



**Date** June 26, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
HDR LAND DEVELOPMENT, LLC TO REZONE PROPERTY  
IN THE VICINITY OF 4896 EASTON BOULEVARD**

**WHEREAS**, on May 8, 2017, by Roll Call No. 17-0763, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 20, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from HDR Land Development, LLC (developer), represented by Larry Handley, to rezone real property in the vicinity of 4896 Easton Boulevard ("Rezoned Property") from "A-1" Agricultural District to "PUD" Planned Unit Development District, and for approval of a 2nd Amendment to the Woods at Copper Creek PUD Conceptual Plan to add approximately 38.68 acres to the east of the existing development, for a total of 151.78 acres (collectively "PUD Conceptual Plan Property"), to provide approximately 130 additional lots for single-family residential that would each be a minimum of 70 feet wide, subject to the revisions to the 2<sup>nd</sup> Amendment to the PUD Conceptual Plan as stated in the Commission Communication received by Roll Call No. 17-0763; and

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

PARCEL 2017-38 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16432 PAGE 303 OF LOT 2, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT AND PARCEL 2017-39 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16432 PAGE 304 OF TRACT 'A' OF LOT 1, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT AND TRACT 'B' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 5735 PAGE 793-794 AND ALSO RECORDED IN BOOK 5735 PAGE 973 OF LOT 1, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT ALL BEING IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 38.68 ACRES (1,684,954 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD; and

**WHEREAS**, the PUD Conceptual Plan Property is legally described as follows:

ALL OF THE WOODS OF COPPER CREEK PLAT 1, AN OFFICIAL PLAT, AND ALL OF THE WOODS AT COPPER CREEK PLAT 2, AN OFFICIAL PLAT, AND A PART OF LOTS 1 AND 2, STEPHEN HARVEY ESTATES, AN OFFICIAL PLAT, AND A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 16, THE WOODS OF COPPER CREEK PLAT 2; THENCE NORTH 89°49'09" WEST ALONG THE SOUTH LINE OF LOTS 16 THROUGH 20, SAID WOODS OF COPPER CREEK PLAT 2, A DISTANCE OF 452.38



**Date** June 26, 2017

FEET TO THE SOUTHWEST CORNER SAID LOT 20; THENCE SOUTH 00°03'18" WEST ALONG THE EAST LINE OF LOTS 8 THROUGH 14, OUTLOT 'Z', AND STREET LOT 'A', THE WOODS OF COPPER CREEK PLAT 1, A DISTANCE OF 533.00 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 27; THENCE NORTH 89°49'09" WEST ALONG SAID SOUTH LINE, 861.95 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE SOUTH 89°59'27" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28, A DISTANCE OF 64.00 FEET; THENCE NORTH 00°03'08" EAST, 331.00 FEET; THENCE SOUTH 89°59'27" WEST, 200.00 FEET;

THENCE SOUTH 00°03'08" WEST, 331.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE SOUTH 89°59'27" WEST ALONG SAID SOUTH LINE, 394.75 FEET; THENCE NORTH 00°14'05" EAST, 33.00 FEET TO THE SOUTHEAST CORNER OF LOT 1224, FOUR MILE PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 00°14'05" EAST ALONG THE EAST LINE OF SAID FOUR MILE PLAT 2, A DISTANCE OF 2612.93 FEET TO THE NORTHEAST CORNER OF SAID FOUR MILE PLAT 2; THENCE NORTH 89°45'40" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 28, A DISTANCE OF 650.34 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 28; THENCE SOUTH 89°57'21" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 27, A DISTANCE OF 1323.88 FEET TO THE NORTHWEST CORNER OF TRACT 'A' OF LOT 1, STEPHEN HARVEY ESTATE, AN OFFICIAL PLAT AS SHOWN IN THE SURVEY RECORDED IN BOOK 5735, PAGE 973; THENCE SOUTH 89°57'21" EAST ALONG THE NORTH LINE OF SAID TRACT 'A', 653.34 FEET TO THE NORTHEAST CORNER OF SAID TRACT 'A'; THENCE SOUTH 89°57'21" EAST ALONG THE NORTH LINE OF SAID LOT 2, STEPHEN HARVEY ESTATES, 647.92 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00°03'28" WEST ALONG THE EAST LINE OF SAID LOT 2, STEPHEN HARVEY ESTATES, 671.30 FEET; THENCE NORTH 89°57'21" WEST, 649.86 FEET TO THE WEST LINE OF SAID LOT 2; THENCE SOUTH 00°13'26" WEST ALONG SAID WEST LINE, 1981.91 FEET TO THE SOUTHEAST CORNER OF TRACT 'B' OF LOT 1, STEPHEN HARVEY ESTATES AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 5735, PAGE 973; THENCE NORTH 89°49'09" WEST ALONG THE SOUTH LINE OF SAID TRACT 'B', 328.17 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 'B'; THENCE NORTH 00°16'29" EAST ALONG THE WEST LINE OF SAID TRACT 'B', 1460.10 FEET TO THE NORTHWEST CORNER OF SAID TRACT 'B'; THENCE NORTH 90°00'00" WEST, 327.82 FEET TO THE EAST LINE OF OUTLOT 'X', SAID WOODS AT COPPER CREEK PLAT 1; THENCE SOUTH 00°18'37" WEST ALONG SAID EAST LINE, 926.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 151.78 ACRES (6,611,450 SQUARE FEET); and

**WHEREAS**, on May 8, 2017, by Roll Call No. 17-0763, it was duly resolved by the City Council that the application from HDR Land Development, LLC to rezone the Rezoned Property and to approve the 2<sup>nd</sup> Amendment to the Woods at Copper Creek PUD Conceptual Plan for the PUD Conceptual Plan Property, be set down for hearing on May 22, 2017 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; and





.....  
**Date** June 26, 2017.....

**WHEREAS**, thereafter the applicant indicated that it intends to provide approximately 130 additional lots for single-family residential that would each be a minimum of 60 feet wide, rather than a minimum of 70 feet wide as presented in all notices to the public and at the Plan and Zoning Commission hearing, and the applicant made all revisions to the 2<sup>nd</sup> Amendment to the PUD Conceptual Plan that were required by the Plan and Zoning Commission as set forth in the communication received by Roll Call No. 17-0763; and

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0901, the City Council opened and continued the public hearing in order to resubmit the request for rezoning and for approval of the 2<sup>nd</sup> Amendment to the PUD Conceptual Plan to the Plan and Zoning Commission on June 15, 2017, and directed the City Clerk to republish notice of the hearing to correctly identify that the lots will be a minimum of 60 feet wide rather than a minimum of 70 feet wide; and

**WHEREAS**, due notice of said continued hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance and to the PUD Conceptual Plan; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 15, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from HDR Land Development, LLC (developer), represented by Larry Handley, to rezone the Rezoned Property from "A-1" Agricultural District to "PUD" Planned Unit Development District, and for approval of a 2<sup>nd</sup> Amendment to the Woods at Copper Creek PUD Conceptual Plan to add approximately 38.68 acres to the east of the existing development, for a total of 151.78 acres (collectively "PUD Conceptual Plan Property"), to provide approximately 130 additional lots for single-family residential that would each be a minimum of 60 feet wide, as revised in accordance with the Commission communication received by Roll Call No. 17-0763; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning and 2<sup>nd</sup> Amendment to the PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 4896 Easton Boulevard and legally described above.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Rezoned Property to "PUD" Planned Unit Development District, and any objections to the proposed 2<sup>nd</sup> Amendment to the Woods at Copper Creek PUD Conceptual Plan as revised, are hereby overruled, and the hearing is closed.



## Roll Call Number

Agenda Item Number

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Date June 26, 2017

2. The proposed rezoning of the Rezoned Property, as legally described above, to "PUD" Planned Unit Development District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Rezoned Property as set forth herein.

3. The proposed 2<sup>nd</sup> Amendment to the Woods at Copper Creek PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, as revised pursuant to the Plan and Zoning Commission communication received by Roll Call No. 17-0763.

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

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00036)

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

MOTION CARRIED APPROVED

### CERTIFICATE

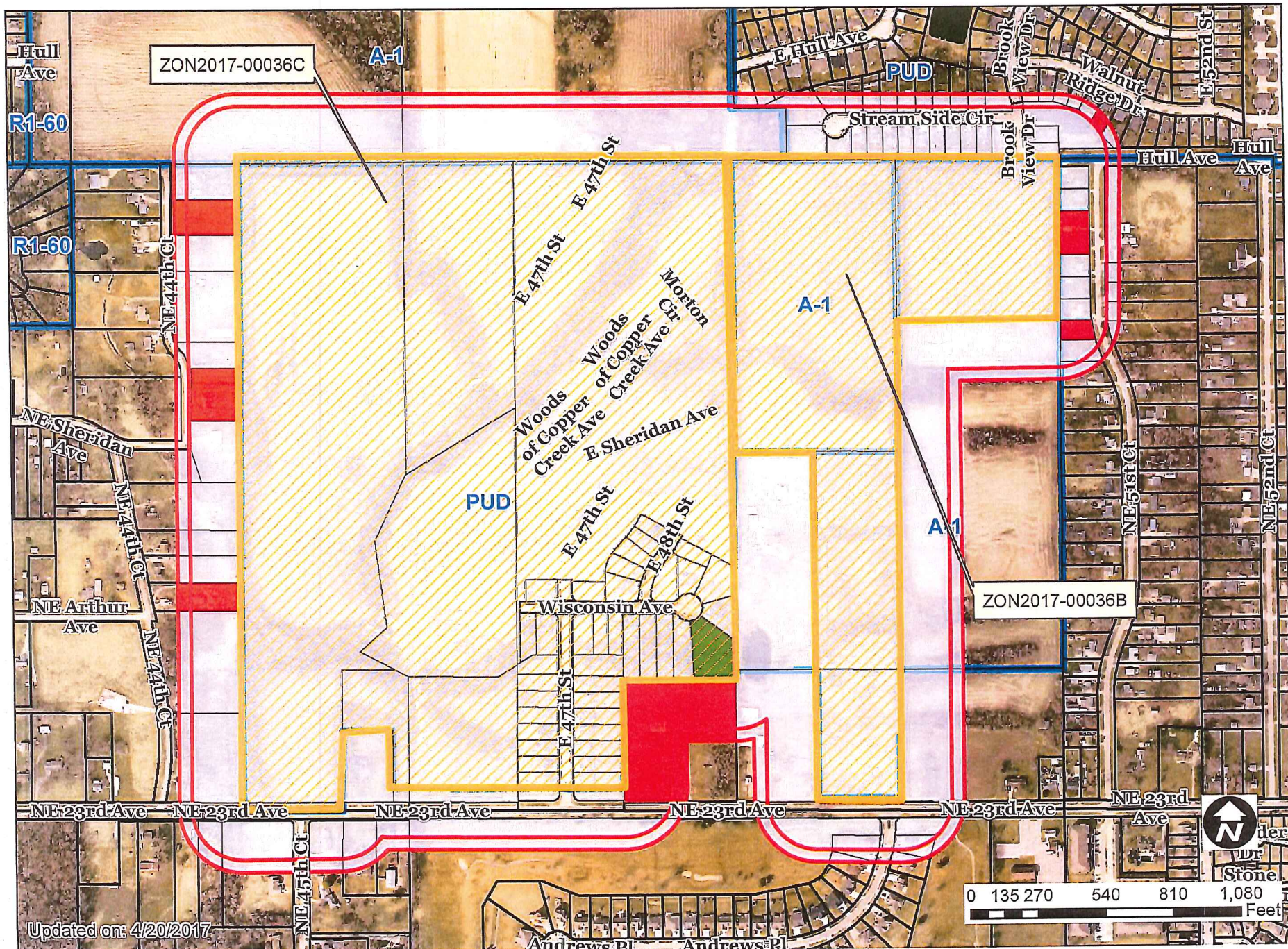
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

\_\_\_\_\_  
Mayor

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





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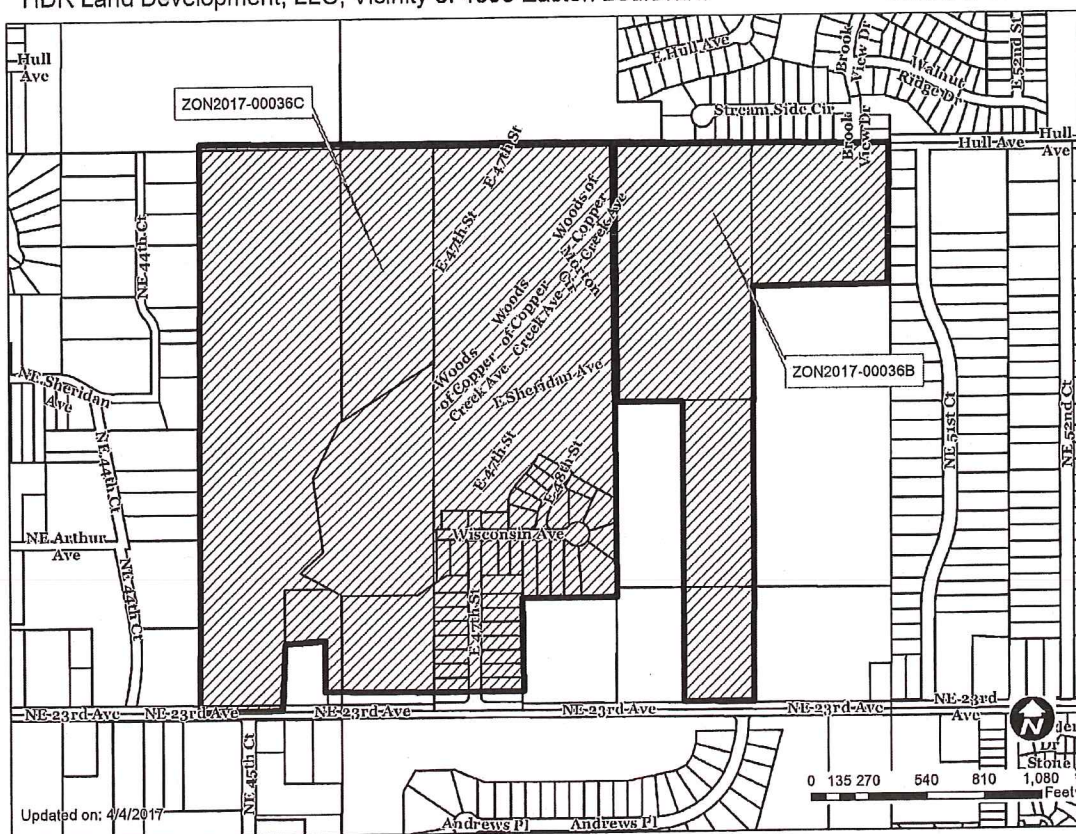


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HDR Land Development, LLC (developer) represented by Larry Handley for property in the vicinity of 4896 Easton Boulevard. The subject property is owned by Revocable Trust Agreement of H Dwayne Crozier; Lowell and Cathy Long; and John, Thomas, and Larry Dawson.				File # ZON2017-00036	
Description of Action	Approval of rezoning of property from "A-1" Agricultural District to "PUD" Planned Unit Development. Approval of 2nd Amendment to the Woods at Copper Creek PUD Conceptual Plan to add approximately 38.4 acres to the east of the existing development, for a total of 151.78 acres, to provide approximately 130 additional lots for single-family residential that would each be minimum of 70 feet wide subject to conditions.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"A-1" Agricultural District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	1	7			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

HDR Land Development, LLC, Vicinity of 4896 Easton Boulevard

ZON2017-00036







April 25, 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 April 20, 2017, the following action was taken regarding a request from HDR Land Development, LLC (developer) represented by Larry Handley to rezone property in the vicinity of 4896 Easton Boulevard. The subject property is owned by Revocable Trust Agreement of H Dwayne Crozier; Lowell and Cathy Long; and John, Thomas, and Larry Dawson.

**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 Part A) that the proposed rezoning to "PUD" District be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, approval of Part B) the rezoning of property from

"A-1" Agricultural District to "PUD" Planned Unit Development District and approval of Part C) the amendment to "The Woods of Copper Creek" PUD Conceptual Plan subject to the following revisions: (ZON2017-00036)

1. The map layout on Sheet 2 shall be revised to more clearly identify the boundaries of Areas A, B, and C.
2. A note shall be added to more clearly state that any future preliminary plat shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. The note regarding street trees shall be revised to require a street tree on each lot frontage of any lot and to state that any street tree shall be 1.5 caliper instead of 1 inch caliper.
4. The note regarding sidewalks shall be revised to state that a 5-foot wide sidewalk shall be provided along both sides of all public streets instead of 4-foot wide sidewalks.
5. The note regarding the recreational trail shall be revised to state that a 10-foot wide recreational trail shall cross the development from its north boundary to its south boundary in a location as approved by the City's Park and Recreation Department. Such a recreational trail shall be allowed within preservation easement areas so long as any trees that are removed shall be mitigated in accordance with the City's Tree Removal and Mitigation Ordinance.
6. The note regarding windows shall be revised to shall state that the windows on all facades of any single-family dwelling shall have either shutters on each side or trim border not less than 4 inches in width.
7. The note regarding permitted exterior siding materials shall be revised to allow "masonry (brick or stone), vinyl (at least 42 mills thick), cedar, cement board lap siding, and LP Smartside composite lap siding.
8. A note shall be added to state that any single-family dwelling shall have a full basement.
9. A note shall be added to state that temporary and permanent turn-around shall be in place per International Fire Code requirements.
10. The note regarding the land use plan 1 shall be revised to reflect PlanDSM: Creating Our Tomorrow instead of the Des Moines 2020 Community Character Land Use Plan.

#### Written Responses

1 in Favor

7 in Opposition

#### **STAFF RECOMMENDATION**

Part A) Staff recommends that the proposed rezoning to "PUD" District be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential.



Part B) Staff recommends approval of the rezoning of property from "A-1" Agricultural District to "PUD" Planned Unit Development District.

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

1. The map layout on Sheet 2 shall be revised to more clearly identify the boundaries of Areas A, B, and C.
2. A note shall be added to more clearly state that any future preliminary plat shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. The note regarding street trees shall be revised to require a street tree on each lot frontage of any lot and to state that any street tree shall be 1.5 caliper instead of 1 inch caliper.
4. The note regarding sidewalks shall be revised to state that a 5-foot wide sidewalk shall be provided along both sides of all public streets instead of 4-foot wide sidewalks.
5. The note regarding the recreational trail shall be revised to state that a 10-foot wide recreational trail shall cross the development from its north boundary to its south boundary in a location as approved by the City's Park and Recreation Department. Such a recreational trail shall be allowed within preservation easement areas so long as any trees that are removed shall be mitigated in accordance with the City's Tree Removal and Mitigation Ordinance.
6. The note regarding windows shall be revised to shall state that the windows on all facades of any single-family dwelling shall have either shutters on each side or trim border not less than 4 inches in width.
7. The note regarding permitted exterior siding materials shall be revised to allow "masonry (brick or stone), vinyl (at least 42 mills thick), cedar, cement board lap siding, and LP Smartside composite lap siding.
8. A note shall be added to state that any single-family dwelling shall have a full basement.
9. A note shall be added to state that temporary and permanent turn-around shall be in place per International Fire Code requirements.
10. The note regarding the land use plan 1 shall be revised to reflect PlanDSM: Creating Our Tomorrow instead of the Des Moines 2020 Community Character Land Use Plan.

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

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to add approximately 38.68 acres to the existing Woods at Copper Creek PUD Conceptual Plan in order to provide

approximately 130 additional lots for single-family residential development. The proposed expansion would also provide a secondary point of egress from NE 23<sup>rd</sup> Avenue (Easton Boulevard) for the existing development, which is necessary in order for the development to contain more than 30 dwelling units. The Conceptual Plan demonstrates that the additional lots would be subject to the same bulk regulations and design guidelines that have been approved the lots within the eastern portion of the original PUD Conceptual Plan.

The proposed PUD Conceptual Plan amendment would not impact the portion of this development that is currently designated for multiple-family residential use. It continues to include that statement that any development within this area would be subject to a future amendment to the PUD Conceptual Plan.

2. **Size of Site:** Approximately 38.68 acres would be rezoned to "PUD" Planned Unit Development District, resulting in a total of 151.78 acres within the overall PUD "PUD" District.
3. **Existing Zoning (site):** "A-1" Agricultural District and Woods at Copper Creek "PUD" Planned Unit Development District.

4. **Existing Land Use (site):** Agricultural production, pasture, and open space.

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

**North** – "Brook Run PUD"; Uses are single-family residential and agricultural production.

**South** – "R-3" (Pleasant Hill); Use is the Copper Creek golf course community with a mix of single-family and townhome dwellings.

**East** – "A-1" & "S" Suburban (Polk County); Uses are single-family residential and agricultural production.

**West** – "S" Suburban (Polk County); Uses are single-family residential and agricultural production.

6. **General Neighborhood/Area Land Uses:** The subject property is located to the north of NE 23<sup>rd</sup> Avenue (Easton Avenue) in an area that includes a mix of low-density residential and agricultural production uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within 250 feet of the Brook Run Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on March 31, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on March 31, 2017 (20 days prior to the hearing) and April 10, 2017 (10 days prior to the hearing) to the Brook Run Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, a Final Agenda for the hearing was mailed to all recognized neighborhoods on April 14, 2017



All agendas and notices are mailed to the primary contact person designated to the City of Des Moines' Neighborhood Development Division by the recognized neighborhood association. The Brook Run Neighborhood Association mailings were sent to Dale Burgess, 3516 Park Side Drive, Des Moines, IA 50317.

The applicant has indicated that their neighborhood meeting was held on April 12, 2017. They will be able to provide a summary at the public hearing.

8. **Relevant Zoning History:** On September 10, 2007, the City Council established the original Woods at Copper Creek PUD Conceptual Plan (Ordinance 14,699), which provides for multiple-family residential uses along NE 23<sup>rd</sup> Avenue (Easton Boulevard) and single-family residential uses to the north.

On June 27, 2011, the City Council approved the 1<sup>st</sup> amendment, which revised five (5) acres along NE 23<sup>rd</sup> Avenue (Easton Boulevard) from multiple-family residential development to single-family residential development.

9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Low-Density Residential.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division 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 Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

1. **Permitted Uses:** The proposed PUD Conceptual Plan provides an "Area A" that would contain approximately 90 acres developed with minimum 60-foot wide lots for single-family residential use, an "Area B" that would contain approximately 47 acres developed with minimum 70-foot wide lots for single-family residential use, and an "Area C" that would contain approximately 13 acres for future multiple-family residential use. Staff notes that the PUD Conceptual Plan needs to increase the thickness of the lines used to demarcate these areas.



**2. Natural Site Features:** The subject property contains vegetation along drainage ways and fence lines. The existing PUD Conceptual Plan was approved prior to the adoption of the City's Tree Removal and Mitigation Ordinance so it provides preservation easements within the rear of many of single-family residential lots in order to protect much of the existing vegetation. The proposed PUD Conceptual Plan retains the existing preservation easements but demonstrates that the area being added to the PUD Conceptual Plan would be subject to the City's Tree Removal and Mitigation Ordinance. Therefore, a note should be added to more clearly state that any future preliminary plat shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

**3. Landscaping:** The PUD Conceptual Plan requires each lot to provide an overstory or ornamental tree within each front yard and a 1.5-inch caliper overstory tree in each rear yard area. It also states that each lot must provide a street tree. Staff recommends that the note on street trees be revised to require a street tree on each lot frontage and to state any street tree should be 1.5 caliper instead of 1 inch caliper.

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

**4. Stormwater Management:** The PUD Conceptual Plan provides multiple stormwater detention areas and bio-swales throughout the development. It also states that the implementation of low-impact design methods to supplement the City's regular storm water management standards shall be considered with any PUD Development Plan and Preliminary Plat.

**5. Utilities:** The developer will be required to extend any utilities necessary to serve the development. There is a sanitary trunk sewer crossing the site. The Des Moines Water Works has a water main along NE 23<sup>rd</sup> Avenue (Easton Boulevard).

**6. Traffic/Street System:** Prior to the submittal of the application, a traffic impact study was completed. While this study indicated that left-hand turn lanes may be warranted within NE 23<sup>rd</sup> Avenue (Easton Boulevard), the Traffic and Transportation Division has indicated that such turn lanes should not be required at this time, pending the outcome of the pending city-wide Transportation Master Plan.

The PUD Conceptual Plan states that 4-foot wide sidewalks shall be provided along both sides of all public streets. Staff recommends that this note be revised to state that a 5-foot wide sidewalks shall be provided along both sides of all public streets

**7. Recreation Trail:** The existing PUD Conceptual Plan states that an 8-foot wide recreational trail would be provided along the westernmost north/south street in place of a 4-foot-wide sidewalk and that this trail must be completed with the construction of each house. Since the existing PUD Conceptual Plan was approved in 2007, the City has adopted the Bicycle and Trail Master Plan. This plan calls for requiring trails to be 10 feet wide and for locating trails in locations that appropriately link existing recreational trails and bike routes.



The City's Park and Recreation Department staff have indicated that the preferred alignment of the trail should be shifted so that it is along the major waterway crossing the development rather than along a public street in order to improve the user experience. Therefore, Staff recommends that the note regarding the trail be revised to state that a 10-foot wide recreational trail shall cross the development from the north boundary to the south boundary in a location as approved by the City's Park and Recreation Department. Since it is possible that the preferred trail location is within an area designated as a preservation easement, Staff recommends a note be added to state that a recreational trail shall be allowed within preservation areas so long as any trees that are removed are mitigated in accordance with the City's Tree Removal and Mitigation Ordinance.

8. **Fencing:** The PUD Conceptual Plan provides several provisions regarding fencing on the single-family lots. No fence shall exceed 6 feet in height and no chain link fence would be permitted unless it is clad with black vinyl. In addition, fencing is prohibited in front yard areas and within easements for stormwater detention areas. Fencing within the multiple-family residential area would be subject to review and approval of a future amendment to the PUD Conceptual Plan.
9. **Bulk Regulations:** The Conceptual Plan demonstrates that the additional lots would be subject to the same bulk regulations that have been approved the lots within the eastern portion of the original PUD Conceptual Plan. This includes minimum lot widths of 70 feet, minimum lot areas of 8,750 square feet, minimum front yard setbacks of 20 feet for a dwelling but 25 feet for any garage, and minimum side yard setbacks of 5 feet on each side. In addition, minimum building floor areas for 1-story single-family dwellings shall be 1,200 square feet excluding basement and minimum building floor areas for 1-½-story and 2-story single-family residential shall be 1,400 square feet excluding basement.
10. **Architectural Guidelines:** The Conceptual Plan demonstrates that the additional lots would be subject to the same design guidelines that have been approved the lots within the eastern portion of the original PUD Conceptual Plan. The PUD Concept Plan states that the front elevation of each single-family home constructed must contain one of the following: a front porch of not less than 60 square feet, or stone or brick masonry siding equal to a minimum of 1/3 of the first floor. It also indicates that the windows on the street facade of any single-family dwelling shall have either shutters on each side or trim border not less than 4 inches in width. Staff believes that this note should be expanded to state that the windows on all facades of any single-family dwelling shall have either shutters on each side or trim border not less than 4 inches in width.

The PUD Concept Plan states that siding materials shall be "masonry (brick or stone), vinyl (at least 40 mills thick), cedar, or hardi-plank siding". Roof materials shall be architectural asphalt shingles or cedar shakes. Staff recommends that the permitted building materials be revised to state that any vinyl must be at least 42 mills thick and that LP Smartside composite siding is a permitted material.

The PUD Conceptual Plan states that the same single-family dwelling plan shall not be built on adjacent lots and that each single-family dwelling unit shall have a private garage, whether attached or detached. It also states that all detached structures shall mimic and complement the main structure's architecture and style.

Staff recommends that a note be added to state that any single-family dwelling shall have a full basement.

**11. Fire Protection:** The approved PUD Conceptual Plan states that the number of dwelling units within the development shall not exceed 30 units until such time that a separate and approved access road is provided. A note should be added to state that temporary and permanent turn-around will be in place per International Fire Code requirements.

**12. Additional Information:** The PUD Conceptual Plan proposes an entry sign along NE 23<sup>rd</sup> Avenue (Easton Boulevard) at each of the proposed north/south streets. The conceptual diagram indicates that each sign would be constructed with stone and masonry materials.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented the staff report and recommendation.

Mike Simonson asked why is staff requesting the applicant revise the 4-foot wide sidewalks to 5-foot wide sidewalks.

Erik Lundy stated when this was previously approved Traffic and Transportation had not come forward with a policy saying that accessible blocks throughout the City is needed. Therefore, now when new sidewalks are added it is directed by the Traffic and Transportation to be 5-foot, throughout the City.

Mike Simonson asked in cases where there are no sidewalks or sidewalks adjoining can it be 4-foot then.

Erik Lundy stated in cases such as Commercial site plans they were asked to do a transition from 4-foot wide sidewalks to 5 foot wide sidewalks.

Erin Ollendike, Civil Design Advantage, 3405 SE Crossroads Drive Suite 6, Grimes, IA she is representing the owner/developer gave a brief background on why the applicant is moving forward with getting this parcel rezoned is for fire protection purposes. They need to have two ways in and out of the development.

Mike Simonson asked if they agree with staff comments.

Erin Ollendike stated they agree with staff comments.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Dwight Roe 2504 E. 48<sup>th</sup> Street stated his concern is having greenspace for a park. He is glad they are keeping the bike trail but would like to also have a park for the community.

## **Rebuttal**



Nick Halfhill, Landmark Development Services, 9550 Hickman Road stated they are actually doing the development and will follow the City's Park and Recreation Department's planning and look forward to more discussion about the trail relocation.

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

### **COMMISSION ACTION:**

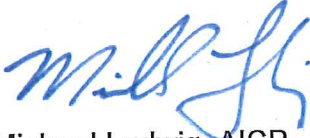
Greg Jones moved staff recommendation for approval of Part A) the proposed rezoning to "PUD" District be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Low Density Residential, approval of Part B) the rezoning of property from "A-1" Agricultural District to "PUD" Planned Unit Development District and approval of Part C) the amendment to "The Woods of Copper Creek" PUD Conceptual Plan subject to the following revisions:

1. The map layout on Sheet 2 shall be revised to more clearly identify the boundaries of Areas A, B, and C.
2. A note shall be added to more clearly state that any future preliminary plat shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. The note regarding street trees shall be revised to require a street tree on each lot frontage of any lot and to state that any street tree shall be 1.5 caliper instead of 1 inch caliper.
4. The note regarding sidewalks shall be revised to state that a 5-foot wide sidewalk shall be provided along both sides of all public streets instead of 4-foot wide sidewalks.
5. The note regarding the recreational trail shall be revised to state that a 10-foot wide recreational trail shall cross the development from its north boundary to its south boundary in a location as approved by the City's Park and Recreation Department. Such a recreational trail shall be allowed within preservation easement areas so long as any trees that are removed shall be mitigated in accordance with the City's Tree Removal and Mitigation Ordinance.
6. The note regarding windows shall be revised to shall state that the windows on all facades of any single-family dwelling shall have either shutters on each side or trim border not less than 4 inches in width.
7. The note regarding permitted exterior siding materials shall be revised to allow "masonry (brick or stone), vinyl (at least 42 mills thick), cedar, cement board lap siding, and LP Smartside composite lap siding.
8. A note shall be added to state that any single-family dwelling shall have a full basement.
9. A note shall be added to state that temporary and permanent turn-around shall be in place per International Fire Code requirements.

10. The note regarding the land use plan 1 shall be revised to reflect PlanDSM: Creating Our Tomorrow instead of the Des Moines 2020 Community Character Land Use Plan.

Motion carried 12-0.

Respectfully submitted,



Michael Ludwig, AICP  
Senior Planner

MGL:clw  
Attachment



291 Item ZON2017-00036 Date APR-12-17  
PREFERENCE NOT INDICATED

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

RECEIVED  
COMMUNITY DEVELOPMENT

APR 17 2017

Print Name PHONG LOVAN  
Signature [Signature]  
Address 2508 E 48th

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

ZON2017-00036

Item ZON2017-00036 Date 4-16-2017  
I (am) (am not) in favor of the request.

(Circle One)

Print Name Cody Christensen  
Signature [Signature]  
Address 4811 WISCONSIN AVE

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

ZON2017-00036

Item ZON2017-00036 Date 4.13.17  
I (am) (am not) in favor of the request.

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name Glyde Allred  
Signature [Signature]  
Address 4730 NE 23rd Ave

APR 18 2017

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

- 1) Effects of heavier traffic
- 2) Unreasonable property tax assessments for my property
- 3) Loss of agricultural land
- 4) More about \$ than what's best for this area

29

ZON2017-00036

Item \_\_\_\_\_ Date 4/16/17

I (am) ☒ in favor of the request.

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Stephanie Davis

Signature Stephanie Davis

Address 3023 E. 43rd Ct DSM 50317

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZON2017-00036

Item \_\_\_\_\_ Date 04/13/17

I (am) ☒ in favor of the request.

(Circle One)  
**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Justin Sams

Signature Justin Sams

Address 2860 NE 51st Ct DSM

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

YOU WILL RAISE MY PROPERTY  
TAXES. DON'T WANT THAT!!  
CAN'T AFFORD THAT!

ZON2017-00036

Item \_\_\_\_\_ Date 4-12-2017

I (am) ☒ in favor of the request.

(Circle One)

Print Name Paul Pearson

Signature Paul Pearson

Address 2960 NE 51st

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

moved here to be in Aquite No  
traffic Neighbor Hood with A  
Country feel



29 ZON2017-00036

Item \_\_\_\_\_ Date 4-13-2017

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT  
Print Name James C. Frost  
Signature James C Frost

Address 2535-N.E. 44th Ct.  
APR 18 2017

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

Opposing this because it will be taking down land & wild life habitat. Greedy politicians & developers are buying this land then turning it into a huge profit!!!

ZON2017-00036

proposed Item Woods of Copper Creek Date 04/14/17

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT  
Print Name Jerry Hosler  
Signature Jerry Hosler  
Address 2775 NE 44th  
APR 17 2017

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

Homes will be too close to fence line.  
Construction noise will be unbearable.  
It could cause our septic tank & basement walls to crack.  
Adding 45 ft. going no. to Hull will create a straight ST behind us.  
For species.

ZON2017-00036

Item \_\_\_\_\_ Date 4-18-17

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT  
Print Name Jason Baker  
Signature Jason Baker  
Address 5115 Walnut Ridge Dr  
APR 18 2017

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

see attached

59  
29

APR 19 2017

ZON2017-00036

Jason Bahr  
5115 Walnut Ridge Drive  
Des Moines, IA 5017

I am not in favor of the request.

The proposed 2<sup>nd</sup> amendment to the Woods at Copper Creek is a hastily, ill-conceived plan for the purpose of enabling the development of the existing Woods of Copper Creek P.U.D. at the expense of the proposed amendment and the surrounding existing development of Brook Run.

I attended the neighborhood meeting on April 12, 2017, led by Civil Design Advantage LLC. In the meeting the representative explicitly stated that the purpose was to create additional access points to the existing Woods of Copper Creek PUD to meet city code and allow further development; currently they are at a standstill with development due to the lack of access points the city requires.

Looking at the proposed plans, it becomes apparent that minimal planning has been invested in the 2<sup>nd</sup> amendment. The proposed Andrews Place is virtually a straight street without any character compared to the existing Woods of Copper Creek PUD. Further, the stretch from NE 23<sup>rd</sup> to the first cross street is nearly double the length of any roads in the existing Woods of Copper Creek PUD and any newer development in the surrounding area. This will truly be used as an access road; a straight shot through a residential area with minimal design to slow traffic.

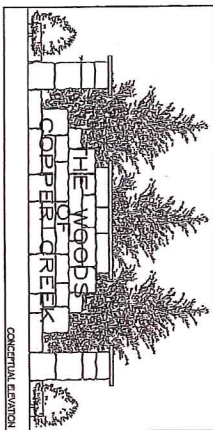
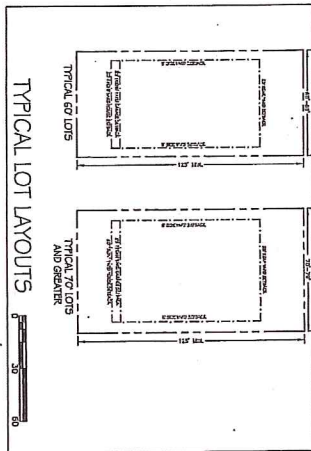
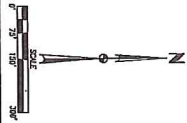
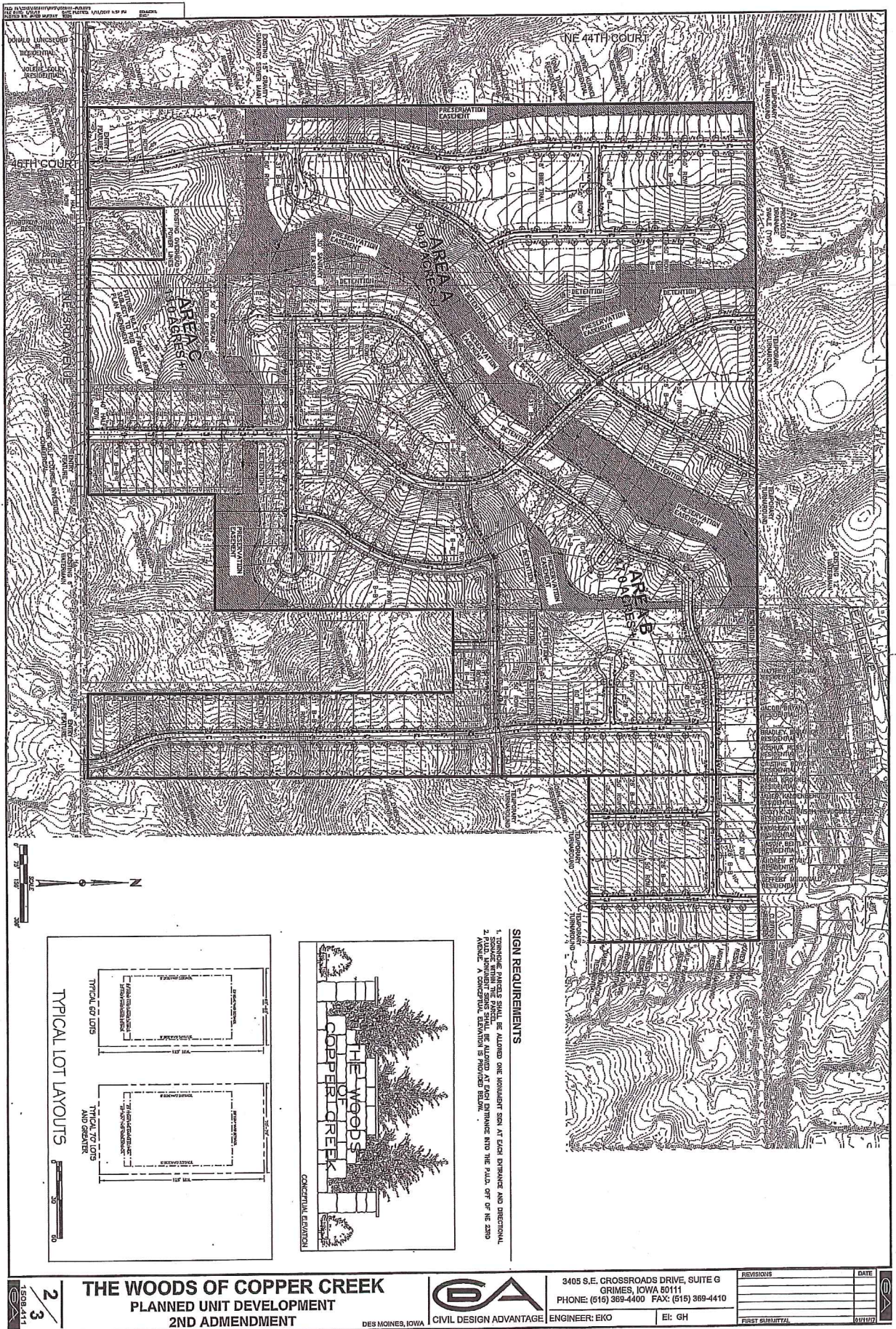
The lack of planning for the 2<sup>nd</sup> amendment will also limit design options to the east between Andrews Place and NE 51<sup>st</sup> Ct, should that land be developed in the future. The choice is limited to extending Brook View Dr, and the unnamed street to the west, straight south to connect with NE 23<sup>rd</sup>. These streets will similarly lack character and be used as through streets with little in place to slow traffic.

Some comparison can be drawn between Andrews Place, and in the future Brook View Dr and the unnamed street, when looking to the east. The existing streets of NE 51<sup>st</sup> Ct, NE 52<sup>nd</sup> Ct, and NE 53<sup>rd</sup> Ct, are regularly used for high speed thrill driving. Granted, the density will be roughly 25% higher in the new development based on comparing the number of lots, however, the new streets will provide the added benefit of being through streets. This will diminish the appeal, and value, of the properties on these streets and surrounding areas.

Finally, a point that in and of itself is reason enough to deny the amendment as proposed, watershed management. In the neighborhood meeting referenced above, the representative stated that all water flow will be in the direction from the northeast to the southwest and that it would be managed independent of the surrounding Brook Run development. With a simple physical visit to the northeast portion of the proposed amendment one quickly sees that there is a sizable hill when looking south. I don't believe water will flow up hills; which further calls into question the thoroughness of planning put forth in the proposal. Brook Run has, and continues to have, severe water issues. Many on the north side of Stream Side Cir lost portions of their back yard, some upwards of 20 feet, and incurred substantial cost due to erosion caused by unplanned water volumes within the development. Adding additional water into this system that is already over capacity and damaged cannot be allowed.

Thank you for the opportunity to provide input on this matter.





**SIGN REQUIREMENTS**

1. TOWNSHIP PARKS SHALL BE ALLOWED ONE MONUMENT SIGN AT EACH ENTRANCE AND DIRECTIONAL.

2. TOWNSHIP PARKS SHALL BE ALLOWED AT EACH ENTRANCE AND THE PARK LOT OF NE 23RD AVENUE. A CONCEPTUAL ELEVATION IS PROVIDED BELOW.

**THE WOODS OF COPPER CREEK**  
**PLANNED UNIT DEVELOPMENT**  
**2ND ADMENDMENT**

DES MOINES, IOWA



3405 S.E. CROSSROADS DRIVE, SUITE G  
 GRIMES, IOWA 50111  
 PHONE: (515) 369-4400 FAX: (515) 369-4410

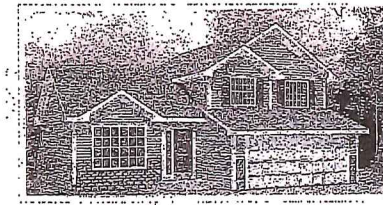
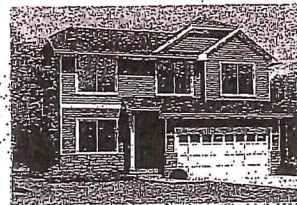
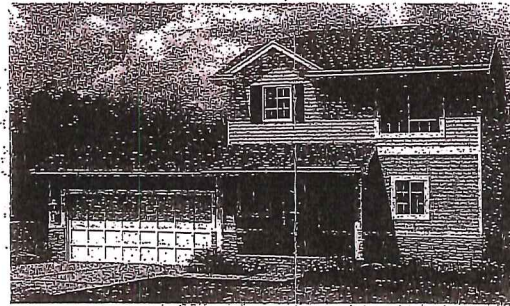
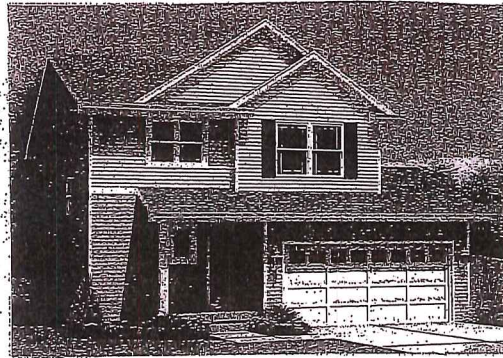
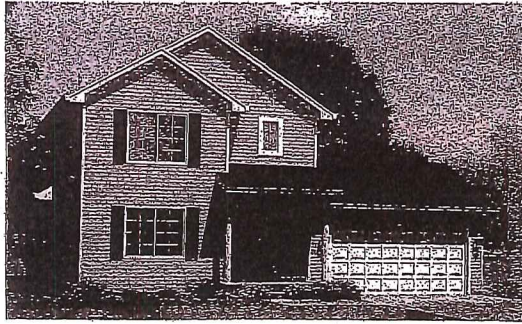
ENGINEER: EKO

EL: GH

REVISIONS	DATE

59





THESE ELEVATIONS WERE SELECTED AS CONCEPTUAL EXAMPLES OF THE CHARACTER AND SIZE OF HOMES ANTICIPATED TO BE A PART OF THE WOODS OF COPPER CREEK DEVELOPMENT.

THE WOODS OF COPPER CREEK  
PLANNED UNIT DEVELOPMENT  
2ND ADMENDMENT

CIVIL DESIGN ADVANTAGE, INC.

3405 S.E. CROSSROADS DRIVE, SUITE G  
GRANDES, IOWA 50111  
PHONE: (515) 389-4407 FAX: (515) 389-4410  
ENGINEER: EIC

DATE	REVISION	BY	CHECKED	APPROVED

3/3

1508.411

DES MOINES, IOWA

ET: GH