

Agenda Item Number 59 (

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Date June 26, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "WOODS AT COPPER CREEK EAST" ON PROPERTY LOCATED IN THE VICINITY OF 4896 EASTON BOULEVARD

WHEREAS, on June 15, 2017, the City of Des Moines Plan and Zoning Commission voted 13-0 for **APPROVAL** of a Preliminary Plat "Woods at Copper Creek East" on property located in the vicinity of 4896 Easton Boulevard, to allow 38.4 acres of land to be subdivided into 131 lots for single-family residential development, subject to compliance with all administrative review comments by the City's Permit and Development Center.

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

MOVED by _______ to receive and file.

FORM APPROVED:

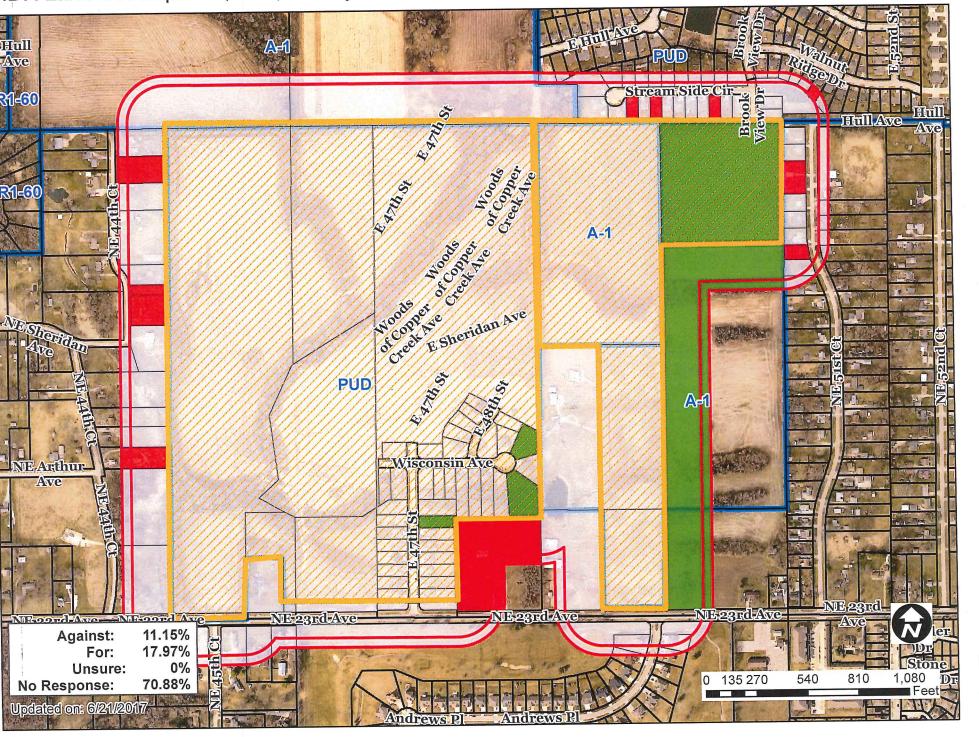
Glenna K. Frank Assistant City Attorney

(13-2017-1.46)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					
COLEMAN					I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said
GATTO	certify that at a meetin City of Des Moines, he				City of Des Moines, held on the above date, among
GRAY	JRAY				other proceedings the above was adopted.
HENSLEY					
MOORE					IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first
WESTERGAARD					above written.
TOTAL					
MOTION CARRIED			AP	PROVED	
				Mayor	City Clerk

IDR Land Development, LLC, Vicinity of 4896 Easton Boulevard

ZON2017-00036





June 20, 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 June 15, 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 from "A-1" Agricultural District to "PUD" Planned Unit Development and approve a Preliminary Plat "Woods at Copper Creek East" to allow 38.4 acres to be subdivided into 131 lots for development of single-family dwellings. 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 13-0 as follows:

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

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; approval of Part C) the proposed amendment to "The Woods of Copper Creek" PUD Conceptual Plan and approval of Part D) the Preliminary Plat "Woods at Copper Creek East", subject to compliance with all administrative review comments of the City's Permit and Development Center: (ZON2017-00036 & 13-2017-1.46)

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 proposed amendment to "The Woods of Copper Creek" PUD Conceptual Plan.

Part D) Staff recommends approval of the Preliminary Plat "Woods at Copper Creek East", subject to subject to compliance with all administrative review comments of the City's Permit and Development Center.

STAFF REPORT TO THE PLANNING COMMISSION

On April 20, 2017, the Plan & Zoning Commission considered a request to add 38.68 acres to the existing Woods at Copper Creek PUD and to amend the PUD Conceptual Plan to provide additional 130 lots that would be a minimum of 70 feet wide. It was since realized that the applicant intended for these additional lots to be 60 feet wide. Therefore, new public notices had to be mailed to surrounding property owners and the Plan & Zoning Commission must hold a new public hearing. Due to this delay in the process, the applicant is requesting that the Preliminary Plat be considered at this time, as well.

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 on lots with widths of at least 60 feet. The proposed expansion would also provide a secondary point of egress from NE 23rd 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.

The applicant has also submitted a Preliminary Plat would allow for the creation of 131 lots within the area being added to the PUD Conceptual Plan. The proposed lots include 46 lots with widths ranging from 60 feet to 64 feet, 65 lots with widths ranging from 65 feet to 69 feet, and 20 lots with widths of at least 70 feet.

- 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. The submitted Preliminary Plat includes the 38.68 acres being rezoned to "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 23rd 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 May 26, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on May 26, 2017 (20 days prior to the hearing) and June 5, 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 June 9, 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 23rd Avenue (Easton Boulevard) and single-family residential uses to the north.

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

On April 20, 2017, the Plan & Zoning Commission considered a request to add 38.68 acres to the existing Woods at Copper Creek PUD and to amend the PUD Conceptual Plan to provide additional 130 lots that would be a minimum of 70 feet wide. Subsequent to that public hearing, it realized that the applicant intended for these additional lots to have minimum widths of 60 feet instead of 70 feet. Therefore, new public notices had to be mailed to surrounding property owners and the Plan & Zoning Commission must hold a new public hearing on June 15, 2017.

- 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.

In consideration of the criteria set forth in Chapter 18B of the Iowa Code and in accordance with Section 106-72 of the Subdivision Ordinance, the Commission shall determine if a Preliminary Major 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. Permitted Uses: The proposed PUD Conceptual Plan includes an "Area A" that would be developed with minimum 60-foot wide lots for single-family residential use, an "Area B" that would be developed with minimum 70-foot wide lots for single-family residential use, and an "Area C" that would be developed for multiple-family residential use.

The area being added to "PUD" Conceptual Plan at this time would be within "Area A". The submitted Preliminary Plat would allow for the creation of 131 lots within the area being added to the PUD Conceptual Plan. The proposed lots include 46 lots with widths ranging from 60 feet to 64 feet, 65 lots with widths ranging from 65 feet to 69 feet, and 20 lots with widths of at least 70 feet.

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 states that any future preliminary plat for the area being added to the PUD Conceptual Plat shall comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

The submitted Preliminary Plat demonstrates that 286,645 square feet of tree canopy would be removed during construction. The Tree Removal and Mitigation Ordinance requires 144 replacement trees, which is 1 tree per 2,000 square feet of canopy removed. The plat demonstrates that 410 trees would be provided, including 148 street trees and 282 trees on lots (2 trees required per lot).

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 1.5-inch caliper street tree per lot frontage.

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.

The submitted Preliminary Plat demonstrates a network of storm sewers, as well as a stormwater detention basin within an outlot near the middle of the site.

- 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 23rd 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 23rd 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 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 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. At the request of the City's Park and Recreation Department, the PUD Conceptual Plan demonstrates that the future trail would be 10 feet wide and would be shifted to the east within the development to better align with the Bicycle and Trail Master Plan.
- 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 60 feet, minimum lot areas of 7,500 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-story single floor areas for 1-story single floor areas for 1-story and 2-story single-family residential shall be 1,400 square feet excluding the required full 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 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 42 mills thick), cedar, hardi-plank siding, or LP Smartside composite siding". Roof materials shall be architectural asphalt shingles or cedar shakes.

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.

The PUD Conceptual Plan states 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. It states 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 23rd 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

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

<u>JoAnne Corigliano</u> made a motion 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; approval of Part C) the proposed amendment to "The Woods of Copper Creek" PUD Conceptual Plan and approval of Part D) the Preliminary Plat "Woods at Copper Creek East", subject to subject to compliance with all administrative review comments of the City's Permit and Development Center.

Motion carried 13-0 (Rocky Sposato was not present)

Respectfully submitted,

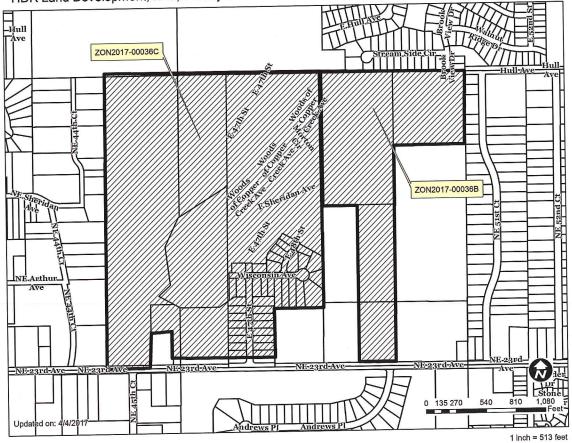
Michael Ludwig, AICP Senior Planner

MGL:clw Attachment

										File #
menority in the	vicinity	of 489	C (developer) represented by Larry Handley for 96 Easton Boulevard. The subject property is owned					/ned	ZON2017-00036	
by Revocable John, Thomas,	Trust Age	reeme rv Da	ent of H Dwayne Crozier; Lowell and Catny Long; and wson.							
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 additional lots for single-family residential that would each be a minimum of 60 feet wide									
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 Over District.							
Consent Card Responses			In Favor		No	t In Favor	Undetermined		% Opposition	
Subject Property Outside Area (200 feet)			1 /		1					
Plan and Zoni	ing App		oval 13-0			Required 6/7		Yes		
Commission A						the City Cour	ncil	No		Х

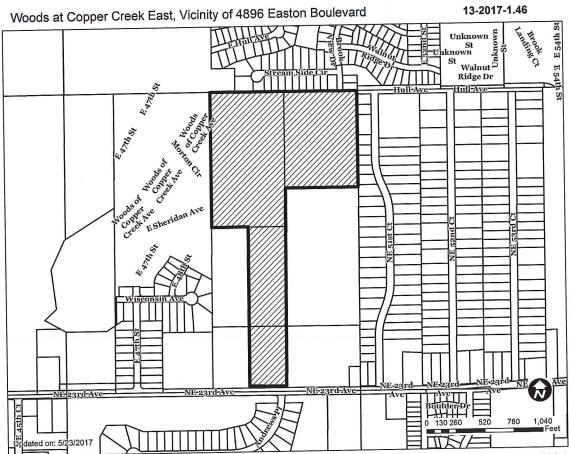
HDR Land Development, LLC, Vicinity of 4896 Easton Boulevard

ZON2017-00036



5	X

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; andFile #John, Thomas, and Larry Dawson.13-2017-1.46									3-2017-1.46	
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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 Subject Property Outside Area (200 feet)			In Favo 1	In Favor Not 1 7		t In Favor	Undetermined		% Oj	oposition
Plan and Zoni			roval 13-0			Required 6/7		Yes		
Commission Action		Den	ial			the City Cour		No		Х



1 inch = 503 feet

2	ZON2017-00036 Date 6-7-17
	i (am) (am not) in favor of the request.
	(Circle One) Print Name Haron Scharmotq
	COMMUNITY DEVELOPMENT Signature <u>au hu</u>
	JUN 12 2017 Address 4857 E. Hull Ave. DSW. IA
	Reason for opposing or approving this request may be listed below.
	The same the are opposing this request is due to the increase
	in traffic, water run off, construction Noise, construction bebris
	and the our all dissuption of our Missborhoad and lively head.
	Also the destruction of the wateral habitat for will life.
	Also the destruction of the Warner
	ZON2017-00036 Date_06-08-17
1	
	I (am) (am not) in favor of the request.
	COMMUNITY DEVELOPMENTIAMe Jerry Hosler
	COMMUNA Y DEVELOR WILLING OF THE PLANER
	JUN 12 2017 Signature Jerry Hosler
	Address ATTO THE TECK.
	Econom for opposing or approving this request may be listed below.
	43 yrs of quiet + now new homes + Streets
	behind me a Lots of Construction holse
	43 yrs of quiet + now new homes + Streets behind me a Lots of Construction Molse 120' behind my home will be unbearable

Could even Cruse damage to my pasement Walls & Foundation. So I am not For this.

70N2017-00036 9. 2017 LAS Date Item (am not) in favor of the request. I (am) (GEGE VED COMMUNITY DEVELOPMENTINE BRACLEY BARAVICIL JUN 1 3 2017 Signature STROAM SIDE CIRCUS, DSM, DA 4915 Address Reason for opposing or approving this request may be listed below. Reason for opposing or approving this request may be listed below. U AM CONCERNOD OF THIS HUBTATS THAT WILL RTS DESTROYED AND THE OF AMONUT LAST C DISPACES Date SPECIES THAT will RE T Ĉ -6 l (am) (am not) in favor of the request. COMMUNITY DEVELOPMERThit Name Signature Address . ZON2017-00036 160 ZON2017-00036 Date 6 - 9 - 2017 C Item REGEIGNED 2017 (am) (am not) in favor of the reques JUN 12 typ cle One) Set mourd DEVELOPMENTName COMMUN JUN 1 3 2017 Signature Item Address Reason for opposing or approving this request may be listed below.

ZON2017-00036 (am)) (am not) in favor of the request dip. REGGEVAGD COMMUNITY DEVELOPMENTIN Name_ = ONEM Signature Reason for opposing or approving this request may be listed below. 0 JUN 1 2 2017 5157 Address mon for opposing or approving this request may be listed below. will allow 0 this because FARTEY 5 2 a Date the 10-15 845 15/70 CODACU ree Novad 3 07 5 ALCENTRED f the request. Print Name Signature Address COMMUNITER DEVELOPMENT ZON2017-00036 60 23 2017 ZON2017-00036 Date 6 67 Item 11 -IMPACIEN AREA an) (and in favor of the request. 101 2 NUC l (am) **Print Name** JUN 1 3 2017 Item Signature Address Reason for opposing or approving this request may be listed below. decrease in green spaces. 1 MILIM

