



Date July 15, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM J. LARSON HOMES, LLC AND QSL DEVELOPMENT, LLC TO AMEND PLANDSM: CREATING OUR TOMORROW PLAN, AND TO REZONE PROPERTY LOCATED IN 3301 BLOCK OF EAST 56<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 20, 2019, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from J. Larson Homes, LLC and QSL Development, LLC (owners), represented by John Larson (officer), to rezone property located in the 3301 block of East 56<sup>th</sup> Street ("Property") from "A-1" Agricultural District to Limited "R-3" Multiple-Family Residential District, to allow 63.087 acres of agricultural land to be developed in phases for a single-family residential subdivision, with the future possibility of townhome units and multiple-family residential apartment dwellings, subject to the following conditions:

1. An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator's satisfaction, that a mix of housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.
2. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.
4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network.
5. Any detached single-family dwelling shall comply with the following:
  - a) No same house front elevations shall be built on adjacent lots.
  - b) Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
  - c) Any house shall have a minimum two-car attached garage.
  - d) The front façade of any house constructed must contain one of the following:
    - a. A front porch of not less than 60 square feet; or
    - b. Stone or brick masonry siding covering at least 1/3 of the façade.
  - e) All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
  - f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.

Date July 15, 2019

- g) For the first phase of development and first preliminary plat which shall include that portion of the Property north of and immediately adjacent to the east of the real property locally known as 3341 E. 56<sup>th</sup> Street:
  - i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
  - ii. Any 1-1/2-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
  - iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- h) For the second phase of development and second and subsequent preliminary plat(s) which shall include that portion of the Property south of and immediately adjacent to the east of the real property locally known as 3301 E. 56<sup>th</sup> Street:
  - i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
  - ii. Any 1-1/2-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
  - iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
- i) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- j) Any chain link fence shall have black vinyl cladding; and

**WHEREAS**, the City Parks and Recreation and Engineering staff recommend that condition #4 listed above be revised to state:

- 4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network, and shall provide a future regional trail connection as reviewed and approved by the City Engineer and City Parks and Recreation Director; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on June 20, 2019, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from J. Larson Homes, LLC and QSL Development, LLC (owners), represented by John Larson (officer), to amend the PlanDSM: Creating Our Tomorrow Plan future land use designation for the Property from Low-Medium Density Residential to Medium Density Residential to allow for the above-described rezoning and development; and

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

LOT 6 IN OFFICIAL PLAT OF NORTH 1/2 OF SOUTHWEST 1/4 AND SOUTH 1/2 OF NORTHWEST 1/4 AND NORTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79, RANGE 23, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

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PARCEL "C" OF THAT PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON FEBRUARY 8, 2005, AND RECORDED IN BOOK 10929 PAGE 884, BEING A PART OF LOT 5 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW 1/4) AND THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.; AND PARCEL "G" OF THE CORRECTED PLAT OF SURVEY FILED IN THE OFFICE OF THE POLK COUNTY RECORDER ON JANUARY 30, 2004, AND RECORDED IN BOOK 10372 PAGE 249, BEING A PART OF LOTS 3, 4 AND 5 OF THE OFFICIAL PLAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. AND PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23;

EXCEPT FOR THAT PORTION CONVEYED TO POLK COUNTY BY WARRANTY DEED RECORDED MAY 14, 2008 IN BOOK 12652 PAGE 365 ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND


EXCEPT PARCEL "H" OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE POLK COUNTY RECORDER ON NOVEMBER 2, 2011, AND RECORDED IN BOOK 14036 PAGE 999, BEING PART OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. AND ALSO PART OF LOTS 4 AND 5 OF THE OFFICIAL PLAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to PlanDSM and the proposed rezoning are to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on August 5, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

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

  
 \_\_\_\_\_  
 Glenna K. Frank, Assistant City Attorney

(ZON2019-00089)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

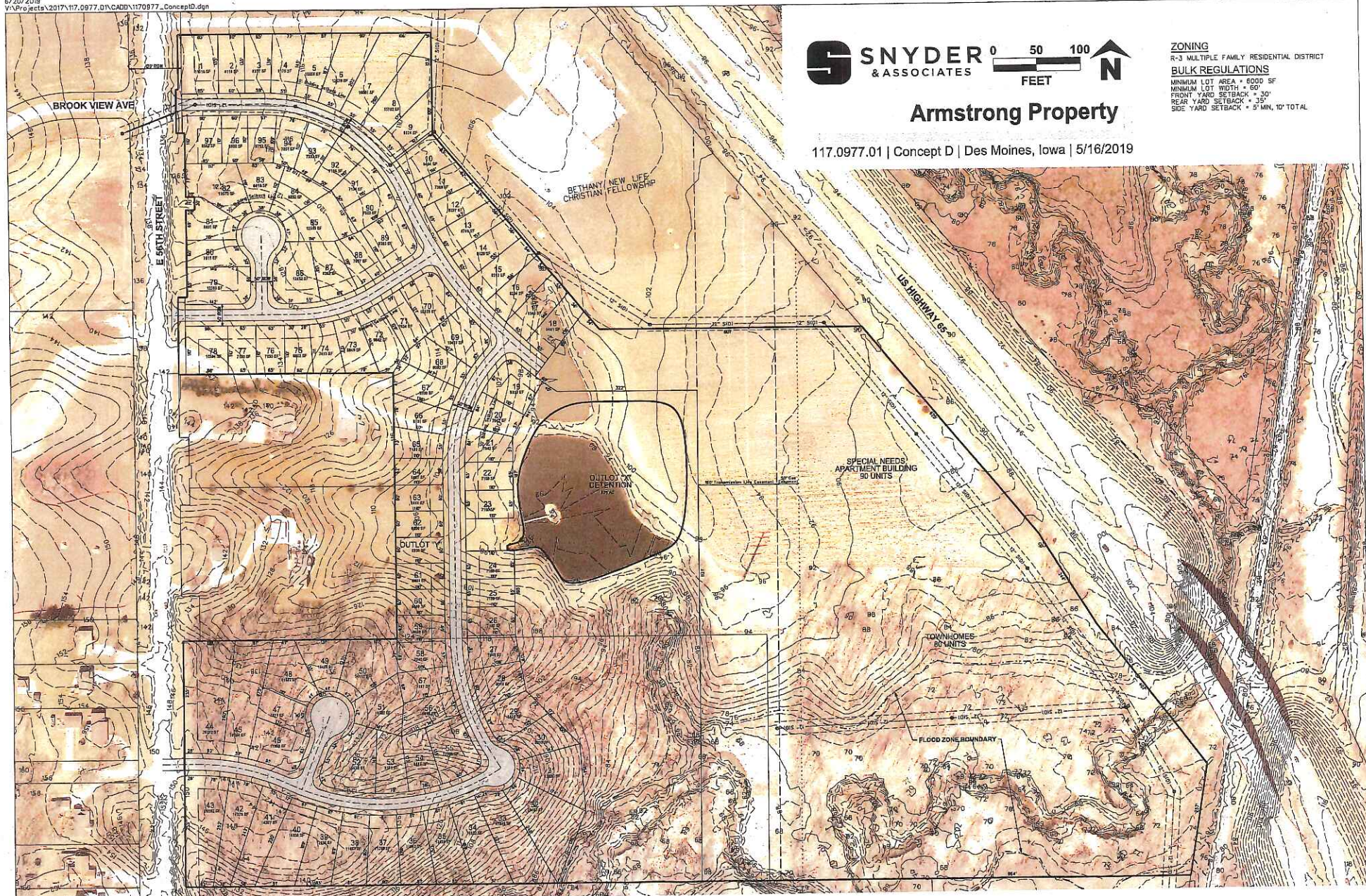
\_\_\_\_\_ City Clerk



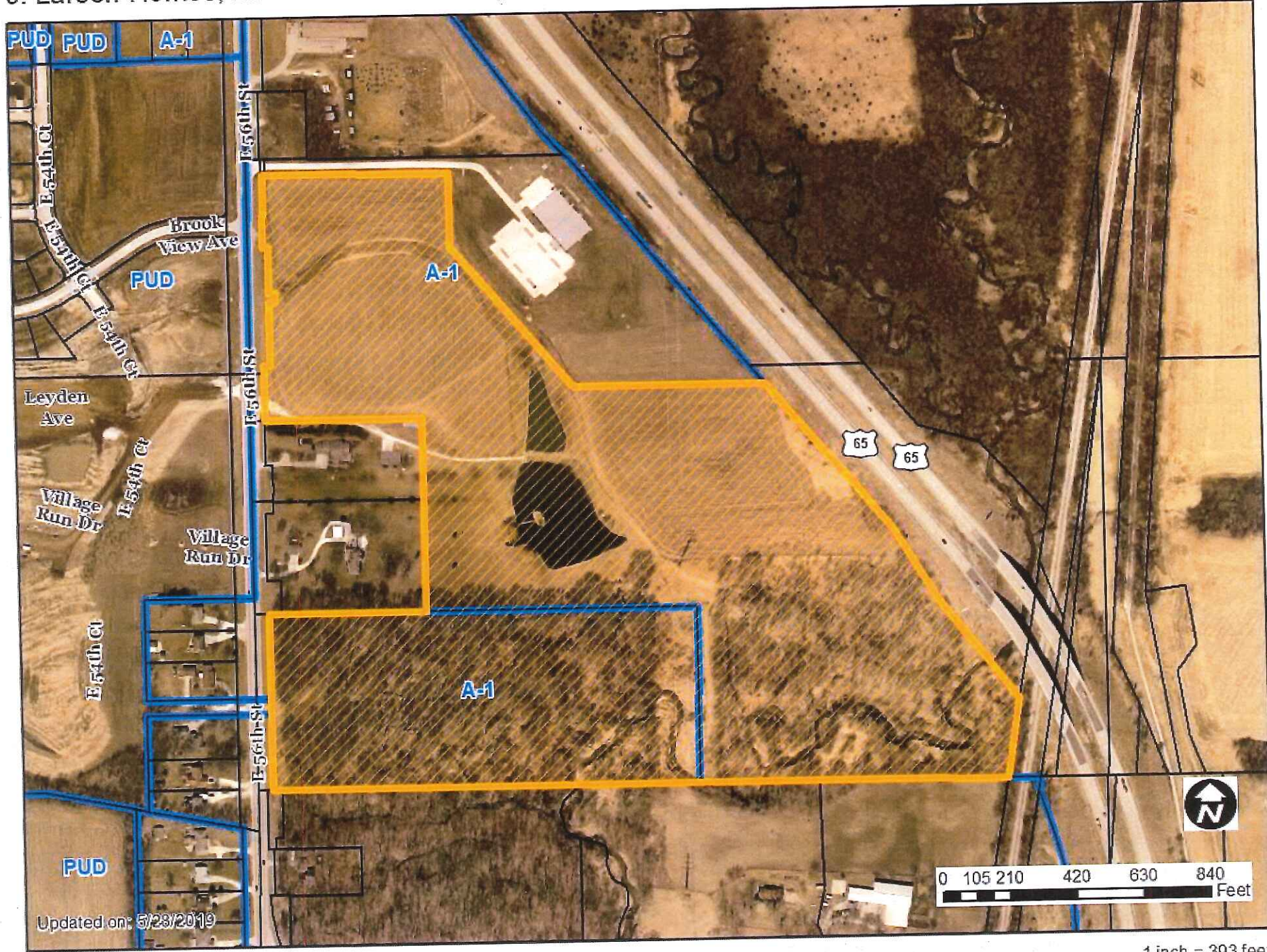
**ZONING**  
R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT  
**BULK REGULATIONS**  
MINIMUM LOT AREA = 6000 SF  
MINIMUM LOT WIDTH = 60'  
FRONT YARD SETBACK = 30'  
REAR YARD SETBACK = 35'  
SIDE YARD SETBACK = 5' MIN, 10' TOTAL

# Armstrong Property

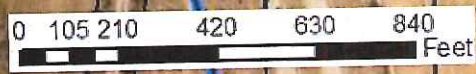
117.0977.01 | Concept D | Des Moines, Iowa | 5/16/2019



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Updated on: 5/28/2019

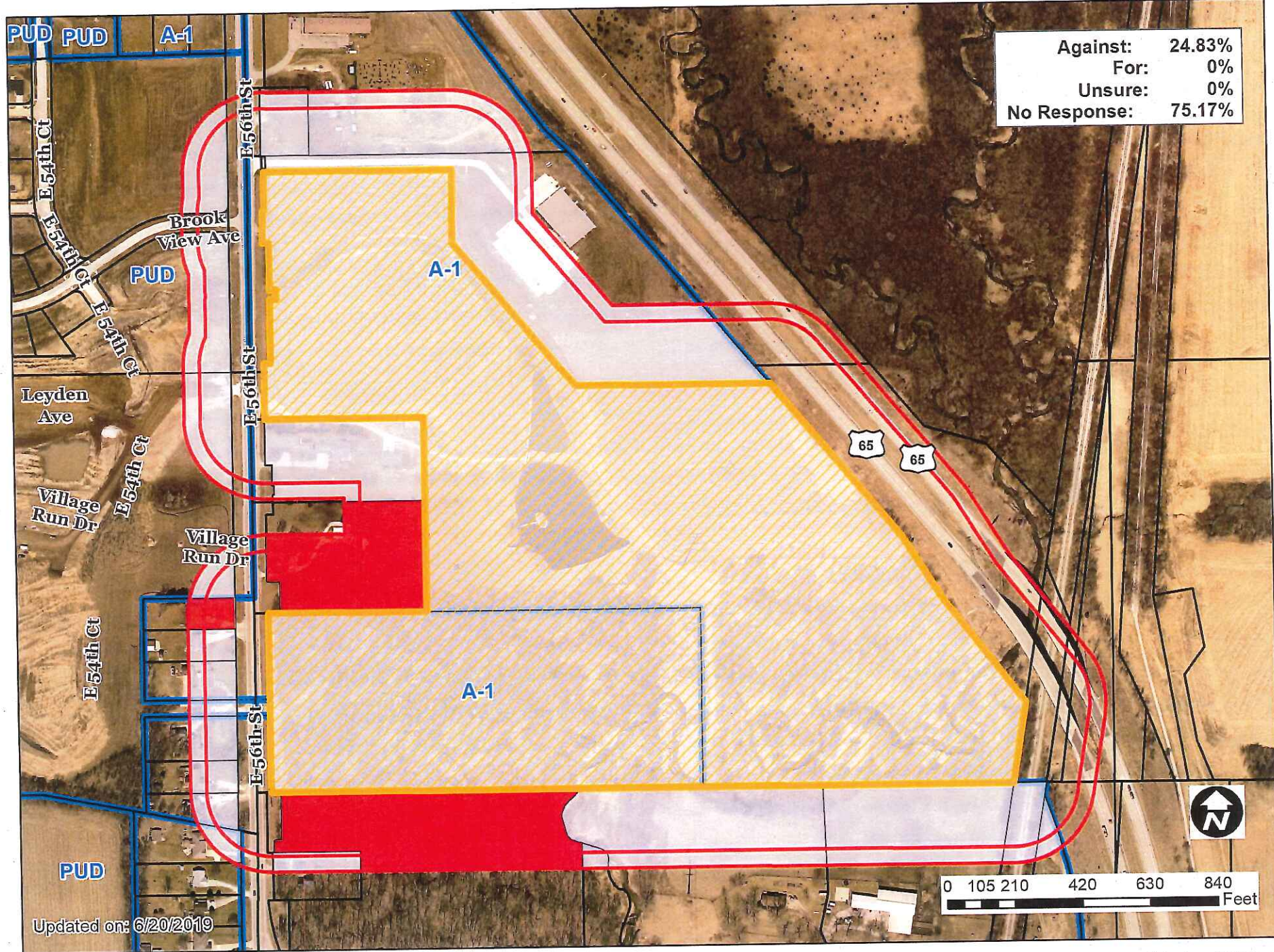


1 inch = 393 feet

J. Larson Homes, LLC and QSL Development, LLC, 3301 block of East 56th Street

ZON2019-00089

*dw*



1 inch = 393 feet

July 9, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 20, 2019 meeting, the following action was taken regarding a request from J. Larson Homes, LLC and QSL Development, LLC (owners) represented by John Larson (officer) to rezone property located in the 3301 block of East 56<sup>th</sup> Street from "A-1" Agricultural District to "R-3" Multiple-Family Residential District to allow 63.087 acres of agricultural land to be developed for a single-family residential subdivision, town home units and multiple-family residential apartment dwellings for individuals with a physical or developmental disability.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	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
Emily Webb	X			

**APPROVAL** of Part A) the Commission find the proposed rezoning **NOT** in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, Part B) **APPROVAL** of the requested amendment to the PlanDSM Creating Our Tomorrow Future Land Use Map

from Low-Medium Density Residential to Medium Density Residential subject to a maximum overall density of 12 units per acre; and Part C) **APPROVAL** of the request rezoning subject to the following revisions:

1. An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator's satisfaction, that a mix of housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.
2. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.
4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network.
5. Any detached single-family dwelling shall comply with the following:
  - a. No same house front elevations shall be built on adjacent lots.
  - b. Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
  - c. Any house shall have a minimum two-car attached garage.
  - d. The front façade of any house constructed must contain one of the following:
    - a. A front porch of not less than 60 square feet; or
    - b. Stone or brick masonry siding covering at least 1/3 of the façade.
  - e. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
  - f. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - g. For the first phase of development and first preliminary plat which shall include that portion of the Property north of and immediately adjacent to the east of the real property locally known as 3341 E. 56<sup>th</sup> Street:
    - i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
    - ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
    - iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.



- h. For the second phase of development and second and subsequent preliminary plat(s) which shall include that portion of the Property south of and immediately adjacent to the east of the real property locally known as 3301 E. 56<sup>th</sup> Street:
  - i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
  - ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
  - iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
- i. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- j. Any chain link fence shall have black vinyl cladding.

(21-2019-4.05) & (ZON2019-00089)

Written Responses

0 in Favor

5 in Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the proposed rezoning not in conformance with the PlanDSM Creating Our Tomorrow.

Part B) Staff recommends approval of the requested amendment to the PlanDSM Creating Our Tomorrow Future Land Use Map from Low-Medium Density Residential to Medium Density Residential.

Part C) Staff recommends approval of the request rezoning subject to the following revisions:

1. Any overall development of the subject property with a mix of housing types shall not exceed 6 units per acre.
2. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the site must comply with any Floodplain Development regulations in place at the time of construction.
4. Any development of the property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network.
5. Any detached single-family dwelling shall comply with the following:
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  - d. The front façade of any house constructed must contain one of the following:

- a. A front porch of not less than 60 square feet; or
- b. Stone or brick masonry siding covering at least 1/3 of the façade.
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- g. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- h. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- i. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- j. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- k. Any chain link fence shall have black vinyl cladding.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the applicant to develop with mixed densities of residential development, including detached single-family dwellings, townhome multiple-family development and multiple-family dwellings for residents with a physical or developmental disability. The proposed "R-3" District allows single-family lots that would be a minimum of 60 feet wide but with minimum 6,000 square feet in area.
2. **Size of Site:** 63.087 acres.
3. **Existing Zoning (site):** "A-1" Agricultural District.
4. **Existing Land Use (site):** The northern portion is agricultural production land and the southern portion is timbered land.

## 5. Adjacent Land Use and Zoning:

**North** – “A-1”; Uses are Bethany New Life Church and an archery range business.

**South** – “A-1”; Uses are timbered land, agricultural production land and a farmstead with equestrian training and stables.

**East** - “OS” Opens Space District & “MDR” Medium Density Residential (City of Altoona), Uses are U.S. Highway 65, timbered land, open space, and agricultural production land.

**West** – “A-1” & Brook Landing “PUD”; Uses are single-family dwellings and vacant land.

6. **General Neighborhood/Area Land Uses:** The site is located between along the west side of East 46<sup>th</sup> Street in an area that includes a mix of low-density residential, agricultural, and educational uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood association. All recognized neighborhood associations were notified of the public hearing by mailing of the preliminary agenda on May 31, 2019. Notifications of the hearing for this specific item were mailed on May 31, 2018 (20 days prior to the public hearing) and June 10, 2018 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

The applicant is required to conduct a neighborhood meeting with surrounding property owners.

8. **Relevant Zoning History:** The property was annexed into the City of Des Moines on June 25, 2009. At that time the Zoning of the property was designated as “A-1” Agricultural District.

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

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as “Low-Medium Density Residential” on the Future Land Use Map. PlanDSM describes this designation as “Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.” The proposed concept with 97 single-family dwelling units and 170 multiple-family dwelling units on

63.087 acres represents a density of 4.44 units per net acre which would be within this definition. However, "R-3" District zoning would allow larger configuration multiple-family dwellings that would not be in conformance. The applicant is requesting amendment of the designation to Medium Density Residential" which is described as "Areas developed with mix of single family, two-family and multi-family residential up to 17dwelling units per net acre." This would allow for the proposed concept to be found in conformance.

With the fact that the applicant proposing a much less overall density of units for the property, staff believes that the proposed overall maximum density should be limited to something no greater than 6 units an acre without additional zoning considerations. This is especially noted given that the area is not in close proximity transit to support higher densities. This would allow reconsideration of the development concept under traffic impact analysis if there were changes in the development concept.

2. **Natural Site Features:** The majority of the site consists of agricultural land with a timbered area on the southern portion. Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. There is also a stream with Floodplain in the southern portion of the property that will limit development with any Subdivision Platting or Site Plan Development.
3. **Utilities:** There is public sanitary sewer being constructed through the eastern and northern portion of the property. Any future Subdivision and Site Plan would be limited by easements put in place for these improvements.
4. **Drainage/Grading:** The site drains generally from north and west to south and east. Any development of the property must comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan. A homeowners' association may have to be established for the purposes of entering into a Stormwater Management and Facility Maintenance Agreement with the City for any necessary stormwater facilities.
5. **Traffic/Street System:** A traffic study based on the proposed rezoning concept was prepared in accordance with the City's traffic study policy. The study concluded no additional considerations were necessary with the proposed development of the site, and that the existing roadways and proposed network are sufficient.

MoveDSM contemplates on-road bicycle improvements on East 56<sup>th</sup> Street at the west edge of the property. Any Subdivision Platting or Site Plan improvement would require public sidewalks or appropriate pedestrian connections. The property is not on a designated DART transit route, so it is anticipated that most traffic generated by the development would be vehicular and bicycle traffic.

6. **Urban Design:** Multiple-family dwellings would be reviewed by the Commission under specific design guidelines under the current Site Plan Ordinance or administratively under the proposed Planning and Design Ordinance. However, staff recommends the following single-family design standards be made a condition of the rezoning to ensure a level of quality that will support the long-term sustainability of the proposed

development and that is consistent with the minimums placed on similar developments throughout the City.

- a) No same house plan shall be built on adjacent lots.
- b) Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
- c) Any house shall have a minimum two-car attached garage.
- d) The front façade of any house shall contain one of the following:
  - i. A front porch of not less than 60 square feet; or
  - ii. Stone or brick masonry siding covering at least 1/3 of the facade.
- e) All windows and doors shall have trim that is no less than 4 nominal inches in width.
- f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- g) Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- h) Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- i) Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area, with a minimum of 1,000 square feet on the first floor.
- j) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- k) Any chain link fence shall have black vinyl cladding.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented the staff report and recommendations.

Mike Ludwig suggested that the medium density residential designation could be limited to a maximum density of 12 units per acre. This will allow for the 90 unit multi-family development on the eastern portion of the property and to add additional small multi-family product (less than 12 units per building) on the remainder of the eastern portion of the property.

Erik Lundy stated the low-medium would allow up to 12 units an acre but that is limited to row type multi-family housing.

Mike Ludwig stated medium density with a density limit of 12 units an acre would likely be more appropriate.

Brett Culp, 2727 SW Snyder Blvd. representing Snyder and Associates stated a majority of this property was owned by Karen Armstrong and Finney Properties so it was 2 parcels they have brought together. Over the last year they have worked with the WRA to extend

sanitary sewer which is all in ground but they aren't quite finished up yet. They will be expanding the pond on the property to allow for natural storm water detention and making enhancements to the basin. Regarding the staff recommendations, they are requesting condition #5a be changed to state that "no same elevation plan shall be built on adjacent lots". For condition #5e, they would like the 4-inch nominal trim around the windows and doors to be on the front façade only. They are requesting that Conditions #5g, #5h and #5i be amended to allow 1,250 square feet for a 1-story, 1,350 square feet for a 1-1/2 story with no 1,000ft first story minimum and 1,400 square feet for a 2-story with no 1,000ft first story minimum. This development would be done in phases starting in the North and working South.

Rocky Sposato asked for a sale price of the homes.

John Larson, Johnston Iowa stated they will be from \$180,000 to \$250,000.

Mike Ludwig asked the grade of the site would allow them to vary what side the garage is on.

Brett Culp stated there isn't much of an opportunity to flip what side the garage is on because of the grade.

Mike Ludwig asked if it would be possible to vary more of the 1, 1-1/2 and 2 story homes on adjacent lots.

John Larson stated yes, that would work.

Mike Ludwig stated it would be helpful to have a layout of house types that are able to go on individual lots when the Preliminary Plat is submitted for review.

Brett Culp stated hopefully with the different facades, that will show some variation as well.

Mike Ludwig stated the variation in story's is best. If it's just variations in dormers or shutters on one and not another, staff would argue that isn't enough variation.

Mike Ludwig asked if they were opposed to a 12 unit per acre maximum overall density.

Brett Culp stated it would be something they need to discuss.

Mike Ludwig asked if they're able to build duplex's, triplex's, 4-plexes's or rowhouses in this development.

John Larson stated they do have plans for some 4-plexes's.

Jacqueline Easley asked how the apartments will be accessible for people with special needs.

John Larson stated they will comply with ADA requirements.

Carolyn Jension asked if the houses being built are unique to people with special needs.

John Larson stated not necessarily but they have done zero entry garages.

John "Jack" Hilmes asked if the houses referenced in conditions #5g, 5h, and 5i have basements.

John Larson stated yes.

David Courard-Hauri asked how they will manage storm water.

Brett Culp stated the single-family area will drain into the pond with basins tying into the stream. They will also provide basins around the apartment building as well.

Rocky Sposato asked what phase the apartments would be built in.

John Larson stated in the second phase.

Jacqueline Easley asked if they had a neighborhood meeting.

Brett Culp stated it was held on June 4<sup>th</sup>.

Emily Webb asked if this project will be eligible for tax abatement.

Erik Lundy stated that single-family dwellings and row type dwellings of up to 8 are eligible for tax abatement.

Mike Simonson asked how many years and what percent?

Erik Lundy stated it would be 6 years with a declining schedule.

Mike Simonson stated that he believes 4-inch nominal trim should be provided on all facades.

Carolyn Jenison asked for details around the traffic study.

Brett Culp stated they met with Bolton and Mink. Everything came back good regarding access locations, no need for right or left turn lanes but they wanted a T intersection instead of the knuckle they were showing in their plans.

Jacqueline Easley asked if the traffic study was done before or after the neighborhood meeting?

Brett Culp stated it was completed before the neighborhood meeting.

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

*(Jann Freed left the meeting at 7:50 PM)*

Matt Murphy, 3301 E 56<sup>th</sup> St. stated he has 2 concerns, water runoff and what this development does to the value of his property. The water runoff is significant and with a 250-unit development to the West of E 56<sup>th</sup>, that runoff has increased. In a heavy rain, he

will see run off to the pond that is 30 feet wide and over a foot deep in the area identified by lot 63 and 64. He believes once he loses the view out his back window and will now be looking at small homes, his property value will be impacted dramatically.

John "Jack" Hilmes asked where the water comes from.

Matt Murphy stated the retention pond that exists today can handle a 1-inch rain, everything above that will fill the pond and run through the culvert.

John "Jack" Hilmes asked if the water is coming from the west side of E 56<sup>th</sup> because it's higher or from the crown of the road.

Matt Murphy stated the land to the West of E 56<sup>th</sup> is slightly higher, it slopes from Brook Run to E 56<sup>th</sup>.

Brett Culp stated they will have to accept that water and manage it at their site. They are aware of this issue and will make sure to design accordingly to route the water and make sure it doesn't pond up on the site. The actual stormwater design must be submitted with the Preliminary Plat.

*(Rocky Sposato left at 7:58)*

Mike Ludwig stated tonight is just a consideration of the zoning. The applicant hasn't completed all their engineering work on this site yet. The subdivision plat will come back to the commission and will give us more time to review these issues and concerns. Some other things to consider is the opportunity to provide a range of lot sizes with the highest density being on the eastern part of the property.

Brett Culp stated the large lot widths are shown down in the Finney property.

Mike Ludwig asked for the lot widths on the south end of the concept drawing.

Brett Culp stated the widths are the same, they're just deeper lots. They have identified open area out lots and once they get into the design they could incorporate drainage easements into a side yard.

Mike Ludwig asked if they would accept a condition stating their first plat will show an overall concept for the entire property.

Brett Culp stated if it remains just a concept.

Mike Ludwig stated yes, at a concept level that would introduce varied types of housing.

Brett Culp stated yes, they would accept that condition.

Greg Jones asked if the larger lots to the south will have bigger square footage homes.

John Larson stated they will be bigger, just not sure how much bigger right now.

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



Greg Jones stated in the new Zoning Code these are the new square footages that will be added but staff would have the opportunity give up more on an infill site than a greenfield site. From staff's point of view where do they fall in giving up square footage.

Mike Ludwig stated to give up the square footage, they would like to see a mix of housing sizes and housing types.

Steve Wallace stated he lives in Brook Run and has seen these storm water issues. With the decrease of agricultural land, it has made it a lot worse.

David Courard-Hauri asked how we stop having these conversations about storm water management.

Mike Ludwig stated that if revisions to the storm water standards are needed then it should be addressed through code revisions by the engineering department. The City is held to the standards that are in place at the time their plat comes in and unless they change, they will meet the standards set today. Storm water standards are much greater today than they were 10 years ago. The detention basins at Brook Run were built 18 years ago.

Mike Simonson stated if there are shared detention facilities, the City should have an independent engineer review them once a year or once every other year. The lack of maintenance causes these facilities not to operate properly.

Mike Ludwig stated those are conditions that could be discussed when a plat is reviewed. Asked if the commission be interested in considering a mix of housing sizes, mix of housing types and adding some missing middle housing within this development.

David Courard-Hauri asked what type of wording would be feasible for when the plans come in.

Mike Ludwig stated when they come in with their first preliminary plat, they show an overall concept plan that shows a range of housing sizes for single family detached, and introduce missing middle housing in addition the 90-unit apartment building.

John "Jack" Hilmes asked if there was any basis for the proposed reduction in building square footages other than a market price point.

Brett Culp stated the reason is these are the numbers the commission arrived at about 2-3 months ago on another project he represented.

### **COMMISSION ACTION:**

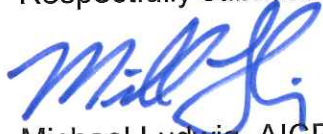
Mike Simonson made a motion to **APPROVE** Part A) the Commission find the proposed rezoning **NOT** in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, Part B) **APPROVAL** of the requested amendment to the PlanDSM Creating Our Tomorrow Future Land Use Map from Low-Medium Density Residential to Medium Density Residential subject to a maximum overall density of 12 units per acre; and Part C) **APPROVAL** of the request rezoning subject to the following revisions:

1. An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator's satisfaction, that a mix of housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.
2. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.
4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network.
5. Any detached single-family dwelling shall comply with the following:
  - a. No same house front elevations shall be built on adjacent lots.
  - b. Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
  - c. Any house shall have a minimum two-car attached garage.
  - d. The front façade of any house constructed must contain one of the following:
    - a. A front porch of not less than 60 square feet; or
    - b. Stone or brick masonry siding covering at least 1/3 of the façade.
  - e. All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
  - f. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
  - g. For the first phase of development and first preliminary plat which shall include that portion of the Property north of and immediately adjacent to the east of the real property locally known as 3341 E. 56<sup>th</sup> Street:
    - i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
    - ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
    - iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
  - h. For the second phase of development and second and subsequent preliminary plat(s) which shall include that portion of the Property south of and immediately adjacent to the east of the real property locally known as 3301 E. 56<sup>th</sup> Street:

- i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
  - ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
  - iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
- i. Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
  - j. Any chain link fence shall have black vinyl cladding.

Motion Carried: 10-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

J. Larson Homes, LLC and QSL Development, LLC (owners) represented by John Larson (officer) for property located in the 3301 block of East 56th Street.				File #
				21-2019-4.05
Description of Action	Amend the PlanDSM Creating Our Tomorrow to revise existing Future Land Use designation from Low-Medium Density Residential to Medium Density Residential.			
PlanDSM Future Land Use	Current: Low-Medium Density Residential. Proposed: Medium Density Residential.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"A-1" Agricultural District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		24.83
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	
	Denial		Yes	
			No	X

J. Larson Homes, LLC and QSL Development, LLC, 3301 block East 56th Street

21-2019-4.05



J. Larson Homes, LLC and QSL Development, LLC (owners) represented by John Larson (officer) for property located in the 3301 block of East 56th Street.				File # ZON2019-00089	
<b>Description of Action</b>	Rezone property from "A-1" Agricultural District to "R-3" Multiple-Family Residential District to allow 63.087 acres of agricultural land to be developed for a single-family residential subdivision, town home units and multiple-family residential apartment dwellings for individuals with a physical or developmental disability.				
<b>PlanDSM Future Land Use</b>	Current: Low-Medium Density Residential. Proposed: Medium Density Residential.				
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"A-1" Agricultural District and "FSO" Freestanding Signs Overlay District.				
<b>Proposed Zoning District</b>	"R-3" Multiple-Family Residential District and "FSO" Freestanding Signs Overlay District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
<b>Subject Property</b>	0	5		24.83	
<b>Outside Area (200 feet)</b>					
<b>Plan and Zoning Commission Action</b>	Approval	X	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

J. Larson Homes, LLC and QSL Development, LLC, 3301 block of East 56th Street      ZON2019-00089



Item \_\_\_\_\_ Date 6-15-2019

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

(Circle One)

Print Name Sarah Champion

Signature Sarah Champion

Address 2969 E. 56th St. Atlanta Ga 30306

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 20 2019

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

- ① raise our assement + Taxes
- ② increased Traffic - ③ Trespassing on our land - Liability
- ④ Can fire + rescue handle more? On 2 occasions we called 911 (auto accidents) it took 45 minuetts before fire responders (police) arrived.

Item ZON2019-00089

Date June 11 2019

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

(Circle One)

Print Name LARRY S. ZIMMER

Signature Larry S. Zimmer

Address 2980 NE 56TH STREET ALMA

JUN 14 2019

RECEIVED  
COMMUNITY DEVELOPMENT

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

THE TRAFFIC AS ALREADY OVERLOADING THE STREET.  
 HOW MANY TREES WOULD BE CUT DOWN!  
 WE NEED TREES OVER CONCRETE

Item ZON2019-00089 Date 6/13/19

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

(Circle One)

Print Name Elizabeth Stanley

Signature Elizabeth Stanley

Address 3208 E. 56th St.

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 20 2019

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

- 1. My Taxes will go up.
- 2. Way to much Traffic
- 3. To Many People
- 4. No Beautiful Trees "

ZON2019-00089

em

Date

6/12/19

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

(Circle One)

Print Name

Matt Murphy

Signature

*Matt Murphy*

Address

3301 E 56th St

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 20 2019

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

Water run off not completely addressed.  
Based on the concept, my property value will be dramatically effected the day of approval.

ZON2019-00089

em

Date

6/12/19

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

(Circle One)

Print Name

FRAN STEWART

Signature

*Fran Stewart*

Address

3182 E 56th St.

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 14 2019

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

↑ traffic - (608 cars in 1/2 hr.) Roads ARE ALREADY TERRIBLE - Takes 911 (Police - Fire) 20-30 min. to get here  
You keep changing zoning this will be the 3rd time - my taxes goes ↑ each time - IF I WANT to do changes - add I have to go through hoops due to all these changes -  
*W. 1st Block  
Sum Block  
one exit  
ONE 56th St*  
*TAKES 5-10 MIN - TOGETHER w/ DR (4-6 AM)*