

Date June 9, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 15, 2008, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Central Iowa Developers, L.C. (owner) represented by William Kline (officer) to rezone property located at 5100 NE 38<sup>th</sup> Avenue from "A-1" Agricultural District to "PUD" Planned Unit Development and approval of the Brook Run North PUD Concept Plan, as presented at the hearing subject to the following conditions:

1. Prohibition of the following "C-1" District uses from Parcel D.
  - a. Gas stations/ convenience stores.
  - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - c. Package goods stores for the sale of alcoholic beverages.
  - d. Pawn shops.
2. Replacement of notes pertaining to the "Low/Medium Density Residential" and "Medium Density Residential" bulk standards and permitted uses with a note that states Density ranges are provided but "the design, building placement and overall density will be determined by future Concept Plan amendments."
3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south streets.
4. Provision of a trip generation analysis by the developer prior to any preliminary subdivision plat approval. Contribution to necessary improvements of NE 38<sup>th</sup> Avenue as determined necessary by the analysis.
5. Submission of a tree preservation and mitigation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
6. Provision of a minimum of 2 overstory trees, 2 evergreen trees, 6 understory trees and 8 shrubs for every 100 lineal foot of frontage in the NE 38<sup>th</sup> Avenue landscape buffer.
7. Addition of notes discussing the feasibility of providing sanitary and storm water facilities in the development to the satisfaction of the City Engineer.
8. Identification of approximate location of storm water management facilities to the satisfaction of the City Engineer.
9. Identification of approximate locations of any existing easements and all proposed easements to the satisfaction of the City Engineer.
10. Building materials and roof design for outbuildings and dumpster enclosures shall match principle building materials and include architectural detailing on all sides viewable from public streets.

(Continued)

Date June 9, 2008

11. Outbuildings associated with multiple-family residential developments and dumpster enclosures are prohibited from fronting NE 38<sup>th</sup> Avenue or NE 56<sup>th</sup> Street.
12. Parcel D be shifted to a location approximately 250' north of the NE 38<sup>th</sup> Avenue and NE 56<sup>th</sup> Street intersection;
13. Transition of density from existing and proposed low density residential along the west and south boundaries.

The subject property is more specifically described as follows:

A parcel of land in the S 1/2 of the SE 1/4 of Section 22, Township 79 North, Range 23 West of the 5th P.M., City of Des Moines, Polk County, Iowa which is more particularly described as follows:

Commencing as a point of reference at the SW corner of the SE 1/4 of the SE 1/4 of said Section 22, thence N00°27'04"W, 33.00 feet to a point on the north right-of-way line of NE 38th Avenue, said point being the point of beginning; thence N89°35'06"W, 56.92 feet along said north right-of-way line to a point; thence N00°24'35"E, 1309.70 feet to a point on the north line of the S 1/2 of the SE 1/4 of said Section 22; thence N89°41'50"E, 981.47 feet along said north line to a point on the west right-of-way line of NE 55th Way; thence southerly along a curve to the right having a radius of 1112.90 feet, a chord bearing of S06°29'01"E, an arc length of 262.57 feet along said west right-of-way line to a point; thence S04°55'27"E, 152.10 feet along said west right-of-way line to a point; thence S25°00'57"E, 169.80 feet along said west right-of-way line to a point; thence S64°28'27"E, 234.40 feet along said west right-of-way line to a point on the west right-of-way line of NE 56th Street; thence S00°16'33"W, 251.14 feet along said west right-of-way line to a point; thence S07°52'14"W, 75.66 feet along said west right-of-way line to a point; thence S00°16'33"W, 228.80 feet along said west right-of-way line to a point; thence S44°25'25"W, 93.13 feet along said west right-of-way line to a point on the north right-of-way line of NE 38th Ave; thence S88°40'58"W, 1182.33 feet along said north right-of-way line to the point of beginning and containing 35.038 acres, more or less, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

(Continued)

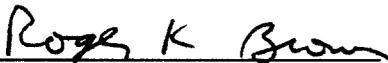
Date June 9, 2008

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on June 23, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. 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.

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

FORM APPROVED:



Roger K. Brown  
Assistant City Attorney

(ZON2008-00020)

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

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**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

Date \_\_\_\_\_

Agenda Item 32

Roll Call # \_\_\_\_\_

June 23, 2008

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 May 15, 2008, the following action was taken:

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
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 Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

**APPROVAL** of a request from Central Iowa Developers, L.C. (owner) represented by William Kline (officer) to amend the Des Moines' 2020 Community Character Land Use Plan to designate the property located at 5100 NE 38<sup>th</sup> Avenue as 1.5 acres of Small-Scale Strip Development, 20.03 acres of Medium Density Residential and 13.51 acres of Low/Medium Density Residential in accordance with the alternate concept sketch presented at the hearing, but subject to the commercial area being shifted approximately 250' north of the NE 38<sup>th</sup> Avenue and NE 56<sup>th</sup> Street intersection. (21-2008-4.02)

By separate motion Commissioners recommended **APPROVAL** of a request to rezone subject from "A-1" Agricultural District to "PUD" Planned Unit Development and approval of the Brook Run North PUD Concept Plan, as presented at the hearing subject to the following conditions: (ZON2008-00020)

1. Prohibition of the following "C-1" District uses from Parcel D.
  - a. Gas stations/ convenience stores.
  - b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - c. Package goods stores for the sale of alcoholic beverages.
  - d. Pawn shops.



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

2. Replacement of notes pertaining to the "Low/Medium Density Residential" and "Medium Density Residential" bulk standards and permitted uses with a note that states Density ranges are provided but "the design, building placement and overall density will be determined by future Concept Plan amendments."
3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south streets.
4. Provision of a trip generation analysis by the developer prior to any preliminary subdivision plat approval. Contribution to necessary improvements of NE 38<sup>th</sup> Avenue as determined necessary by the analysis.
5. Submission of a tree preservation and mitigation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
6. Provision of a minimum of 2 overstory trees, 2 evergreen trees, 6 understory trees and 8 shrubs for every 100 lineal foot of frontage in the NE 38<sup>th</sup> Avenue landscape buffer.
7. Addition of notes discussing the feasibility of providing sanitary and storm water facilities in the development to the satisfaction of the City Engineer.
8. Identification of approximate location of storm water management facilities to the satisfaction of the City Engineer.
9. Identification of approximate locations of any existing easements and all proposed easements to the satisfaction of the City Engineer.
10. Building materials and roof design for outbuildings and dumpster enclosures shall match principle building materials and include architectural detailing on all sides viewable from public streets.
11. Outbuildings associated with multiple-family residential developments and dumpster enclosures are prohibited from fronting NE 38<sup>th</sup> Avenue or NE 56<sup>th</sup> Street.
12. Parcel D be shifted to a location approximately 250' north of the NE 38<sup>th</sup> Avenue and NE 56<sup>th</sup> Street intersection;
13. Transition of density from existing and proposed low density residential along the west and south boundaries.

#### Written Responses

5 In Favor

8 In Opposition

*This item will not require a 6/7 vote of City Council.*

#### **STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

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

Part B) Staff recommended approval of the requested amendment to the Des Moines' 2020 Community Character Plan to designate the subject property as Small-Scale Strip Development, Medium Density Residential and Low/Medium Density Residential subject to the following conditions:

1. Parcel A is designated as Low/Medium Density Residential.
2. The southern 300' of Parcel C is designated as Low/Medium Density Residential.

Part C) Staff recommended approval of rezoning the subject property from "A-1" Agricultural District to "PUD" Planned Unit Development and approval of the Brook Run North PUD Concept Plan subject to the following conditions:

1. Prohibition of the following "C-1" District uses from Parcel D.
  - a) Gas stations/ convenience stores.

- b) Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - c) Package goods stores for the sale of alcoholic beverages.
  - d) Pawn shops.
2. Replacement of notes pertaining to the "Low/Medium Density Residential" and "Medium Density Residential" bulk standards and permitted uses with a note that states "the design, building placement and overall density will be determined by future Concept Plan amendments."
  3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south streets.
  4. Provision of a trip generation analysis by the developer prior to any preliminary subdivision plat approval. Contribution to necessary improvements of NE 38<sup>th</sup> Avenue as determined necessary by the analysis.
  5. Submission of a tree preservation and mitigation plan locating all trees greater than 6 inches in diameter on the site for review and approval by City staff at the time of platting and prior to the commencement of any tree removal, grading or construction activity.
  6. Provision of a minimum of 2 overstory trees, 2 evergreen trees, 6 understory trees and 8 shrubs for every 100 lineal foot of frontage in the NE 38<sup>th</sup> Avenue landscape buffer.
  7. Addition of notes discussing the feasibility of providing sanitary and storm water facilities in the development to the satisfaction of the City Engineer.
  8. Identification of approximate location of storm water management facilities to the satisfaction of the City Engineer.
  9. Identification of approximate locations of any existing easements and all proposed easements to the satisfaction of the City Engineer.
  10. Building materials and roof design for outbuildings and dumpster enclosures shall match principle building materials and include architectural detailing on all sides viewable from public streets.
  11. Outbuildings associated with multiple-family residential developments and dumpster enclosures are prohibited from fronting NE 38<sup>th</sup> Avenue or NE 56<sup>th</sup> Street.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Brook Run North Concept Plan consists of multiple-family residential development with a mix of densities and a neighborhood commercial area. The applicant's initial proposal consisted of 2 acres of "C-1" zoning, 18 acres of the "R-3" zoning, and 15 acres of "R-3" zoning limited to 12 dwelling units per acre. The "R-3" District allows 17.4 dwelling units per acre unless limited by a conditional zoning agreement.
2. **Size of Site:** 35 acres.
3. **Existing Zoning (site):** "A-1" Agricultural District.
4. **Existing Land Use (site):** Vacant agricultural land.
5. **Adjacent Land Use and Zoning:**
  - North** – "LDR" Low Density Residential District (Polk Co.), Use is undeveloped agriculture land.
  - South** – "LDR" Low Density Residential District (Polk Co.), Use is single-family residential.
  - East** – "LI" Light Industrial District (Polk Co), Use is retail/warehouse business.

**West** – “PUD” (Silver Leaf), Use is undeveloped agriculture land.

6. **General Neighborhood/Area Land Uses:** The proposed development is located in the northeast portion of the City in an area that contains a mix of urban and rural residential development, agricultural land and commercial uses.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** The subject property is a part of the land considered under a rezoning application made in July of 2006 by Central Iowa Developers, LC. for a “PUD” to allow 27.3 acres of medium density residential, 15.2 acres of low/medium density residential and up to 283 single-family lots. This request was withdrawn in October of 2006.

On August 20, 2007 the City Council approved Ordinance 14,698 to rezone the area to the west of the subject site from “A-1” to “PUD.” The Council also approved the Silver Leaf PUD Concept Plan allowing a mix of single-family and bi-attached residential dwellings to be developed on the 37-acre track of land.

9. **2020 Community Character Land Use Plan Designation:** The Des Moines’ 2020 Community Character Plan future land use plan does not currently designate a future land use designations for this area.
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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** The subject property consists of rolling hills generally sloping downward from the northwest to the southeast. The site has been used for agricultural production and contains no significant clusters of vegetation.
2. **Drainage/Grading:** A PUD concept plan must include a discussion of how storm water management will be handled and identify the approximate location of future storm water management facilities. The submitted Concept Plan does not include this information. Staff recommends that providing this information to the satisfaction of the City Engineer be a condition of approval.
3. **Utilities:** The developer is required to extend utilities to serve the development. There is a water main near the site in the NE 38<sup>th</sup> Avenue right-of-way. Overhead electrical service is available from NE 38<sup>th</sup> Avenue as well. All electrical service extension into the development must be done underground. The nearest sanitary sewer line that can serve the site is located approximately 4,000 feet to the southeast near Highway 65. The Concept Plan needs to include a discussion on the feasibility of providing adequate utility service to the development and identify the approximate location of any existing and proposed utility easements. Staff recommends that providing this information to the satisfaction of the City Engineer be a condition of approval.
4. **Landscaping & Buffering:** The submitted Concept Plan includes a 20’-wide landscaped buffer along NE 38<sup>th</sup> Street, which would consist of a minimum of 2 overstory trees or evergreen trees, 6 understory trees and 8 shrubs for every 100 lineal foot of frontage. Staff

believes 2 overstory trees and 2 evergreen trees should be provided in addition to the proposed understory trees and shrubs. The Concept Plan also includes a note stating street trees will be provided along all public streets.

The submitted plan states "Townhome parcels shall have a minimum perimeter setback of 25'" and that "Townhome parcels shall submit a planting plan, which incorporate a variety of deciduous and evergreen types and sizes acceptable to the Planning Director."

Amendments to the Concept Plan will be required before any portion of the site can be developed. Landscaping and buffering will be evaluated further during proposed amendments to insure that an appropriate level of landscaping and buffering is being provided.

- 5. Traffic/Street System:** The subject site is bounded by NE 38<sup>th</sup> Avenue (East Douglas Avenue) to the south and NE 56<sup>th</sup> Street to the east. The western edge of the site would be bounded by a proposed north/south street that would also provide access to the proposed Silver Leaf development. This street is identified on the Silver Leaf PUD Concept Plan. The proposed Concept Plan also shows an east/west street that bisects the site and a north/south street extending from this street to the north. A turnaround must be provided for the northern end of the proposed north/south streets until they are extended to serve future development in accordance with the Fire Code.

The proposed east/west street is shown intersecting a road identified on the Concept Plan as NE 55<sup>th</sup> Way approximately 150' west of NE 56<sup>th</sup> Street. Generally, this is an appropriate location for access to NE 56<sup>th</sup> Street. However, the City's Traffic and Transportation Division is concerned with the design of the intersection with NE 55<sup>th</sup> Way and NE 56<sup>th</sup> Street as shown. The applicant will need to continue to work with the City's Traffic and Transportation Division as plans for the site are refined. This may include consulting with the Iowa Department of Transportation as much of the area to the east of the site is Highway 65 right-of-way. The final alignment of the intersection will be determined as amendments are made to the Concept Plan to allow for the development of the site.

A trip generation analysis must be prepared by the developer prior to any preliminary subdivision plat approval. As part of the platting, a fair share contribution to necessary improvements to NE 38<sup>th</sup> Avenue may be required for that development based on the analysis.

- 6. Des Moines' 2020 Community Character Plan:** The Community Character Plan does not designate a future land use for the subject property. The area generally consists of a mix of low density and low-medium density residential uses and undeveloped land. Staff generally believes that a mixed-use development at this site is appropriate given its proximity to arterial streets and the Highway 65 corridor. However, the successful integration of the proposed development with the existing single-family dwellings to the south and the proposed bi-attached dwellings to the west depends on how the proposed development is designed.

The submitted Concept Plan includes bulk regulations and minimal design standards but no specific design for these areas. The proposed maximum densities for the residential areas would not guarantee a set number of units and the development of these areas would be subject to future Concept Plan amendments. Staff believes that given the lack of detail and the importance of the proper transition of uses that the proposed residential bulk regulations and maximum densities should be replaced with a note that states the design, building placement and overall density will be determined by future Concept Plan amendments.

Staff also believes that Parcel A should be identified as Low-Medium Density Residential to provide a proper transition from the Silver Leaf "PUD" to the west. Staff also believes that the southern portion of Parcel C should be identified as Low-Medium Density Residential.

Staff believes the reference to the "C-1" District for the Neighborhood Commercial area (Parcel D) is appropriate if the following uses are prohibited.

- a. Gas stations/ convenience stores.
- b. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
- c. Package goods stores for the sale of alcoholic beverages.
- d. Pawn shops.

**7. Urban Design:** The submitted concept plan does not detail layouts or provide building elevations. As previously stated in this report, staff is recommending that the residential and commercial areas be identified as future development with a note that states the density, intensity, and design of these areas are subject to future concept plan amendments. The proposed density ranges provide an idea of what will be considered in the area, but does not guarantee a set number of dwelling units.

## **SUMMARY OF DISCUSSION**

Mike Ludwig: Presented the staff report and recommendation.

Dann Flaherty: Asked about the corner of Douglas and NE 56<sup>th</sup> Street not being able to support the traffic for a commercial use. Asked about moving that parcel to the north and away from the intersection.

Mike Ludwig: Noted the way it was addressed in the staff report was that at the time of the revised concept plan and subdivision plat they would need to submit a traffic study, which would identify what improvements would be necessary to Douglas Avenue.

Dann Flaherty: Noted the traffic signal that has been placed at NE 38<sup>th</sup> Avenue (Douglas Avenue) has not helped alleviate the problem.

Mike Ludwig: Noted the necessity for turn lanes would have to be reviewed by Traffic & Transportation as well. Deferred to the applicant regarding the commercial component being moved.

Marc Wallace: Noted the reality of driving on NE 56<sup>th</sup> Street are adjoining uses that distract drivers and create a traffic concern.

Tim Urban: Asked how the multiple points of access to the east would be resolved. Noted the intersection there would be hard to manage.

Mike Ludwig: Noted the applicant would have to meet the design standards for the intersection and suggested there could be a potential for a T-intersection of the street and driveway. Suggested the east/west connection could be the main access and have the north/south street "T". Noted there is currently no specific designation of land use for the property. Explained it was previously voluntarily annexed into the city.

Larry Hulse: Asked if staff was concerned about setting the access points exactly along the streets.

Mike Ludwig: Noted when the applicant comes in with a development they would have to show the layout of the development and those accesses would be looked at in greater detail by the Traffic & Transportation division. Explained no comments were received from Traffic & Transportation

regarding the accesses shown on the PUD. The applicant would ultimately have to submit a traffic study so they are not guaranteed any access with the presented layout.

Bruce Heilman: Asked if the staff recommendations for prohibitions of uses were due to the corner location or in general.

Mike Ludwig: Noted if the convenience store and packaged liquor store uses were combined as a neighborhood center and were moved further north it might be appropriate. Noted before development could occur the applicant would have to return with an amended concept plan showing the layout of the buildings and the architecture and any density would be based on that review of those site plans.

Jerry Oliver, Civil Engineering Consultants, 2400 86<sup>th</sup> Street, Urbandale: Bill Kline with Central Iowa Developers was present as well. Presented a color rendering of the request and noted they felt there needed to be an increase in density as they approached the bypass, which is why they have increased the density to a maximum of 17 dwelling units per acre and noted as they proceeded to the west the density decreased with the northwest parcel being proposed as a maximum of 12 and the southwesterly parcel being proposed as a maximum of 8 dwelling units per acre. Explained the east/west street comes from the round-about proposed in the Silver Leaf project to the west, which does travel due east and intersect at NE 56<sup>th</sup> Street at approximately the same location where the existing street accesses onto 56th Street. The street to the north goes to a farm property on the overall large plan. Access is being provided to both the Silver Leaf project to the west and to the agricultural area to the north. They could anticipate the drive would reconnect into a "T" intersection on the east/west street of their site. Suggested this is a general concept plan and when and if there are specific plans on any of the parcels it would return to the commission and City Council for review and approval. Noted there would be a buffer all along the north side of E. Douglas, there will be sidewalks on both sides of all public streets, there will be street trees on the public streets, all the townhome projects within each pod would have similar architecture, similar color scheme and similar roof materials. They held a neighborhood meeting on May 6<sup>th</sup>, with only the neighbor to the east who was in favor of the project, in attendance. Explained they disagree with staff on the density of the parcels. Staff would like all of Parcel A be 8 dwelling units per acre, even though the property to the west is not opposed to the land use plan. Staff also would like a portion of Parcel C be 8 dwelling units per acre. They were hoping for support from the Commission. Explained if they fall back to a different position, they would like to discuss it further. They would be amenable to discussing moving the convenience store in Parcel D to the north if the Commission preferred. Noted they do not have any problem with Parcel C recommendations, but they do have concerns with the Parcel B recommendations they would like to discuss further.

Bruce Heilman: Asked if the plan is not to have any frontage on Douglas, but would have fencing and a heavy landscaping buffer. Asked if they would be amenable to having single family to match what is across the street to the south.

Jerry Oliver: Noted they were proposing a 20' wide buffer and would not have any units fronting onto Douglas. He could conceive the possibility of fronting onto the north/south street toward the Silver Leaf project to the west. Presented an alternate layout, which shows a strip of 8 dwelling units per acre density along the north/south street as well as along all of East Douglas.

Bruce Heilman: Noted the Commission tries to transition and buffer new development from existing development.

Tim Urban: Expressed concern that the subject request is an entitlement zoning establishing densities to allow them to put the property on the market to sell to others so it is conceivable that there could be three or four developers instead of one developer presenting a vision for the entire property. The subject request is not a conventional rezoning request.

Larry Hulse: Noted staff wrestled with the same concerns, which is why he asked about the access points since it is really not clear what the buildings will be. If it is generally zoned the access points may need to move.

Tim Urban: Asked if the subject request is approved, if the next step would be for the applicant to come before the Commission with a plat establishing the public rights-of-way for the streets so marketable parcels could be created, or if there would be concept planning and site planning to know what the parcel dimensions and characteristics would be first.

Jerry Oliver: Noted they are amenable with the public streets as shown on the presented drawing with the exception of the alignment of 55<sup>th</sup> Way to create a "T" intersection. Noted it is logical to have an east/west street as shown and logical to have another access to the property to the north. The next step would be to return with a plat.

Larry Hulse: Differed indicating the next step would actually be to return with a concept plan that sets the preliminary street layout and then the platting.

Jerry Oliver: Noted they can prepare a concept plan for the 35 acres, but when it goes to the next step and someone wants to purchase one of the parcels they may have differing concepts and would have to return to the Commission for amendment. The ultimate buyer will want something different.

Mike Ludwig: Explained there really is no other alternative for the east/west street and it is logical to have the north/south street as shown, but the access points along Douglas would be the concern and the applicant could easily designate outlots, which does not allow development to occur until it is re-subdivided and a concept plan is presented with a plat. The densities shown are not guaranteed. There are a lot of areas in Easter Lake, for example, where there are 17 units per acre allowed on the land use plan, but they have rarely developed at that. Most single family development in Easter Lake is in the 3 dwelling unit per acre range instead of 6 dwelling units per acre allowed by the comprehensive plan. The subject request locks them into a PUD. Noted the subject request is an overall development plan where they come in with amended PUD concept plans within the "bubbles".

Tim Urban: Noted if the intent of the developer is to plat the property and find developers to build on three or four parcels, it should be clear that the criteria established for each parcel is a "range". Expressed concern that a buyer could be misled about what they could do with the property.

Mike Ludwig: Noted it is similar to the Easter Lake area where there were areas designated for medium density and low/medium density and was subject to coming in with a concept plan to show what densities were proposed.

Marc Wallace: Expressed concern for the carrying capacity of the schools that would support the development.

Bruce Heilman: Asked if the single-family south of Douglas was R1-80.

Mike Ludwig: Noted it was zoned A-1 but there are generally 80' wide lots.

Dann Flaherty: Asked about the C-1 parcel at the southeast corner. Suggested there be no direct commercial access from Douglas and 56<sup>th</sup> Street to alleviate traffic concerns or move the Commercial to the north, which would offer the opportunity to access the commercial areas from the new street. Moving to the west would put the commercial development across from Brook Run, which would have traffic coming from there.

Jerry Oliver: If they moved the commercial use, they would not want to move it west but would consider moving it north. Moving it west would push it into the residential and there may be more objections. Moving it to the north would not affect anything so they would be amenable to that.

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

*There was no one in the audience to speak on this item.*

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

Bruce Heilman: Moved staff recommendation with the following additions/revisions:

- Commercial use move to the north;
- Alternate plan presented at the hearing with low/medium buffers potentially single-family R1-70 or R1-80 along Douglas to protect existing homes to the south.

Tim Urban: Suggested the focus was a plan representing two different density zones with the general demarcation; also suggested the commercial be sited at the northern portion to avoid creating a problem with the traffic at the East Douglas and NE 56<sup>th</sup> Street intersection.

Bruce Heilman: Explained his thought on the commercial parcel was not traffic patterns but existing development. Moving it north to the intersection would buffer existing development to the south.

Mike Ludwig: Reiterated the motion to be approval of the alternate plan presented at the hearing with the condition that the commercial be moved to the north.

Bruce Heilman: Noted that along Douglas, low/medium density designation does not preclude single-family development.

Tim Urban: Asked if commercial moved to the north should not be constricted to an absolute acreage in size.

Bruce Heilman: Noted for planning purposes, it would extend south no further than to the proposed demarcation between medium density and low/medium density residential areas.

Larry Hulse: Noted the wording of the motion when the information is prepared, would be that the densities are a range and the access points on Douglas would be reviewed with the revised Concept Plan and plat.

Mike Simonson: Asked to question the applicant.

Jerry Oliver: Suggested the next step would be to plat in outlots and he didn't know if the platting of outlots would necessitate the extension of sanitary sewer and utilities to the site. He did not read Item #7 of the staff recommendations in Part C the "addition of notes discussing the feasibility of providing sanitary and storm water facilities in the development to the satisfaction of the City Engineer" to say the sanitary sewer has to be provided to the site immediately or before it would be platted in outlots. They don't believe they will extend sanitary sewer overnight, but believe development south of Douglas Avenue will take place over time and bring sanitary sewer closer to this property and when it is economically feasible they will pick up the sanitary sewer and extend it to their property.

Larry Hulse: Noted to satisfy the subdivision staff will need to know how that will happen and have a plan, as well as any street modifications that may need to be made.

Mike Ludwig: Noted designating a parcel as an outlot prevents the development of that parcel until it is subdivided in the future. As part of approval of any plat there would have to be covenants submitted that designate responsibilities for public utilities, that would be attached to each outlot parcel.

Motion passed 11-0 to find the proposed rezoning not in conformance with the existing 2020 Community Character Plan.

Motion passed 11-0 to amend the 2020 Community Character Plan to designate the subject property as Small-Scale Strip Development, Medium Density Residential and Low/Medium Density Residential in accordance with the alternate concept sketch presented at the hearing, but subject to the commercial area being shifted approximately 250' north of the NE 38<sup>th</sup> Avenue and NE 56<sup>th</sup> Street intersection.

Motion passed 11-0 to rezone subject property from A-1 to PUD.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

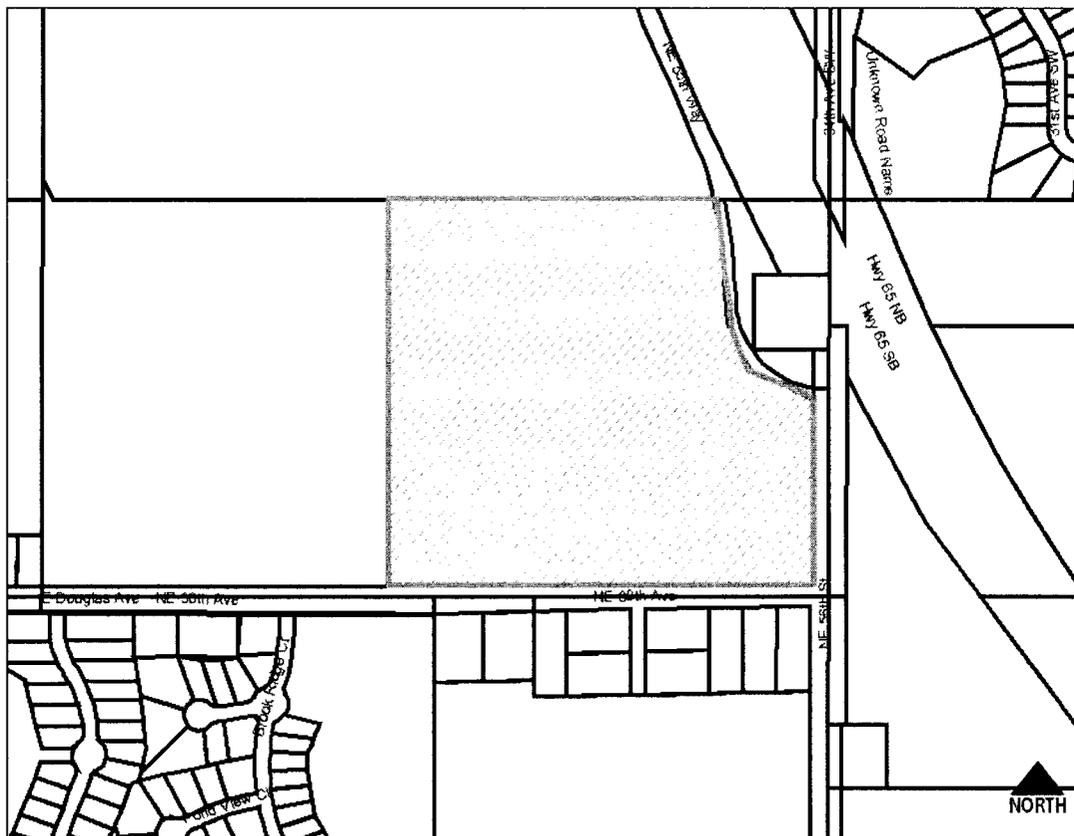
Attachment

32

Request from Central Iowa Developers, L.C. (owner) represented by William Kline (officer) to rezone property located at 5100 NE 38 <sup>th</sup> Avenue		File #		
		ZON2008-00020		
<b>Description of Action</b>	Rezone property from "A-1" Agricultural District to "PUD" Planned Unit Development to allow for development of approximately 35 acres with 1.5 acres designated for commercial development, approximately 15 acres of medium-density residential with a maximum density of 17 units per acre, approximately 10 acres of medium-density residential with a maximum density of 12 units per acre, and approximately 8.5 acres of low/medium-residential with a maximum of 8 units per acre.			
<b>2020 Community Character Plan</b>	Not Designated			
<b>Horizon 2025 Transportation Plan</b>	NE 56 <sup>th</sup> Street from Jennifer Drive (Pleasant Hill) to 8 <sup>th</sup> Street SW (Altoona) to widen from 2 lane undivided to 3 lane undivided			
<b>Current Zoning District</b>	"A-1" Agricultural District			
<b>Proposed Zoning District</b>	"PUD" Planned Unit Development			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	5	8	0	<20%
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	<b>Denial</b>			No

Central Iowa Developers LC - 5100 NE 38th Avenue

ZON2008-00020







Item 2008 00020

Date 5/6/08

I  (am)  (am not) in favor of the request. <sup>pvd</sup>

**RECEIVED**

MAY 08 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name William E. Kline

Signature [Handwritten Signature]

Address 3501 Westown Pkwy, WDM

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

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

**SUBJECT PROPERTY & ADJACENT PROPERTY**

Item 2008 00020

Date 5-5-08

I  (am)  (am not) in favor of the request. <sup>pvd</sup>

**RECEIVED**

(Circle One)  
MAY 08 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Peter T Carr

Signature Peter T. Carr

Address 3701 Brook Ridge Ct #302

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

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

Item 2008 00020

Date 5-6-08

I  (am) <sup>PVD</sup> (am not) in favor of the request.

**RECEIVED**

MAY 08 2008

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name ERVIN WAGNER

Signature E. Wagner

Address 3725 N.E. 56<sup>th</sup> St

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

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

Item 2008 00020

Date 5-4-8

I  (am) <sup>PVD</sup> (am not) in favor of the request.

(Circle One)

**RECEIVED**

MAY 08 2008

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Ashley E. Clark

Signature Ashley E. Clark

Address 3701 Brook Ridge Ct #701  
DSM, 50317

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

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

Item 2008 00020

Date 5/6/08

PVD

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

**RECEIVED**

MAY 08 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Linda Grathwohl

Signature Linda Grathwohl

Address 3701 Brook Ridge Ct. Unit 108

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Item 2008 00020

Date 5-5-08

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

RECEIVED

MAY 08 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Melissa Bencke

Signature Melissa Bencke

Address 3701 Brook Ridge Ct #502

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

Four horizontal lines for handwritten text.

Item 2008 00020

Date 5/3/08

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

(Circle One)

RECEIVED

MAY 08 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Lindsay Kerr

Signature [Signature]

Address 3701 Brook Ridge Ct #802

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

Handwritten text: "We don't need any more townhomes or new single family homes in this housing market!"

Item 2008 00020 Date 5.4.08

I (am)  (am not)  in favor of the request. <sup>PUD</sup>

(Circle One)

RECEIVED

MAY 13 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Jennifer Johnson

Signature Jennifer Johnson

Address Brook Ridge Ct.

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

I am opposed to any commercial development as everything a person needs is within 5 minutes of this location. I prefer no more houses go up but would rather have that than any ~~businesses~~ businesses — I don't understand why every bit of land has to be used up for either houses or businesses. Leave it a cornfield.

Item 2008 00020 Date May 8, 2008

I (am)  in favor of the request. <sup>PUD</sup>

(Circle One)

RECEIVED

MAY 12 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Katherine J. Lincoln

Signature Katherine J. Lincoln

Address 3701 Brook Ridge Ct. #407

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

I oppose this request for the same reasons that I opposed the last zoning request for the lot West to this proposal. Now however, my reasons include more than aesthetics.

I walk Brook Run to the south and west of my town home regularly. There are literally dozens and dozens of properties for sale — some that have been for over a year. Certainly CID are aware of the current housing market; one that clearly does not support the building of a "Brook Run North" ... which would again, leave dozens and dozens of properties unsold.

Item 2008 00020

Date 5-10-08

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

(Circle One)

**RECEIVED**

MAY 13 2008

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name JOE KONRADY

Signature Joe Konrady

Address 3701 Brook Ridge

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

*I live in the new development across the street. Is it necessary, to continue to forever ruin some of the most productive farm land in the world? Do you have a conscience at all? We do not need more retail & cheap housing thrown up. It is more difficult but find ways to redevelop within the city & save the farmland that future generations will need.*

Item 2008 00020

Date 5-17-2008

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

**RECEIVED**

MAY 20 2008

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Wayne Stofferahn  
3701 Brook Ridge Ct Unit 305  
Des Moines, IA 50317-4944

Signature Wayne Stofferahn

Address Wayne Stofferahn

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

*Unnecessary in current economic situation with numerous houses for sale - Agent Tax Abatement - Cost of support services to great Increased Traffic on unimproved Road Douglas Avenue*

Item 2008 00020

Date 5/8/08

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

(Circle One)

**RECEIVED**

Print Name Adrian Wallace

Signature Adrian Wallace

MAY 16 2008

Address 3701 Brook Ridge Ct #100,  
Des Moines 5031

Reason for opposing this request may be listed below:  
**COMMUNITY DEVELOPMENT DEPARTMENT**

How will I ever sell my condo with  
these new ones having 5 year tax  
abatements?

Item 2008 00020

Date 5/12/08

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

(Circle One)

**RECEIVED**

Print Name Grace J Peterson

Signature Grace J Peterson

MAY 16 2008

Address 3701 Brook Ridge Ct #301

Reason for opposing this request may be listed below:  
**COMMUNITY DEVELOPMENT DEPARTMENT**

- ① Increased traffic
- ② Lack of view