

Date.....January 28, 2008.....

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held January 17, 2008, the members voted 14-0 in support of a motion to **APPROVE** the request from James Ellis (owner) for approval of a preliminary subdivision plat for "Deer Ridge Valley", for property located at 3301 Stanton Avenue, to allow the property to be divided into 19 lots for single-family residential development subject to the following conditions:

1. Provision of one 1½-inch caliper street tree, one 2-inch caliper overstory tree within the front yard, and one 2-inch overstory tree within the rear yard per lot.
2. Provision of preservation easements along the easternmost 10 feet of Lots 13, 14, 16, 17, and 18 in order to preserve the existing trees within these lots.
3. Provision of a preservation easement within the northernmost 50 feet of Lot 12 in order to preserve four maple trees.
4. Preservation of seven mature trees within the southern portion of the site, including one 36-inch oak, one 40-inch oak, one 24-inch maple, one 18-inch maple, two 12-inch maples, and one pine tree, by shifting the north/south street to the west.
5. Preservation of a 20-inch maple tree along with eastern site boundary by shifting the east/west street connection either to the south or to the north.
6. Provision of the following tree protection notes for the preservation easements on the preliminary plat and for all trees being preserved:

Within the buffer and tree protection zones, none of the existing trees that are a minimum 4 inches in trunk diameter and a minimum of 4-feet in height shall be removed or destroyed and any existing underbrush shall be preserved to the maximum extent feasible as follows:

- (1) Buffer and tree protection zones will be designated in the field and certified by the Development Zoning Division of the City of Des Moines prior to commencement of excavation, grading or construction.
- (2) Barriers defining the buffer and tree protection zones shall be constructed of orange fencing a minimum of four (4) feet in height, secured with metal T-posts, no closer than six (6) feet from the trunk or one-half (½) of the drip line of any existing tree within the buffer and tree protection zones, whichever is greater.
- (3) There shall be no storage or movement of equipment, material, debris or fill within the fenced buffer and tree protection zones.
- (4) 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.

Date January 28, 2008

- (5) 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.
- (6) No damaging attachment, wires, signs or permits may be fastened to any tree within the buffer and tree protection zones.
- (7) The installation of utilities, irrigation lines or any underground fixture within the buffer and tree protection zones requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of existing trees at a minimum depth of twenty-four (24) inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the chart below.

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- (8) The removal of utilities, irrigation lines or any underground fixture within the buffer and tree protection zones requiring excavation deeper than six (6) inches shall be accomplished by methods approved by the Planning Director that protect the life of the vegetation.
 - (9) 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 new trees with a total caliper equal to the caliper of the tree removed.
7. Provision of 4-foot-wide sidewalks along all public street frontages, including McKinley and Stanton Avenues.
 8. Lots 1 through 6 share drive approaches, with Lots 1 and 2 sharing a common approach, Lots 3 and 4 sharing a common approach, and Lots 5 and 6 sharing a common approach.
 9. Compliance with all platting requirements of the Permit and Development Center.

★ Roll Call Number

Agenda Item Number


30

Date January 28, 2008

-3-

MOVED by _____ to receive and file.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

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

(13-2008-1.19)

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

CERTIFICATE

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

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

 Mayor

 City Clerk

Request from James Ellis (owner) for review and approval of a preliminary subdivision plat, "Deer Ridge Valley" located at 3301 Stanton Avenue.				File #	
				13-2008-1.19	
Description of Action	Review and approval of "Deer Ridge Valley" preliminary subdivision plat to allow the property to be divided into 19 lots for single-family residential development.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-80" One Family Residential				
Proposed Zoning District	N/A				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	N/A	N/A	N/A	N/A	
Plan and Zoning Commission Action	Approval	14-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Deer Ridge Valley - Preliminary Plat - 3301 Stanton Avenue

13-2008-1.19



Date _____

January 28, 2008

Agenda Item 30

Roll Call # _____

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 January 17, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	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			
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace	X			

APPROVE the request from James Ellis (owner) for approval of a preliminary subdivision plat for "Deer Ridge Valley", for property located at 3301 Stanton Avenue, to allow the property to be divided into 19 lots for single-family residential development subject to the following conditions: (13-2008-1.19)

1. Provision of one 1½-inch caliper street tree, one 2-inch caliper overstory tree within the front yard, and one 2-inch overstory tree within the rear yard per lot.
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5. Preservation of a 20-inch maple tree along with eastern site boundary by shifting the east/west street connection either to the south or to the north.
6. Provision of the following tree protection notes for the preservation easements on the preliminary plat and for all trees being preserved:



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

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the preliminary plat subject to the following conditions:

1. Provision of one 1½-inch caliper street tree, one 2-inch caliper overstory tree within the front yard, and one 2-inch overstory tree within the rear yard per lot.

2. Provision of preservation easements along the easternmost 10 feet of Lots 13, 14, 16, 17, and 18 in order to preserve the existing trees within these lots.
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7. Provision of 4-foot-wide sidewalks along all public street frontages, including McKinley and Stanton Avenues.
8. Lots 1 through 6 share drive approaches, with Lots 1 and 2 sharing a common approach, Lots 3 and 4 sharing a common approach, and Lots 5 and 6 sharing a common approach.
9. Compliance with all platting requirements of the Permit and Development Center.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a 19-lot, single-family residential subdivision. The development includes demolition of an existing single-family dwelling located within the southern portion of the site.
2. **Size of Site:** 8.23 acres.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** The site includes a single-family dwelling and undeveloped land with several mature trees surrounding the single-family dwelling and along the east property line.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-80", Uses are single-family residential.
 - South* – "R1-70", Uses are Stanton Avenue and single-family residential.
 - East* – "R1-80", Use is an undeveloped parcel.
 - West* – "M-3", Uses are relocated McKinley Avenue and the airport.
6. **General Neighborhood/Area Land Uses:** The subject property is located in area that includes a mix of low-density residential developments.
7. **Applicable Recognized Neighborhood(s):** Southwestern Hills.
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 property generally slopes downward to middle of the site from both the east and west. Since an aerial photo was taken in April of 2006, the site has been cleared of most trees, except for those surrounding the existing single-family dwelling and those along fence rows. The submitted tree survey identifies 63 trees that are at least 6 inches in caliper. It is likely that approximately 36 of these trees totaling 474 caliper inches would have to be removed to accommodate the streets and building envelopes as proposed. Of these, 19 are maple, 2 are oak, 3 are pine, and 12 are ash.

Staff recommends provision of preservation easements along the easternmost 10 feet of Lots 13, 14, 16, 17, and 18 in order to preserve the existing trees along the east site boundary within these lots. Staff also recommends provision of a preservation easement within the northernmost 50 feet of Lot 12 in order to preserve four mature trees, including two 12-inch maples, one 18 inch maple, and one 20-inch maple.

Staff recommends that the north/south street be shifted approximately 25 feet to the west in order to protect seven mature trees, including one 36-inch oak, one 40-inch oak, one 24-inch maple, one 18-inch maple, two 12-inch maples, and one pine tree. Staff believes this can be accomplished without losing any lots and that the resulting intersection with Stanton Avenue would still be adequately spaced from the intersection of Stanton and McKinley Avenues.

Staff recommends that the east/west street connection be shifted by approximately 30 feet either to the south or to the north in order to protect the 20-inch maple tree identified on the tree survey. This could result in the loss of one lot, as well as an additional 12-inch ash tree.

If staff's recommendations for shifting the streets are incorporated, the net loss of trees would be reduced by 8 trees totaling 162 caliper inches from 36 trees totaling 474 caliper inches to 28 trees totaling 312 caliper inches.

In order to mitigate the loss of approximately 28 trees totaling 312 caliper inches, staff recommends provision of the following for each single-family lot: one 1½"-caliper overstory street tree per Public Works Department standards, one 2-inch caliper overstory tree in the front yard, and one 2-inch caliper overstory tree in the rear yard. Staff believes that each lot can accommodate both an overstory street tree and an overstory tree in the front yard given the 80-foot lot widths. Providing three trees on each lot represent 5½ caliper inches per lot for a cumulative 104.5 caliper inches on 19 lots.

Staff recommends that the following tree protection notes be included on the plat to protect all trees remaining on the site:

Within the buffer and tree protection zones, none of the existing trees that are a minimum 4 inches in trunk diameter and a minimum of 4-feet in height shall be removed or destroyed and any existing underbrush shall be preserved to the maximum extent feasible as follows:

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- 2. Drainage/Grading:** The submitted preliminary plat shows grading for lot and street improvements as well as storm water management. The topography of the site requires a storm water basin to be located in the center of the development. The basin is designed to temporarily hold water from larger storm events and to release it at a limited rate to the north.

Construction designs must be submitted and approved for all public improvements prior to or in conjunction with final plat approval by the City Council. Issuance of a grading permit is required prior to commencement of grading on the subject property. A Storm Water Pollution Protection Plan (SWPPP) must be submitted to the Iowa DNR.

- 3. Utilities:** The plat indicates there is an existing 50-foot-wide north/south public sanitary sewer easement crossing the site. The plat indicates that the north/south street would generally be located within this easement. There is also a 30-foot-wide sanitary sewer easement across the northern portion of the site within Lot 11.
- 4. Traffic/Street System:** The preliminary plat proposes a north/south street connection from Stanton Avenue and an east/west stub to the east property line for future connectivity with the undeveloped parcel to the east. Staff recommends that the placement of these two streets be shifted as noted above in order to preserve existing mature trees.

In order to minimize driveways along McKinley Avenue, staff recommends that Lots 1 through 6 share drive approaches, with Lots 1 and 2 sharing a common approach, Lots 3 and 4 sharing a common approach, and Lots 5 and 6 sharing a common approach.

The plat must provide 4-foot-wide sidewalks along all public street frontages, including McKinley and Stanton Avenues.

- 5. Additional Information:** The boundaries of Lot 11 must be altered to provide 80 feet of frontage within 30 feet of the proposed street, as City Code Section 106-72(h)(3) states that each lot must meet all minimum bulk regulations of the zoning district in which it is located. City Code Section 134-3 defines lot width as the width of a lot measured at the required front yard setback line and at right angles to its depth and states that the minimum lot width shall be maintained from the required front yard setback line to the front of the principal building.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented staff report and recommendations.

James Ellis, 3301 Stanton Avenue: Explained they had no problem with staff recommendations and noted the site is a clutter of different species of trees and they propose cleaning up the overgrowth on the fence line. Staff recommendation is to put three trees on each lot, which they want to do. Indicated half of one of the oak trees is dead and needs cleaned up. Noted they want to replace any trees they remove with landscaping to beautify the site.

Fran Koontz: Asked if the City arborist has been included.

Mike Ludwig: Noted the City arborist does not review trees on private property. Indicated if the applicant can submit documentation that the oak tree is damaged beyond repair, that is acceptable. Explained the trees along the eastern property line are to be saved and preserved.

James Ellis: Noted he could leave it all in there but he'd like to clean it up.

Mike Ludwig: Noted that was acceptable as long as the trees that are shown that are greater than 6" are preserved.

Greg Jones: Concerned if there is a great deal of grade change saving the trees would be a futile effort. Concerned that the applicant would not go to enough effort to save the trees. Would rather not go to the trouble to save the oak tree if it is damaged and half of it is gone.

Mike Ludwig: Noted staff would work with the applicant on the final plat.

James Ellis: Indicated they would like to leave the plan as it was drawn up. Expressed concern that the topography of the ground accommodates the setup of the cul-de-sac and if there is a lot of shifting it would jeopardize some of the lots. They are willing to do whatever it takes.

Brian Millard: Asked if they are willing to concede and go along with retaining the significant trees identified by staff.

Vince Piagentini, Associated Engineering, 2917 Martin Luther King Jr. Parkway: Noted they laid out the plan with the topography and are willing to look at shifting it if necessary but would like an arborist to look at the trees and determine the quality before they agree to moving the road.

Brian Millard: Indicated it is important that a licensed arborist do it; asked if they would be in agreement with staff recommendation.

James Ellis: Indicated they would be if they had to, but would like to leave it as it is.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Larry Hulse: Explained since this is a preliminary plat, when they do the final plat the grades and all will be studied more intensely; noted staff will bring in some of the experts as well to ensure it will work and staff will report the findings at the final plat stage.

Leisha Barcus: Asked about the applicant not agreeing with the staff recommendation.

Dann Flaherty: Noted the request could be approved with the recommendations and if the applicant doesn't want to work with the staff recommendations he would have to return to the Plan and Zoning Commission.

Mike Ludwig: Noted if they disagree with the Commission's recommendation they can appeal to the City Council; if they don't do that they will have to comply with the Preliminary Plat.

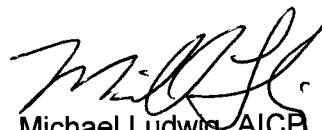
Larry Hulse: Noted they agree, however they prefer the plan they presented.

Mike Ludwig: Noted on the conditions regarding the shift in the road, the Commission could make it subject to further review on the final plat to allow flexibility. Indicated the final plat goes through as an Administrative Review.

Kaye Lozier: Moved staff recommendation.

Motion passed 14-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

January 10th, 2008

Vic Piagentini
Associated Engineering Company
2917 ML King Jr. Parkway
Des Moines, IA 50310

RE: Preliminary Plat, Deer Ridge Valley

13-08-1.19

Dear Vic:

We have reviewed the first (1st) submittal of the preliminary plat for Deer Ridge Valley, and have determined that the following conditions must be satisfied before plat approval can be granted.

Engineering

1. Provide benchmarks for survey datum.
2. Serendipity Plat Four recorded plat shows the 50' wide "Southern Hills Sanitary Sewer Easement" extending to the northern boundary of the plat, and therefore through Outlot 'Z', Lot 11 and Lot 12 of this plat.
3. The sanitary sewers on Lots 1-8 are to be offset at 7.5' and 22.5' from the edges of the easement rather than on center as shown on Sheet 3 of 3.
4. Easements for the existing 30" storm and 12" sanitary sewers within Lots 12 and 13 must be shown, including book and page numbers (remaining comments all carried over from first comment letter, unresolved).
5. The proposed use or function of the outlot shall be clearly designated on the plat.
6. Public storm sewer easements must be at least 30 feet wide and offset 7.5' / 22.5' from the center of the pipe. Reference Lot 5. "Drainage" easements are termed "Surface Water Flowage" easements in the City of Des Moines. This feature is shown in the cross-section detail on sheet 2, but it is not defined in the plan view. Correct and revise as necessary.



PERMIT AND
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7. Provide a short narrative describing the proposed storm water management plan. Provide details on the design and function of the proposed drainage feature paralleling the street. Your proposed plat is subject to recently enacted amendments to the Municipal Code of Des Moines, Ordinance #14,708. Additional modifications to the plan will be needed to comply, especially Sec. 106-136.
8. Show all proposed underground utilities within the subdivision and show buildings on adjacent lots.
9. Pavement subdrain will need to be incorporated into the infrastructure design plans per the geotechnical exploration report recommendations. At a minimum, the northern half of the street appears to need a subdrain system.
10. The proposed pavement cross-section design doesn't conform to SUDAS standards as related to percent of cross-slope and center crown. The 1% slope isn't conducive to proper sheet drainage off the pavement and the "warped" pavement section will only add to the potential for future problems. Although staff isn't proposed to the concept of the surface drainage paralleling the street, it may be difficult to achieve. Your proposed design would require a request for a design exception with supporting documentation.
11. Submit plans and specifications for Private Construction Contract for all work within the proposed street ROW and any other public facilities.
12. Apply for a Grading Permit in conformance with Code. Be sure to include all required grading plan information.

Planning

13. Lot 'A', the proposed public street will be Southwest 34th Place. Show the name of the street on the plat. Lot 'B', the proposed public street will be Elder Lane.
14. Show lot addresses on the plat. See the enclosed table of addresses assigned to the lots.
15. Provide the street name of all nearby R.O.W. The street name for the Summit Vista Drive R.O.W. is not shown to the NE of the proposed plat.
16. In the notes section, amend the number of lots provided to 18, rather than the 19 shown.

17. Note that a 4' sidewalk is proposed on both sides of the public street (required for other public streets within the plat, in addition to McKinley Avenue, as noted).
18. Lot #11 does not have the required 80 ft. of lot frontage at the front yard building setback line that the Zoning Ordinance requires. Furthermore, the buildable portion of the lot is severely inhibited by two sewer easements cross-crossing the property, which cannot be built on.
19. Show the frontage of all lots at the building setback line on the plat.
20. Lot #1 not meet the required minimum 10,000 sq. ft. of lot area needed in an R1-80 district.
21. Show all existing structures on the preliminary plat. There appears to be an existing house (3301 Stanton Avenue) on the SE corner of the plat.
22. Staff will be requesting the condition of utilizing shared driveways for the lots fronting McKinley Avenue to reduce the amount of approaches onto a higher speed street.
23. Staff is requesting a 10 ft. wide conservation easement to be placed on the easternmost 10 ft. of Lots 13, 14, 16, 17 & 18. Staff is requesting that the north 50 ft. of Lot 12 be a conservation easement.
24. Amend the "pointed" NW corner of Lot 9 to a configuration that more easily allow the homeowner to properly maintain the lot. Staff suggests adding this triangular portion of land to Lot 10 to cleanly remove pointed angles.

Please submit **two (2) 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.

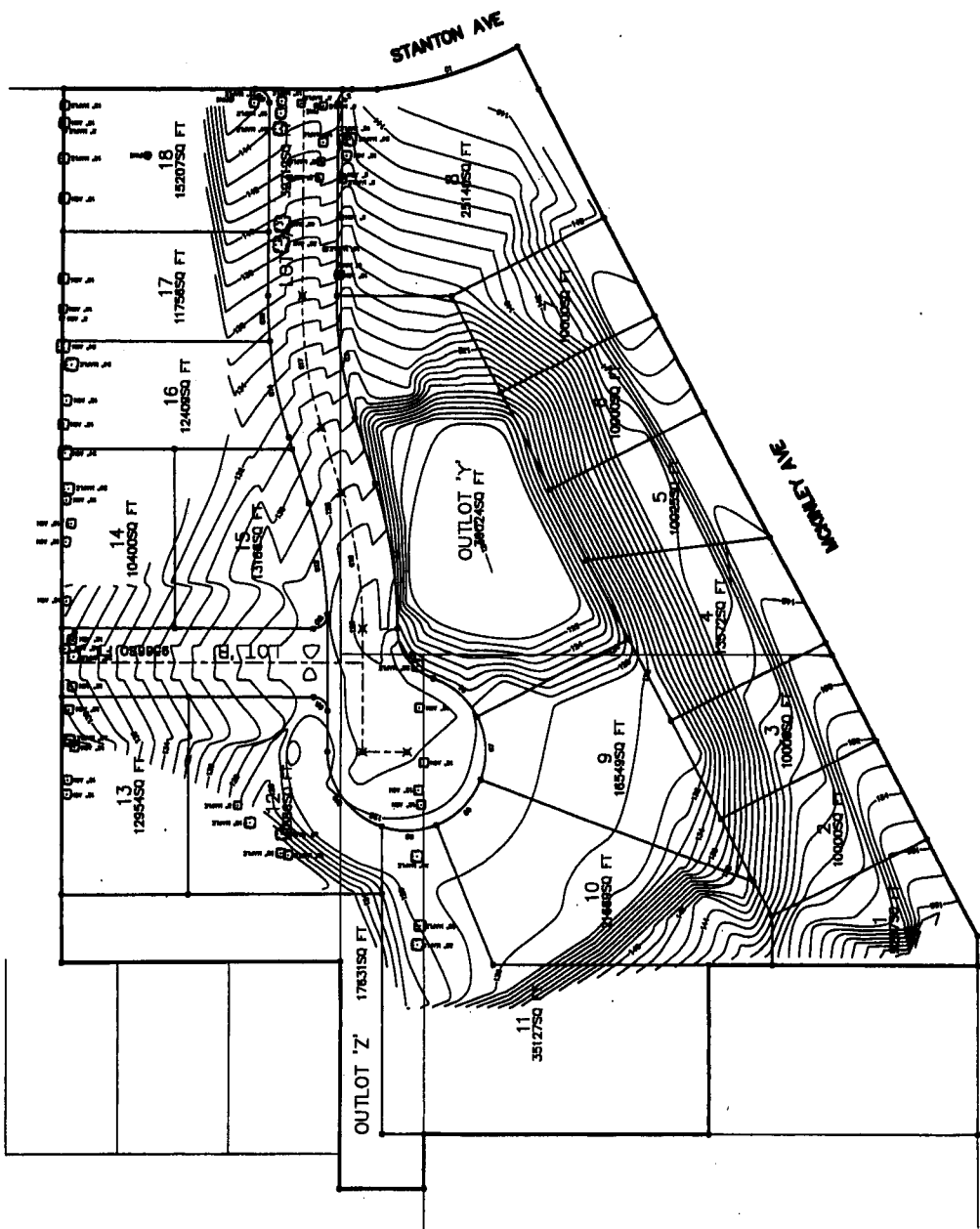
If you have any questions contact Ryan Moffatt @ 283-4975 or email him @ rlmoffatt@dmgov.org.

Sincerely,



Phillip Delafield
Permit & Development Administrator

TREE LOCATION SURVEY
DEER RIDGE VALLEY



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 Omaha, Nebraska 68137
 Phone: (402) 426-1000 Fax: (402) 426-1007
 PROJECT # 200707

