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Date May 10, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING AMENDMENT TO THE PRELIMINARY PLAT "THREE LAKES ESTATE PHASE II" LOCATED IN THE VICINITY OF **3100** ARMY POST ROAD

WHEREAS, on April 15, 2021, the City of Des Moines Plan and Zoning Commission voted 11-0 for APPROVAL of an Amendment to the Preliminary Plat "Three Lakes Estate Phase II", submitted by J Larson Homes LLC (owner), represented by John Larson (officer), in form on file in the Development Services Department, for property located in the vicinity of 3100 Army Post Road, to allow undeveloped property to be divided into 218 lots for One-Household Living and 64 lots for Semi-Detached One-Household Living, subject to the following conditions:

- 1. Compliance with all administrative review comments.
- 2. Comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code; and
- 3. A bond shall be provided to facilitate the future construction of a 5-foot width sidewalk along East Pine Avenue.

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

MOVED BY _____ TO ADOPT.

FORM APPROVED:

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LD.	-	-	-4	-		**			2

Judy K. Parks-Kruse Assistant City Attorney (13-2021-1.28)

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COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
IOTION CARRIED	•		API	PROVED

CERTIFICATE

I, P. Kay Cmelik, 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



Date Agenda Item Roll Call #

May 4, 2021

Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 15, 2021 meeting, the following action was taken regarding a request from J Larson Homes, LLC (owner) represented by John Larson (officer) for review and approval of a Preliminary Plat Amendment "Three Lakes Estates Phase II" for 84.97 acres of property in the vicinity of the 3001 block of East Army Post Road, to allow remaining property in the Three Lakes Estates Phase II Legacy PUD to be divided into 218 One Household Living Lots and 64 Lots for Semi-Detached One Household Living.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	Х			
Dory Briles				Х
Abby Chungath	Х			
Kayla Berkson	Х			
Jann Freed				Х
Johnny Alcivar	Х			
Lisa Howard	Х			
Carolyn Jenison	Х			
Greg Jones	Х			
William Page	Х			
Rocky Sposato				Х
Steve Wallace	Х			
Greg Wattier	Х			
Emily Webb	Х			

APPROVAL of the submitted Preliminary Plat amendment subject to the following:

1) Compliance with all administrative comments.

- 2) Comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
- A bond shall be provided to facilitate the future construction of a 5-foot width sidewalk along East Pine Avenue. (13-2021-1.28)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the submitted Preliminary Plat amendment subject to the following:

- 1) Compliance with all administrative comments.
- 2) Comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
- 3) Revision to show public sidewalks 5-feet in width along East Pine Avenue frontage.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The developer is seeking to resume development of "Three Lakes Estates Phase II" following approval of an amend to the Three Lakes Estates Phase II PUD Conceptual Plan by the City Council in 2019. This amendment allowed for reconfiguration of the street layout and allowance for smaller lot sizes (between 45 and 55 feet in width) for single household lots in the southeastern portion. It also replaced previously approved row and single-household semi-detached units with single household detached dwellings on lots with a minimum 65-foot lot width. This resulted in fewer units overall in the central portion of the PUD.

The submitted plat proposes 218 one household living lots and 64 lots for semidetached one household living. The existing row townhome area at the southwestern portion was maintained as initially approved with the PUD zoning in 2001. In review of this Preliminary Plat, the Commission is not considering whether the row townhomes, single-household dwellings, or single-household semi-detached dwellings are permitted. These uses were approved with the original rezoning PUD Conceptual Plan in 2001 and the subsequent amendment in 2016.

- 2. Size of Site: 84.9 acres.
- **3. Existing Zoning (site):** Three Lakes Estates Phase II "PUD" Planned Unit Development District.

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4. Existing Land Use (site): Undeveloped land.

5. Adjacent Land Use and Zoning:

North – Pearl Lake Legacy "PUD", "NX1", & "F", Uses are undeveloped agricultural land and regional stormwater basins.

South - "A" & "N2b", Uses include single-household living dwellings and undeveloped agricultural land.

East - "A", Use is undeveloped agricultural land.

West – Three Lakes Estates Legacy "PUD", Uses are single-household living dwellings.

- 6. General Neighborhood/Area Land Uses: The subject property is located east of the built-out single-family subdivision along the East Army Post Road corridor. It is surrounded on the other three sides with undeveloped agricultural land.
- 7. Applicable Recognized Neighborhood(s): The subject property is located within the Easter Lake Area Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on March 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on March 26, 2021(20 days prior to the hearing) and on April 5, 2021 (10 days prior to the scheduled hearing) to the Easter Lake Area Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the PUD boundary. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on April 9, 2021.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Easter Lake Area Neighborhood Association mailings were sent to Jim Bollard, 4007 Southeast 26th Street, Des Moines, IA 50320.

8. Relevant Zoning History: The Three Lakes Estates Phase II zoning to "PUD" was originally approved by the City Council on May 7, 2001 by Ordinance No. 13,950. There was a subsequent requested PUD Conceptual Plan amendment known as "The Palms" that was reviewed by the Plan and Zoning Commission on April 3, 2008 to revise townhome design and configuration. This amendment was withdrawn before City Council approval.

A First Amendment was approved by the City Council on September 23, 2019 by Roll Call No. 19-1549, allowing for reconfiguration of the street layout and allowance for smaller lot sizes (between 45 and 55 feet in width) for single household lots in the southeastern portion. It also replaced previously approved row and single-household semi-detached units with larger lot sizes (65 feet) for single household detached dwellings. This amendment was approved subject to the following conditions:

1) Compliance with all administrative comments for final Mylar submittal.

- 2) Addition of a note on the Plan that any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
- 3) Revision to the note to require all public sidewalks to be 5-feet in width.
- 4) Revision of the fence allowance note to also allow up to a 6-foot tall solid wood fence in rear yards and along the frontages of East Army Post and East Pine Avenue for lots that have rear yards abutting those streets.
- 5) Revision to the notes on the Plan to provide the following requirements for singlefamily and single-family semi-detached dwellings:
 - A) No same single-family or single-family semi-detached house front elevations shall be built on adjacent lots.
 - B) The front façade of any single-family or single-family semi-detached house constructed must contain one of the following:
 - i. A front porch of not less than 60 square feet; or
 - ii. Stone or brick masonry siding covering at least 1/3 of the façade.
 - C) All windows and doors on any single-family or single-family semi-detached house shall have trim that is no less than 4 nominal inches in width.
 - D) The roof on any single-family or single-family semi-detached house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
 - E) On single-family lot sizes less than 65 feet in width the following minimum house sizes shall be constructed:
 - i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
 - ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
 - iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
 - F) On single-family lot sizes 65 feet in width or greater the following minimum house sizes shall be constructed.
 - i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
 - ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
 - iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
 - G) Exterior material for any single-family or single-family semi-detached house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
 - H) For any single-family semi-detached dwellings, a brick or stone wainscot should extend along the full side façade on those units where the side faces a public street.
 - I) Building elevations for the Conceptual Plan shall be required to be revised to demonstrate compliance with these provisions.
- **9. PlanDSM Land Use Plan Designation:** Low Density Residential, Low-Medium Density Residential, and Parks and Open Space.
- **10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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 Features: The PUD area has been rough-graded throughout. However, there are still some timbered areas that remain around the basins, drainageways and fence lines. Tree Protection and Mitigation provisions would be required with any future platting review. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. This is a requirement of the submitted Preliminary Plat. Sheets 9-11 of the Preliminary Plat show the Tree Removal and Mitigation Plan and the associated Planting Plat for Street Trees for mitigation.
- 2. Parks/Trails: It should be noted that the Preliminary Plat includes the preliminary alignment of a future extension of the Carlisle Trail along East Army Post Road within the existing right-of-way. This trail is to be constructed in 2023 as a public project as part of the City's Capital Improvements Budget.
- **3. Stormwater/Drainage:** The Preliminary Plat was reviewed by City Engineering staff in accordance with all requirements in Chapter 106, Section 106-136 and Chapter 42, Section 42-56. This is to ensure the public storm sewer system is designed to meet requirements for flood control and water quality.

The submitted Preliminary Plat provides for a public storm sewer system with collections intakes and mains within the proposed public street network. This system is primarily directed to a private regional stormwater basin designed within proposed Outlot X and Outlot Y. This then would flow to the existing public regional detention basin to the northeast of the property maintained by the City. There is also some existing flowage that would be collected from East Pine Avenue and routes through over land to this basin through easements in the rear yards of lots that are proposed along SE 30th Court and East Rittenhouse Street.

- 4. Utilities: The submitted Preliminary Plat proposes public sanitary and storm sewer along with Des Moines Water Works public water mains within all the proposed streets or within public utility easements within the front yards along the street. These are extended off the existing network from the developed street system.
- **5. Traffic:** The proposed plat shows a network of public streets to serve the proposed lots. These streets are consistent with the approved PUD Conceptual Plan. The Preliminary Plat also proposes 5-foot wide sidewalks along all new street frontages except the frontage on the existing East Pine Avenue. A comment from the Traffic

Engineering staff is that the public sidewalk be shown on the East Pine Avenue frontage. This is required by the approved PUD Conceptual Plan. It would be installed with the public improvements associated with the adjoining lots.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Will Page asked if the sidewalks are required in part of this development?

<u>Erik Lundy</u> stated if the sidewalks were constructed before the home, they would become damaged by construction. After the home is built, the sidewalks will be constructed.

<u>Edward Arp</u> 2400 86th Street, Urbandale, IA representing Civil Engineering Consultants stated the current layout for this development makes more sense for what the market is today. The sidewalk to be placed along Pine Avenue would be difficult to construct as the gravel road sticks up in the air with ditches on each side. They feel the construction of sidewalk along Pine Avenue should be deferred until an Urban section is developed.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one requested to speak on the item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>Francis Boggus</u> stated he would agree it would be a financial burden to construct a sidewalk that is not connected to an improved urban street and would defer that to a future time.

Will Page asked what a future time would mean?

<u>Jason Van Essen</u> stated the way he understood Francis was that he would strike the East Pine Avenue sidewalk requirement and that at some time in the future the sidewalk would be constructed as part of a City CIP project when the street is reconstructed.

<u>Erik Lundy</u> stated there are bonds within the plat that are associated with sidewalks. They could build the cost of the sidewalk along Pine into the bond but in the future the applicant could come back to ask for release.

<u>Greg Jones</u> stated he would like to have a bond in place for the sidewalk and if it's released in the future nothing would be lost.

COMMISSION ACTION:

<u>Francis Boggus</u> made a motion for approval of the submitted Preliminary Plat amendment subject to the following:

1) Compliance with all administrative comments.

- 2) Comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
- 3) A bond shall be provided to facilitate the future construction of a 5-foot width sidewalk along East Pine Avenue.

Motion passed: 11-0

Respectfully submitted,

Jula Con

Jason Van Essen, AICP Planning & Urban Design Administrator

JMV:tjh

Request from J Larson Homes, LLC (owner) represented by John Larson (officer)								File #			
for the property located in the vicinity of the 3001 block of East Army Post Road								13-2021-1.28			
Description of Action	Review and approval of a Preliminary Plat Amendment "Three Lakes Estates Phase II" for 84.97 acres to allow remaining property in the Three Lakes Estates Phase II Legacy PUD to be divided into 218 One Household Living Lots and 64 Lots for Semi-Detached One Household Living.								egacy PUD to be		
PlanDSM Future Land Use			Park/0	Current: Low Density Residential, Low-Medium Density Residential & Park/Open Space. Proposed: N/A.							
Mobilizing Tomorrow Transportation Plan			No planned improvements.								
Current Zoning District			Three Lakes Estates- Phase II Legacy "PUD" Planned Unit Development.								
Proposed Zoning District			N/A.								
Consent Card Responses Outside Area (200 feet)			In Fav 0	or	Nc 0	ot In Favor Undetermi		ned % O		Opposition	
Within Subject Property											
Plan and Zonin	•	Appro	val	Х		Required 6/7 Vote of		Yes			
Commission A	ction	Denia	I			the City Council				Х	

J Larson Homes, LLC, Vicinity of 3001 block of East Army Post Road

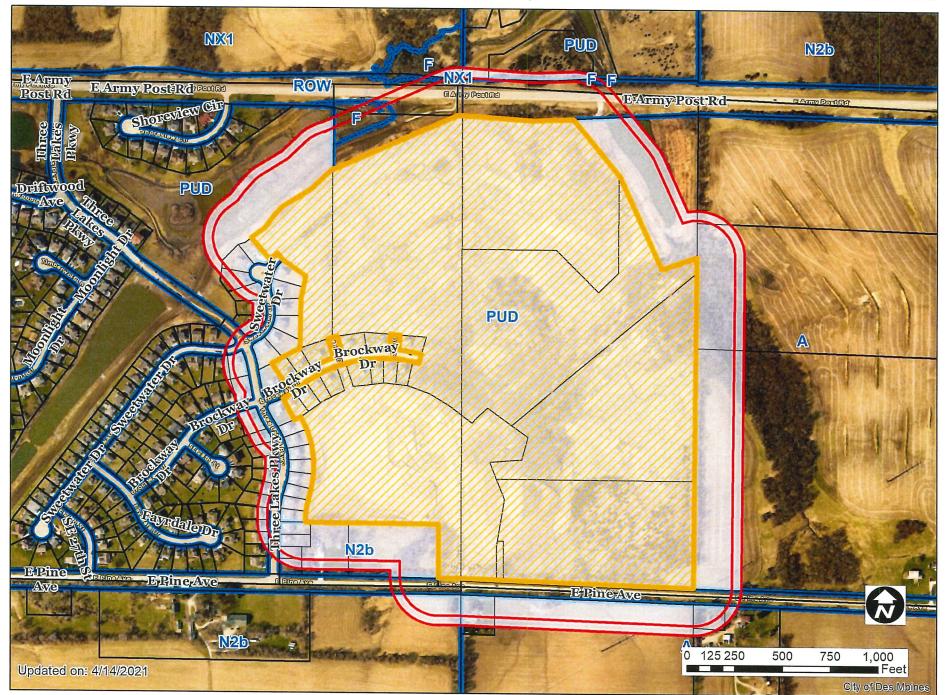
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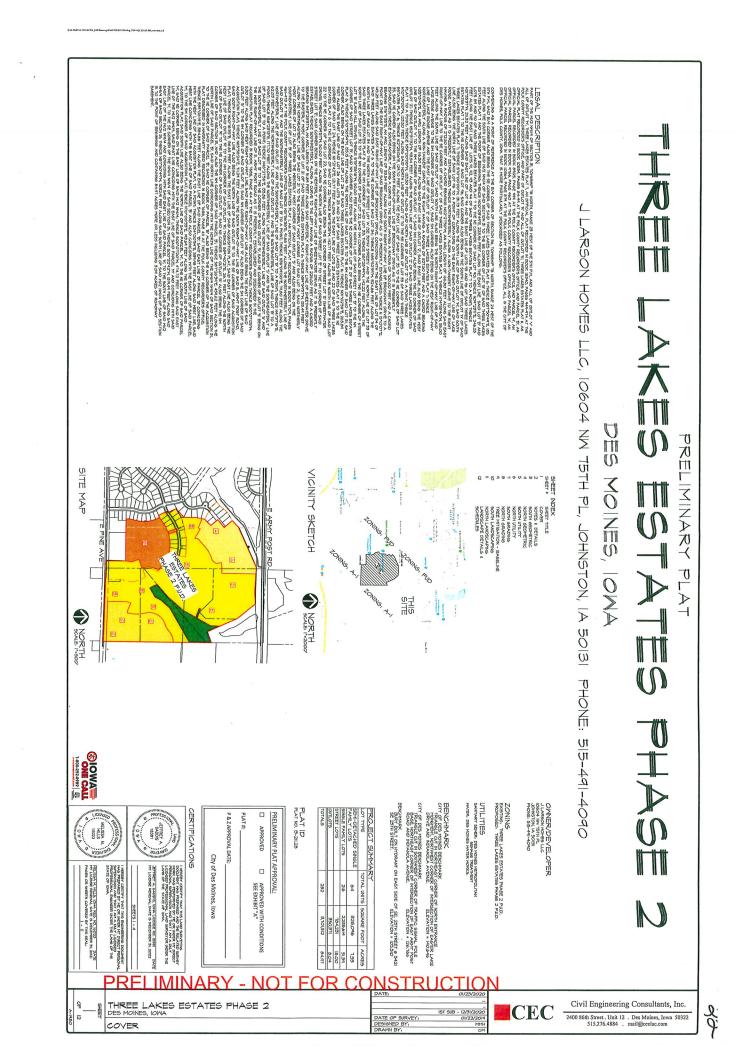


1 inch = 484 feet

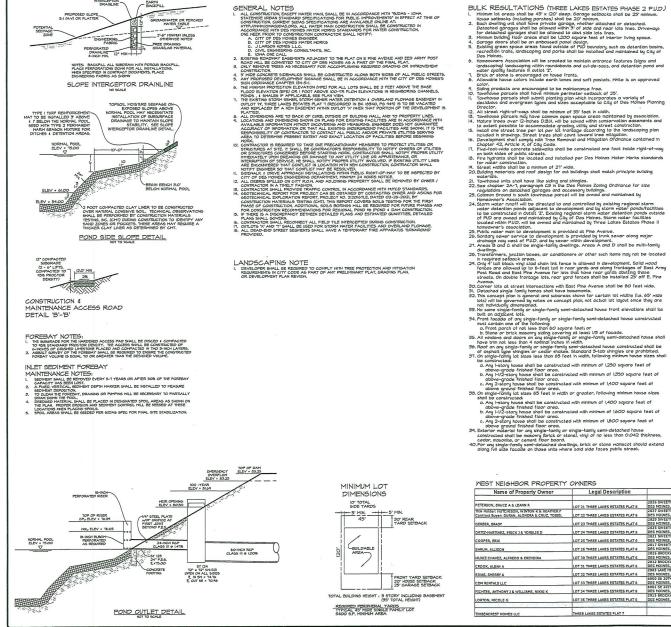
J Larson Homes, LLC, Vicinity of 3001 block of East Army Post Road

13-2021-1.28









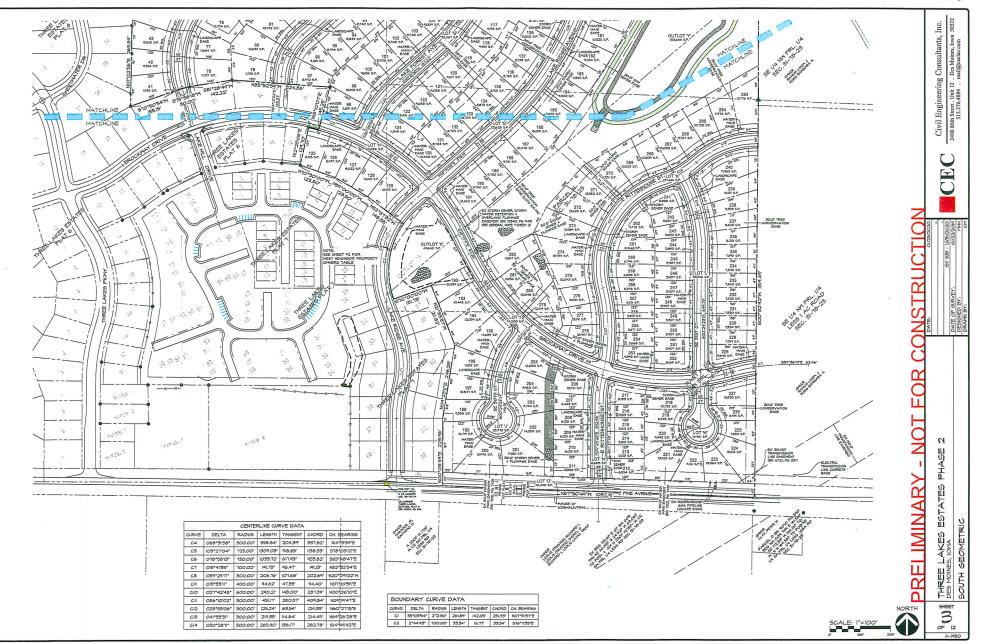
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WEST NEIGHBOR PROPERTY	OWNERS						
Name of Property Owner	Legal Description	Property Address	Mailing Address				
		2836 SWEETWATER DR					
ETERSON, BRUCE A & LEANN R	LOT 21 THREE LAKES ESTATES PLAT 6	2836 SWEETWATER DR DES MOINES, IA 50320-4705					
Itle Holder: HUTCHISON, WINTON K & HEATHER F		2837 SWEETWATER DR	SOG 46TH ST				
Contract Buyer: DURAN, ALONDRA & CRUZ, TOBIEL	LOT 22 THREE LAKES ESTATES PLAT 6	DES MOINES, 1A 50320-4705 2629 SWEETWATER DR	WEST DES MOINES, IA 50265				
SERBER, BRADY	LOT 23 THREE LAKES ESTATES PLAT 6	DES MOINES, IA 50320-4705					
ORTIZ-MARTINEZ, ERICK J & YORELIS D	LOT 24 THREE LAKES ESTATES PLAT 6	2025 SWEETWATER DR DES MDINES, IA 50320-4705					
JRTIZ-MARTINEZ, ERICK JA TORELIS D	LOT 24 THREE CARES ESTRIES PLAT 6	2821 SWEETWATER DR					
COOPER, ERIK	LOT 25 THREE LAKES ESTATES PLAT 6	DES MOINES, IA 50320-4705					
HRUM, ALLISON	LOT 26 THREE LAKES ESTATES PLAT 6	2017 SWEETWATER DR DES MOINES, 1A 50320-4705					
		2826 BROCKWAY DR					
AUNIZ CHAVEZ, ALFREDO & ERENDIRA	LOT 30 THREE LAKES ESTATES PLAT 6	DES MOINES, IA 50320-9232 2832 BROCKWAY DR					
ROOK, ALBAN A	LOT 31 THREE LAKES ESTATES PLAT 6	DES MOINES, IA 50320-9232					
		2903 LAKE HILL DR					
RIVAS, SHERRY A	LOT 32 THREE LAKES ESTATES PLAT 6	DES MOINES, IA 50320-4700 6800 SE 30TH ST	P08 974				
DM RENTALS LLC	LOT 33 THREE LAKES ESTATES PLAT 6	DES MOINES, 1A 50320-4700	JOHNSTON, IA 50131-0974				
	LOT 34 THREE LAKES ESTATES PLAT 6	6801 SE 30TH ST DES MOINES, IA 50320-4705					
ICHTER, ANTHONY J & WILLIAMS, NIKKI K	LUT 34 TRICE LAKES ESTATES PLATE	2915 BROCKWAY DR					
	LOT 35 THREE LAKES ESTATES PLAT 6	DES MOINES, 1A 50320-4726					
ORTON, NICOLE G							
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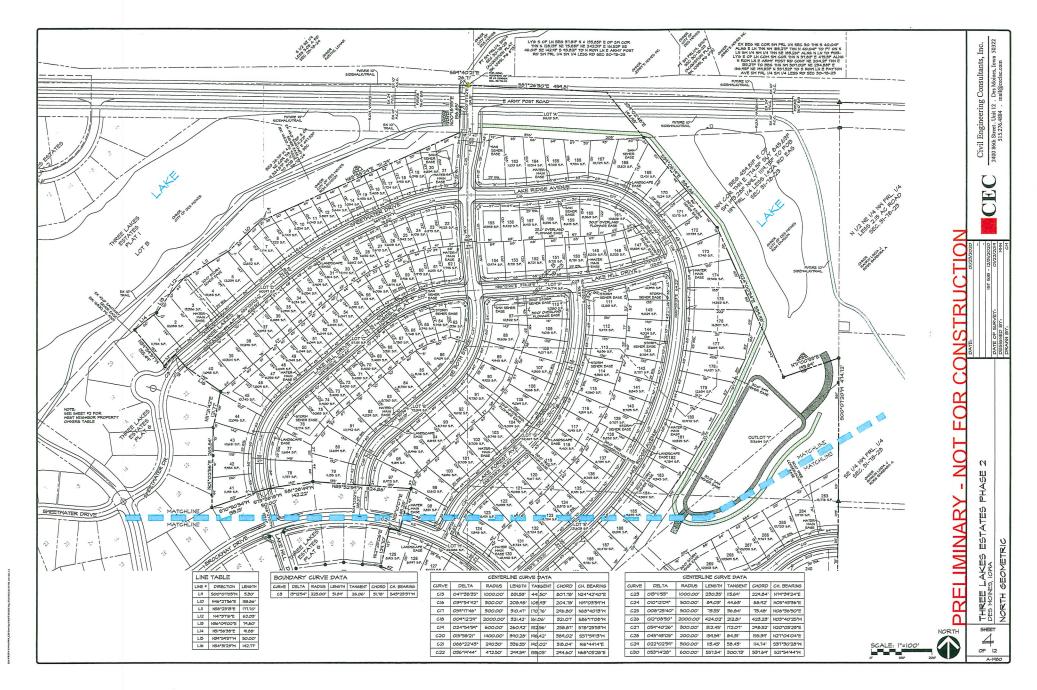
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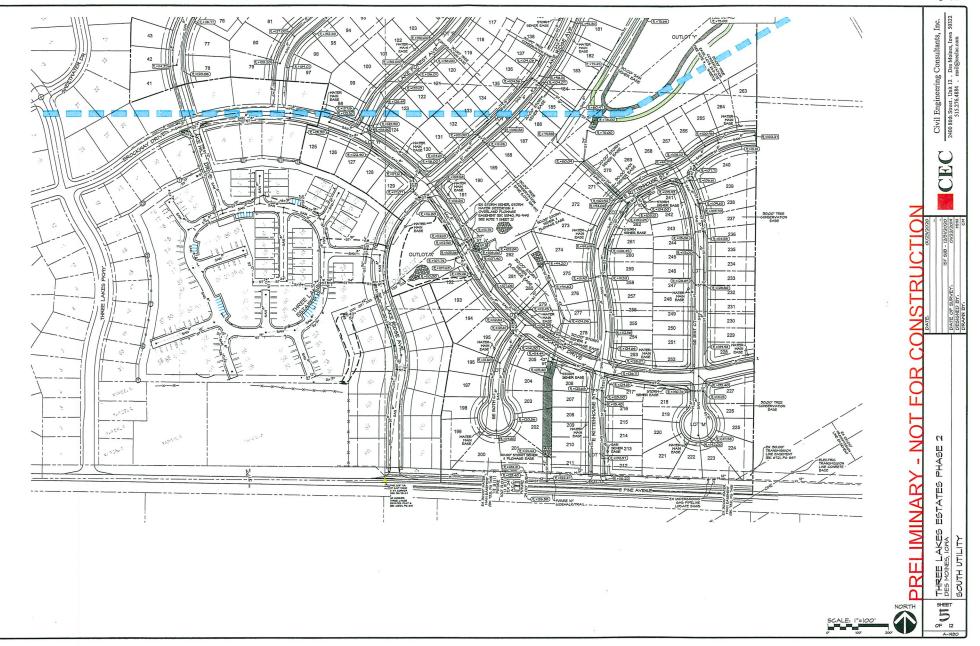
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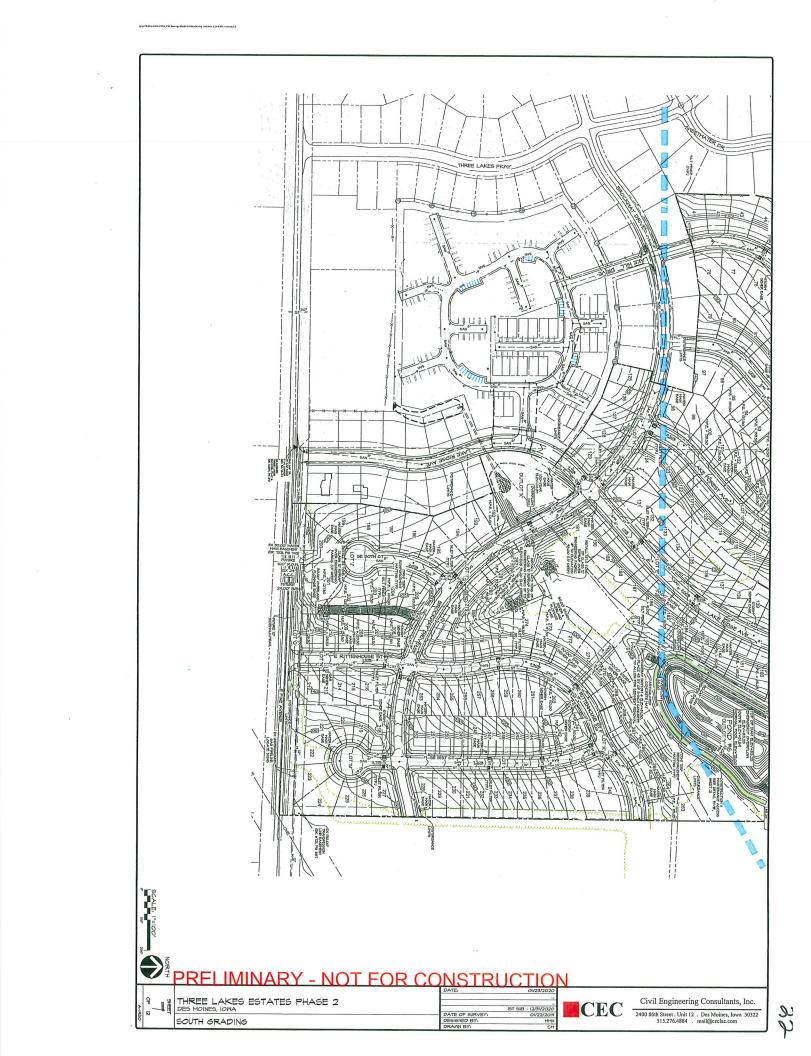


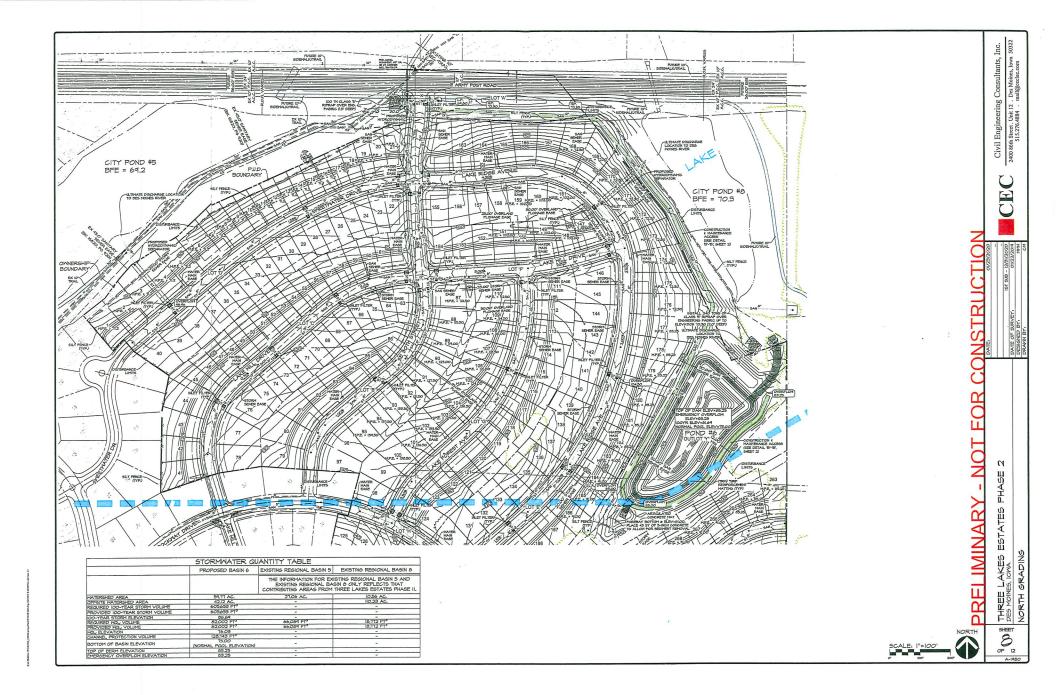
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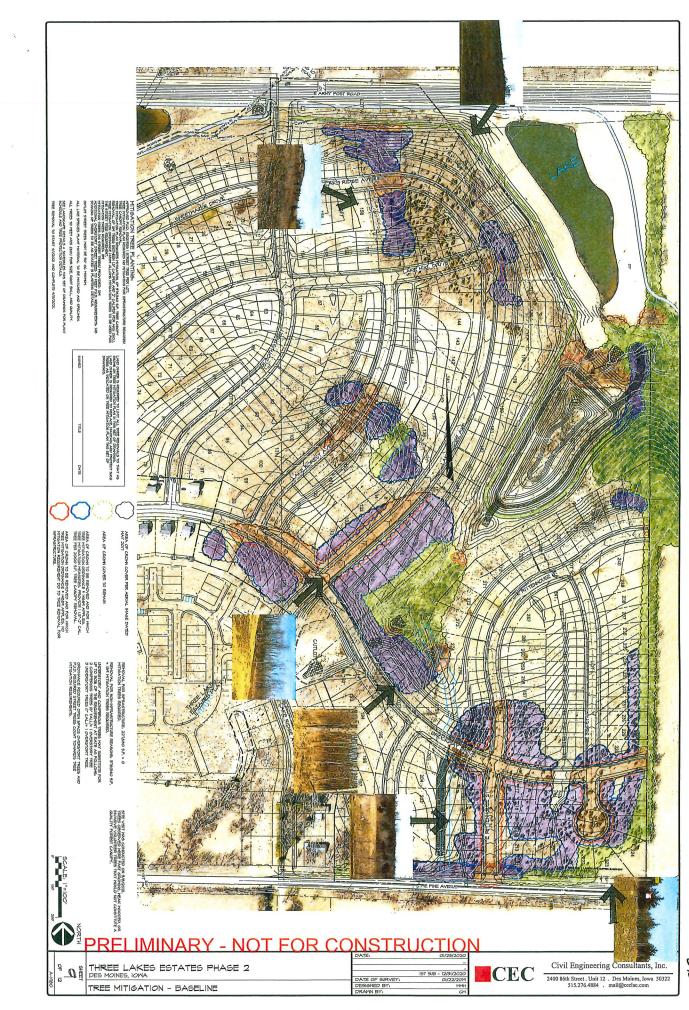


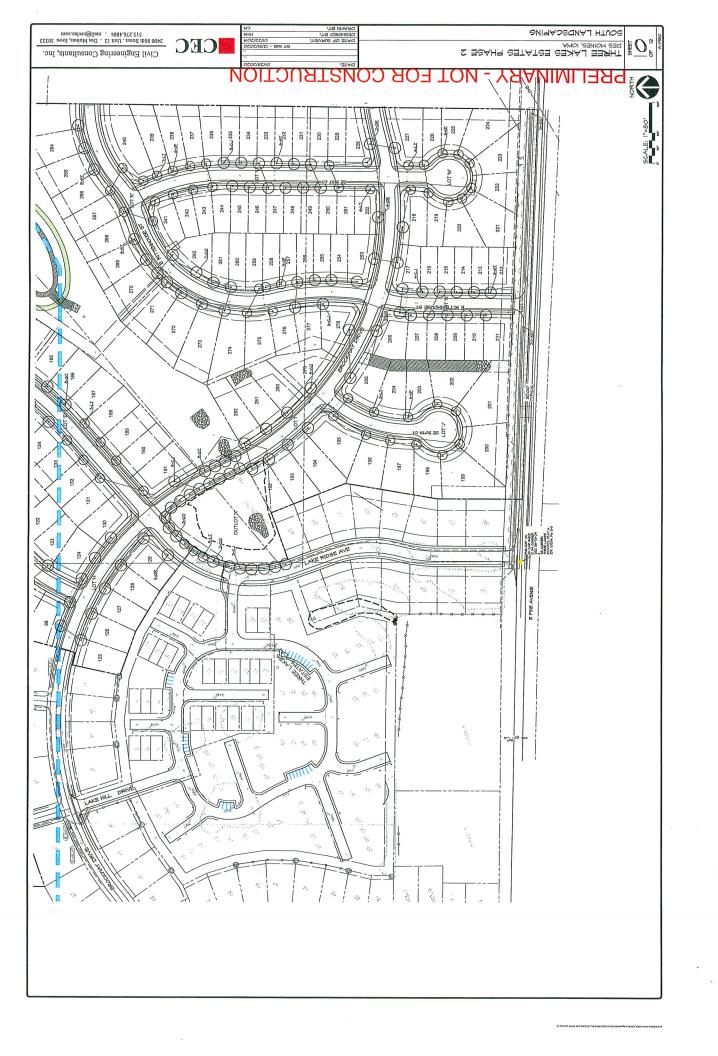


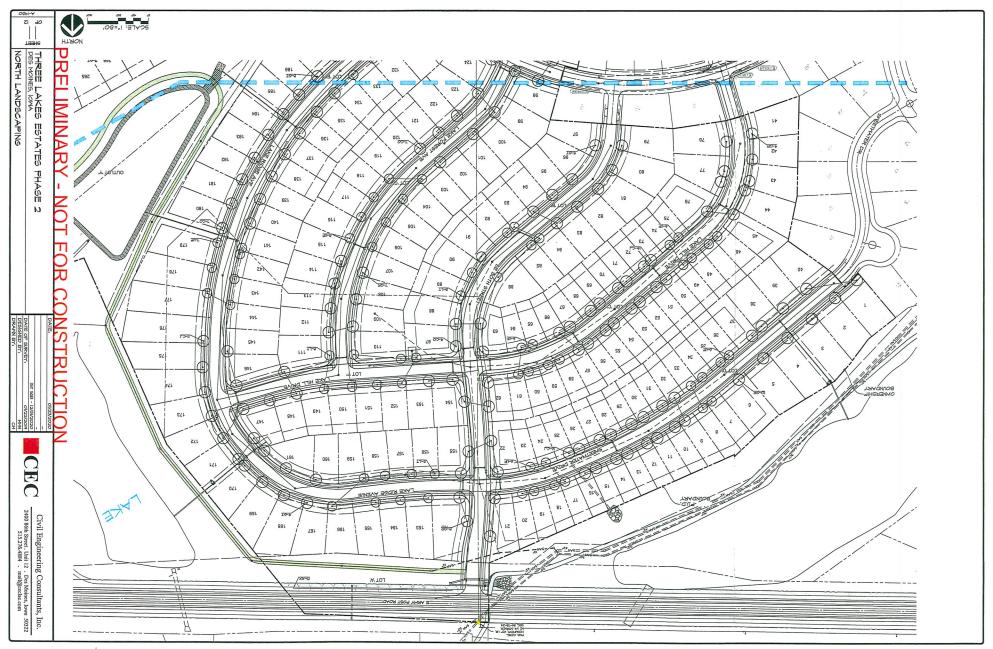












PLANT SCHEDULE

MARK	Botanical name	QUAN.	SIZE	ROOT	REMARKS
	COMMON NAME			TYPE	
a	Cercidiphylum japanica	67	1.5" CAL	868	MATCHED, SPECIMEN
	KATSURA TREE				S' CLEAR TRUNK
60	Celtis occidentalis 'Prairie Pride'	45	1.5" CAL	95.8	MATCHED, SPECIMEN
	PRAIRIE PRIDE HACKBERRY				5" CLEAR TRUNE
GT	Gleditsia triocanthos inermis "Skycole"	55	1.5" CAL	85.8	MATCHED, SPECIMEN
	SKYLINE HONEYLOCUST				5" CLEAR TRUNK
LT	Liniadendran tulipfera 'JFS-Os'	54	1.5" CAL	068	MATCHED, SPECIMEN
	EMERALD CITY TULIP TREE				S' CLEAR TRUNK
QA.	Quercus rubra	54	1.5" CAL	848	MATCHED, SPECIMEN
	NORTHERN RED DAK				S' CLEAR TRUNK
UF	Ulimus 'Frantier'	62	1.5" CAL	840	MATCHED, SPECIMEN
	FRONTIER ELM				S' CLEAR TRUNK
xx	FUTUAE STREET TREES	41	1.5" CAL	840	MATCHED, SPECIMEN, INSTALL S' FROM SIDEWALI
					5" CLEAR TRUNK, 30" CC

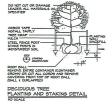
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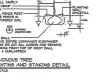
PLANTING NOTES

- PLANTING NOTES
 I.A. BERKOR, SEEDING AND LADDRAFING SIML BE SERVICED DURSNELL
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R.O.M. PLANTING NOTES 1. ALL NIRE, THIRE AND BURLAP SHALL BE REMOVED FROM ROOTBALL OF STREET RESE FROR TO FLANTING. 2. NO STAKING OF TREES IS ALLONED NITHIN ROM. 3. MILCH MIT 9 SHEEDED HARDWOOD MILCH - NATURAL COLOR.

CONTACT CITY ARBORIST PRIOR TO PLANTING IN PUBLIC R.O.H. 283-4950.





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. Des Moines, Iowa ! mail@ceclac.com

2400 86th Street . Unit 12 515.276.4884 .

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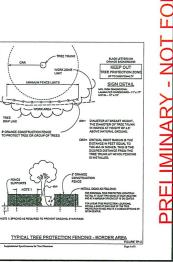
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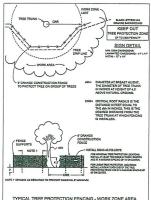
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