



**Date** March 6, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM  
M & R HOLDINGS, LLC FOR REVIEW AND APPROVAL OF THE 1<sup>ST</sup> AMENDMENT  
TO THE WOODLAWN PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT  
4209 LOWER BEAVER ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from M & R Holdings, LLC (developer), represented by Dave Walters (officer), for review and approval of the 1<sup>st</sup> Amendment to the Woodlawn PUD Conceptual Plan for property located at 4209 Lower Beaver Road ("Property"), to reduce the number of proposed single-family semi-detached units from 38 to 34, subject to conditions stated in the Commission's communication; and

**WHEREAS**, the Property is legally described as follows:

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.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the Woodlawn PUD Conceptual Plan is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on March 20, 2017, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.



Roll Call Number

Agenda Item Number

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Date March 6, 2017

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MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2017-00003)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

#### CERTIFICATE

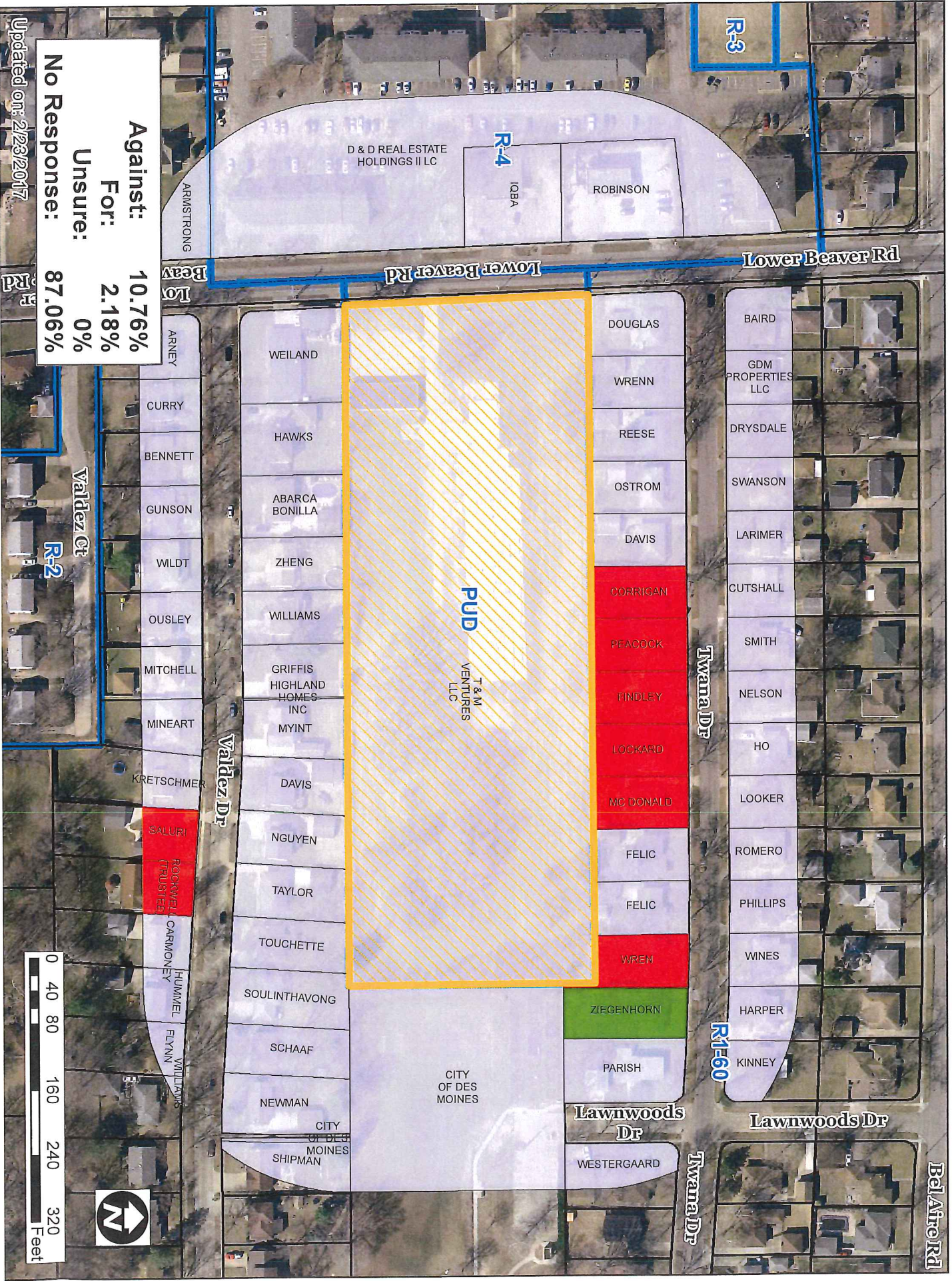
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

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

\_\_\_\_\_  
Mayor





Against: 10.76%  
 For: 2.18%  
 Unsure: 0%  
 No Response: 87.06%

Updated on: 2/23/2017



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February 24, 2017

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 16, 2017, the following action was taken regarding a request from M & R Holdings, LLC (developer) represented by Dave Walters (officer) to rezone property at 4209 Lower Beaver Road. The subject property is owned by T & M Ventures, LLC.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier	X			

**APPROVAL** of a motion to find the proposed reduction in building type variety subject to the following conditions: (ZON2017-0003)

1. Revision of the Conceptual Plan amendment to provide a 6-foot wooden opaque fence along the north and south property lines.
2. Remove the reference to allow Vinyl in the Architectural Standards.



3. Consider provision of separate visitor parking with any Preliminary Plat/PUD Development Plan.
4. Revision of the PUD Conceptual Plan notes to indicate compliance with the Fire Code for provision of secondary access or alternate design approval by the Fire Department.
5. Prior to submission of the PUD Development Plan the developer shall have a neighborhood meeting to review the PUD Development Plan and building plans.
6. No additional driveways on Lower Beaver Road.
7. Provide some enhanced landscaping on Lower Beaver Road frontage.
8. To provide at least two different unit types beyond elevational changes.
9. No reduction in the backyard current setback less than the presented 50 feet minimum.

And

Staff recommendation for the proposed Preliminary Plat/PUD Development Plan be continued indefinitely to provide time for the developer to meet administrative review requirements, subject to re-notification of neighbors.

#### Written Responses

1 in Favor

8 in Opposition

### **STAFF RECOMMENDATION**

Part A) Staff recommends continuance of the proposed PUD Conceptual Plan amendment to the March 16 Plan and Zoning Commission meeting to allow the developer to revise the plan to include at least two additional unit types in accordance with the proposed Architectural Standards.

Should the Commission find the proposed reduction in building type variety acceptable, then staff recommends the following conditions as part of any recommend approval by the Commission:

1. Revision of the Conceptual Plan amendment to provide a 6-foot wooden opaque fence along the north and south property lines.
2. Remove the reference to allow Vinyl in the Architectural Standards.
3. Consider provision of separate visitor parking with any Preliminary Plat/PUD Development Plan.

4. Revision of the PUD Conceptual Plan notes to indicate compliance with the Fire Code for provision of secondary access or alternate design approval by the Fire Department.

Part B) Staff recommends the proposed Preliminary Plat/PUD Development Plan be continued indefinitely to provide time for the developer to meet administrative review requirements, subject to re-notification of neighbors. Should the developer not agree to a continuance, then Staff recommends the denial of these plans so that they do not automatically become effective under the provisions in Chapter 106.

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

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The developer seeks to redevelop a former commercially used property for low/medium density residential use. The property was rezoned to "PUD" Planned Unit Development by a previous developer. The City Council approved the property for 38 units of single-family semi-detached dwellings (bi-attached townhomes). The applicant has submitted an amendment to the approved PUD Conceptual Plan to slightly modify the approved configuration reducing the number of units to 34 from 38. They have submitted separate design elevations for the single-family semi-detached units from what were previously approved. Although the approved PUD Conceptual Plan has three dwelling types with separate floor plan designs, the current proposal would have general the same dwelling type and floor plan with different options for the exterior finish materials and windows.

The developer has also concurrently submitted an amended Preliminary Plat/PUD Development Plan amendment to reflect the modification to the layout configuration proposing 34 parcels for separate ownership of single-family semi-detached 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 vacant with ongoing demolition of an office building and the remaining foundation 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 January 27, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on January 27, 2017 (20 days prior) and on February 6, 2017 (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 Jeremy Geerdes, 4025 Lower Beaver Road, Des Moines, IA 50310.

The applicant has held multiple meetings with the neighborhood and surrounding property owners. The most recent was held on January 26, 2017 at the Polk County River Place complex. This meeting was attended by Councilmember Bill Gray, Councilmember Chris Coleman, Lower Beaver Neighborhood Association President Jeremy Geerdes, and several neighbors and owners of property surrounding the subject property. The applicant will be able to 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.

On February 18, 2016, the Plan and Zoning Commission reviewed and approved a Preliminary Plat/PUD Development Plan subject to the following revisions:

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

- B. 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.
- C. Provision of the sign design and location for a small decorative sign based on consultation with the Lower Beaver Neighborhood.
- D. 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.
- E. 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.
- F. 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.

The previous developer has not finalized these plat and development plan documents with the City in accordance with the approved conditions of the Plan and Zoning Commission.

**9. PlanDSM Land Use Plan Designation:** Low/Medium Density Residential.

**10. Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the application, accompanying evidence and proposed amendment to a PUD 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.

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 vacant. The submitted Preliminary Plat/PUD Development Plan proposes to remove 7 trees between 12-18 inches in diameter, 1 tree 24-inches in diameter, 1 tree 36-inches in diameter and 1 tree 48-inches in diameter. This would require 19 mitigation tree plantings. Additionally, there would be 41,090 square feet of canopy removed. This would require a total 59 tree mitigation plantings under the Tree Protection and Mitigation Ordinance, for an overall total of 78 mitigation tree plantings. The proposed landscaping concept indicates a minimum of 60 overstory and 60 evergreen plantings required. Using a substitution of three evergreens per overstory tree, this would provide 90 mitigation planting which would exceed the minimum necessary. The submitted PUD Development Plan is deficient in that it does not provide a planting schedule identifying species of the proposed plantings.

In the past few months several mature trees have been removed from the property in conjunction with demolition of a remaining foundation system and paving. There was not a final approved grading plan or plat which would have allowed for this. However, the City's tree mitigation requirements were required with the previously approved PUD Conceptual Plan and the proposed PUD Conceptual Plan, and are still in effect with any subsequently approved plans. The developer proposes to provide the required mitigation.

- 2. Drainage/Grading:** The property currently drains from west to east over approximately a 10-foot 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. Engineering staff are requesting additional design for the erosion control protection at the emergency overflow.

The submitted PUD Development Plan and Preliminary Plat indicate the intent to use surface detention basins at the eastern edge of the property for storm water management of the site. The previously 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. To comply with Sec 106-136 of the City of Des Moines Municipal Code the owner or homeowners association must enter into a Stormwater Management Facilities Maintenance Agreement with the City of Des Moines. Engineering staff have 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 is required for approval before any grading of the site would be permitted. This plan has not been submitted.

The developer has proposed release of the detention by piping it to the existing overland stormwater system in the park to the east with the submitted Preliminary Plat/PUD Development Plan. Parks and Recreation staff has requested to review additional design detail for the above ground release point within the park before any approval of the Preliminary Plat/PUD Development Plan.



During the previous PUD approval process, in response to neighborhood concerns, the City Council requested investigation of designs for the proposed development storm water management improvements which might help mitigate existing drainage surcharging occurring on Lower Beaver Road. The Public Works Department has evaluated this and determined that incorporating design modifications to the proposed development is not the best solution for handling the issues with Lower Beaver Road. Rather a separate public project is being proposed to mitigate that problem that would involve piping that would convey the stormwater into the existing public system in Valdez Drive, which is where the stormwater flows currently when the surcharging subsides in those events.

The Engineering review staff in the Permit and Development Center has requested further geotechnical study of the soils based on the proposed foundations for the units as part of the Preliminary Plat/PUD Development Plan submittal.

3. **Utilities:** The submitted Preliminary Plat/PUD Development Plan proposes to access sanitary sewer located to the east in Woodlawn Park. The submitted Preliminary Plat/PUD Development Plan does not indicate that whether the proposed sanitary sewer would be public or private. If private, then it needs to be labeled as such in the submitted Plat.
4. **Landscaping & Buffering:** The previously approved and proposed PUD Conceptual Plans indicate a requirement to meet an established Open Space and Bufferyard requirement. This would require 2 over story trees and 2 evergreen trees per 100 feet along the perimeter yards adjoining residential properties as part of any Development Plan. 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, the developer has concentrated the tree planting concept to the perimeter of the development. The previously approved PUD Conceptual Plan included a 6-foot tall wood privacy fence around the perimeter of the development. The amendment does not propose a privacy fence. Staff would recommend that the plans be revised to include a privacy fence based on previous neighborhood concerns.

The calculations on the submitted landscape concept in the Preliminary Plat/PUD Development Plan are correct under this standard in the PUD Conceptual Plan. However, the submitted Preliminary Plat/PUD Conceptual Plan does not provide planting species detail.

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. With the previous PUD rezoning, the City Council approved the PUD Conceptual Plan with typical designs to ensure compatibility of the proposed units with the surrounding neighborhood.



Previously, the City Council asked the former 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. The final design of such sign was never negotiated. The current proposed PUD Conceptual Plan amendment proposes allowance for one (1) 24-square foot maximum monument sign in accordance with the "FSO" Freestanding Signs Overlay District.

6. **Traffic/Street System:** The submitted PUD Conceptual Plan amendment and Preliminary Plat/PUD Development Plans reflect an alignment of the private drive location that was adjusted based on the conditions of the previous approvals. This balanced out rear yard setbacks to both the north and south. Additionally, the required integral 4-foot pedestrian walks on either side of the drive are still proposed. The number of proposed units is below the threshold for requiring an in depth Traffic Analysis as it would not generate more than 50 trips during any peak hour. One comment from Traffic Engineering in response to the submitted PUD Conceptual Plan amendment is that there is no separate parking areas designated for visitors and that this should be considered given that parking will not be permitted along the private drive as it must be kept open for fire access.
7. **Fire Access:** The approved PUD Conceptual Plan requires 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 Conceptual Plan amendment proposes to fire sprinkler the number of units (4) over 30 units which are furthest away from the drive entrance to Lower Beaver Road. The Fire Prevention Engineer has commented on the submitted PUD Conceptual Plan amendment that all the units would need to be sprinkled in order to meet and alternate design without a secondary fire access.
8. **Urban Design:** The submitted PUD Development Plan proposes one (1) typical unit type with three options for exterior finishes and windows. Additionally, the Plan proposes the following Architectural Standards which reflect those in the previously approved PUD Conceptual Plan:
  - Paint colors painting on the exterior of the homes shall be enforced through restrictive covenants. (these would not be enforceable by the City).
  - Parking: No external structures permitted. Off-street parking for two cars per unit are required. Minimum 2 car garage per unit.
  - Decks and porches: Decking material shall be enforced through restrictive covenants.
  - 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.
  - All primary entrances should be oriented toward the private drive subject to stormwater constraints.
  - 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.

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- 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.
  - 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.
  - The development shall have full build out with the same quality level and the same single-family semi-detached dwelling styles.

The submitted elevations generally comply with these requirements. Additionally, the rear setbacks of the proposed units are 50 feet from property line, while the previously approved setbacks were 40 feet from property line, irrespective of decks. The primary option proposed for the units would be the elevation required along the Lower Beaver Road frontages.

In the previously approved PUD Conceptual Plan, the City Council allowed for use of Vinyl siding material since they were two-family. The submitted design elevations do not propose any Vinyl material. Staff recommends that the allowance for that material be stricken from the Architectural Standards with any approval of a PUD Conceptual Plan amendment.

Staff is also concerned about proposal to reduce the variety in the number of dwelling unit types. This is the primary reason a PUD Conceptual Plan amendment was not considered administratively. Staff believes that while the developer is not able to use the previously approved three design types, that an equivalent number of types should be offered at a minimum by the developer to maintain the original intent of the PUD Conceptual Plan approval.

- 9. Staff Rationale:** With a number of technical administrative review comments regarding deficiencies to the submitted Preliminary Plat/Development Plan, staff would recommend that the Commission table the consideration of those plans indefinitely until such time as these requirements are provided, including geotechnical report, SWPPP, landscaping plan, and more detailed design on elements of the storm water detention design.

With regard to the proposed PUD Conceptual Plan, staff strongly believes that the initially approved variety of unit types should be maintained by the current developer. Should the Commission agree with the staff, then it is recommended that the PUD Conceptual Plan amendment be continued for a month to allow the developer time to provide additional designs. If the Commission believes that the developer's proposal is acceptable, then the Commission should still include provisions requiring a wood screen privacy fence to the north and south neighbors as well as meet an approved design for the Fire Department.

## SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation. One correction, on the staff report indicates the sanitary sewer would go west into Lower Beaver, but that is not true. Because of the way the applicant has to grade the elevations, the gravity would take it to



the east through the park to a public sanitary sewer connection in the park. The storm sewer would also be through the park and would be public starting at the property line.

Mike Simonson asked the width of the lots.

Erik Lundy stated he believes the width of the lots are over 50 for most and possibly some over 60. He also explained why staff is asking for continuance of Part B. The applicant agrees because there are still elements to the actual construction site plan and plat documents that are different and they are not ready to move forward. Staff also recommended continuance on Part A because staff is recommending additional designs that were not included in the submittal package.

John "Jack" Hilmes asked if the Commission is being asked to approve the slight reduction in density proposed, the difference between the designs of the model homes that were approved about a year ago and what is being shown tonight. The lots have remained the same and the drainage must still be met.

Erik Lundy stated that is correct.

Greg Jones asked for the three examples of design that were approved last time the applicant was here.

Erik Lundy showed the designs and explained the differences in the proposal tonight and the previous proposal made by Hubbell.

Mike Simonson asked are there any walk outs in the applicant's site plan.

Erik Lundy stated the applicant is not trying to have any walk out basements. However, they will include basements.

John "Jack" Hilmes asked if the building mass different.

Erik Lundy stated the building mass is bigger. A bigger foot print overall. The side yards are smaller. It's setback enough to get a second set of parking outside of the garages. They tried to maximize the rear yard separation from the adjoining residential property, at approximately 50 feet.

David Courard-Hauri questioned staff's substitution ratio regarding the number of tree mitigation plantings.

Erik Lundy stated the substitution rate should have indicated two evergreens per overstory not three. The applicant will still have to meet the mitigation standards.

David Bentz Bishop Engineering, 3501 104<sup>th</sup> Street, Urbandale Iowa showed an overall layout of the units, the colors and the current landscaping plan that meets the original PUD that was previously approved. He pointed out some units with elevations that were just delivered to staff today. These elevations try to offer different roof lines. Staff has not seen these different roof lines yet. They tried to change the façade in the front, the garage door, the windows and materials. The applicant is proposing to keep the same foot print to maximize it, to keep it as far away from the neighbors and get the foot print bigger. He

began to address each condition. Condition #1- The neighbors did ask for a wooden fence at the neighborhood meeting. The applicant is proposing that they provide the wooden privacy fence and then provide only the tree mitigation and tree plantings which would be a total of 78 trees. The applicant is asking for a waiver of the other 42 trees to help pay for the fence. He noted that is still over 2 trees per lot on the site. The lots are about 42 feet wide and about 130 – 140 feet deep.

Condition #2 – The applicant does want to keep the option for Vinyl siding material. There is a lot of cost with this development.

He noted they have to run sanitary and storm all the way across the park and that is at the developer's expense. About walk-outs, there are drainage problems in Lower Beaver and it does drain through this property from west to east. To achieve walk-outs, the street has to be built up or cut the backyards down. With the neighbors being so close, it would cancel the cutting of the backyards. He believes it would be a drainage problem to try to create walk outs.

Condition #3 – The applicant would like to be under the same requirements previous developer where there was no recommendation for on-street parking and they would like it to be the same for them. This is just a statement of consideration. They do not want to provide on-street parking because the site is very tight and not conducive to additional parking.

Condition #4 – The applicant agrees to whatever is in compliance with the Fire Department. They have a couple of options which are to sprinkle everything or to eliminate the unit he pointed to which would get them down to 30 units and they would not have to sprinkle anything. The last option they are exploring is to rotate the two end units to face Lower Beaver, that way they would have 4 units with secondary access. Traffic is currently reviewing this option they submitted.

Mike Simonson asked is the roadway 20' wide.

David Bentz stated yes and then there is a sidewalk on each side that is adjacent to the road that is going to be paved the thickness that can be driven on.

Mike Simsonson asked if the Hubbell planned a private road.

David Bentz stated he believed it was the same for Hubbell.

Mike Simonson asked if 20' wide roadway normal.

Erik Lundy gave a few examples of the 20' wide roadway. Brook Run the Rottlund Townhomes, that would be a 20' wide private drive and access The Reserve west of Roosevelt High School off of Polk Boulevard. It also has the integrated sidewalk on one side but it is wider.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Jeremy Geerdes, 4019 Lower Beaver Road, serves as the pastor of Debra Heights Wesleyan Church, 4025 Lower Beaver Road and the president of the Lower Beaver



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Neighborhood Association (LBNA) gave a brief overall glimpse into the history of this site. The LBNA received news that the applicant was moving forward with this project. They was not familiar with M&R Holdings, LLC work and they felt burned after working so diligently to make the previous plan viable and then have it evaporate. Since last fall the applicant and his crew have engaged the LBNA with the commitment that this will be a development that everyone can be proud of. Their responsiveness to the neighborhood's questions, concerns and feedback has been instrumental in transforming the neighborhood discussions regarding the proposal. After the previous developer left the project, no one in the LBNA was eager to endorse the applicant's proposal. So it is not surprising that some of the neighbors are present this evening with continued significant concerns. The LBNA share some of those concerns. However, the LBNA board has moved to tentatively support this plan with the following stipulations to which the previous developer also agreed:

1. The developer shall be required to present changes to the final PUD Development Plan for approval by the Plan and Zoning Commission rather than administratively by City staff.
2. The developer must present to the neighborhood association the final PUD Development Plan prior to consideration of the Plan and Zoning Commission.
3. The City of Des Moines will be allowed to utilize the developments stormwater sewer infrastructure to alleviate flooding along Lower Beaver Road during times of significant downpour. (It should be noted that the City analysis of this would not recommend diversion of storm water from Lower Beaver Road through this site.)
4. The Developer shall provide two landscape planting beds along Lower Beaver Road in partnership with the neighborhood association's beautification committee.
5. The developer shall connect the development's pedestrian path to the paved trail in Woodlawn Park.
6. No Vinyl siding in the development.
7. They encourage the developer to install a privacy fence as indicated they will this evening.

Will Page asked if LBNA discussed the question regarding house design.

Jeremy Geerdes stated the LBNA has discussed it and noted it was a minor concern for them. They would love to see more variation. However, they did not make any recommendation on the design.

Mike Simonson asked if there was any discussion about rotating the four end units along Lower Beaver to access off of Beaver.

Jeremy Geerdes stated that was the first he had heard of it. He believes it would be difficult to maintain, just dealing with the existing amount of traffic on Lower Beaver Road. However, there are other driveways that dumps into Lower Beaver.

Mary Beth Newman 3201 Valdez pointed out where her house is in reference to the site and how the water comes into her yard. The holding area is good but if it is over 6" of rain it will not hold. She noted that Valdez sits low and water drainage is a big issue that needs to be carefully addressed. Otherwise, she believes it is a great plan. Putting those four drives on Lower Beaver is another concern with the amount of traffic on this street.

Leslie Peacock 3212 Twana Drive stated she can attest to the flooding concern. She showed pictures of the flooding and where the water is ponding. She is still wondering when the City is going to do something about it. She applauds the developer trying to give them their rear setback. She stated she prefers the ranch style. She wants to know where the trees are being removed. The privacy fence is agreeable and she wants the final Development Plan to go back to the LBNA and the Plan and Zoning Commission.

Mike Simonson commented that she should be pleased it came back and from what staff said had the developer submitted three different unit plans staff may have administratively worked this out. He believes this is an opportunity and the Commission appreciates her coming again and making her comments. As he looks at the plans it appears to him that all of the lots on the north side of this development shed their water onto this property and on the south side some of these lots shed their water onto this property. Some of the water also sheds to the south. But per the plan in front of them tonight, all of the water that comes on this site will stay on this site. There is going to be a swale along the property line that is lower than her property that collects the water, carrier it to these huge detention basins to hold the water.

Leslie Peacock stated she understands everything the Commissioner is saying. However, you can engineer things to death, but Mother Nature is going to win every time, so it is still a concern. She stated she would be very disappointed if something like this had gotten approved administratively. This is too big and too much of an impact on the neighborhood to even allow that to happen.

Mike Simonson stated staff felt it was necessary to be here.

Terri Lockard 3304 Twana Drive stated she echoes what Leslie Peacock had to say. She also wanted to thank City staff for being very responsive to any emails she has sent and she does appreciate that the developer has tried to reduce the density slightly. She was not in favor of the previous density. She still believes there are a lot of buildings in that small space. She believes the City should not settle on the first thing that comes along. She would like to see a marketing plan. The price is higher than their property values and she does not want to see it turn into all rental property.

### *Rebuttal*

David Dentz stated the following:

- The Design - the update proposed tonight the different variation in elevations and looks of the roofs.
- The Stormsewer - They have worked with City staff regarding the stormwater on Lower Beaver and it is his understanding the City of Des Moines is working on plans to do public improvements to the stormsewer. They have taken the stormwater issue into account. They are trying to design it to City standards and take the 100 year storm event releases.
- Trees- He doesn't know which trees will be removed. They are asking that 42 trees be removed from the proposed landscape plan out because they are agreeing to provide the privacy fence on both sides. They are already providing two trees per lot or more than that based on the mitigation standard.



- Material – They plan to stick with Vinyl as an option since it was previously approved.

Francis Boggus asked what is the square footage of the units and the marketing range.

David Dentz stated the square footage of the units is 1233 square feet and the market price is \$250,000 to \$290,000.

Jason Van Essen pointed out the minimum square footage Standard on PUD Conceptual Plan is 1150 square feet.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Greg Wattier asked if the site plan will be coming back to the Plan and Zoning Commission regardless?

Erik Lundy stated yes this site plan will be coming back to the Commission because of the way the Council originally approved it. The Preliminary plat would definitely come back to the Commission.

Greg Wattier asked if the only reason this came back to the Commission versus administrative review are the changes from the previous approved PUD, the reduced density and the quantity of types of units?

Erik Lundy clarified yes because of what Council already approved it would not have been an administrative review.

Greg Wattier stated one of the Commission's charges in the city is to infill homes. This lot is a very challenging lot. He applauds that someone is trying to create more housing stock.

Will Page stated it was helpful to clarify where the Commission is right now. He appreciates the City request about the design of the houses. He would like to see some variety in house designs, particularly in the corridor. Since the City wants three designs and the developer wants one he suggested a compromise to provide at least two designs and the different design should be at the east end of the road.

Mike Simonson asked if the Commission were to approve this tonight, would the correct statement be that because the site plan does come back to the Commission the site plan will include landscaping and building elevations?

Erik Lundy stated that is correct.

Mike Simonson made a motion to approve the proposed PUD Conceptual Plan Amendment reduction in building type variety and no reduction to the land subject to the following conditions:

1. Revision of the Conceptual Plan amendment to provide a 6-foot wooden opaque privacy fence along the north and south property lines.

2. Remove the reference allowing Vinyl in the Architectural Standards, thereby prohibiting it as a permitted material.
3. Add a note to consider provision of separate visitor parking with any Preliminary Plat/PUD Development Plan.
4. Revision of the PUD Conceptual Plan notes to indicate compliance with the Fire Code for provision of secondary access or alternate design approval by the Fire Department.
5. Prior to submission of the PUD Development Plan the developer shall have a neighborhood meeting to review the PUD Development Plan and building plans.
6. No additional driveways on Lower Beaver Road.
7. Provide some enhanced landscaping on Lower Beaver Road frontage.

Greg Wattier asked for a friendly amendment to provide at least two different unit types beyond elevational changes and no reduction in the backyard current setback.

Mike Simonson accepted the friendly amendment.

Glenna Frank asked if there is a motion for Part B and what staff would recommend if Part A is being approved tonight.

Erik Lundy clarified that Part B would remain as written that staff recommendation the proposed Preliminary Plat/PUD Development Plan be continued indefinitely to provide time for the developer to meet administrative review requirements, subject to re-notification of neighbors. The applicant agrees with the continuance.

#### **COMMISSION ACTION:**

Mike Simonson made a motion to approve the proposed reduction in building type variety subject to the following conditions:

1. Revision of the Conceptual Plan amendment to provide a 6-foot wooden opaque fence along the north and south property lines.
2. Remove the reference to allow Vinyl in the Architectural Standards.
3. Consider provision of separate visitor parking with any Preliminary Plat/PUD Development Plan.
4. Revision of the PUD Conceptual Plan notes to indicate compliance with the Fire Code for provision of secondary access or alternate design approval by the Fire Department.
5. Prior to submission of the PUD Development Plan the developer shall have a neighborhood meeting to review the PUD Development Plan and building plans.
6. No additional driveways on Lower Beaver Road.



7. Provide some enhanced landscaping on Lower Beaver Road frontage.
8. To provide at least two different unit types beyond elevational changes.
9. No reduction in the backyard current setback less than the presented 50 feet minimum.

And

Staff recommendation for the proposed Preliminary Plat/PUD Development Plan be continued indefinitely to provide time for the developer to meet administrative review requirements, subject to re-notification of neighbors.

Motion carried 12-0.

Respectfully submitted,



Erik Lundy, AICP  
Senior Planner

EML:clw

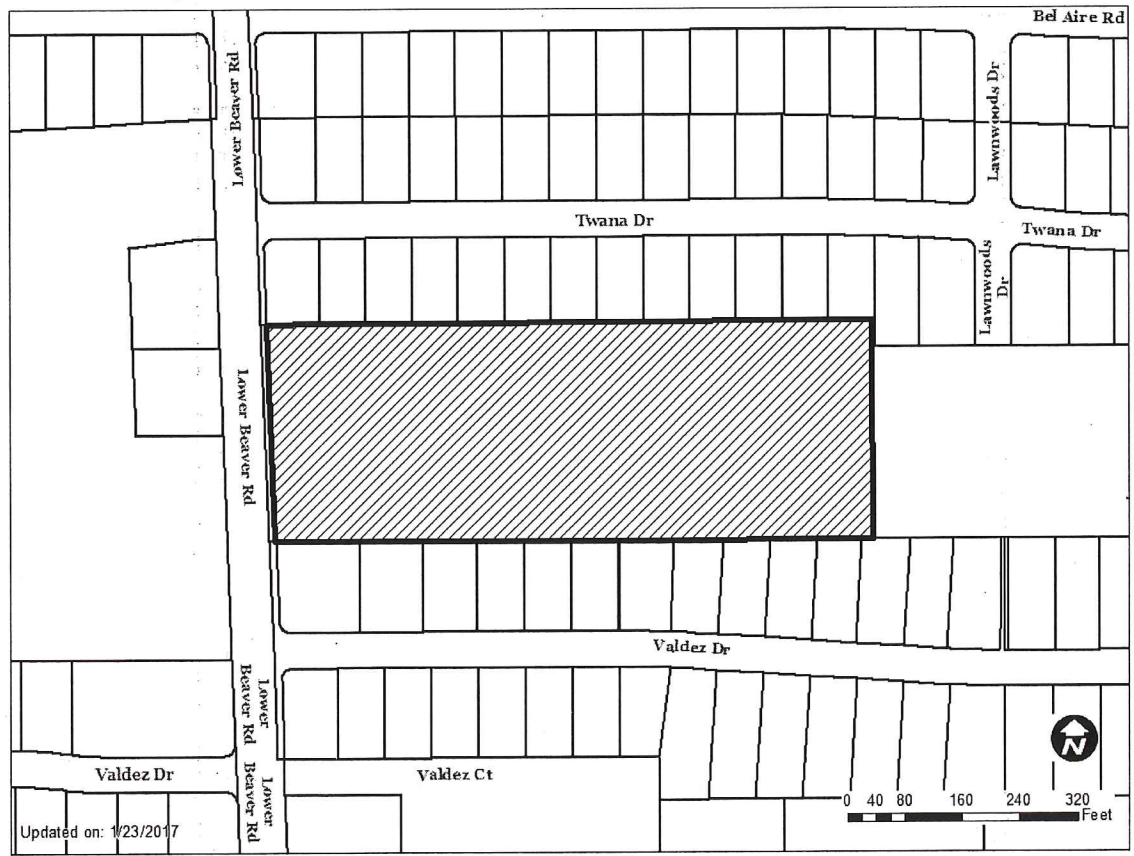
Attachment

26

M & R Holdings, LLC (developer) represented by Dave Walters (officer) for property at 4209 Lower Beaver Road. The subject property is owned by T & M Ventures, LLC				File # ZON2017-00003	
Description of Action		Approval of request for a 1st Amendment to the Woodlawn PUD Conceptual Plan to reduce the number of proposed single-family semi-detached units from 38 to 34 and to reduce the number of dwelling types from three to one type proposing alternate finish options, subject to conditions.			
PlanDSM Future Land Use		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		1	8		
Outside Area					
Plan and Zoning Commission Action		Approval	12-0	Required 6/7 Vote of the City Council	
		Denial			
				Yes	
				No	X

M & R Holdings, LLC, 4209 Lower Beaver Road

ZON2017-00003



1 inch = 156 feet



ZON2017-00003

Item 1 Amendment to zoning Date FEB 16, 2017

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

(Circle One)

Print Name Don Corrigan

Signature Don Corrigan

Address 3316 Twana Drive

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

Property could be better used for  
villas or cottages that would serve  
"missing middle" housing.  
Concerned about lack of diversity in

ZON2017-00003

Item 1 Date Feb 11 2017

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

(Circle One)

Print Name Janet K Salari

Signature Janet K Salari

Address 3222 Volody Dr

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

Yards and garages on Volody Dr are flooded after heavy rain  
or snow melt. We already have a large apartment complex to the west  
displacement. Too much water, too many people, too  
run-off.

ZON2017-00003

Item 1 Date 2/15/17

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

(Circle One)

Print Name Christopher Arnold

Signature Christopher Arnold

Address 3218 Valdez Dr

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

Oppose going to 1 style of structure.  
The charm of our neighborhood is  
the variety in home styles where  
neighbors don't look like each  
other.

ZON2017-00003

Item

Date 2-13-17

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

(Circle One)

Print Name

Terril Lockard

Signature

Terril Lockard

Address

3304 Twana Dr

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

The density of the housing is not consistent with the surrounding homes. A marketing study has not been completed to ensure viability of the project. I would prefer the 50 feet distance.

ZON2017-00003

Item

4109 Lower Burr Rd

Date 2-13-17

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

Pub Dev Plan - River Field Development

(Circle One)

Print Name

Brooke Findley

Signature

Brooke E

Address

3308 Twana Dr

Des Moines, IA 50310

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

Plans need revision and more detail on many items including perimeter gateway fence, signage, stormwater plans.

ZON2017-00003

Item

Date 2/10/2017

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

(Circle One)

Print Name

Dennis Pearce

Signature

Dennis Pearce

Address

3312 Twana Dr.

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

Too dense for size of property.  
Too much existing multi-family housing already in immediate area.



ZON2017-00003

Item

Date 2/13/2017

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

(Circle One)

Print Name CYNTHIA ZIEGENHORN

Signature Cynthia Ziegenhorn

Address 3206 TWANA DR

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

ZON2017-00003

Item

Date 2/19/2017

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

(Circle One)

Print Name Devin Wren

Signature K. Devin Wren

Address 3210 Twana Dr, DSM, IA

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

50310  
Dave Walters obvious lack of  
care when it comes to water  
drainage as his company is being  
fined for it at another location

ZON2017-00003

Item

Date FEB 10, 2017

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

(Circle One)

Print Name IUAN A. McDONALD

Signature Iuan A. McDonald

Address 3300 TWANA DRIVE

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

DO NOT LIKE THAT THEY HAVE ONLY ONE TYPE OF  
DWELLING TYPES

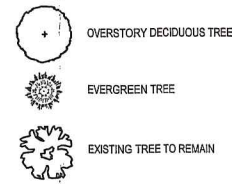
LIKE THAT THEY HAVE REDUCED THE NUMBER OF  
SEMI-DETACHED UNITS





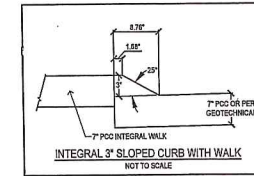
# WOODLAWN 1ST AMENDMENT PLANNED UNIT DEVELOPMENT

## LEGEND



## GENERAL LANDSCAPE REQUIREMENTS

TOTAL SQUARE FOOTAGE OF PROJECT AREA	4240,500 SF
REQUIRED OPEN SPACE (OSR)	4,400,000 SF
GENERAL OPEN SPACE REQUIREMENT	1/2,500 SF
TOTAL REQUIRED OVERSTORY	1/2,500 SF
TOTAL REQUIRED EVERGREEN	1/2,500 SF
TOTAL REQUIRED SH-RUBS	1/2,500 SF
GENERAL BUFFERLAND REQUIREMENT (NORTH, EAST, SOUTH)	2/100 LF
TOTAL REQUIRED OVERSTORY	2/100 LF
TOTAL REQUIRED EVERGREEN	2/100 LF

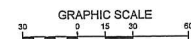
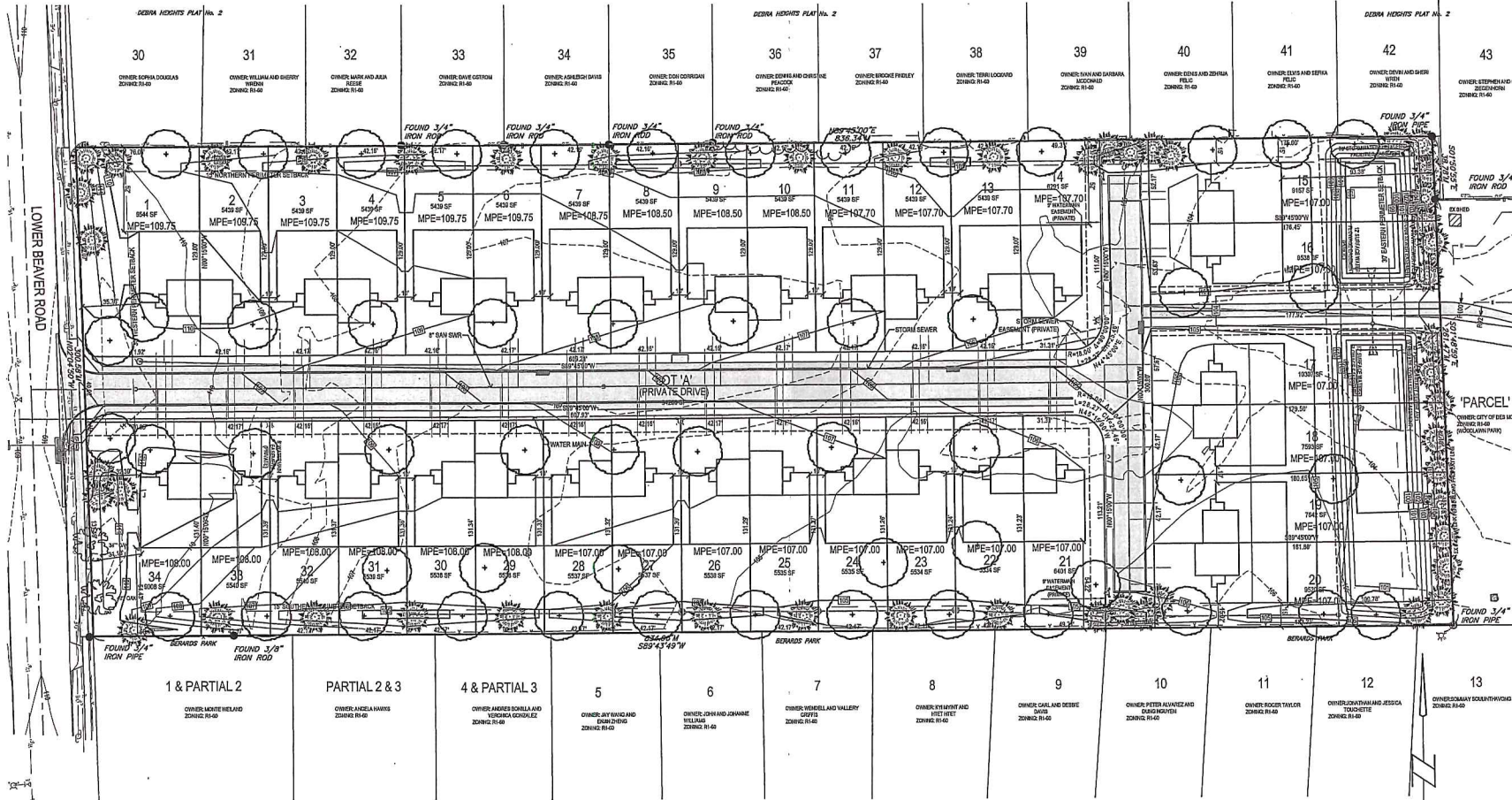


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Civil Engineering & Land Surveying  
Established 1959

WOODLAWN AMENDMENT #1  
PUD

PUD LAYOUT

PROJECT NUMBER:	160350
DRAWN BY:	EAV
CHECKED BY:	DB
ISSUED DATE:	01-18-17 AMENDMENT #1
PROJECT NAME:	160350
SHEET NUMBER:	2 OF 2



**UTILITY NOTE:**  
THE LOCATION OF THE UTILITIES INDICATED ON THE PLANS HAVE BEEN TAKEN FROM THE FIELD SURVEY. EXISTING PUBLIC RECORDS AND PLANS PROVIDED BY OTHERS. SURFACE UTILITY LOCATIONS HAVE BEEN FIELD LOCATED BY BISHOP ENGINEERING, UNLESS OTHERWISE NOTED. ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE LOCATIONS ONLY. BISHOP ENGINEERING DOES NOT GUARANTEE THE UNDERGROUND LOCATION OF ANY UTILITIES SHOWN. IT SHALL BE THE DUTY OF THE CONTRACTOR TO DETERMINE THE LOCATION AND DEPTH OF ANY UNDERGROUND UTILITIES SHOWN AND IF ANY ADDITIONAL UTILITIES, OTHER THAN THOSE SHOWN ON THE PLANS, MAY BE PRESENT, A REQUEST WAS MADE TO IOWA ONE CALL FOR UTILITY PROVIDERS TO VERIFY, LOCATE, AND MARK THEIR UTILITIES IN THE FIELD.

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2. CONSTRUCTION MATERIALS REFERENCED HEREIN ARE FOR INFORMATION PURPOSES ONLY AND MAY NOT COMPLY WITH YOUR LOCAL CODES OR BATTERY REGULATIONS. OWNER OR CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINAL CHOICE AND SELECTION OF ALL CONSTRUCTION MATERIALS.

**LANDING TO BE INSTALLED:**

1. AT GALL AND ROOF INTERSECTIONS
2. SHOWER OR TUB AREA IN ROOF
3. AROUND ROOF CHIMNEYS

**SE PROTECTION:**

1. LAYERS OF POLYESTER/CEMENT OR A GEL-ADHERED POLYESTER TOWEEG SHALL BE EXTENDED FROM THE SHOWER TUB TO A POINT AT LEAST 3" INSIDE THE EXTERIOR WALL LINE OF THE BUILDING.

**ROOF DRAINAGE:**

1. COLLECT AND DISCHARGE ALL ROOF DRAINAGE TO THE GROUND SURFACE AT LEAST 5 FEET FROM FOUNDATION WALLS OR TO AN APPROVED DRAINAGE SYSTEM.

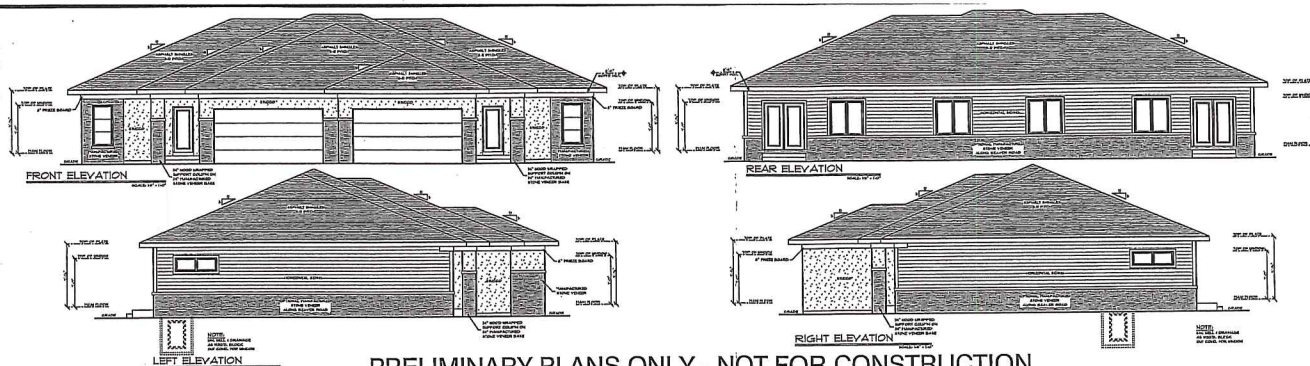
**ROOF VENTILATION:**

1. VERIFY RISE, RISE, ON TRUSSES. ALL RISE, RISE, MAY NOT BE THE SAME.
2. WALL, RISE, + RAFTERED AREAS MAY NEED TO BE ADJUSTED IN OR OUT TO MATCH RISE, + TRUSSED AREA SO RAFTER LINES MATCH UP. VERIFY RISE, IN TRUSSE TYPE.

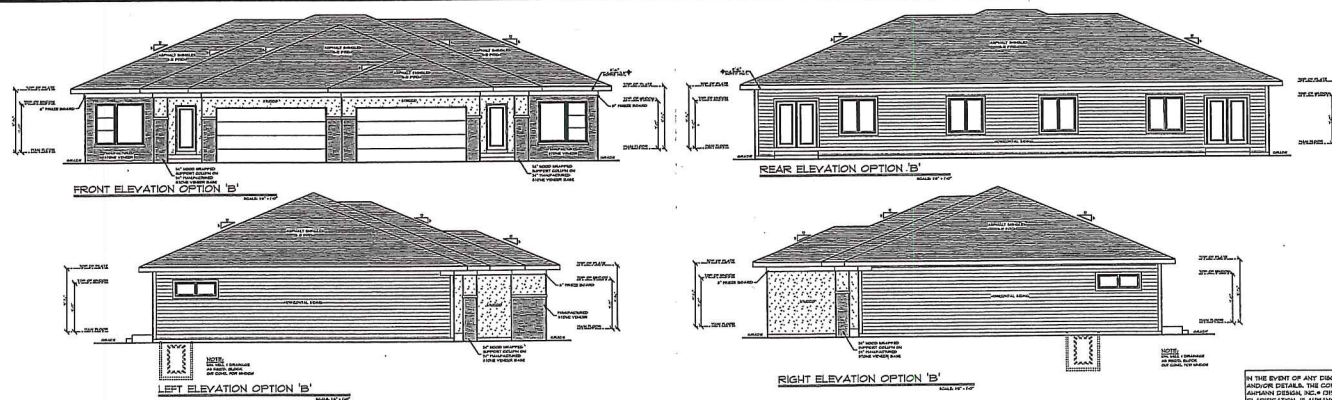
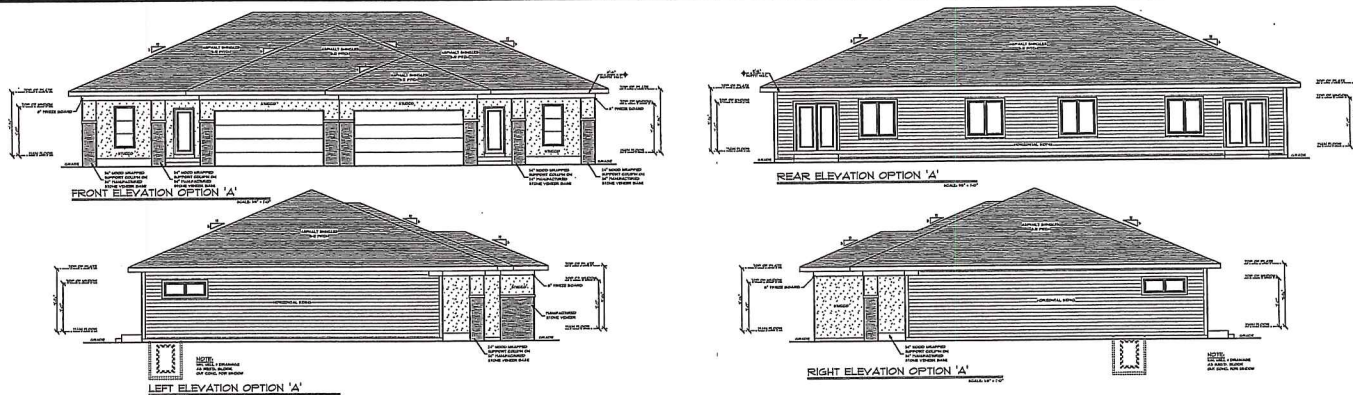
**ROOF VENTILATION:**

1. PROVIDE ROOF VENTS AND ROOF VENTS AS REQUIRED BY CODE.

NOTE:  
ACCORDING TO THE 2018 IRC,  
SOME UNIFORMS MAY NEED TO BE ADJUSTED  
TO MEET SECTION R602 REQUIREMENTS.  
VERIFY BY LOCAL BUILDING DEPARTMENT.



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AHMANN DESIGN, INC. 248 343-7000 BEFORE CONSTRUCTION FOR  
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SUB-CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY.

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DESIGN INC.**  
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**M&R HOLDING LLC**  
**4209 LOWER BEAVER ROAD**

DRAWN BY: J.P.  
CHECKED BY:  
FINAL RELEASE:  
REVISIONS:  
JOB NO. 16-25100

**6**