the rear facades oriented toward the public street and all primary entrances are oriented toward the private drive subject to stormwater constraints.

STAFF REPORT TO THE PLANNING COMMISSION

GENERAL INFORMATION

1. **Purpose of Request:** The applicant seeks to redevelop a former commercially used property for low/medium density residential use. A PUD Development Plan and

Preliminary Plat have been submitted proposing 19 single-family semi-detached (bi-attached) townhomes for a total of 38 units.

2. **Size of Site:** 5.73 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development 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/hanger buildings. These were built around 1945-46. The property had served one time as a local airfield.

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 at the time withdrew the application prior to being received by the City Council.

On December 21, 2015, The City Council adopted Ordinance No. 15,463, rezoning the property from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development. As part of that action, they also approved a PUD Conceptual Plan "Woodlawn" for development of 38 single-family semi-detached dwelling units accessed by a common private drive from Lower Beaver Road. The action further required that any future PUD Development Plan for the property be brought to the Plan and Zoning Commission for final approval following another meeting with the Lower Beaver Neighborhood and surrounding property owners.

- 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 and in accordance with Section 106-102 of the Subdivision Ordinance, the Commission shall determine if a Preliminary Minor Plat conforms to the standards and requirements outlined in I.C. § 354.1 et seq., and Chapter 106 of the City Code and shall approve, conditionally approve or reject such plat within 45 days after the date of submission thereof 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 City Council has further required that the Commission review and approve and PUD Development Plan to ensure that it is in conformance with the "Woodlawn" PUD Conceptual Plan.

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 PUD Development Plan proposed to remove 8 trees between 12-18 inches in diameter, 1 tree 24 inches in diameter, and 2 trees 42-inches in diameter. Additionally there would be 36,815 square feet of canopy removed. This would require a total 46 tree mitigation plantings under the Tree Protection and Mitigation Ordinance. The proposed landscaping plan exceeds this amount of plantings.
- 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 submitted PUD Development Plan and Preliminary Plat indicates the intent to use surface detention basin at the eastern edge of the property for storm water

management of the site. The approved PUD Conceptual Plan required 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.

In response to neighborhood concerns, as part of the rezoning to "PUD" and approval of the PUD Conceptual Plan, the Council requested that the developer investigate designs for their storm water management improvement which would help mitigate existing drainage surcharging occurring on Lower Beaver Road. The developer has submitted and alternate design which essentially upsizes the conveyance pipe through the development to help carry volumes from immediately west of this site. Engineering and Public Works staff along with the developer are investigating potential financing options for the alternate, to determine whether a contribution to the project is warranted. Any final terms for public contribution will be required to be approved by the City Council. Also, the developer is working with the Parks and Recreation Staff to coordinate the final design of utility improvements which are proposed to extend into Woodlawn Park to the east.

3. **Utilities:** The submitted Conceptual Plan proposes to access sanitary sewer located to the east in Woodlawn Park with a long private sewer main connection. The PUD Conceptual Plan required coordination with the Parks and Recreation Department development staff to minimize impacts of utility construction on Woodlawn Park.
4. **Landscaping & Buffering:** The approved PUD Conceptual Plan indicates a requirement to meet an established Open Space and Bufferyard requirement. This essentially required 2 over story trees and 2 evergreen trees per 100 feet along the perimeter yards adjoining residential properties. It also required 1 over story tree, one evergreen tree, and one shrub per 2,500 square feet of a minimum 20% of open space. In order to accommodate adjoining neighbor concerns on the northeast portion of the site, where the units would be closer to the existing neighbors with a side yard, the developer has concentrated the tree plantings.

The calculations on the submitted landscape plan appear to be correct under this standard in the PUD Conceptual Plan. However, the counts of the correlating symbols on the landscape plan are deficient of these calculations in a couple instances. The north bufferyard should include 18 over story trees and 18 evergreens. There appears to be only 12 over story tree plantings and 3 existing over story trees to be protected. This is deficient 3 over story trees. The south bufferyard should also include 18 over story trees and 18 evergreens. There appears to be only 7 over story trees (including one existing 42-inch at Lower Beaver Road) and only 3 evergreen plantings. This is deficient on the south bufferyard by 11 over story trees and 15 evergreen trees. Staff recommends that the additional plantings to meet the minimum calculations be provided to comply with the approved PUD Conceptual Plan requirements.

- 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 garages. Most of the homes have a significant percentage of brick or stone material on the street façade. The City Council approved the PUD Conceptual Plan with design standards to ensure compatibility of the proposed units with the surrounding neighborhood. See the Urban Design section.

Additionally the City Council asked to the developer to work with the Lower Beaver Neighborhood on providing a small decorative, non-illuminated, non-monument type sign along with perennial flower beds on the Lower Beaver Road Frontage. While the final design of such sign has not been negotiated, the developer has agreed to work with the neighborhood. Staff recommends that the final PUD Development Plan include the sign location. Also, any sign would be subject to a sign permit issued by the Permit and Development Center.

- 6. Traffic/Street System:** Traffic and Transportation staff has reviewed the desire of the neighbors to shift the proposed drive entrance further south to balance the rear yard setbacks of the units between the north and south property lines. While this offsets the entrance with the commercial drive entrance on the west side of Lower Beaver Road, Traffic Engineering does not anticipate this to be a problem given the limited number of trips that would be generated by 38 residential units.

In the approved PUD Conceptual Plan, the Council also required 4-foot walks on either side of the drive entrance to help balance the location of the private drive as well. The proposed PUD Development Plan should be revised to eliminate the 8-foot walk on the north side of the drive and provide 4-foot walks on either side.

- 7. Fire Access:** The approved PUD Conceptual Plan required that any number of residential units built in excess of 30 units shall have approval by the Fire Marshal under alternate design or with an approved secondary access drive. The submitted PUD Development Plan does not provide a secondary access for the proposed 38 units. So, any development of units in excess of 30 will require approval of an alternate design by the Fire Marshall.

- 8. Urban Design:** The submitted PUD Development Plan proposes three different unit types. The approved PUD Conceptual Plan required the following:

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, engineered wood or vinyl with a minimum 42 mil thickness. Full build out shall be with the same quality level and the same type of homes.

- 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. This will help articulate the lineal views and prevent a straight row or barracks effect.
- Facades of the buildings along Lower Beaver Road include the brick or stone wainscot additionally on the side and rear facades oriented toward the public street.
- All primary entrances should be oriented toward the private drive subject to stormwater constraints.

• The submitted elevations generally comply with these requirements. The City Council allowed for use of vinyl siding material since they were two-family. However, the submitted designs do not provide a wrap-around of the wainscot material to the rear of the units that will directly front Lower Beaver Road. The submitted elevations also include one unit design that does not provide primary entrances that will face the proposed private drive. Both of these items need to be revised in order to comply with the approved PUD Conceptual Plan.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Mike Ludwig clarified that plans were routed to the neighborhood association as well as specifically there was a direction to route the plans to a neighbor that the Council directed.

Erik Lundy stated those who requested the plans were provided electronic versions of the submitted plans and to the Lower Beaver Neighborhood Association.

Will Page asked how snow removal will be done.

Erik Lundy stated this is a private drive. Snow removal will be the responsibility of an owners association to maintain the walks and drives. If they get a secondary access alternate they would have to maintain that also.

Doug Saltzgaver ERG, 2413 Grand Avenue, with Joe Pietruszynski and Andrew Hubbell from Hubbell Realty Company stated he believes the final development plan does reflect what the PUD required. There are a few outstanding items to clean up on the site plan with staff. They do not see any issues with those.

CJ Stephens asked if consideration was taken to provide standards in their plan for the existing tree protection. The reason she ask is there are some substantial tree loss of trees that are 10' to 12' when they become viable. Her concern is many times she has gone by a construction site and the tree is wrapped in some orange coverage and yet the concrete is

packed upon the roots of the tree and the equipment is parked on top of the tree roots at night.

Doug Saltzgaver stated there is consideration taken to provide standards in the plan for the existing trees. There will be temporary fencing around the existing trees and he believes the notes that the City provides does address that.

CHAIRPERSON OPENED THE PUBLIC HEARING

Brian Millard 3920 Lynner Drive stated he is the former president of the Lower Beaver Neighborhood Association (LBNA). He is here to speak in behalf on the new president Jeremy Geerdes who was elected Monday. A letter from Mr. Geerdes was passed out introducing himself and explaining the neighborhood association struggle to get to their decision. They have had numerous discussions with Hubbell regarding their concerns and ongoing discussions that also included staff. They are convinced that Hubbell will do everything in its power to minimize the impact of the construction process. While the LBNA recognize that there will be significant inconveniences for neighbors, particularly those adjacent to the Beaver Field property, these inconveniences are inherent in any demolition and construction project even if the property was incorporated into Woodlawn Park as they hoped. Keeping in mind all of the concerns that have been heard and the discussion with staff and Hubbell, the LBNA board of directors voted unanimously to support the proposed development, pursuant to the plan as presented February 9, with the correction of the 8-foot trail being split into two 4-foot trails.

Terri Lockard 3304 Twana Drive, stated her property does abut directly to the proposed development. She recognizes that there have been changes made. Her biggest concern is this development will decrease the property value of her home. Her questions are the following:

- She wants to know where the setbacks are. The last thing she was shown did show a 40' setbacks with the 8-foot trail. She wants to know if any progress has been made on getting the setbacks a little further away.
- The width of the street.
- She is asking for fairness.

Erik Lundy stated the setbacks are 47' on the south and 44' on north.

Sheri Wren 3210 Twana Drive, stated she lives at the eastern most edge of the proposed development. Her neighborhood as a whole on Twana Drive and Valdez are not in favor of this proposal. They all live in the 1000 square foot ranch homes and these big \$250,000 units times two just does not fit in with their neighborhood. Her concern is this development will decrease the property value of her home. She and the neighbors that are in opposition did go to the Lower Beaver Neighborhood Association meeting on Monday, February 15, 2016. They were told that it would be up for a vote. They did not know that it would be a secret board vote before the meeting. It was never discussed, there were no comment cards and she does not feel that it's a fair representation of what the neighborhood actually thinks. Her questions are the following:

- Where would the secondary access be located?
- Is this the final proposal? She believes it doesn't sound like it.

Erik Lundy stated that one of the alternatives that would allow them to meet the requirement is through a secondary access or through an alternate design. He believes the only viable way to do that is to get connected through the park. Hubbell is working with the Fire Marshall to get it finalized. It is Hubbell's preference not to have a secondary access.

Mike Simonson stated as he read the staff report that the developer has to comply with whatever the Fire Marshall requires and there are options. He asked staff about the comment card Mrs. Wren spoke of.

Erik Lundy stated the notification process for plats and site plan requires a 10 day notice be sent to property owners within 250 feet. Because the development plans and plats are not sent there is a statement on the notice that they are on file for public inspection at the Permit and Development Center and written comments may be submitted at that time. Plans are sent electronically, if requested, or any written comment can be sent in. The public can also come to the hearing to comment.

Mike Ludwig stated the final development plan coming back to the Planning Commission is out of the normal process. Normally, it is an administrative review by staff only and it is only because of the zoning condition that Council asked that this final development plan come back to the Planning Commission for public opportunity to comment.

Sheri Wren stated it might be out of the norm. However, they were told that they would have some kind of say in it. The LBNA did not give them the opportunity to have a say in the matter so they are taking it now. The formal president of LBNA does not live where he will be affected by this development.

Devin Wren 3210 Twana Drive stated his question is in regard to snow removal.

Don Corigan 3316 Twana Drive stated he believes that this project is still on the dense side. He would have liked to see something more diverse and imaginary in this sort of property. Des Moines is running out of these kinds of areas. The Des Moines plan talks about diversity of housing, he believes that this is another cookie cutter development. He is glad that they are doing the 4 foot sidewalks. His concern is they do about the curb and parking. He would also like as many trees that can be saved if possible.

Brian Millard asked for a chance to speak representing his self. He stated at the February 9, 2016 meeting they had the neighborhood viewing of the plan at Polk County River Place. It was hosted by the LBNA, the consultant and developer were in attendance and everyone in the neighborhood was invited. One of the Council members told some of the neighbors that the LBNA board should vote on this and they had not at that time because they hadn't seen the final plan. The same night after the meeting the Board met in the hall and decided they would vote on February 15 before their annual meeting because it would be highly publicized anybody could come. They voted 15 minutes before the annual meeting began in the atrium. Mrs. Wren was also in there. They never said that the LBNA members were going to vote on it, because this is about the entire neighborhood. The LBNA asked the developer to agree to come back to the Commission and come back to the neighborhood. This is highly unusual. The LBNA purchased signs when they first heard about this two

months before the developer went to the City. The developer agreed to those meetings and then got the Council to agree to three readings so everybody would have a chance to speak.

Will Page asked what position is Mr. Millard taking. Is he in favor of the development or in opposition?

Brian Millard stated he is in favor.

Rebuttal

Joe Pietruszynski Hubbell Realty 6900 Westown Parkway in West Des Moines stated Hubbell Realty will professionally manage this community and use the same skills and tactics they use for snow removal throughout the metro. They manage over 52 homeowner associations with over 5,000 residents. They also manage very urban dense areas on snow removal. They will use the same level of care that they do in all of those communities. When removing the snow they typically blade it onto the driveways and adjacent sidewalk and then it is removed by hand and snow blowers after that.

Will Page asked what name this private drive will receive.

Joe Pietruszynski stated they do not have that set with staff yet, it could be whatever staff recommends.

Erik Lundy stated the applicant has the option of naming it in the City's public street naming convention as a private street.

Joe Pietruszynski stated he would like to work with the LBNA to come up with a name they might consider for this area.

Will Page stated because Woodlawn Street and Woodland Street are already confusing streets to him he suggest they do not name the private drive Woodlawn or Woodland.

Joe Pietruszynski stated what also need to be considered is that when the Fire Marshall reviews the final name, which happens at the final plat stage is the time the name is assigned. When the name is determined it has to pass a E911 review for safety consideration making sure there are no confusions moving in forward so there is a safe street system.

Erik Lundy clarified that Woodlawn is the name of the PUD. That is how staff uses it as an identifier for distinguishing from other PUDs. If the developer wants to market this as another development name, that is their choice. The plat would be a unique name as approved by the County that won't conflict with another plat name. The name of the private street system, if they are going to name it does need to follow a convention that is used for emergency access purposes. Currently, the recommendation from staff is Merced because of the alignment within.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson commented that he was really pleased to see a site plan, landscaping plan that has a quite a variety of trees. They have a lot of species of trees that is not typically seen. He thanked the developer for going above and beyond and doing something a little bit different and unique.

COMMISSION ACTION:

CJ Stephens moved for approval of the proposed Preliminary Plat and PUD Conceptual Plan subject to the following conditions"

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Revision to the PUD Development Plan to meet the landscaping minimums on the north and south buffer yards in compliance with the landscaping standards in the approved PUD Conceptual Plan.
3. Provision of the sign design and location for a small decorative sign based on consultation with the Lower Beaver Neighborhood.
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7. Tree protection standards be indicated on the plan for existing trees, and take a second look at possibly saving existing trees.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

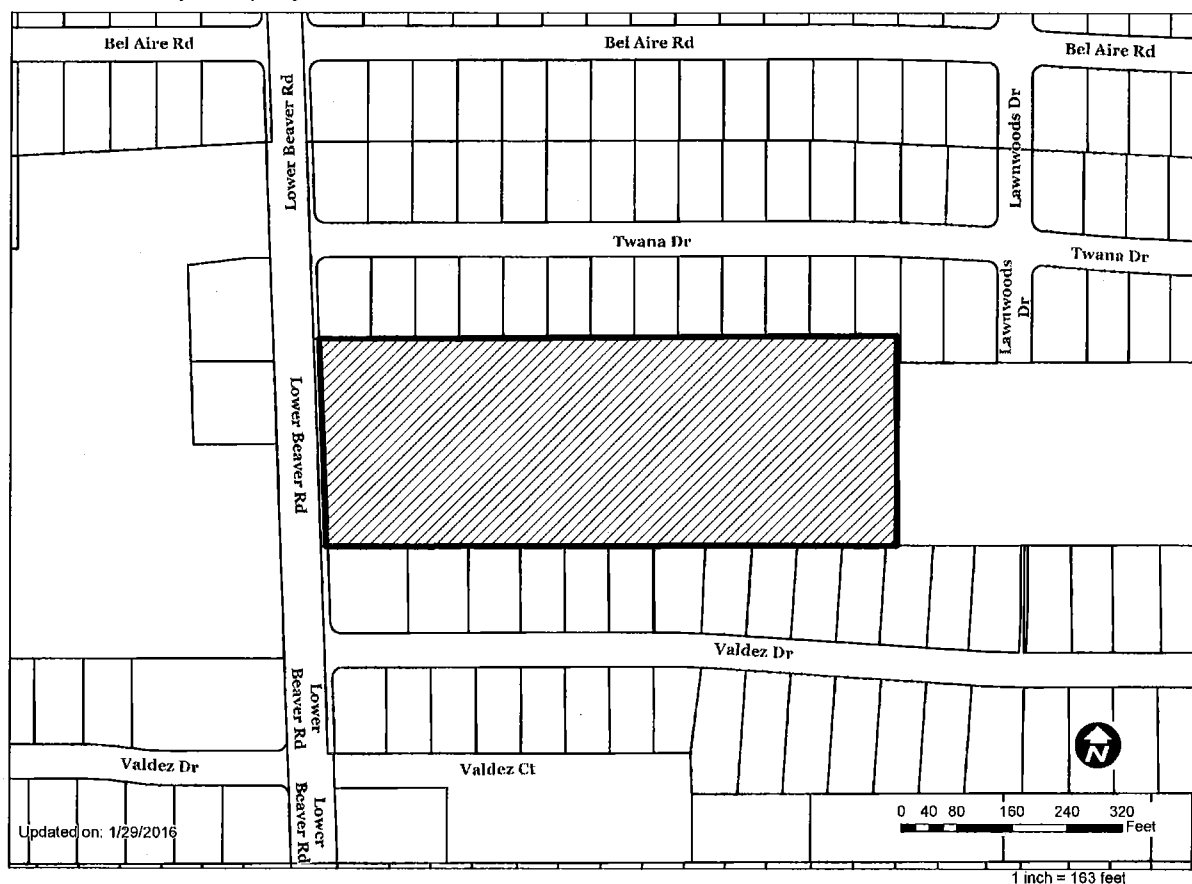
MGL:clw

Attachment

| | | | | |
|--|--|--------------|--|--------------|
| Hubbell Realty Company (purchaser) represented by Joe Pietruszynski (officer) for property located at 4209 Lower Beaver. | | | File # | |
| | | | 13-2016-1.32 & 10-2016-7.68 | |
| Description of Action | Approval of a Preliminary Plat and PUD Development Plan "Woodlawn", to allow 38 single-family semi-detached dwellings on 38 lots accessed by a private drive outlot subject to conditions. | | | |
| 2020 Community Character Plan | Current: Low/Medium Density Residential. Proposed: N/A. | | | |
| Mobilizing Tomorrow Transportation Plan | No planned improvements. | | | |
| Current Zoning District | "PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District. | | | |
| Proposed Zoning District | N/A. | | | |
| Consent Card Responses | In Favor | Not In Favor | Undetermined | % Opposition |
| Inside Area | | | | |
| Outside Area | | | | |
| Plan and Zoning Commission Action | Approval | 9-0 | Required 6/7 Vote of the City Council | Yes |
| | Denial | | | No X |

Hubbell Realty Company, 4209 Lower Beaver Road

13-2016-1.32





Dear commissioners,

Greetings. My name is Jeremy Geerdes. I reside at 4019 Lower Beaver Rd. and serve as the pastor of Debra Heights Wesleyan Church at 4025 Lower Beaver Rd. I also have the distinction of serving as the newly-elected president of the Lower Beaver Neighborhood Association (LBNA), and it is in this capacity that I write today.

The LBNA has a long history of representing the interests of its members and neighbors, as well as advocating on issues of interest to our community. Today, I am writing to you concerning the proposed development of 4209 Lower Beaver Rd, aka "Beaver Field," by Hubbell Realty.

In 2011, the LBNA entered into the city of Des Moines' Neighborhood Revitalization Program (NRP). As part of this process, we considered present and future uses of land within our neighborhood, including that of the Beaver Field property. The NRP planning team determined that, ideally, this property should be incorporated into Woodlawn Park as additional green space, and for the last four years, the LBNA board has explored various options to realize this goal. As such, our association has historically been extremely resistant to even rumors that the Beaver Field property would be developed.

The LBNA became aware of Hubbell's plans to develop the property several months before it was ever presented to the city, and we have been proactive in our engagement of both our neighbors and the developer. We invited Hubbell to participate in a public informational meeting to present a very early conceptual plan for feedback from our neighbors. My predecessor, Brian Millard, then visited their offices to discuss concerns and challenges which were identified in the following discussion. We have closely followed relevant discussions at both P&Z, as well as the city council. We sent representatives to the neighborhood meeting Hubbell organized at Samuelson Elementary. And we insisted that Hubbell present its final PUD plan at a second public informational meeting for last-minute feedback before it was approved. In short, the LBNA has strived to be diligent in presenting information to our neighbors, listening to their concerns, and seeking resolutions to those concerns with the developer, and with great success. Very nearly every concern which has been brought to us has seen a positive resolution from Hubbell.

Hubbell's responsiveness has impressed us. In fact, I am convinced that it is their responsiveness which has swayed many of our neighbors who, like ourselves, were initially opposed to the development to now support their proposal. Indeed, it has become clear to us

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that there are many neighbors - including neighbors living adjacent to the Beaver Field property - who are now in favor of its development.

The progression from resistance to support was neither quick nor easy. Over the last several months, we have listened carefully as our neighbors presented through various avenues multiple concerns, including:

- The proposed structures would "tower over" existing homes.
- Development would have a negative impact on nearby property values.
- Development would result in worsened storm water runoff into adjacent properties.
- Development would exacerbate flooding along Lower Beaver Rd in heavy rain conditions.
- Rear yard setbacks were insufficient.
- A 5' front offset may cut even farther into rear yard setbacks.
- The 8' trail on one side of the street was too wide.
- The construction process would require the installation of a stand pipe and periodic cleanup to prevent sediment runoff.
- The construction process would generate additional noise and dust.

Several of these concerns were addressed through ongoing discussions between LBNA leaders, city officials, and representatives of Hubbell.

- City leaders required that new construction conform to a ranch style.
- Hubbell committed to grade the property so as to capture storm water, thus dramatically improving runoff to adjacent properties
- Hubbell committed to installing storm drains along Lower Beaver and a connection to the storm sewer system in the Sawyer's Landing development, thus dramatically improving the flooding situation along Lower Beaver Rd.
- Instead of a single 8' trail on one side of the street, a 4' sidewalk will be installed on either side of the street.

Others have little foundation in facts.

- Property values are nearly always positively impacted by the development of quality housing. At the very least, occupied, well-maintained homes would have a much more positive impact than the existing vacant, rather unkempt lot.
- Hubbell's plan calls for smaller units to be set back from the road, larger units to be set forward, thus maintaining a minimum rear yard setback of 40'.

Although we have been convinced that Hubbell will do everything in its power to minimize the impact of the construction process, the LBNA leadership is compelled to recognize that there will be significant inconveniences for neighbors, particularly those adjacent to the Beaver Field property. However, we have also recognized that these inconveniences are inherent in any demolition and construction project and would therefore be present even if the property was incorporated into Woodlawn Park as we have long hoped.

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The remaining concern, that the rear yard setbacks are insufficient, is difficult to address. Hubbell has proposed a rear yard of 40 feet, which exceeds the requirements for R1-60 zoning, which dominates the neighborhood. Neighbors have asserted that many of the rear yards in the area are 60' deep, but our own research has shown that rear yards in the neighborhood range from the minimum of 30 feet to about 60 feet, with decks, patios, garages, and other structures appearing dramatically closer to rear property lines. Neighbors have also claimed that an agreement was reached that the rear yard setbacks would be at least 50'. However, we have found no record of such an agreement in P&Z or city council minutes, and our leadership was not aware of any such agreement. In short, we are compelled to acknowledge that, even if the Beaver Field property was developed into single-family units according to R1-60 ordinances, the rear setbacks could be much shorter than Hubbell has proposed.

With all of these things in mind, and after carefully listening to the remaining concerns of our neighbors, the LBNA board of directors met at the request of city councilman Bill Gray on February 15 to establish an official position on the development of the Beaver Field property. After many months of listening and discussing, the board voted unanimously to support the proposed development of the property at 4209 Lower Beaver by Hubbell, pursuant to the plan as presented February 9, with the correction of the 8-foot trail being split into two 4-foot trails.

On behalf of the LBNA, I want to thank the commission and council for their diligence in this matter. I would also gratefully acknowledge the responsiveness of Hubbell Realty. But mostly, I would like to recognize the residents of the Lower Beaver Neighborhood for their commitment to listen and actively, passionately participate in the process. All of these things together have contributed, I believe, to a sound development which will have a positive impact on our neighborhood for years to come.

Sincerely,

Jeremy R. Geerdes, President
Lower Beaver Neighborhood Association