

Date..... April 9, 2007

RESOLUTION APPROVING AMENDMENT TO THE DES MOINES  
2020 COMMUNITY CHARACTER LAND USE PLAN FOR PROPERTY  
IN THE VICINITY OF 2200 BLOCK OF E. PINE AVENUE

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held November 16, 2006, the members voted 11-3 in support of a motion to recommend **APPROVAL** of a request from Jerry's Homes (purchaser) represented by Ron Grubb to amend the Des Moines 2020 Community Character Land Use Plan future land use designation for property located in the 2200 block of East Pine Avenue as follows:

- (1) From Public/Semi-Public, Park/Open Space - Public, and Low/Medium Density Residential designations to Medium Density residential.
- (2) From Low Density Residential to Low/Medium Density Residential.
- (3) Removal of the Neighborhood Activity Node at the southeast corner of the subject property.

The subject property is owned by the Michael Tobis Trust and is more specifically shown in the accompanying map.

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

1. That the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.
2. That all other parts of said Des Moines 2020 Community Character Land Use Plan are hereby deemed to remain in full force and effect and the Plan adopted by the City Council by Roll Call No. 00-3381 on August 7, 2000, and all subsequent amendments thereto including the amendment herein shall constitute the official comprehensive plan known as the Des Moines 2020 Community Character Land Use Plan.

( continued )

★ Roll Call Number

Agenda Item Number

49A

Date April 9, 2007

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MOVED by \_\_\_\_\_ to approve the proposed amendment.

FORM APPROVED:

*Roger K. Brown*

(21-2006-4.06)

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

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

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

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

.....  
Mayor

December 18, 2006

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 November 16, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-3 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz		X		
Kaye Lozier	X			
Brian Meyer		X		
Brian Millard		X		
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace				X



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

**APPROVAL** of a request from Jerry's Homes (purchaser) represented by Ron Grubb to amend the Des Moines 2020 Community Character Land Use Plan future land use designation for property located in the 2200 block of East Pine Avenue as follows: (21-2006-4.06)

- (1) From Public/Semi-Public, Park/Open Space - Public, and Low/Medium Density Residential designations to Medium Density residential.
- (2) From Low Density Residential to Low/Medium Density Residential.
- (3) Removal of the Neighborhood Activity Node at the southeast corner of the subject property.

By same motion and vote, members moved for **APPROVAL** of a request to rezone subject property from "R1-80" One-Family Residential District to Limited "R-3" Multiple-Family Residential District, Limited "R1-60" One Family Low Density District, and Limited "R1-80" One Family Low Density Residential District, and to allow for future single-family semi-detached and townhome development subject to the following limitations: (ZON2006-00031)

- 1. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Preliminary Plat for the property.
- 2. No removal of vegetation from the conservation easement areas and no removal of any vegetation on the subject property until a grading plan is approved as part of a Preliminary Plat.

3. Each single-family dwelling unit shall have an attached two-car garage and basement.
4. Minimum building floor areas for single-family residential shall be as follows:
  - a) Single-story (ranch) 1,200 square feet, excluding basements.
  - b) Two-story 1,400 square feet, excluding basements.
  - c) 1700 square feet minimum for two-story dwellings and 1500 square feet minimum for ranch dwellings in the R1-80 zoned area.
5. 1/3 to 1/2 masonry or a 60 square foot porch shall be required on at least 50% of the single-family dwellings.
6. The front elevation of each single-family home constructed must contain one of the following:
  - a) Shutters on each side of each window: or
  - b) Window trim not less than 4" in width.
7. The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
8. The roof on any home constructed shall be of architectural type shingles or cedar shakes.
9. Fencing shall be limited as follows:
  - a) Black vinyl-clad chain link is the only fencing material permitted.
  - b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
  - c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
  - d) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
  - e) Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
  - f) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
5. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
6. No residential density within Area B shall be greater than 12 units per acre.
7. All single-family residential lots within areas A, B and C shall have a minimum lot width of at least 65 feet.
8. Submitted plats to be in substantial conformance with the zoning concept plan.

Written Responses Inside 250'

4 In Favor

39 In Opposition

*There is at least 15% opposition to the rezoning from property owners within 250' of the subject property. Since there at least 30% of the adjoining property is owned by a governmental entity, this item would require a 6/7 vote at City Council.*

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends that the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of requested amendments (2), (3), (4), (6) and (8) to the Des Moines' 2020 Community Character Plan future land use designations as designated on the attached map (labeled 21-2006-4.06).

Part C) Staff recommends the rezoning of areas A, B, C, and D as designated on the attached map (labeled ZON2006-00031) subject to the following limitations:

1. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Preliminary Plat for the property.

2. No trees over 6" in caliper shall be removed on the subject property until a grading plan is approved as part of a Preliminary Plat.
3. Each single-family dwelling unit shall have a private garage, whether attached or detached.
4. Minimum building floor areas for single-family residential shall be as follows:
  - a) Single-story (ranch) 1,200 square feet, excluding basements.
  - b) Two-story 1,400 square feet, excluding basements.
5. The front elevation of each single-family home constructed excluding windows and doors must consist of 1/3 to 1/2 stone or brick masonry.
6. The front elevation of each single-family home constructed must contain one of the following:
  - a) Shutters on each side of each window: or
  - b) Window trim not less than 4" in width.
7. The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
8. The roof on any home constructed shall be of architectural type shingles or cedar shakes.
9. Fencing shall be limited as follows:
  - a) Black vinyl-clad chain link is the only fencing material permitted.
  - b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
  - c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
  - d) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
  - e) Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
  - f) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
10. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
11. No residential density within Area B shall be greater than 12 units per acre.
12. All single-family residential lots within areas A, B and C shall have a minimum lot width of at least 65 feet.

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

*NOTE: This item was continued from the April 20, 2006 and September 21, 2006 meetings of the Commission. The following is a new staff report based on revised material submitted by the applicant.*

1. **Purpose of Request:** The applicant is proposing to leave the far northeastern 5.88 acres zoned "R1-80" One-Family Low Density Residential District and rezone the eastern and southeastern 21.71 acres to a Limited "R1-60" One-Family Low Density Residential District (65' minimum lot width), the central 12.94 acres to a "Limited R-3", Multiple Family Residential District (limited to a maximum of 12 units per acre) and the western 24.94 acres to "R-3" Multiple Family Residential District (allows up to a maximum of 17 units per acre) for future development of single-family detached, single-family semi-detached, single-family townhome and multi-family condominium uses.
2. **Size of Site:** 65.31 acres.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** Undeveloped.

## 5. Adjacent Land Use and Zoning:

**North** – “R1-80”, undeveloped land (future park school sites owned by the City of Des Moines and Des Moines Public Schools).

**South** – “Hillsboro PUD” & “R1-80”, townhomes, single-family dwellings and undeveloped land.

**East** – “Three Lakes Estates PUD”, single-family dwellings.

**West** – “R-5”, undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the Easter Lake New Town Plan area. The surrounding area generally consists of single-family dwellings, townhomes, agricultural land and future public park and school sites.
7. **Applicable Recognized Neighborhood(s):** Bloomfield/ Allen Township Neighborhood.
8. **Relevant Zoning History:** The applicant’s initial request for “R-2” One and Two Family Residential District and “R-3” Multiple-Family Residential District zoning was continued indefinitely by the Plan and Zoning Commission on April 20, 2006. On September 21, 2006 the applicant presented a revised request that consisted of “R1-70”, “R1-60” and “R-3” zoning. The Commission continued that request as well.
9. **2020 Community Character Land Use Plan Designation:** Easter Lake New Town Plan - Low-Density Residential, Low/Medium Density Residential and Medium-Density Residential, Public/Semi-Public and Public Park/Open Space.
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. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property consists of rolling hills with a primary ridgeline along the northern portion of the site. The property generally slopes downward towards the east and south. Natural drainage ways dissect the property in several locations and contain natural vegetation. The balance of the site has historically been used for agricultural production. The largest drainage way is located in the eastern portion of the property running from the northwest to the southeast and drains directly into the southern most lake of the Three Lakes Estates development. This drainage way contains a significant number of trees and is designated in the Easter Lake New Town Plan as both public and private open space. The developer has estimated this area is approximately 3.35 acres in size. While this area is proposed to be zoned “R1-80” and “R1-60”, it is with the understanding that the vegetation will be preserved (typically via conservation easements) and will serve as a buffer between the “R1-60” lots and the existing 80’- wide lots in Easter Lake Estates. Staff recommends that approval of the requested rezoning be on the condition that a survey of all trees over 6” in caliper and a tree protection plan be submitted during the Preliminary Plan review process. Staff further recommends that no trees over 6” in caliper be removed on the subject property until a grading plan is approved as part of a Preliminary Plat.

2. **Drainage/Grading:** Drainage and grading will be evaluated at the plat phase of the development and during the review of site plans for individual projects within the development. The site generally drains to the south and east corner. Through FY 2005-06 CIP the City has expended over \$2.7 million for the construction of retention basins and drop structure energy dissipaters to provide erosion protection and effective drainage for the tributaries of Easter Lake. The 2006-2007 CIP calls for an additional \$2.1 million dollars to be expended over the next 4 fiscal years (approximately \$500K to \$550K per year). The regional retention system is designed to accommodate release from stormwater detention facilities that will be required within the subject property.
3. **Utilities:** The developer will be required to extend services into the development. Staff believes there is sufficient capacity in the surrounding utilities to support future development.
4. **Landscaping & Buffering:** The retention of approximately 3.35 acres of wooded area along the eastern property line provides a visual screen and buffer between Three Lakes Estates and the proposed "R1-60" portions of the subject property. Future development of the "R1-60" and "R1-80" portions of the property would require one street tree per lot as a minimum. The City's Landscape Standards require the provision of open space, bufferyards, parking lot interior plantings and parking lot perimeter plantings in the "R-3" District. Multi-family site plan review(s) will be required for future development of the requested "R-3" portions of the property and such development must comply with the "R-3" Landscape Standards and the multi-family design guidelines contained in Chapter 82 of the City Code.
5. **Traffic/Street System:** The subject site is bounded by Indianola Avenue to the west and East Pine Avenue to the south. The Easter Lake New Town Plan shows a north/south street bisecting the subject site in half starting at East Pine Avenue and extending north to East Payton Avenue. The Plan also shows the extension of Moonlight Drive westward across the subject property to the planned north/south street and the extension of Driftwood Avenue westward across the park and school sites to the planned north/south street from the Three Lakes Estates development.

Moonlight Drive and Driftwood Avenue currently terminate with barricades at the western boundary of Three Lakes Estates rather than with cul-de-sac bulbs, as the streets were to be extended in the future.

The City's subdivision regulations limit the length of permanent cul-de-sacs to 660 lineal feet (to the center of the cul-de-sac bulb). The lineal distances from Army Post Road to the following points in Three Lakes Estates are as follows:

- Three Lakes Parkway / Driftwood Intersection – 470 ft.
- Westerly terminus of Driftwood Avenue – 1,030 ft.
- Center of Starview Street cul-de-sac south of Driftwood – 1,140 ft.
- Three Lakes Parkway / Moonlight Drive Intersection – 900 ft.
- Moonlight Drive / Timber Wolf Lane Intersection – 1,180 ft.
- Center of Timberwolf Lane cul-de-sac – 1,430 ft.
- Moonlight Drive / Starview Street Intersection – 1,950 ft.
- Westerly terminus of Moonlight Drive – 2,100 ft.
- Center of Starview Street cul-de-sac north of Moonlight Drive – 2,370 ft.
- Center of Starview Street cul-de-sac south of Moonlight Drive – 2,200 ft.

Combining a previous decision to eliminate the planned extension of Three Lakes Parkway with a decision to eliminate the westerly extensions of Driftwood Avenue and Moonlight Drive would result in a series of permanent cul-de-sacs with lengths of nearly 1.75 to 3.5 times the City subdivisions standard. Such a decision would create a significant risk to the public's health, safety and welfare.

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The applicant's conceptual street network, including the westerly extension of Moonlight Drive from Three Lakes Estates is consistent with the Easter Lake New Town Plan and the City's subdivision ordinance.

6. **Trail System:** The Easter Lake New Town Plan shows a bike trail along the proposed diagonal street from the southeast corner of the subject property to the planned north/south street between E. Army Post Road and E. Pine Avenue. The Des Moines Area Metropolitan Planning Organization's Year 2030 Long Range Transportation Plan: Bicycle and Pedestrian Facilities map also shows a future shared-use path in the same location. The future school and park sites to the north of the subject property emphasize the importance of this bike trail. The City will request that the bike trail be dedicated and provide adjoining this street during review and consideration of the any preliminary plat for the subject property.

7. **Easter Lake New Town Plan:** The subject property is located in a Village Development Zone as described below by the Easter Lake New Town Plan.

*Concentrated development that forms compact villages is proposed in the western-most area of the Easter Lake New Town with its proximity to Indianola Road. The area will be composed of three villages, each village is approximately 1/2 mile square with a center made up of commercial or public uses. Densities of 3-12 dwelling units/acre, with an average of 6-8 dwellings units/acre are proposed. The overall density and design character of development within the village will change as one moves from its centers to its edges.*

The Easter Lake New Town Plan designates the eastern portion of the subject property as "Low Density Residential" which allows single-family residential densities of up to 6 dwelling units per acre. The amended rezoning request by the developer would provide a transition of density from the "R1-80" lots in Three Lakes Estates in the following manner.

First, the developer proposes "R1-80" lots in the area immediately adjoining the existing residential structures in Three Lakes Estates. The developer's conceptual drawing proposes 4 residential single-family lots along the eastern boundary abutting 6 existing single-family residential lots in Three Lakes Estates.

Second, the retention of approximately 3.35 acres of wooded area along the eastern property line provides a visual screen and buffer between Three Lakes Estates and future developed portions of the "R1-60" district of the subject property. Previous PUD's for single-family residential in the Village Development Zone have required all single-family residential lots to be at least 65'-wide. The applicant's revised submittal shows the "R1-60" lots being a minimum of 65' in width.

Third, the proposed "R1-80" and "R1-60" portions of the property will buffer Three Lakes Estates from the proposed "R-3" portions of the subject property.

Fourth, the "Limited R-3" portion of the property (limited to a maximum of 12 units per acre) provides a transition and buffer to the "R-3" portion of the property (limited to a maximum of 17 units per acre).

While the Three Lakes Estates neighborhood has expressed concern about increased density in the area, staff notes that the City of Des Moines and Des Moines Public School District have already acquired park and school sites to the north of the subject property that significantly reduces the amount of "Low Density Residential" (up to 6 dwelling units/acre) and "Low-Medium Density Residential" (up to 12 dwelling units per acre) development that was originally anticipated by the Easter Lake New Town Plan.

- 8. Urban Design:** The development of this site will be subject to the City's Subdivision Ordinance, which includes the review and approval of all Preliminary Plats by the Plan and Zoning Commission. Final Plats are reviewed and approved by the City Council.

The site plan for any project within the subject development containing three or more dwelling units would be subject to review and approval by the Plan and Zoning Commission in accordance with the City's Design Guidelines for Multiple Family Dwellings as described in Section 82-214.05 of the City Code.

While single-family residences proposed on any portion of the subject property would be subject to the minimum design standards contained in Section 134-342 of the City Code, staff believes that additional conditions should be placed on each of the requested zoning districts to ensure that future single-family residential development is compatible with existing residential development in the area and consistent with requirements placed on recent PUD developments in the City. Therefore, staff recommended the following conditions at the September 21, 2006 Commission meeting for all portions of the property:

1. Each single-family dwelling unit shall have a private garage, whether attached or detached.
2. Minimum building floor areas for single-family residential shall be as follows:
  - a) Single-story (ranch) 1,200 square feet, excluding basements.
  - b) Two-story 1,400 square feet, excluding basements.
3. The front elevation of each single-family home constructed must contain one of the following:
  - a) A front porch of not less than 60 square feet; or
  - b) 1/3 to 1/2 stone or brick masonry.
4. The front elevation of each single-family home constructed must contain one of the following:
  - a) Shutters on each side of each window; or
  - b) Window trim not less than 4" in width.
5. The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
6. The roof on any home constructed shall be of architectural type shingles or cedar shakes.
7. Fencing shall be limited as follows:
  - a) Black vinyl-clad chain link is the only fencing material permitted.
  - b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
  - c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
  - d) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
  - e) Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
  - f) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
8. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.

The applicant is concerned with items 2 and 3. The applicant is agreeable to staff's proposed single-family residential minimum floor areas for the "R1-80" area only. The applicant is proposing the minimum floor area for the remainder of the site be 1,000 sq. ft. for ranches and 1,200 sq. ft. for two-stories. Staff continues to recommend the minimums be 1,200 sq. ft. and

1,400 sq. ft. These minimums are standards the Commission has consistently used for a variety of developments.

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The applicant also indicated that the minimum porch requirement will not work with some of their house plans and has request that the requirement for brick or stone siding on the fronts of single-family homes be limited to the area zoned "R1-80". The applicant has also requested clarification on how the brick and stone siding requirement is calculated. Staff is agreeable with removing the porch requirement to allow a greater variety of house designs. Additional language has been added to staff's recommendation regarding brick and stone siding to clarify that the area used for the calculation does not include windows and doors. However, staff still recommends that all single-family homes be subject to this condition. The applicant has noted that this was not a requirement of the neighboring "Three Lakes Estates PUD". Staff strongly believes in evaluating previous developments and identifying "lessons learned." Staff believes that the requirement that 1/3 to 1/2 of the front facades of single-family homes be brick or stone is a condition that should be used in most cases.

## SUMMARY OF DISCUSSION

*Kent Sovern joined the meeting at 6:02 p.m.*

*Tim Urban joined the meeting at 6:05 p.m.*

Mike Ludwig: Presented staff report and recommendation. Noted this was the third public hearing by the Plan and Zoning Commission regarding the proposed rezoning. Noted that on December 4, 2006 the Council would likely set the date of public hearing for the rezoning. Changes from the previous requests include the change in zoning from R1-70 to R1-80 for Area D and the 60 square foot minimum porch requirement that was removed under condition #5.

Brian Millard: Asked when the election for the Ward IV Council seat would be.

Brian Meyer: Noted it would be January 9, 2007.

Mike Ludwig: Explained Council could decide to set the hearing before the Ward IV election but the Planning Commission could make a recommendation that the Council hold the public hearing after the election. It is the City Council's decision.

Jeff Grubb, Land Development Director: Explained the Tobis Trust contract that they entered into several years ago, noting they negotiated a sale of property located to the north to the City and Des Moines Public School District for a park and school. Indicated at the last meeting they agreed to go back to the neighbors for additional discussion and a potentially new design. On October 23, 2006 they held a meeting with Tom Wittman of CEC, Brian Meyer, Jim Martin, Jim Bollard and Christine Brand at the Carmen Estates model to review the plan. They liked the R1-80 lots. Noted all lots in Area D exceed the R1-80 10,000 square foot minimum. All in attendance at the meeting agreed the layout was satisfactory. Indicated the Easter Lake New Town plan calls for transition of density from west to east. There have been four neighborhood meetings, numerous discussions with the City and three public hearings. Would like to move forward with the project. Indicated they had opposition to the minimum square footage requirements for single-family units and asked that it be limited to the R1-80 area. Noted they requested a possible reduction in the minimum square footage requirement for dwellings in the R1-60 area. The R1-60 area will be first-time buyers and buyers wanting to stay in the area. Indicated they are in agreement with all conditions. In the R1-80 area, they feel they can accept the conditions.

Brian Millard: Asked if staff condition #4 was a make/break for the applicant.

Jeff Grubb: Noted it is not.



Brian Meyer: Suggested at the meeting they were under the assumption that the applicant agreed to the staff recommendations. The applicant then wrote a letter to staff saying they didn't agree with all of the staff conditions without telling the neighbors and then alleges at the public hearing that they are all in agreement when they weren't.

Kent Sovern: Asked if the issue of minimum square footage was due to the size of the lot or that they believed the market demand was for a smaller structure.

Jeff Grubb: Noted they are looking at a transition of larger homes moving into an area of less expensive homes to the east.

Kent Sovern: Asked how large a custom home would be. Asked their point of view on reducing the 1400 square foot minimum to 1000 square foot minimum and asked if it was a matter of a 1000 square foot unit fitting better on the smaller lots, or that they felt the market demand was better for 1000 square foot unit than 1400 square foot unit.

Jeff Grubb: Noted it would be a market demand.

David Cupp: Asked what would happen when homes are built around the low area; if it would create a problem with drainage.

Jeff Grubb: Noted drainage runs the opposite direction (northwest to southeast).

Tim Urban: Asked about the staff recommendation that no trees greater than 6" be removed until grading. Asked if it would be better to leave the areas undisturbed until development takes place and asked if they had a problem with a restriction for removing any vegetation. Asked if the discretion would be left up to the homeowner.

Jeff Grubb: Explained that conservation easements would be platted on the rear of lots.

Mike Ludwig: Noted it is an issue handled at the subdivision plat stage.

Dann Flaherty: Asked why there was not a PUD.

Jeff Grubb: Indicated they were just asking for straight zoning. Did not think their proposal was unreasonable.

Greg Jones: Explained if the City doesn't want straight zoning they should get it out of the zoning ordinance (only have a PUD district). Suggested letting the rezoning request proceed with conditions.

Mike Ludwig: Clarified the applicant would have to return for a plat for single-family lots. For the areas where multi-family is allowed, there could be single-family housing interspersed among the multi-family. Before multi-family can be developed, it will have to return to the Commission for a multi-family site plan review.

Jeffrey Johannsen: Asked if they object to the City's 2020 Community Character Land Use Plan.

Jeff Grubb: Noted they were following the guidelines for the Easter Lake New Town plan, which is adopted as part of the 2020 Community Character Plan.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak in favor of the request.*

*The following individuals spoke in opposition to the request:*

Jim Bollard, 4007 SE 26<sup>th</sup> Street, President of Bloomfield/Allen: Have met a number of times with the developer and City staff. Still had some questions relative to the proposed R1-60 area. There should not have been any statement by the developer that there was mutual agreement at the developer/neighborhood meeting. Explained it would make sense to have higher density along Indianola as it is in the 2020 Character plan. Expressed concern for the densities being requested by the applicant. Asked everyone in opposition to stand for identification (the majority of the audience stood). Expressed surprise regarding the letter submitted by the applicant.

Brook Rosenberg: Asked if the association objects to the square footage recommended by staff.

Jim Bollard: Noted they would like a higher minimum square footage, particularly in the R1-80 area, but they understood they were the City's requirements. They are willing to negotiate on that.

Fran Koontz: Noted the City has long held to a minimum standard for 1200 square foot minimum for a ranch and 1400 square foot minimum for a 2-story and those should be acceptable on the R1-60 lots.

James R. Martin, 6916 Star View Street: Three Lakes Estates area homes are 1924 square feet and in the carded zone area they are 1844 square feet. Explained there are homes that abut the area that are proposed for 1250 square feet. Noted the association would like to see PUD development. Concerned that the developer would not be held to the conceptual layout; the character of the Easter Lake New Town plan is a concern; and would like to have this item tabled if it wasn't going to be turned down. On the petition, there are two homes that are listed that are not filled in; there is complete opposition. Presented the petition to be entered into the record.

Christine Brand, 6705 Three Lakes Parkway: Represented the homeowner association: Expressed concern for the densities; noted that Indianola Road is lined with multi-family. Noted the north 30 acres would have accommodated 198 units originally; noted the residents proposal is to stay with the Easter Lake New Town plan and meet half way in the middle for a maximum of 522 units. The homeowners association asks that there be no rentals; ask for a basement for each unit; asked for a 2-car attached garage; asked if manufactured housing could be placed on the lots.

Mike Ludwig: Noted the square footage minimum excludes the basement.

Fran Koontz: Noted the original recommendation required a basement.

Phyllis Foster, 2300 E. Luster Lane, #8: Noted they bought a townhome south of Pine Avenue and noted it is the last home they plan to purchase; liked that it is part of a neighborhood. Were told the property to the north had been sold and would be developed for single-family homes. Opposed to rezoning as it is proposed with the high-density uses. Higher density will have a detrimental effect on the neighborhood, particularly with regard to the maintenance of the roads and property values.

Bruce Heilman: Noted medium density is across the street not high-density.

Mike Ludwig: Noted the Hillsboro PUD was approved before the Easter Lake New Town plan was adopted.

Brian Meyer: Asked if Ms. Foster would support a PUD proposal.

Phyllis Foster: Agreed.

Ron Foster, 2300 E. Luster Lane, #8: Expressed concern regarding the rezoning request. Explained the realtor got their information regarding densities from Grubb.

Jim Bollard: Noted the 2020 Community Character Plan and Easter Lake New Town Plan are expected to change, but there have been several changes and more density. If the City wants to put high-density in there, they should put it on the map so buyers moving in will know what to expect.

Tim Urban: Noted there were previous objections to the quality of residents potentially moving in and to the comparability of homes being built in the new area versus existing homes.

Jim Bollard: Noted everything could change; values are going up, but it could go the other way, as well. Did not think anyone was talking about the quality of people, they are just looking to invest in their properties and want assurance the value of their homes will be maintained.

Chad Urban, 2332 E. Luster Lane: Spoke on behalf of the Hillsboro Neighborhood Association. They are in support of the Bloomfield/Allen and the Three Lakes Estates comments. Expressed concern regarding high-density and increased traffic volume; want to protect integrity of the value of their properties.

Jeff Grubb: Noted they will be bringing forward a product that could be similar to Hillsboro. They will be bringing forward Carman Estates Plat 6, which will be similar density. Respectfully asked for the Commission's approval.

Brian Millard: Asked if the school and park transaction had occurred. Asked about basements.

Jeff Grubb: Noted the transaction had occurred and all single-family homes would have full basements and two car attached garages; there are no plans for detached garages.

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

David Cupp: Could not vote on something this important without representation on City Council from the subject property's Ward. Moved to delay to the second meeting in January of 2007.

Tim Urban: Noted it is not the Commission's duty to advise the City Council of whether to deliberate on an issue. Suggested it is appropriate for the Commission to provide the zoning and planning recommendations and let the City Council use its own political judgment to decide whether to put off the hearing until after the January 9, 2007 election.

Fran Koontz: Expressed concerns that it should be a PUD zoning. Suggested the process would have been smoother if it had been PUD. Green spaces are not cast in stone and the schools don't necessarily keep their word.

Mike Simonson: Asked that the comments be specific to the motion.

Fran Koontz: Asked if her comments were viable to the motion.

Dann Flaherty: Explained the comments needed to be confined to the motion on the table.

Fran Koontz: Suggested her comments could have something to do with a "yea" or "nay" to the motion.

Dann Flaherty: Noted the motion was to delay and asked for other comments.

Kent Sovern: Opposed to the motion; believed the motion may cause unjustifiable delay and expedient resolution and puts the City Council in a precarious position.

Brian Millard: Supportive of the motion because the Commission does sometimes take action to force the City Council to do certain things including a super majority. Concerned Council representation of that Ward is critical.

51  
49A

Larry Hulse: Clarified the motion to table the Plan and Zoning Commission's consideration until January 2007.

Fran Koontz: Called the question.

Motion failed 3-11 (Greg Jones, Mike Simonson, Kent Sovern, Jeffrey Johannsen, Brook Rosenberg, Kaye Lozier, Dann Flaherty, Bruce Heilman, Shirley Daniels, Tim Urban, and Fran Koontz were opposed to the motion).

Bruce Heilman: Moved staff for all items with adjustments to the conditions as follows:

1. Each single-family dwelling unit shall have an attached two-car garage and basement.
2. Minimum building floor areas for single-family residential shall be as follows:
  - a) Single-story (ranch) 1,200 square feet, excluding basements.
  - b) Two-story 1,400 square feet, excluding basements.
  - c) 1700 square feet minimum in the R1-80 zoned area (Area D).
5. At least 50% of the single-family dwellings are required to have 1/3 to 1/2 brick on front facade.

Tim Urban: Friendly amendment under #2 that no removal of vegetation from the conservation easement areas by the developer.

Mike Ludwig: Noted the Commissioners may want to add a condition that the plats that are submitted be in substantial conformance with the presented plan.

Bruce Heilman: Asked to add that to the conditions as number 13.

Tim Urban: Suggested the developer indicate his position on the request for all R1-80 lots to have a minimum 1700 square feet.

Jeff Grubb: Would go along with 1700 square feet for two-story, but would be big for a ranch and suggested 1500 feet for ranch-style dwellings.

Bruce Heilman: Explained he was concerned about the buffer with the existing homes, which were generally 1850 to 2100 square feet abutting to the east. Suggested the lots would be the prime lots and did not want to over-duly restrict the applicant. Agreed with 1700 square feet for two-story and 1500 square feet for ranch.

Brian Millard: Spoke to recommendation #5 and explained the staff recommendation was for either the façade have 1/3 to 1/2 stone or have a porch on the front. In negotiations with the applicant, who has desired not to have the porch requirement, he did not think would be out of character. Concerned the recommendation was for "either/or", but the decision was made to have one. Masonry could be a problem on some designs; suggested reconsidering that portion of the motion.

Bruce Heilman: Asked the applicant about porches.

Jeff Grubb: Explained some designs would not look right with a porch.

Bruce Heilman: Asked if the applicant if he would agree to either/or and explained he would like to see a mix of porches on some of the homes.

Jeff Grub: Indicated there is a mixture now; homes with some brick, various types of siding and sizes.

