

July 9, 2007

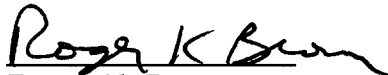
Date

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held June 21, 2007, the members voted 9-2 in support of a motion to **APPROVE** the request from Mid-America Group (owner) represented by Theresa Wahlert (officer) for approval of a preliminary subdivision plat for "Harvest Hills Plat 2", located at 3930 Southeast 72nd Avenue (also known as E. Pine Avenue), on 137.85 acres of land, to include six (6) lots on 35.7 acres for general retail commercial use, three (3) lots on 18.3 acres for medium density residential use, 280 single-family residential lots on 68.2 acres, and a 7.3 acre outlot for recreation/open space use subject to the following conditions:

1. Annexation into the City of Des Moines.
2. Inclusion of notes on the Landscape/Preservation Guidelines that describe measures used to protect existing trees larger than 6" in caliper during construction and grading.
3. Provision of a right-of-way lot to the southeast to allow for future street connection to the east. Adjoining lots should be resized to serve as corner lots if necessary.
4. Compliance with all administrative review comments by the Permit and Development Center staff.
5. Staff work with the applicant to consider increased connectivity within the two phases of the project and determine to what extent the circulation system could be improved on.

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.

(13-2007-1.50)

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

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.

MOTION CARRIED

APPROVED

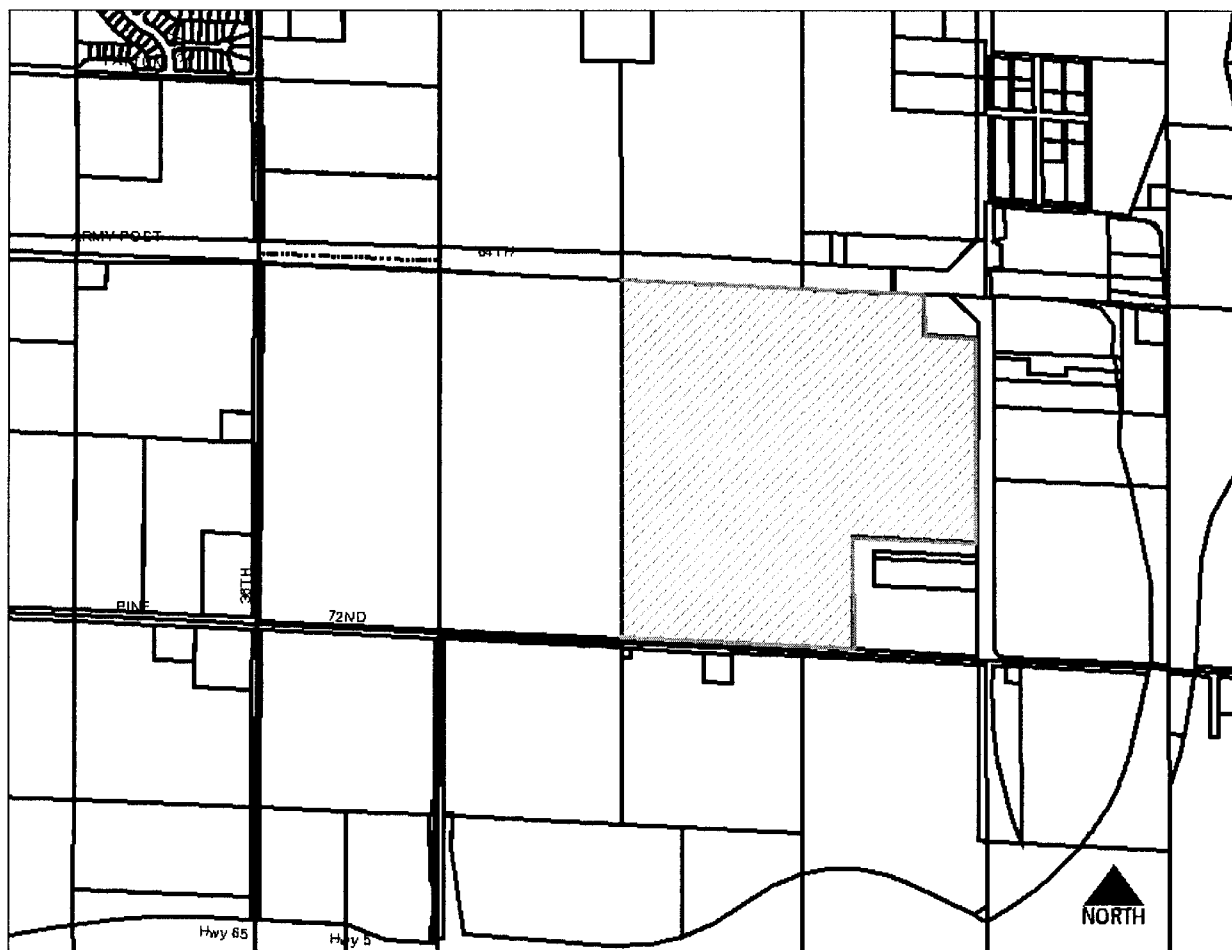
Mayor

City Clerk

Request from Mid-America Group (owner) represented by Theresa Wahlert (officer) for review and approval of a preliminary subdivision plat, "Harvest Hills Plat 2".		File #		
		13-2007-1.50		
Description of Action	Preliminary subdivision plat on 137.85 acres of land, to include six (6) lots on 35.7 acres for general retail commercial use, three (3) lots on 18.3 acres for medium density residential use, 280 single-family residential lots on 68.2 acres, and a 7.3 acre outlot for recreation/open space use.			
2020 Community Character Plan	Low-Density Residential, High-Density Residential, Commercial: Auto-Oriented Small-Scale Strip Development, Public/Semi-Public			
Horizon 2025 Transportation Plan	East Army Post Road from SE 14 th Street to SE 45 th Street to widen from 2 lane undivided to 4 lane undivided			
Current Zoning District	"PUD" Planned Unit Development			
Proposed Zoning District	"PUD" Planned Unit Development			
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	9-2	Required 6/7 Vote of the City Council	Yes
	Denial			No
				N/A

Mid-America Group (Harvest Hills Plat 2 - Preliminary Plat) - 3930 SE 72nd Avenue

13-2007-1.50



July 9, 2007

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 June 21, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-2 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			
Jim Martin		X		
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson	X			
Kent Sovern				X
Tim Urban	X			
Marc Wallace	X			

in support of a motion to **APPROVE** the request from Mid-America Group (owner) represented by Theresa Wahlert (officer) for approval of a preliminary subdivision plat for "Harvest Hills Plat 2", located at 3930 Southeast 72nd Avenue (also known as E. Pine Avenue), on 137.85 acres of land, to include six (6) lots on 35.7 acres for general retail commercial use, three (3) lots on 18.3 acres for medium density residential use, 280 single-family residential lots on 68.2 acres, and a 7.3 acre outlot for recreation/open space use subject to the following conditions:

(13-2007-1.50)

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5. Staff work with the applicant to consider increased connectivity within the two phases of the project and determine to what extent the circulation system could be improved on.



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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

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

1. Annexation into the City of Des Moines.
2. Inclusion of notes on the Landscape/Preservation Guidelines that describe measures used to protect existing trees larger than 6" in caliper during construction and grading.
3. Provision of a right-of-way lot to the southeast to allow for future street connection to the east. Adjoining lots should be resized to serve as corner lots if necessary.
4. Compliance with all administrative review comments by the Permit and Development Center staff.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The developer proposes to divide the property for mixed-use development, including single-family residential, multiple-family residential, and general retail uses.
2. **Size of Site:** 137.85 acres.
3. **Existing Zoning (site):** "CS" Countryside District (Polk County). This property is pending rezoning to "PUD" Planned Unit Development subject to annexation into the City of Des Moines.
4. **Existing Land Use (site):** The subject property is primarily used for agricultural purposes, with an existing barn outbuilding located on the eastern portion of the property with access to SE 45th Street. There is also a communications tower and associated ground equipment located to the south of the barn outbuilding.
5. **Adjacent Land Use and Zoning:**
 - North** – "CS" Countryside District & "NB" Neighborhood Business District (Polk County), Uses are agricultural, vacant commercial site and Avondale Animal Hospital and Veterinary Clinic.
 - South** – "CS"(Polk County), Uses are agricultural and single-family residential estates.
 - East** – "CS" & "LB" Light Business (Polk County), Uses are agricultural and single-family residential estates.
 - West** – "CS"(Polk County) pending rezoning to "PUD" upon annexation into the City of Des Moines, Use is agricultural.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the south side of SE 72nd Avenue In Polk County, and extension of East Army Post Road. The surrounding uses are generally agricultural or rural estates. The Iowa Highway 5 bypass is approximately a quarter-mile to the east.

7. **Applicable Recognized Neighborhood(s):** The total property to be annexed, including the subject property and additional property to the west within the proposed PUD, adjoins the eastern boundary of the Bloomfield/Allen Neighborhood.
8. **Relevant Zoning History:** On April 23, 2007 the City Council rezoned the subject property, subject to annexation into the City of Des Moines, from "A-1" Agricultural to "PUD" Planned Unit Development and approved the Harvest Hills PUD Conceptual Plan for contiguous 217.5 acres.
9. **2020 Community Character Land Use Plan Designation:** On February 12, 2007 the City Council approved amendment to the Des Moines' 2020 Community Character Plan to designate the future land use for the subject property to Commercial Auto-Oriented, Small-Scale Strip Development, High Density Residential, Low Density Residential and Public/Semi-Public, based on the proposed development in the PUD Conceptual Plan.
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 Features:** The property is generally rolling agricultural land. The northern portion subject property is bisected by a significantly timbered drainage way running from west to northeast. The submitted plat identifies a preservation easement area averaging 120' in width centered over most of the drainage way except where streets are proposed to cross. A tree survey has been provided to identify areas of the plat to be disturbed by grading and street construction. Tree's to be removed have been identified on the plat documents submitted. Staff has determined that 878 caliper inches of these to be removed are from desirable species and significant trees to include Ash, Birch, Cherry, Hickory, Locust, Walnut, White Pine and dominant mature Hackberry trees. The balance of the property is cultivated for agricultural purposes.
2. **Drainage/Grading:** The submitted preliminary plat shows grading for lot site preparation and street improvements as well as storm water management. The design for the plat proposes conventional storm water management through storm sewers in the streets with release to a series of detention basins at the periphery of the development as well as the natural drainage way to the north. The basins will also serve for silt control during construction phases. Engineering staff with the Permit and Development Center have reviewed the soils report and the drainage calculations. 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 obtained from the Iowa DNR.

Individual site grading and storm water management for the multiple-family and commercial lots is subject to amendment of the PUD Conceptual Plan by the Commission and administrative review and approval of PUD Development Plans for those sites.

- 3. Utilities:** The submitted plat indicates that public sanitary sewer will be accessed at the northeast corner of the property from a 10" main, and at the southeast corner from an 8" main. 8" sanitary sewer mains generally follow the proposed street network and extend to the adjoining property to the west that will need to be served by the same system for future development.

A 12" water main is shown being extended from the Des Moines Waterworks public water main located in SE 36th Street to the west. A system of 8" water mains feeding from this is shown within the public streets.

- 4. Landscaping & Buffering:** Per the approved PUD Conceptual Plan, each single-family parcel is to provide an over story tree planting of 2" caliper per parcel in addition to a required street tree. The required landscaping per single-family parcel will address 560 caliper inches of the 878 inches to be mitigated. A minimum of 376 inches of over story trees will need to be planted for open space within the ultimate development of the 35.7 acres of commercial and 18.3 acres of multiple-family residential. Therefore staff believes that required landscaping for the development will provide mitigation for the significant and desirable trees being removed.
- 5. Traffic/Street System:** The submitted plat provides for a network of streets with 50' and 60' right-of-way widths with paved widths of 26' and 31' respectively. There is a street connection to the property adjoining to the west for extension to serve future development under the PUD. The approved PUD indicated a future street connection shown to the property adjoining to the southeast. The submitted plat should provide a 50' lettered lot dedicated for future right-of-way connection. Should that connection not be made based on future development to the east, then the lot could be vacated and developed as a single-family parcel. Parcels adjoining this lot should be resized to accommodate street setback should they become corner lots.

In addition there are two street connections to East Army Post Road to the north, one street connection to SE 45th Street to the east, and a street connection to SE 72nd Street to the south. A traffic circle is shown at the intersection of the primary north/south through-traffic street where it intersects with the primary through east/west street. Traffic and Transportation Engineering staff have reviewed the Plan and determined that the street layout provides good circulation for the proposed and future development.

Due to the substantial additional traffic that will be placed on the adjoining public streets by the proposed development, Mid-American Group, LTD has signed an agreement for future contribution to street improvements associated with the voluntary annexation and PUD Conceptual Plan.

A traffic signal will be required in the future at the intersection of E. Army Post Road (also known as SE 64th Avenue in unincorporated Polk County) and the principal street entrance into the future development of the Property, after 50% of the area of the Property is platted into streets and lots for development. The Developer has agreed to reimburse the City for 50% of the reasonable costs incurred by the City to design and install the Traffic Signal System, provided that such costs are incurred within 5 years of City Council approval of such plat or plats that have caused 50% or more of the area of the Property to be platted into streets and lots for development.

In addition, the Developer is responsible for the future widening of the entire adjoining portion of E. Army Post Road by the addition of a 12 foot wide lane and a 6 foot wide paved shoulder to the south side of the existing pavement, to occur with the subdivision of the adjoining

portions of the Property into streets and lots for development. This has been reflected on the submitted plat.

No further improvement to the adjoining portions of E. Army Post Road, E. Pine Avenue or SE 45th Street will be required of the Developer as a condition of platting the Property for redevelopment in substantial compliance with the approved Harvest Hills "PUD" Conceptual Plan.

The plat provides four feet wide (4') sidewalks on both sides of all public streets. There are also proposed eight feet (8') sidewalks on one side of three of the through streets, and 10' recreational trails shown along the east/west drainage feature.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Fran Koontz left the meeting at 7:14 p.m.

Tim Urban: Expressed concern regarding 72nd Street and the connections and asked if the circulation system in terms of its points of access to the surrounding arterial network was open for comment. Noted there are very few points of contact and the only contact between the current phase and the next phase is a single connection in the middle of the property.

Erik Lundy: Explained there was some latitude to comment, but the plat was the same as the approved concept plan and noted the only difference is the connection to the east, which was based on a response from traffic indicating they wanted a second street connection to go to the east in the event the development needed access. Indicated there is a trail connection through the greenbelt, as well.

Mike Ludwig: Explained the street network is consistent with the approved concept plan. Noted the applicant was directed to show the locations of the accesses because of the anticipated development. He suggested the Commission could recommend an additional east/west vehicular connection. He recommended reconfiguration of Lot 51 that currently comes to a point.

Marc Wallace: Asked about trail connections and where they go outside the development.

Tim Urban: Expressed further concern about there being no central point of access to allow pedestrians to get to the pathway running across the north portion of the property.

Erik Lundy: Explained there was no planned network for the entire area East of the New Town Plan, but there are areas where it will pick up just to the west in the City. There will be an East/West corridor along Army Post Road that staff wants a connection to and from adjoining development. Deferred to the applicant regarding access to the trail at the north.

Erin Ollendike, Civil Design Advantage, 5501 NW 112th Street, Suite G, Grimes: Explained there is an 8' trail proposed along the main east/west road, another 8' trail going north/south at the western boundary, a 10' trail through the open space area and another trail being proposed in future development.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

The following individual spoke in opposition:

Jim Bollard, 4007 SE 26th Street, President of the Bloomfield/Allen Neighborhood Association was not in opposition, but did express concerns as follows:

- widening of Army Post; if only along the applicant's property, may not be sufficient length of deceleration period;
- only one access on Army Post and one on 72nd for ingress/egress to the property;
- proposal to develop the most dense portion of their site first;
- traversing through the development east and west;
- approved conceptual plan; could have expected something different or some changes in terms of the actual platting;
- smaller lots at the north;
- ingress/egress into the parkland/school portion.

Larry Hulse: Explained it is a planned unit development and the subdivision plat drawn matches it; staff was not surprised and felt it is appropriate. The principle of a PUD is that the applicant is given certain entitlements, but they are requested to give more detail in return. Explained there is a "fairness" regarding the improvements to Army Post Road. This developer is required to improve the south side of Army Post Road. The best way to respond to it was to add the property that is needed as they build their project and when the other side does their lane the traffic will be such that there will be a good facility to accommodate the traffic. Also going to the smaller lot configuration is not a bad way to use the public investment as opposed to large lots. There is a move toward this type of platting; it is not unusual and more of this approach will probably be seen.

Mike Ludwig: Explained at the PUD stage there was some discussion about a school, but at Council level it was requested that be removed from the plan and staff asked them to provide a larger opening to the private park/open space that would be more central to the residential lots. If the City Parks department were to acquire it, it would allow for a larger drive and parking. Currently it will be privately maintained and the applicant plans to leave it in the hope that if things change with the Carlisle school district it might still be possible to build a school there. Noted it ties in with multi-family residential and there would be an access to the park from the multi-family.

David Cupp: Asked if the applicant is in agreement with the staff recommendations.

Erin Ollendike: Affirmed.

Jim Martin: Asked if what was marked as 72nd Avenue was what would eventually extend into Pine as it gets into the City of Des Moines and if there was any plan regarding transportation for addressing Pine Avenue.

Mike Ludwig: Explained there are no improvements proposed as part of the subject subdivision plat. It was agreed by City Council that the improvements would be focused on Army Post Road.

Larry Hulse: Did not think there was anything in the current CIP for the improvement of Pine Avenue.

Tim Urban: Asked if there was a site plan for the small R-3 area across from the single-family lots.

Larry Hulse: Explained they would have to return with an amendment to the PUD showing how they would do it.

Tim Urban: Suggested the only possible use would be for a row house construction in that area. Would like to see some condition placed that the garage access to that property be from the commercial collector street to the east and not have the garages in a town home configuration accessed from the residential street if that is how the property develops.

Mike Ludwig: Reminded the Commission that when the concept plan comes in they would have the opportunity to review it and place that type of condition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Tim Urban: Expressed concern that there was only one connection between the two phases and asked the applicant if they would consider the following minor connection changes to improve circulation:

- at the north;
- on the north side of the small R-3 area for sidewalk and traffic connection.

Brad Long, Mid-America Group, 4700 Westown Parkway: Indicated they could look at it, but they would have to confer with the engineers and noted there is a large high pressure gas line running north to south through the site they will have to check on; he could not make a commitment at this time but would be willing to work with staff.

Mike Ludwig: Explained the gas line runs between the two phases.

David Cupp: Moved staff recommendation.

Tim Urban: Offered a friendly amendment that staff work with the applicant to consider increased connectivity within the two phase of the project and determine to what extent it could be improved for the circulation system.

David Cupp: Accepted the amendment.

Brian Millard: Asked if there was any reason this had to move forward.

Mike Simonson: Indicated there was a motion on the floor and called the question.

Motion passed 9-2 (Jim Martin & Jeffrey Johannsen were opposed).

Mike Simonson: Asked why those in opposition voted as such.

Jim Martin: Felt the language of "increased activity" was vague. The neighborhood area has been explicit about their concerns regarding the 50' lots and even though it may be a building trend at this time, it needed to be explored more deeply.

Jeffrey Johannsen: Concurred.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment