



Date June 11, 2018

**RECEIVE AND FILE COMMUNICATION FROM THE  
PLAN AND ZONING COMMISSION REGARDING  
PRELIMINARY PLAT “RUBY ROSE RIDGE RESIDENTIAL DEVELOPMENT” ON  
PROPERTY LOCATED AT 5066 NORTHEAST 23<sup>RD</sup> AVENUE**

**WHEREAS**, on May 17, 2018, the City of Des Moines Plan and Zoning Commission voted 11-0 for **APPROVAL** of a Preliminary Plat “Ruby Rose Ridge Residential Development” on property located at 5066 Northeast 23<sup>rd</sup> Avenue, a portion of which is in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be divided into 43 lots for single-family residential development, 50 lots for single-family semi-detached residential development, and one 5.6 acre lot for multiple-family residential development, subject to the following conditions:

1. The Preliminary Plat shall not be valid until such time that a portion of the property is annexed to the City of Des Moines.
2. The Preliminary Plat shall not be valid until such time that the property is rezoned to “PUD” Planned Unit Development District.
3. The Preliminary Plat shall be in compliance with the PUD Conceptual Plan that is approved by City Council. Major modifications to the Preliminary Plat that are required to comply with the approved PUD Conceptual Plan may necessitate future review and approval by the Plan & Zoning Commission.
4. The Preliminary Plat shall include text documenting all the requirements contained on the approved PUD Conceptual Plan, including but not limited to the bulk regulations, landscaping requirements, and urban design standards.
5. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission and City Council to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
6. The Preliminary Plat shall demonstrate that “Lot 1” is within Area C and shall state that the maximum net density of Area C shall not exceed 12 dwelling units per acre.
7. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
8. The Preliminary Plat shall comply with the City’s Tree Removal and Mitigation Ordinance, which requires 1 tree per 700 square feet of canopy that has already been removed.
9. The Preliminary Plat shall provide a 5-foot wide sidewalk along NE 23<sup>rd</sup> Avenue (Easton Boulevard).
10. The Preliminary Plat shall provide a 5-foot wide sidewalk within the 30-foot wide storm sewer and drainage easement between Lots 11 and 12 if required by the approved PUD Conceptual Plan.
11. The Preliminary Plat shall identify how the shared maintenance for the semi-detached units will occur, to the satisfaction of the City’s Planning Administrator.
12. The Preliminary Plat shall comply with all of the City’s Permit and Development Center’s administrative review requirements; and



Roll Call Number

Agenda Item Number

23

Date June 11, 2018

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

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

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(13-2018-1.50)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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.

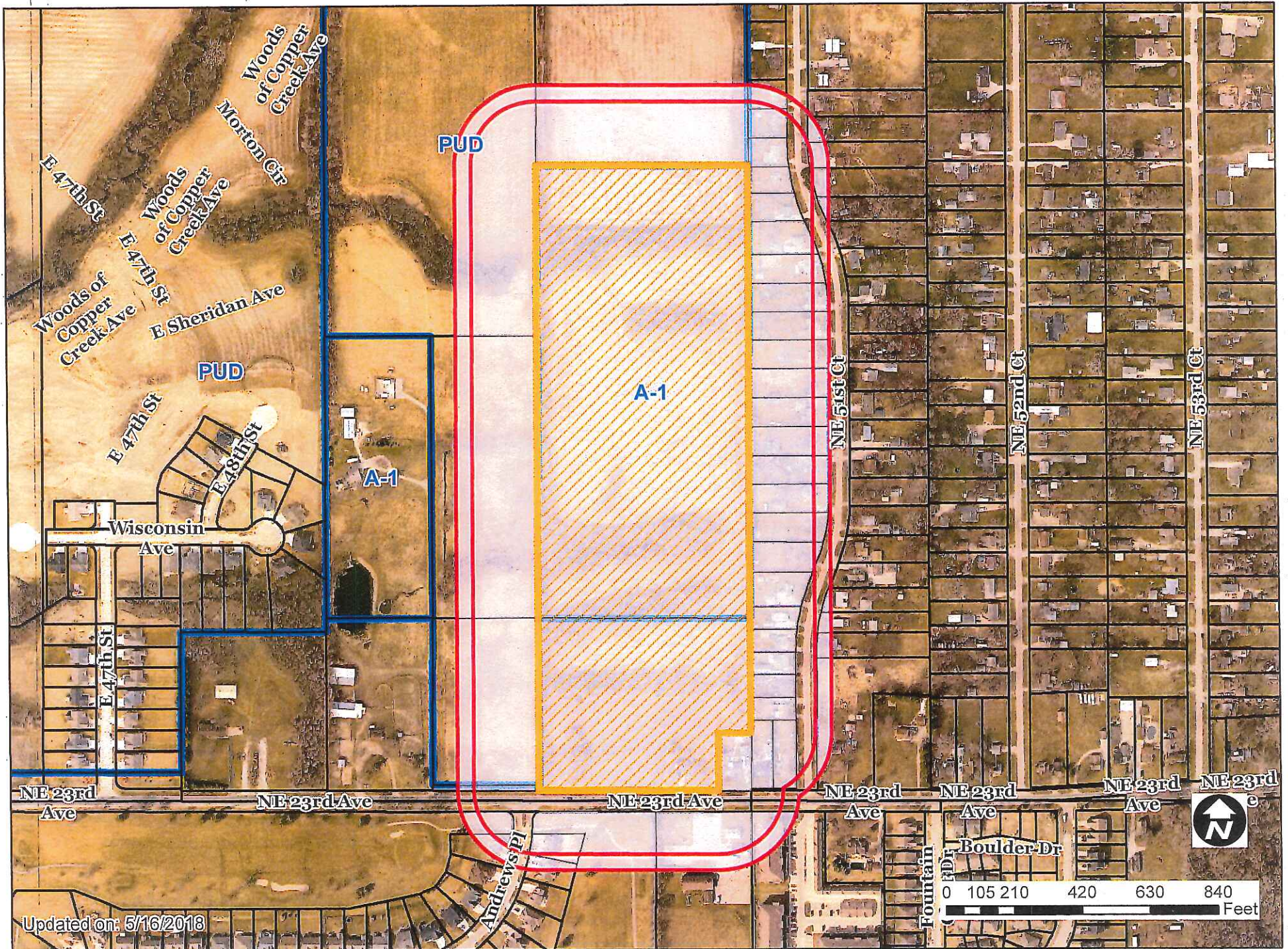
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk





23





June 5, 2018

Honorable Mayor and City Council  
City of Des Moines, Iowa

Date 6/11/18  
Agenda Item 23  
Roll Call # \_\_\_\_\_

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 17, 2018, the following action was taken regarding a request from Kenyon Hill Ridge, LLC (owner) represented by David Walters (officer) for review and approval of a major Preliminary Plat "Ruby Rose Ridge Residential Development" on property located at 5066 Northeast 23<sup>rd</sup> Avenue, a portion of which is in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow development of 43 lots for single-family residential development, 50 lots for single-family semi-detached residential development, and a lot for future multiple-family residential development. Approval is subject to a portion of the property being annexed and rezoned by the City Council.

**COMMISSION ACTION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler				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 the proposed Preliminary Plat, subject to the following conditions:

1. The Preliminary Plat shall not be valid until such time that a portion of the property is annexed to the City of Des Moines.
2. The Preliminary Plat shall not be valid until such time that the property is rezoned to "PUD" Planned Unit Development District.
3. The Preliminary Plat shall be in compliance with the PUD Conceptual Plan that is approved by City Council. Major modifications to the Preliminary Plat that are required to comply with the approved PUD Conceptual Plan may necessitate future review and approval by the Plan & Zoning Commission.
4. The Preliminary Plat shall include text documenting all the requirements contained on the approved PUD Conceptual Plan, including but not limited to the bulk regulations, landscaping requirements, and urban design standards.
5. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission and City Council to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
6. The Preliminary Plat shall demonstrate that "Lot 1" is within Area C and shall state that the maximum net density of Area C shall not exceed 12 dwelling units per acre.
7. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
8. The Preliminary Plat shall comply with the City's Tree Removal and Mitigation Ordinance, which requires 1 tree per 700 square feet of canopy that has already been removed.
9. The Preliminary Plat shall provide a 5-foot wide sidewalk along NE 23<sup>rd</sup> Avenue (Easton Boulevard).
10. The Preliminary Plan shall provide a 5-foot wide sidewalk within the 30-foot wide storm sewer and drainage easement between Lots 11 and 12 if required by the approved PUD Conceptual Plan.
11. The Preliminary Plan shall identify how the shared maintenance for the semi-detached units will occur, to the satisfaction of the City's Planning Administrator.
12. The Preliminary Plat shall comply with all of the City's Permit and Development Center's administrative review requirements.

(13-2018-1.50)

Written Responses

0 in Favor

0 in Opposition



## RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the Preliminary Plat, subject to the following conditions:

1. The Preliminary Plat shall not be valid until such time that a portion of the property is annexed to the City of Des Moines.
2. The Preliminary Plat shall not be valid until such time that the property is rezoned to "PUD" Planned Unit Development District.
3. The Preliminary Plat shall be in compliance with the PUD Conceptual Plan that is approved by City Council. Major modifications to the Preliminary Plat that are required to comply with the approved PUD Conceptual Plan may necessitate future review and approval by the Plan & Zoning Commission.
4. The Preliminary Plat shall include text documenting all the requirements contained on the approved PUD Conceptual Plan, including but not limited to the bulk regulations, landscaping requirements, and urban design standards.
5. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission and City Council to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
6. The Preliminary Plat shall demonstrate that "Lot 1" is within Area C and shall state that the maximum net density of Area C shall not exceed 12 dwelling units per acre.
7. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
8. The Preliminary Plat shall comply with the City's Tree Removal and Mitigation Ordinance, which requires 1 tree per 700 square feet of canopy that has already been removed.
9. The Preliminary Plat shall provide a 5-foot wide sidewalk along NE 23<sup>rd</sup> Avenue (Easton Boulevard).
10. The Preliminary Plan shall provide a 5-foot wide sidewalk within the 30-foot wide storm sewer and drainage easement between Lots 11 and 12 if required by the approved PUD Conceptual Plan.
11. The Preliminary Plan shall identify how the shared maintenance for the semi-detached units will occur, to the satisfaction of the City's Planning Administrator.
12. The Preliminary Plat shall comply with all of the City's Permit and Development Center's administrative review requirements.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Preliminary Plat would allow for 43 lots for single family dwellings, 50 lots for single-family semi-detached dwellings, and 1 lot for future multiple-family residential. The proposed development would be accessed by a new street connection from NE 23<sup>rd</sup> Avenue (Easton Boulevard) and by three (3) street connections that align with the streets to the west and north that are required in the approved "Copper Crossing PUD Conceptual Plan".

The proposed Preliminary Plat cannot be valid until such time that a portion of the property is annexed to the City of Des Moines and until such time that the property is rezoned to "PUD" Planned Unit Development District. The proposed Preliminary Plat must also be in full compliance with a PUD Conceptual Plan that must be adopted by City Council after the annexation is finalized. Major modifications to the Preliminary Plat in order to comply with the PUD Conceptual Plan may necessitate further review and approval by the Plan & Zoning Commission.

2. **Size of Site:** 28.75 acres.
3. **Existing Zoning (site):** The site is currently in the process of being rezoned to "PUD" Planned Unit Development District from "A-1" Agricultural District and "LDR" Low Density Residential (Polk County).
4. **Existing Land Use (site):** The site contains a single-family dwelling. The balance of the site is for agricultural production.

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

**North** – "Woods at Cooper Creek PUD"; Use is currently agricultural production but will eventually be single-family residential.

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

**East** – "LDR" (Polk County); Uses are single-family residential.

**West** – "Woods at Cooper Creek PUD"; The property is currently being graded for single-family residential.

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 not located within 250 feet of any recognized neighborhood. However, all neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on April 27, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on May 7, 2018



(10 days prior to the hearing) 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 May 11, 2018

**8. Relevant Zoning History:** On April 5, 2018, the Plan & Zoning Commission recommended approval of a request (Docket 2018-00040) to amend the Land Use Plan for the property and to rezone the property from "A-1" Agricultural District to "PUD" Planned Unit Development District. The Commission also recommended approval of a submitted Ruby Rose Ridge PUD Conceptual Plan, subject to the following modifications:

- i. Lots 1, 2, & 3 within Area A shall be shifted to be within Area C so that the modified Area C has frontage on NE 23<sup>rd</sup> Avenue (Easton Boulevard).
- ii. The maximum net density of Area C shall not exceed 12 dwelling units per acre.
- iii. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
- iv. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
- v. The bulk regulation stating that any bi-attached unit shall have 1,150 square feet of area should be deleted since it conflicts with the requirements contained elsewhere on the PUD Conceptual Plan stating a minimum of 1,200 square feet is required.
- vi. A note shall be provided to state that an overstory tree in the rear yard of each single-family and semi-detached lot.
- vii. A note shall be provided to state that each single-family and semi-detached dwelling shall have foundation plantings, including a minimum of five (5) shrubs.
- viii. A 5-foot wide sidewalk shall be provided within the 30-foot wide storm sewer and drainage easement between Lots 13 and 14, which may require modification to the current storm water management design.

On May 7, 2018, the City Council voted to approve the first reading of an ordinance to rezone the property. The second and third readings of the rezoning ordinance will occur after the property has been annexed to the City of Des Moines. It is anticipated that the State of Iowa's City Development Board may take action on the pending annexation as soon as June 13, 2018.

**9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** On May 7, 2018, the City Council designated the portion of the Preliminary Plat that would contain single-family and single-family semi-detached dwellings as Low Density Residential (up to 6 dwelling units per acre) and the portion that would contain multiple-family residential at



Low/Medium Density Residential (up to 12 dwelling units per acre).

- 10. Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if the Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code. The Commission shall also determine if it conforms to the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission 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 Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

## II. ADDITIONAL APPLICABLE INFORMATION

- 1. Bulk Regulations:** The Preliminary Plat demonstrates that the lots for single-family residential would all be at least 65 feet wide and measure at least 7,500 square feet. The lots for single-family semi-detached residential would all be at least 42.5 feet wide and measure at least 3,800 square feet. The Preliminary Plat must also contain all of the bulk regulations that will be established on the PUD Conceptual Plan that must be adopted by City Council following annexation to the City of Des Moines.

A note must be added to the Preliminary Plat to state that any future development within the lot designated for multiple-family residential shall not include any structure that contains more than 12 dwelling units and that any future development within Area C shall be subject to a PUD Final Development Plan as reviewed by the Plan & Zoning Commission to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.

- 2. Natural Site Features:** The Preliminary Plat identifies 319,800 square feet of tree canopy that would be removed. Staff has documented that this canopy has likely already been removed. Therefore, in accordance with the City's Tree Removal and Mitigation Ordinance, 1 tree per 700 square feet of canopy must be provided. This would require provision of a minimum of 457 trees within the development. It is anticipated the PUD Conceptual Plan will require each of the 43 single-family lots and each of the 50 single-family semi-detached lots to provide 1 street tree, 1 overstory tree in the front yard, and 1 overstory tree in the rear yard, resulting in a cumulative of at least 279 trees. Therefore, at least 279 overstory trees would be provided in these areas, meaning that up to 178 overstory trees may be required within the multiple-family residential area.

A soils report and stormwater runoff control plan per City Code Section 106-136 is required and all grading is subject to an approved grading permit and soil erosion control plan.

- 3. Landscaping:** The Preliminary Plat must include the landscape standards that will be established on the PUD Conceptual Plan that is under consideration. The pending PUD



Conceptual Plan states that any multiple-family residential development within Area C will be landscaped in accordance with the landscape standards applicable in the "R-3" District. It also states that one street tree per 30 lineal feet within the R.O.W. is required in Area C.

The pending PUD Conceptual Plan states that one street tree (at least 1.5 inches caliper) within City right-of-way along each frontage is required on every single-family lot and semi-detached lot.

The pending PUD Conceptual Plan states that each single-family and semi-detached lot is required to have 1 overstory tree in the front yard area and 1 overstory tree in the rear yard.

- 4. Stormwater Management:** The Preliminary Plat demonstrates that stormwater detention basins would be located along the western border of the development and within the lot for future multiple-family residential development. The final stormwater plan must be approved by the City's Engineering Staff.
- 5. Utilities:** This property is located in the Four Mile East Trunk Connection Fee Sanitary Sewer Area. The pending PUD Conceptual Plan states the developer is responsible for all costs and connection fees associated with constructing the necessary sanitary sewer connections and that the developer is responsible for all costs associated with constructing the necessary water connections
- 6. Traffic/Street System:** Prior to the submittal of the rezoning application, a traffic impact study was completed. Traffic capacity and queuing were found to be sufficient as designed to handle flow of traffic for each analyzed scenario and no traffic control changes or roadway geometric changes are required to maintain capacity.

The pending PUD Conceptual Plan states that 5-foot wide sidewalks shall be provided along both sides of all public streets and that adequate pedestrian connections will be provided within Area C. Therefore, the submitted Preliminary Plat must be revised to also demonstrate a 5-foot wide sidewalk along NE 23<sup>rd</sup> Avenue (Easton Boulevard).

The Plan & Zoning Commission has recommended that a 5-foot wide sidewalk be provided within the 30-foot wide storm sewer and drainage easement between Lots 11 and 12. If the City Council's final approval of the PUD Conceptual Plan includes this sidewalk connection, the Preliminary Plat must be revised to provide such.

- 7. Architectural Guidelines:** The pending PUD Conceptual Plan states that any single-family dwelling shall be constructed in accordance with the following design guidelines:
  - a. No same house plan shall be built on adjacent lots.
  - b. Each house shall have a full basement.
  - c. Each house shall have an attached 2- or 3-car garage.
  - d. Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, or cement fiber board.
  - e. The front façade of any house constructed must contain one of the following:
    - i. A front porch of not less than 60 square feet; or
    - ii. At least 1/3 of the front façade shall be clad with stone or brick masonry.



- f. The windows on any street-facing façade of any house constructed shall have either of the following:
  - i. Shutters on each side; or
  - ii. Trim border not less than 4 inches in width.
- g. The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- h. 1-story homes shall be constructed with a minimum of 1,200 square feet of above-grade finished floor area.
- i. 1-½- and 2-story homes shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

It also states that any bi-attached dwelling shall be constructed in accordance with the following design guidelines:

- a. No same building facade shall be built on adjacent buildings.
- b. Each dwelling unit shall have a full basement.
- c. Each dwelling unit shall have an attached 2- or 3-car garage.
- d. Exterior material for any dwelling unit constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, or cement fiber board.
- e. The front façade of any dwelling unit constructed must contain one of the following:
  - i. A front porch of not less than 60 square feet; or
  - ii. At least 1/3 of the front façade shall be clad with stone or brick masonry.
- f. The windows on any street-facing façade of any dwelling unit constructed shall have either of the following:
  - iii. Shutters on each side; or
  - iv. Trim border not less than 4 inches in width.
- g. The roof on any dwelling unit constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- h. 1-story dwelling unit shall be constructed with a minimum of 1,200 square feet of above-grade finished floor area.
- i. 1-½- and 2-story dwelling unit shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.

- 8. **Fire Protection:** The pending 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.
- 9. **Additional Information:** The pending PUD Conceptual Plan states trash and recycling dumpsters shall not be located within a setback and shall be completely contained within an enclosure made of durable materials / steel gates to match the building with a pedestrian access.

The pending PUD Conceptual Plan states mechanical, meters, transformers or similar shall be screened and shall not be located on a street-facing façade.

The pending PUD Conceptual Plan states the development shall be permitted to have one (1) entrance freestanding monument sign at the street connection along NE 23<sup>rd</sup> Avenue (Easton Blvd), where the sign shall be no greater than 24 square feet in area, shall not be illuminated, shall not be located within any required vision clearance

triangle, and shall be constructed primarily of masonry materials with a design approved by the City's Planning Administrator.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

Mike Ludwig stated the zoning for the Area C of the PUD allows no greater than 12 units per building. The developer has indicated interest in developing 8-unit rowhouses in Area C. A total of 74 units could exist in Area C based upon the land area. The developer intends to preserve one pre-existing single-family dwelling in Area C, so a maximum of 73 additional units could be built. Also, the pedestrian connection between lots 10 and 11 is still being evaluated for grading issues to determine if that connection can be made.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Seth Sunderman, 3501 104<sup>th</sup> St, representing Bishop Engineering stated they do agree with staff recommendation. They would question providing the sidewalk connection if the adjacent developer to the west isn't required too.

Will Page wanted to clarify if the applicant agreed with Staff Recommendation.

Seth Sunderman stated yes, pending the sidewalk connection.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Mike Simonson wanted to thank staff for the amount of time they have put into this project and standing firm on the requirements of sidewalks in residential areas.

## **COMMISSION ACTION:**

Dory Briles made a motion for approval of the Preliminary Plat, subject to the following conditions:

1. The Preliminary Plat shall not be valid until such time that a portion of the property is annexed to the City of Des Moines.
2. The Preliminary Plat shall not be valid until such time that the property is rezoned to "PUD" Planned Unit Development District.
3. The Preliminary Plat shall be in compliance with the PUD Conceptual Plan that is approved by City Council. Major modifications to the Preliminary Plat that are required to comply with the approved PUD Conceptual Plan may necessitate future review and approval by the Plan & Zoning Commission.
4. The Preliminary Plat shall include text documenting all the requirements contained on the approved PUD Conceptual Plan, including but not limited to the bulk regulations, landscaping requirements, and urban design standards.



5. Any future development within Area C shall be subject to a PUD Development Site Plan as reviewed by the Plan & Zoning Commission and City Council to ensure that building designs and site layouts are appropriate and compatible with the surrounding neighborhood.
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7. Any future development within Area C shall not include any structure that contains more than 12 dwelling units.
8. The Preliminary Plat shall comply with the City's Tree Removal and Mitigation Ordinance, which requires 1 tree per 700 square feet of canopy that has already been removed.
9. The Preliminary Plat shall provide a 5-foot wide sidewalk along NE 23<sup>rd</sup> Avenue (Easton Boulevard).
10. The Preliminary Plan shall provide a 5-foot wide sidewalk within the 30-foot wide storm sewer and drainage easement between Lots 11 and 12 if required by the approved PUD Conceptual Plan.
11. The Preliminary Plan shall identify how the shared maintenance for the semi-detached units will occur, to the satisfaction of the City's Planning Administrator.
12. The Preliminary Plat shall comply with all of the City's Permit and Development Center's administrative review requirements.

Motion passed 11-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments

