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Date December 18, 2006  
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COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held December 7, 2006, the members voted 9-1 in support of a motion to **APPROVE** the request from Celebration Homes, LLC (owner) represented by Eric Rehm (officer), for approval of a preliminary subdivision plat for "Eastern Mounds" for property located in the vicinity of 1400 East 41st Street, to create 33 single-family residential lots subject to the following conditions:

1. Reduction of proposed East 40<sup>th</sup> Court and Cleveland Avenue right-of-way to 50' in width.
2. Addition of a note on the preliminary plat that states, "A declaration of covenants must be submitted at the time of the final plat identifying the following conditions:
  - A) Each single-family dwelling unit shall have a private garage, whether attached or detached.
  - B) Minimum building floor areas for single-family residential shall be as follows:
    1. Single-story (ranch) 1,100 square feet, excluding basements.
    2. Two-story 1,400 square feet, excluding basements.
  - C) The front elevation of each single-family home constructed must contain one of the following:
    1. A front porch of not less than 60 square feet; or
    2. 1/3 to 1/2 stone or brick masonry.
  - D) The front elevation of each single-family home constructed must contain one of the following:
    1. Shutters on each side of each window; or
    2. Window trim not less than 4" in width.
  - E) 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.
  - F) The roof on any home constructed shall be of architectural type shingles or cedar shakes.
  - G) Fencing shall be limited as follows:
    1. Black vinyl-clad chain link is the only fencing material permitted.
    2. The maximum height of fencing allowed in a side or rear yard is five-feet (5').
    3. Fencing is prohibited within any front yard and within access easements to detention basins or trails.
    4. 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.

(Continued)

★ **Roll Call Number**

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5. 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.
  6. All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
  - H) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards."
3. Amendment of the tree mitigation note to state that 4 trees will be planted on each lot with 1 tree being a street tree and with 1 tree being planted in the front yard.
  4. Addition of note that all required trees planted to be 1 ½" to 2" caliper.
  5. Provision of a 30'-wide conservation easement along the rear of all lots south of Dubuque Avenue.
  6. Addition of a tree protection note to the plat that states the following:
    - A) Buffer and tree protection zones will be designated in the field and certified by the Planning and Urban Design Division of the City of Des Moines prior to commencement of excavation, grading, or construction.
    - B) Barriers defining the buffer and tree protection zones shall be constructed of orange fencing a minimum of 4-feet in height, secured with metal tree posts, no closer than six feet from the trunk or ½ of the drip line of any existing tree within the buffer and tree protection zones, whichever is greater.
    - C) There shall be no storage or movement of equipment, material, debris, or fill within the fenced buffer and tree protection zones.
    - D) There shall be no cut or fill over a four-inch depth within the drip line of any tree in the buffer and tree protection zones, unless a qualified arborist or forester has evaluated and approved the disturbance.
    - E) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of vegetation within the buffer and tree protection zones.
    - F) No damaging attachment, wires, signs, or permits may be fastened to any tree within the buffer and tree protection zones.

(Continued).

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G) The installation of utilities, irrigation lines, or underground fixtures within the buffer and tree protection zones requiring excavation deeper than 6 inches shall be accomplished by boring under the root system of existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from the tree diameter at 4 feet height in the chart described below:

Tree diameter at 4-ft height (inches)	Auger distance from Face of Tree (feet)
0-2	1
3-4	2
5-9	5
10-14	10
15-19	12
Over 19	15

H) The removal of utilities, irrigation lines, or any underground fixture within the buffer and tree protection zones requiring excavation deeper than 6-inches shall be accomplished by methods approved by the Planning and Development Administrator that protect the life of vegetation.

I) The destruction of any trees within the buffer and tree protection zones that meet or exceed the required diameter and height shall require the owner to plant 2 new trees at 3-inch caliper to replace any one tree destroyed.

J) No building construction shall be allowed in the reserve area.

7. Compliance with the Statewide Urban Design and Specifications (SUDAS) Manual to the satisfaction of the Permit & Development Center.

8. Submission of a Consent to Plan form by the owner of 4043 Dubuque Avenue or Removal of Lot 8 and the east 5' of Lot 7 from the plat.

9. Compliance with all platting requirements of the Permit and Development Center.

Additional subject property owned by SAMANN, LLC.

(Continued)

★ **Roll Call Number**

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\_\_\_\_\_ 27 \_\_\_\_\_

MOVED by \_\_\_\_\_ to receive and file.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

NOTE: The final subdivision plat will be submitted for City Council approval at a later date.

(13-2007-1.23)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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.

\_\_\_\_\_ Mayor

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

December 18, 2006

Date \_\_\_\_\_

Agenda Item 27

Honorable Mayor and City Council  
City of Des Moines, Iowa

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

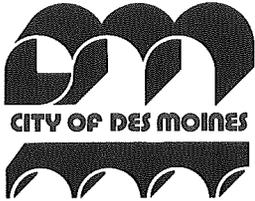
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held December 7, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-1 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

**APPROVE** the request from Celebration Homes, LLC (owner) represented by Eric Rehm (officer), for approval of a preliminary subdivision plat for "Eastern Mounds" for property located in the vicinity of 1400 East 41st Street, to create 33 single-family residential lots subject to the following conditions: (13-2007-1.23)

1. Reduction of proposed East 40<sup>th</sup> Court and Cleveland Avenue right-of-way to 50' in width.
2. Addition of a note on the preliminary plat that states, "A declaration of covenants must be submitted at the time of the final plat identifying the following conditions:
  - A) Each single-family dwelling unit shall have a private garage, whether attached or detached.
  - B) Minimum building floor areas for single-family residential shall be as follows:
    1. Single-story (ranch) 1,100 square feet, excluding basements.
    2. Two-story 1,400 square feet, excluding basements.
  - C) The front elevation of each single-family home constructed must contain one of the following:
    1. A front porch of not less than 60 square feet; or
    2. 1/3 to 1/2 stone or brick masonry.
  - D) The front elevation of each single-family home constructed must contain one of the following:
    1. Shutters on each side of each window; or
    2. Window trim not less than 4" in width.

- E) 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.
  - F) The roof on any home constructed shall be of architectural type shingles or cedar shakes.
  - G) Fencing shall be limited as follows:
    - 1. Black vinyl-clad chain link is the only fencing material permitted.
    - 2. The maximum height of fencing allowed in a side or rear yard is five-feet (5').
    - 3. Fencing is prohibited within any front yard and within access easements to detention basins or trails.
    - 4. 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.
    - 5. 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.
    - 6. All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
  - H) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
3. Amendment of the tree mitigation note to state that 4 trees will be planted on each lot with 1 tree being a street tree and with 1 tree being planted in the front yard.
  4. Addition of note that all required trees planted to be 1 ½" to 2" caliper.
  5. Provision of a 30'-wide conservation easement along the rear of all lots south of Dubuque Avenue.
  6. Addition of a tree protection note to the plat that states the following:
    - A) Buffer and tree protection zones will be designated in the field and certified by the Planning and Urban Design Division of the City of Des Moines prior to commencement of excavation, grading, or construction.
    - B) Barriers defining the buffer and tree protection zones shall be constructed of orange fencing a minimum of 4-feet in height, secured with metal tree posts, no closer than six feet from the trunk or ½ of the drip line of any existing tree within the buffer and tree protection zones, whichever is greater.
    - C) There shall be no storage or movement of equipment, material, debris, or fill within the fenced buffer and tree protection zones.
    - D) There shall be no cut or fill over a four-inch depth within the drip line of any tree in the buffer and tree protection zones, unless a qualified arborist or forester has evaluated and approved the disturbance.
    - E) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of vegetation within the buffer and tree protection zones.
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- H) The removal of utilities, irrigation lines, or any underground fixture within the buffer and tree protection zones requiring excavation deeper than 6-inches shall be accomplished by methods approved by the Planning and Development Administrator that protect the life of vegetation.
  - I) The destruction of any trees within the buffer and tree protection zones that meet or exceed the required diameter and height shall require the owner to plant 2 new trees at 3-inch caliper to replace any one tree destroyed.
  - J) No building construction shall be allowed in the reserve area.
7. Compliance with the Statewide Urban Design and Specifications (SUDAS) Manual to the satisfaction of the Permit & Development Center.
  8. Submission of a Consent to Plan form by the owner of 4043 Dubuque Avenue or Removal of Lot 8 and the east 5' of Lot 7 from the plat.
  9. Compliance with all platting requirements of the Permit and Development Center.

Additional subject property owned by SAMANN, LLC.

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends approval of the plat subject to following conditions:

1. Reduction of proposed East 40<sup>th</sup> Court and Cleveland Avenue right-of-way to 50' in width.
2. Addition of a note on the preliminary plat that states, "A declaration of covenants must be submitted at the time of the final plat identifying the following conditions:
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- H) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards."

- 3. Amended of the tree mitigation note to state that 4 trees will be planted on each lot with 1 tree being a street tree and with 1 tree being planted in the front yard.
- 4. Addition of note that all required trees planted to be 2" caliper.
- 5. Provision of a 30'-wide conservation easement along the rear of all lots south of Dubuque Avenue.
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methods approved by the Planning and Development Administrator that protect the life of vegetation.

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7. Compliance with the Statewide Urban Design and Specifications (SUDAS) Manual to the satisfaction of the Permit & Development Center.
  8. Submission of a Consent to Plan form by the owner of 4043 Dubuque Avenue or Removal of Lot 8 and the east 5' of Lot 7 from the plat.
  9. Compliance with all platting requirements of the Permit and Development Center.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to develop a subdivision of 33 single-family residential lots generally bound by Indianapolis Avenue to the north, East 41<sup>st</sup> Street to the east, Dubuque Avenue to the south and East 40<sup>th</sup> Street to the west.
2. **Size of Site:** 7.88 acres.
3. **Existing Zoning (site):** "R1-60" One-Family Low Density Residential District.
4. **Existing Land Use (site):** Undeveloped wooded land.
5. **Adjacent Land Use and Zoning:**
  - North* – "U-1" & "R1-60", Use is single-family residential.
  - South* - "R1-60", Uses are single-family residential and undeveloped land.
  - East* - "U-1", "R1-60" & "R-2", Uses are single-family residential and undeveloped land.
  - West* – "R-2" & "R1-60", Use is duplex residential.
6. **General Neighborhood/Area Land Uses:** The surrounding area primarily consists of a mix of single-family and duplex residential uses. The subject site is near the Four Mile Creek.
7. **Applicable Recognized Neighborhood(s):** Gray's Woods Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.
10. **Applicable Regulations:** The Commission shall determine if such preliminary plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action;

provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

## II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Site Features:** The subject site has a dense tree canopy that is generally associated with the wooded land along the Four Mile Creek. The proposed plat is divided into north and south sections by Dubuque Avenue. The north section is approximately 5.1 acres in size and slopes downward from the southwest to the northeast, generally dropping 50' in grade over a distance of 560'. The south section is approximately 2.78 acres in size and its topography is characterized by a ravine that generally runs downward from the southwest to the northeast.
- 2. Drainage/Grading:** The applicant is proposing to completely re-grade the north 5.1 acres of the site to soften the grade change and to bring the northeast corner of the site out of the flood plain. After grading the lowest point of the north portion of the site will be a storm water flowage easement area that will generally be located at the rear of the lots that front the north side of Cleveland Avenue. Storm water not contained within this area will drain to a storm sewer line at East 41<sup>st</sup> Street. The applicant is proposing to re-grade the north portion of the south 2.78 acres of the site. Storm water in this area will continue to flow over land in a northeast direction.

The developer is responsible for a design that handles all storm water generated by new development in accordance with the Statewide Urban Design and Specifications (SUDAS). The SUDAS manual indicates that after development, the release rate of runoff for rainfall events having an expected return frequency of two years shall not exceed the existing, pre-developed peak runoff rate from those same storm frequencies (the current run-off condition). The submitted preliminary subdivision plat does not clearly address this requirement. Staff recommends that meeting this requirement to the satisfaction of the Permit & Development Center Engineer staff be a condition of approval.

All grading and storm water management on this site is subject to the review and approval of a Storm Water Pollution Protection Plan (SWPPP) approved by the Iowa DNR.

- 3. Tree Preservation Plan:** The applicant has submitted a tree inventory report prepared by a certified arborist. The site is heavily wooded making it challenging to identify and locate each tree on the property. The property was divided into 21 sub-areas to ease the inventory process. Two forms of inventory methods were conducted. The first was a complete inventory where each tree that is 6" in diameter or greater is counted. This method is generally used by developers when submitting a tree preservation plan. The arborist also conducted a random sample inventory that is based on traditional forestry practices for inventorying trees over large tracts of land.

The complete inventory method identified 148 trees, 6" in diameter or greater that will be removed by the proposed development. Only 96 of these trees are species that are considered desirable. These trees have a combined diameter of 1,125 inches. The sample inventory method identified 329 trees, 6" in diameter that will be removed. Only 206 of these trees are species that are considered desirable. The sample method indicates the average diameter of the trees on the subject site is 9.9". Indicating that the 206 desirable trees have a combined diameter of 2,039 inches. The arborist states in the report that the estimate provided by the sample method is more accurate than the number provided by the complete inventory. This is due to the difficulty in identifying trees in a dense setting over a large tract of land.

The submitted plat states that 4 trees will be planted on each lot with 1 tree being planted in the front yard for a total of 132 trees as mitigation for the removal of existing trees. The note

on the plat does not indicate the size of the trees to be planted. Staff recommends that the note be amended to state the trees will be 2" caliper. Staff also recommends the note be amended to state that "4 trees will be planted on each lot with 1 tree being a street tree and 1 tree being planted in the front yard." Staff also recommends that a 30'-wide conservation easement be placed along the rear of the lots that are south of Dubuque Avenue (Lots 1 - 8). This area is heavily wooded and no significant grading is proposed in this area. This conservation easement would have a total area of 15,960 square feet, which represents 4.6% of the total area of the plat.

Staff recommends the following tree protection language be added to the plat for the protection of the tree within the conservation easement during grading and construction.

- A) Buffer and tree protection zones will be designated in the field and certified by the Planning and Urban Design Division of the City of Des Moines prior to commencement of excavation, grading, or construction.
- B) Barriers defining the buffer and tree protection zones shall be constructed of orange fencing a minimum of 4-feet in height, secured with metal tree posts, no closer than six feet from the trunk or ½ of the drip line of any existing tree within the buffer and tree protection zones, whichever is greater.
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- I) The destruction of any trees within the buffer and tree protection zones that meet or exceed the required diameter and height shall require the owner to plant 2 new trees at 3-inch caliper to replace any one tree destroyed.
- J) No building construction shall be allowed in the reserve area.

4. **Utilities:** All utilities necessary for the development are identified on the preliminary plat. The developer is responsible for extending services as needed. This includes the installation of the following:

- 8" sanitary sewer line in Dubuque Avenue, and in the extensions of East 40<sup>th</sup> Court and Cleveland Avenue.
- 8" storm sewer line in Dubuque, East 41<sup>st</sup> Street, East 40<sup>th</sup> Court and Cleveland Avenue.
- 8" water line in Dubuque Avenue, East 40<sup>th</sup> Court and Cleveland Avenue.

The installation of all utilities is subject to approval by the responsible entity in addition to City approval.

- 5. Traffic/Street System:** The proposed development will have access to existing segments of Indianapolis Avenue, East 41<sup>st</sup> Street, Dubuque Avenue and East 40<sup>th</sup> Street. The plat also includes new segments of East 40<sup>th</sup> Court and Cleveland Avenue to be constructed by the developer. All proposed lots would have frontage on East 40<sup>th</sup> Court, Cleveland Avenue, or Dubuque Avenue. The new segments of East 40<sup>th</sup> Court and Cleveland Avenue are proposed to be 60'-wide. The Engineering Department has requested these right-of-ways be reduced in width to 50'. The developer is also required to upgrade Dubuque Avenue to urban standards as identified on the submitted plat.
- 6. Urban Design:** The proposed 33 lots range in width from 60' to 85' with 85% of the lots being 70'-wide or less. The east 5' of Lot 7 and Lot 8 are currently a part of a larger parcel that includes the lot to the east of Lot 8, which is not a part of this plat. For Lot 8 and the east 5' of Lot 7 to be a part of the proposed plat a Consent to Plat needs to be submitted by the owner of 4043 Dubuque Avenue or Lot 8 and the east 5' of Lot 7 must be removed from the preliminary plat.

Staff recommends the following design standards be placed on the plat as a condition of approval. These standards have been consistently by the Plan and Zoning Commission for a variety of developments throughout the City.

- A) Each single-family dwelling unit shall have a private garage, whether attached or detached.
- B) Minimum building floor areas for single-family residential shall be as follows:
  1. Single-story (ranch) 1,200 square feet, excluding basements.
  2. Two-story 1,400 square feet, excluding basements.
- C) The front elevation of each single-family home constructed must contain one of the following:
  1. A front porch of not less than 60 square feet; or
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- D) The front elevation of each single-family home constructed must contain one of the following:
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  1. Black vinyl-clad chain link is the only fencing material permitted.
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6. All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.
- H) The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.

## **SUMMARY OF DISCUSSION**

Mike Ludwig: Presented staff report and recommendation. Noted a tree survey was done using two different methods. Due to the existing grade change across the property there is significant grading that will occur that will essentially transition the property to the north and the east. They will be using some of the grade to fill in the flood plain and when it is done the flood plain map will need to be amended. Pointed out that the neighborhood plan for the area calls for infill development. Asked the applicant to try to minimize the amount of disturbance and discussed tree mitigation. The applicant agreed to follow the mitigation standards that have been imposed on other subdivisions. Noted there would be the opportunity to have conservation easements on the back of Lots 1-8.

Fran Koontz: Noted she spoke with Skip Moore and he said he prefers 1 ½" caliper trees because they have a better chance to live. She explained there is no sewer in the streets, no curb and no gutter.

Larry Hulse: Indicated the smaller the trees are, the better chance they have of survival.

Mike Ludwig: Noted there needs to be a consent to plat by the owner of property adjoining Lot 8.

Greg Jones: Noted 1 ½" caliper trees are better but there is a range, and you also want something that has an impact; suggested requiring 1 ½ to 2" caliper.

Fran Koontz: Concurred.

Tim Urban: Asked about the existing topography.

Mike Ludwig: Explained the southwest corner of the property is 50' higher than the northeast corner of the property.

Eric Rehm, 4043 Dubuque Avenue: Available to respond to questions.

Tim Urban: Asked if they could place a cul-de-sac off Indianapolis from the north and work their way up the topography and only borrow enough for cuts and fills to take care of the northeast corner; did not like the radical removal of so many large trees.

*Jeffrey Johannsen joined the meeting at 6:40 p.m.*

Eric Rehm: Explained there is not enough soil to create a cul-de-sac without the removal of soil from the western portion of the site to adequately fill the flood plain area. Noted most of the cuts and fills come from Lots 24 and 15; all lots 9-15 fronting on Dubuque Street would become walkout lots. Explained any movement of the vegetation would damage it and subsequently cause it to die. Noted the development cannot support itself based on 20 lots because of the street improvements and utilities that would be imposed on them as a developer for Dubuque Street from 40<sup>th</sup> to 41<sup>st</sup> Street as well as internal subdivision improvements.

Tim Urban: Was not sure it made logical sense to force a developer to convert Dubuque to a full curb and gutter roadway section.

Larry Hulse: Noted all developments in Des Moines have the same requirements and the same costs are included. Sanitary sewer must be extended to and through the development.

Eric Rehm: Noted they would not oppose adding a conservation easement along the south side of Dubuque. The widening of the street will require many trees to be removed and the utilities and infrastructure will have to be put in. Noted he is the property owner of Lot 8 and the adjoining property; he will sign the consent.

Marc Wallace: Talked to a property owner on E. 40<sup>th</sup> Street who thought the development would be great in the area. Asked how many undeveloped infill type properties are in the area.

*Brian Millard left the meeting at 6:48 p.m.*

Eric Rehm: Noted a lot of the parcels particularly from Williams going west are based on the pioneering thought of having bought an "acreage" and let it set until someone buys it or subdivides it in the future. There are not a lot of large tracts of land in the area. There are several outlying areas where someone owns an acre or two. There is a small piece of property on Indianapolis between E. 37<sup>th</sup> and E. 38<sup>th</sup> that was stripped clean to build six houses; currently four are built. It was fully wooded prior to development; no different than the grade work they will be doing other than the finished topography and their ultimate goal of 33 homes. Believes their proposal will improve the neighborhood.

Mac Dikeman, 113 5<sup>th</sup> Street, Cambridge, Iowa: Has been observing the opportunity for development on the east side. They can't seem to save enough trees and he thought they could salvage trees on the west side. Noted east siders are enthusiastic about what the development can do to change the perception of the east side. Explained he listened to staff about the street and noted the current recommendation was the best one from staff. The market won't support the house that would have to be built to support the costs of the project. Tree mitigation and infrastructure costs are stretching him. They need to get the value of the property up to support \$180,000 homes. Asked for 1100 square foot and 1400 square foot minimums. Would not try to sell a house without a garage or a basement. Entry level houses is all the area can carry.

Fran Koontz: Noted when Gray's Woods became a designated neighborhood five years ago they asked to have E. 41<sup>st</sup> Street paved, curbed, guttered with a storm sewer put in and the City denied it.

Larry Hulse: Noted if the developer is building, the developer makes the improvements. Staff is recommending the developer go ahead and do the project. If the Commission wants to redesign the project it needs to be tabled.

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

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

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

Fran Koontz: Moved staff with the following changes:

- 1100 square foot (one time) to jump start development
- 1 ½ to 2" caliper trees in range
- City not hold this developer accountable for all costs for infrastructure

Larry Hulse: Clarified the last item would be waiving the subdivision requirement to install stormsewer, curb and gutter, and street paving. There are no funds to do that project and it would have to be recommended to Council for their consideration.

Mike Ludwig: Noted CIP budget is being planned and the project is not on any of the lists currently being considered. The CIP program dollars are being cut so the project could be on hold for a

long time because there has to be an extension of utilities in Dubuque Street to serve the development.

Marc Wallace: Explained the area does not have the unique rural character; it's more of a dumping ground and something needs to be done about it. Infill needs to be a priority. Noted residential doesn't pay for itself but there are areas of the City that are undeveloped. Would rather lose trees in vacant land that has become a dump and put it back into the tax base. Would like to see a way to make it work; doesn't make sense to have one block paved and nothing else around it. He expressed support for the project.

Tim Urban: Asked the applicant if it would be conceivable to table the request until the January meeting and make some policy changes in the meantime. If the street improvements on Dubuque were waived, would like to see some concessions from the developer to preserve more of the trees. Would like to hear from the developer to see if they would be willing or able to wait.

Mike Ludwig: Noted the staff recommendation did not include improvements to East 41<sup>st</sup> Street or Indianapolis because there are existing houses on the other side of the street and it would force the entire cost on this developer. The developer is developing 15 lots on both sides of Dubuque Street, which is why they are being required to improve Dubuque Street.

Tim Urban: Explained requiring them to bring Dubuque up to a different standard that does not conform to the other streets around them imposes a substantial financial burden on the applicant.

Mac Dikeman: Noted it is costing him \$1000 a month to sit and wait, which is a financial burden. He was of the understanding if the preliminary plat were approved they could build their model home on Lot 1 and would like to get the model home started to show.

Tim Urban: Agreed with the motion to waive the requirements on Dubuque so they don't have to convert it to curb and gutter roadway and buried storm, but would like to see the number of lots in the subdivision reduced or the number of dramatic cuts and fills, which would mean modifying the plat.

Mac Dikeman: Noted he listened closely to what staff said at pre-application meeting and they did not like the large 300' lots because of the uncontrollable amount of land in the back. Cleveland Street sits in the most densely vegetated area so any street in that area will eat the most growth.

Bruce Heilman: Felt the Commission had an obligation to get something going, but was concerned the Commission was prepared to waive the street improvement and lower the 1200 square feet requirement. If there are no street improvements and the development moves forward, there will be a lot of people demanding street improvements in the future. He would like to stick to the 1200 square foot minimum; it will eventually come in on the tax rolls. If they do not have to do the street improvement, they should be able to do the 1200 square feet. Would not support the motion. Expressed mixed feelings and felt to not have the street improvements has serious consequences in the future. .

Fran Koontz: Does not want anything to set a precedent.

David Cupp: Could not support the motion because if they start making exceptions to the subdivision ordinance where will it stop. Asked how it would be decided who has to do streets, etc.

Kaye Lozier: Asked if the applicant would support staff recommendation as it stood.

Mac Dikeman: The size of the home becomes a critical issue because some of the houses have to be tuck-under garages meaning part of the basement would be part of the square footage but basement area can't be included. They need to assign the size of the house according to each lot due to the terrain. If they could address that, 1200 square foot is not an unrealistic number but it pushes the cost up.

Mike Ludwig: Noted there was a development in the area where 1100 square foot units were allowed, but the developer was also contributing to improvements of a perimeter street and they were proposing some green development principles regarding storm water management.

Kaye Lozier: Asked how many homes would need to be the 1100 square foot.

Mac Dikeman: Noted the smallest house is 1050 square feet.

Kaye Lozier: Could not support the motion, but thought she could support staff recommendation with a possible change in the square footage.

Greg Jones: Would support staff recommendation but not the motion.

Fran Koontz: Asked if there was 1200 square foot of livable space with basement included.

Larry Hulse: Suggested changing the wording of condition 2B to state, "including all finished livable floor area"

Fran Koontz: Suggested if it is a finished basement it could be included in the total square footage.

Bruce Heilman: Asked about rewording to say "the development will average no less than 1200 square feet".

Mike Ludwig: Noted that wording would be difficult to enforce. For consistency sake he recommended 1100 square foot minimum and that they be required to make the standard subdivision improvements required by the subdivision ordinance.

Marc Wallace: Asked if the Commission agreed to lower the square footage minimum for ranch plans to 1100, if they would be able to work with staff on the street improvements.

Mac Dikeman: Explained he would have to sell an 1100 square foot house for more money. They would incur \$400,000 more of infrastructure costs if required to improve Dubuque Street.

Tim Urban: Clarified that the applicant previously indicated they would have to cut and fill the sites and put 33 homes on it.

Mac Dikeman: Explained if he incurs all the infrastructure costs he's selling \$180,000 homes at 1050 square feet. Indicated houses would either be sold above the market or he would have to turn the property into a park. The proposition was for the City to bear the cost of the existing streets or they will be selling the houses for \$180,000, which is above the market.

Tim Urban: Indicated the City shouldn't pay for the streets. He suggested there was a misconception. The idea of trading off square footage of houses for concessions for the developer did not make sense. If the developer can say the market would support an 1100 square foot houses that's what he should get, but the issue is whether or not he can save the trees and it didn't sound like he could unless the Commission were to make a concession. If the City makes a concession, the developer should make one as well and he didn't think the developer was willing to do that.

Fran Koontz: Reiterated the motion to be for 1 ½" to 2" caliper trees and forgive the developer for the street infrastructure with 1200 square foot houses.

Motion failed 2-8 (Fran Koontz & Marc Wallace were in approval).

Tim Urban: Moved to continue to the January 18, 2007 meeting and for staff to discuss whether the revision of the street standards for the subject area as a public policy change would be appropriate.

Mike Ludwig: Noted changing street standards in the subdivision ordinance would require Council action and he did not think that would happen in a month.

Tim Urban: Noted the area is unique since most of the streets are rural section streets, which is the character of the neighborhood. To retain that as a standard for approving future subdivisions that affect the existing street system, it can be done as an exception on the subject plat. He meant staff needs to educate the Commission on how many streets are rural section streets and what is the probability through any public policy initiative the City will radically modify all those streets and upgrade them into curb and gutter storm drained system streets over the next 50 years.

Roger Brown: Noted staff has struggled with the problem for many years. If the property owners would petition for improvements and pay for assessments, they could be improved. Instead property owners have bought property on unimproved streets and the question becomes who should pave it. It is fair to say the City Council has not indicated any desire to start doing that now and it is highly unlikely that will happen in the future. It's not within the timeframe for this developer.

Tim Urban: Noted the objective is to revisit the waiver of the street system for Dubuque and try to establish whether any modifications could be made in the preliminary plat to save more trees. There has to be some public policy benefit to waive the street standards and the only one he could see would be to be more sympathetic to the topography of the land itself and to save more trees.

Dann Flaherty: Reiterated the motion was to continue during which time staff would have the opportunity to meet with the applicant and try to resolve the issues with respect to the street and grading of the property.

Motion failed 3-7 (Marc Wallace, Tim Urban and Fran Koontz were in favor)

Bruce Heilman: Moved staff recommendation with the following changes:

- Tree caliper be 1 ½" to 2".
- Allow for minimum 1,100 square foot for ranch style homes.

Motion passed 9-1 (Tim Urban was opposed).

Dann Flaherty: Asked the applicant if he understood the motion.

Mac Dikeman: Explained his understanding of the motion to be requiring 1100 square feet and he would make the improvements.

Fran Koontz: Suggested staff look into a program, that if the residents met a certain income criteria, Community Development Block Grant money would be spent to put in storm sewer, curb, gutter and pavement. Noted the subject neighborhood would meet that income requirement.

*Fran Koontz left the meeting at 7:45.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

November 29th, 2006

Vic Piagentini  
 Associated Engineering Company of Iowa  
 2917 MLK Jr. Parkway  
 Des Moines, IA 50131

RE: Eastern Mounds Preliminary Plat  
 13-07-1.23

Dear Vic:

We have reviewed the first (1<sup>st</sup>) submittal of the preliminary plat for Eastern Mounds, located in the vicinity of E. 41<sup>st</sup> and Dubuque Avenue in Des Moines and have determined that the following conditions must be satisfied before preliminary plat review can be placed on the Plan & Zoning Commission Agenda.

### Engineering

1. The legal description needs to include portions of Lots 1 through 7 in Broadacre Heights Plat No. 1.
2. The referenced Outlot 'X' is officially in Broadacre Heights Plat No.1, not Broadacre heights Plat 1.
3. Include all of Lot 63 Broadacre since the proposed parcel split in the E. ½ of said lot cannot be made as a City of Des Moines Plat of Survey. An alternate would be to exclude the E. ½ of Lot 63 Broadacre from this plat and then propose the parcel split after this plat is recorded.
4. The title holder of record for Lot 35 Broadacre is Samann, LC. Is this the same as Celebration Homes, LLC?
5. Sign and date the certification statement.
6. The east 5 feet and the north 5 feet of Lot 35 Broadacre need to be dedicated as street R.O.W. and given lettered lot designations.
7. Show the size of all existing public sanitary and storm sewers in the area. Make sure that INV elevations shown are shot in the field. Our sewer records show some INV elevations that are over 2 feet different than those shown.
8. We only require 50 feet of R.O.W. for the proposed local streets, E. 40<sup>th</sup> Court and Cleveland Avenue.



PERMIT AND  
 DEVELOPMENT CENTER  
 ARMORY BUILDING  
 602 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309 -1881  
 (515) 283-4200

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

9. Apply for a Grading Permit in conformance with Code.
10. Some of the boundary dimensions shown are different than the recorded distances in the area. This will be worked out during final plat review.
11. Reference the GEOTECH geotechnical exploration report on the preliminary plat.
12. Note some of the key recommendations from the report on the preliminary plat.
13. Some of the proposed grade slopes exceed the recommended 3:1 maximum H:V from the report.
14. Subsurface drainage of street pavements will not be required where recommended in this report.
15. The drainage area map submitted does not clearly delineate the areas, since a line weight similar to lot lines and setback lines was used. Per SUDAS, the allowable release rate during a 2-year rain events shall not exceed the pre-developed peak runoff rate from that same 2-year storm. We still strongly encourage the use of conservation or low impact development techniques to help recharge the ground water during normal rain events. The drainage calculations submitted need to take into account bypass flows at intakes.

### **Planning**

16. General Plat Note #3 is referencing City of Pleasant Hill sidewalk design guidelines. Please correct, and state that sidewalks shall be installed by the developer (sidewalks will be required to be bonded upon final plat approval).
17. Show the following street names on the plat: Lot 'D' shall be Cleveland Avenue and Lot 'C' shall be E. 40<sup>th</sup> Court. See the enclosed document for lot addresses.
18. Lots 10-14 do not meet minimum lot area requirements in sq. ft.
19. It is suggested that the property at 4043 Dubuque Avenue be brought in to this plat (via a consent to plat) if Lot 8 will be a part of Eastern Mounds. A plat of survey to split lot 8 from the remainder (4043 Dubuque) was submitted, but will be denied due to a lack of infrastructure currently serving the area.

20. Provide the number of acres, and number of lots contained in this plat in note format.
21. Provide the submittal date in the "project title/comments/revisions section".
22. More clearly provide the R.O.W. dimension on the plat.
23. Due to the threat of Emerald Ash Borer, the City of Des Moines is requiring that another street tree species besides Ash be used.
24. Future correspondence on existing tree preservation and mitigation will be given. It appears the site will be clear-graded, removing many existing, mature trees. Staff will work with the applicant to come up with a suitable mitigation/tree caliper replacement prior to the Plan and Zoning Commission hearing.

Please submit three (3) review copies of the revised plat satisfying the above listed items. Failure to resubmit such amended plat within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact Ryan Moffatt @ **283-4975** or email him @ **rlmoffatt@dmgov.org**.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Delafield", with the initials "Zim" written to the right of the signature.

Phillip Delafield  
Permit and Development Administrator

Enclosure

Request from Celebration Homes, LLC (owner) represented by Eric Rehm (officer) for review and approval of a preliminary subdivision plat for property located in the vicinity of 1400 East 41st Street. Additional subject property owned by SAMANN, LLC.				<b>File #</b> 13-2007-1.23	
<b>Description of Action</b>	Review and approval of a preliminary subdivision plat "Eastern Mounds" to create 33 single-family residential lots.				
<b>2020 Community Character Plan</b>	Low-Density Residential, Clear Zone/Development Control Zone.				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District and "R-2" One and Two Family Residential District.				
<b>Proposed Zoning District</b>	N/A				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	N/A	N/A	N/A	N/A	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	9-1	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

Celebration Homes, LLC (Eastern Mounds - Preliminary Subdivision) 1400 E 41st St 13-2007-1.23

