

★ Roll Call Number

Agenda Item Number 16

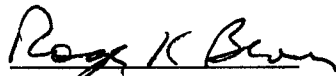
Date December 17, 2007

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held December 6, 2007, the members voted 12-1 in support of a motion to **APPROVE** the request from Triad Development (owner) represented by Mana Thongvanh (officer) for approval of a preliminary subdivision plat for "Grandview Meadows" located at 4301 Grandview Avenue, to include 34 single-family residential lots on 10.39 acres, and a 0.47 acre "Parcel A" to contain an existing single-family dwelling, subject to the following conditions:

1. Provision of one 1½"-caliper street tree, one ornamental tree in the front yard and one 3"-caliper tree in the rear yard per lot.
2. Compliance with all comments from the administrative review by the Permit and Development Center.
3. Provision of a note on the final plat indicating the presence and general location of the abandoned mine shaft. The vertical mineshaft was filled in years ago.
4. Provision that at the time of final plat a representative of the applicant return to the Commission to explain how the abandoned mineshaft was compacted or capped to prevent subsidence.

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.

(13-2007-1.69)

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

Date _____

December 17, 2007

Agenda Item 16

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 December 6, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-1 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			

in support of a motion to **APPROVE** the request from Triad Development (owner) represented by Mana Thongvanh (officer) for approval of a preliminary subdivision plat for "Grandview Meadows", located at 4301 Grandview Avenue, to include 34 single-family residential lots on 10.39 acres, and a 0.47 acre "Parcel A" to contain an existing single-family dwelling, subject to the following conditions:

(13-2007-1.69)

1. Provision of one 1½"-caliper street tree, one ornamental tree in the front yard and one 3"-caliper tree in the rear yard per lot.
2. Compliance with all comments from the administrative review by the Permit and Development Center.
3. Provision of a note on the final plat indicating the presence and general location of the abandoned mine shaft. The vertical mineshaft was filled in years ago.
4. Provision that at the time of final plat a representative return to the Commission to explain how the abandoned mineshaft was compacted or capped to prevent subsidence.



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 preliminary plat subject to the following conditions:

1. Provision of one 1½"-caliper street tree, one ornamental tree in the front yard and one 3"-caliper tree in the rear yard per lot.
2. Compliance with all comments from the administrative review by the Permit and Development Center.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a 34-lot, single-family residential development. The subject property was annexed into the City and zoned "R1-60" in 2006.
2. **Size of Site:** 10.86 acres.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped land containing wooded timber.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60", Uses are single-family residential.
 - South* – "S" Suburban District (Polk County), Uses are single-family residential in unincorporated Polk County.
 - East* – "S" Suburban District (Polk County), Uses are single-family residential in unincorporated Polk County.
 - West* – "R1-60", Uses are single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is surrounded by single-family residential uses. Single-family development within the City of Des Moines is located adjacent to the north and west and single-family development in unincorporated Polk County is located adjacent to the east and south.
7. **Applicable Recognized Neighborhood(s):** None.
8. **Relevant Zoning History:** On May 8, 2006, by Ordinance Number 14,563 the City Council rezoned the subject property from "A-1" Agricultural to "R1-60" One-Family Low-Density Residential District subject to the following conditions:
 1. A tree survey of all trees over 6" in caliper upon the Property shall be completed and a tree protection plan shall be submitted to the City of Des Moines as part of any preliminary plat for the subdivision of the Property.

2. No trees on the Property over 6" in caliper shall be cut down or removed without the prior written consent of the City Forester for the City of Des Moines until a grading plan is approved as part of a preliminary plat for the subdivision of the Property.

The subject plat is generally the same as the conceptual development plan the applicant presented during the rezoning process. Changes are generally limited to a reduction of lots from 41 to 34 and the shifting of the north/south portion of the street to the west.

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 the east and south and is heavily wooded. The plat originally submitted identified the removal of 225 trees due to grading. Including 49 trees that are of a significant species (Ash, Birch & Maple) with a total of 496 caliper inches. The revised plat identifies the removal of 169 trees, including 20 are of a significant species with a total of 176 caliper inches due to grading. The applicant has also identified 21 significant species trees with a total of 245 caliper inches that will likely be removed during home construction. This calculation is based on the assumption that all houses will be constructed at the minimum front yard setback line and will be 45' deep. The applicant has identified 23 significant specie trees with a total of 244 caliper inches that will not be impacted by grading or likely by house construction. The plat includes tree protection notes.

In October the applicant proposed that two 3"-caliper trees be provided per lot with a total of 204 caliper inches to mitigate the loss of existing trees. The City requires the provision of one street tree per lot for all single-family residential developments regardless of necessary tree mitigation. Staff believes overstory street trees should be provided in this development. However, staff is concerned that an overstory street tree and an overstory tree in the front yard would eventually crowd each other. Staff recommends the developer provide one 1½"-caliper street tree per Public Works Department standards, one ornamental front yard tree and one 3"-caliper tree in the rear yard.

2. **Drainage/Grading:** The submitted preliminary plat shows grading for lot and street improvements as well as storm water management. The design for the plat proposes a combination of surface water flowage easements and storm sewers in the streets. These facilities release into a storm water basin located at the rear of Lots 11 – 16 in the eastern portion 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 east.

Engineering staff has reviewed the soils report and drainage calculations for this plat. The applicant has also submitted an observation and recommendation report for the abandoned coalmine that exists on the site. This report recommends that the area thought to contain the

mineshaft be stripped so sub-grade conditions can be observed and that if a shaft is found it should be capped.

The applicant has submitted additional information identifying the probable mine shaft location along the northern edge of lots 25 and 26 along the right-of-way. This location is based on field observations made by the applicant's consultant team including Cooper Crawford Civil Engineering and Geo Tech a geotechnical engineering firm. Staff concurs with the report and will require the developer to cap the shaft in accordance with the report if the plat is approved.

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 that public sanitary sewer will be accessed in the southeast portion of the site from a 12" main. 8" sanitary sewer mains generally follow the proposed street network.

An 8" water main will be extended from the Des Moines Waterworks public water mains located in Grandview Avenue and Morton Avenue to the west along the proposed streets.

- 4. Traffic/Street System:** The subject site is located at the easterly terminus of both Grandview Avenue and Morton Avenue. These streets were constructed with temporary hammerhead turnarounds and designed to be extended in the future. The City's Traffic and Transportation staff have determined that the existing Grandview and Morton Avenues, which extend 560' east from East 42nd Street, can handle the additional traffic generated by the proposed single-family residential development. The submitted plat proposes connecting these two streets with a loop design.

There is a large undeveloped parcel to the northeast of the site that borders the eastern 170' of the subject property's north property line. Staff believes it is not prudent to require the developer to extend a street to the northeast due to existing grades. There are other opportunities to provide connectivity in the general area and access to the adjoining property. The additional grading required would increase the number of trees that would need to be removed. This area also accommodates storm water flowage from the developments to the northwest. Existing rural residential development prohibits the extension of streets to the south or east.

SUMMARY OF DISCUSSION

Erik Lundy: Presented the staff report and recommendation and explained the prior concerns of the Commission were related to location of an abandoned mine shaft on the property and tree mitigation.

Tim Urban: Asked about the number of trees that would be lost and maintained; expressed concern that only 1/3 of 64 trees that are of significant species over 6" in caliper would be maintained. Asked if that was acceptable or if there should be a PUD that would cluster the houses and preserve a significant number of trees on the site.

Erik Lundy: Suggested one challenge would be opposition to clustering from the neighborhood; rezoning to PUD might have been more challenging to the neighbors. Noted the surrounding neighbors were more concerned about traffic.

Dann Flaherty: Suggested the biggest concern of neighbors at the previous hearings was the open mine shaft.

Tim Urban: Explained the property is a good example of what could be used to make policy decisions and noted there is not a tree conservation ordinance to offer more explicit direction. The struggle is to keep trees on sites that are available for development. Requiring 6" and larger specimen trees to be identified, is a variable factor of how to look at the site and accept it as a developed property, which does not give the developer entitlement to subdivide the land according to the ordinance or zoning. The question becomes how sacred tree preservation is in terms of a particular piece of ground and using it as a basis to make a decision.

Marc Wallace: Indicated the neighbors are concerned about trees being cleared before development begins and they would like to see something compatible to what is already there and have the same lot types. Expressed concern that more trees could be saved that could maintain the beauty of the neighborhood and keep it more natural.

Larry Hulse: Suggested a PUD could be done with the lots shaped around the trees, or find the buildable areas; where the house is put can make a difference, as well. Explained some developers try to save trees and some do not. The subdivision level is a good place to review tree preservation.

Erik Lundy: Explained the staff recommendation for tree mitigation.

Greg Jones: Agreed this to be an educational opportunity. Suggested neotraditional development is contrary to saving a tree. The smaller the lot the less chance there will be to save trees. Suggested paying attention to the size of lots being approved for zoning. 80' lots with 60' homes would allow more room for saving trees. The developers have to be able to make money and fewer houses will mean less money. Suggested mitigating the loss of the trees in time the neighborhood will benefit and the tree coverage that returns will be far better and will add to the environmental impact. Concerned with the amount of topography of the site. Was hopeful a strong enough tree ordinance would be drafted so before a developer can look at a site they have to determine if they can develop based on that.

Bruce Heilman: Asked about the 3" caliper requirement for trees for the back yards.

Erik Lundy: Did not think staff would have a problem with making the 3" requirement a 1 1/2".

Greg Jones: Explained the impetus behind the size of street trees is that the smaller tree is better because it requires less space, less water, less air, less everything. On a single-family residential property where there will be a homeowner that cares about the success of a plant, the difference would not be that great. Would likely get the advantage for the 3" tree and he did not have a problem requiring it.

Tim Urban: Asked if there was any merit to requiring the developer to establish setback locations. Did not see a problem with having deeper setbacks to save some of the trees.

Greg Jones: Suggested the topographic concerns with the site are the problem.

Kevin Crawford, Cooper Crawford Architects, 2167 Grand Avenue, West Des Moines: Suggested taking a look at the trees that could be potentially removed with home construction. Explained the home construction they envision there would be 88" of non-Ash trees and are not Oaks and more desirable trees. Was not present when they located the foundation for the hoisting equipment for the mine shaft. They believe it to be between lots 25 & 26 around the right-of-way line. The geotechnical engineer cannot physically get his drill rig to the vertical shaft until some trees are removed, some brush is gone and the garbage is removed. He cannot make a determination about the design to cap until he knows the diameter of the shaft, which will have a bearing on reinforcing rods. They can get a detailed concrete design, but not until they get the details of the

shaft. Proposed returning with an informational meeting prior to the final platting submittal to show how they capped the mine off.

Brian Millard: Asked if there is disclosure that there is a mine shaft there when the subdivision is done and the lots are sold.

Marc Wallace: Suggested a record of who owned the property could indicate it.

Dann Flaherty: Was not aware of a requirement to reveal a mine shaft.

Roger Brown: Explained the abstract would show if there were any recorded leases or who previously owned it. There's a possibility it could indicate the owner was a coal miner. Reminded the Commission that much of Des Moines lies over coal mines. In this case the location of the shaft is known. Indicated capping the mine shaft is an engineering issue. Explained there are many problems that are encountered when public streets and foundations are built in Des Moines. He suggested the Commission ask the Engineering department to review the request closely, but the engineering issue is to the design for building anything over previously disturbed soil. When a foundation is dug it will be obvious whether or not it is previously disturbed soil.

Brian Millard: Would want disclosure if there is a mine shaft with a cap on property he's buying.

Larry Hulse: Indicated a note could be added on the final plat indicating that there is a mine shaft at that location that was capped.

Kevin Crawford: Indicated there could be an easement on that area to prevent a driveway or something from being built there. Explained the shaft has been filled in but they do not know what it has been filled in with. He did not think moving the building sites back on Lots 16 & 17 would be feasible.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Bruce Heilman: Moved staff with the addendum that a note be added to the final plat that the mine shaft is there. Also asked that at the time of final plat a representative return to explain how the shaft was capped.

Kevin Crawford: Indicated he would be pleased to return to the Commission.

Motion passed 12-1 (Tim Urban was in opposition).

Respectfully submitted,

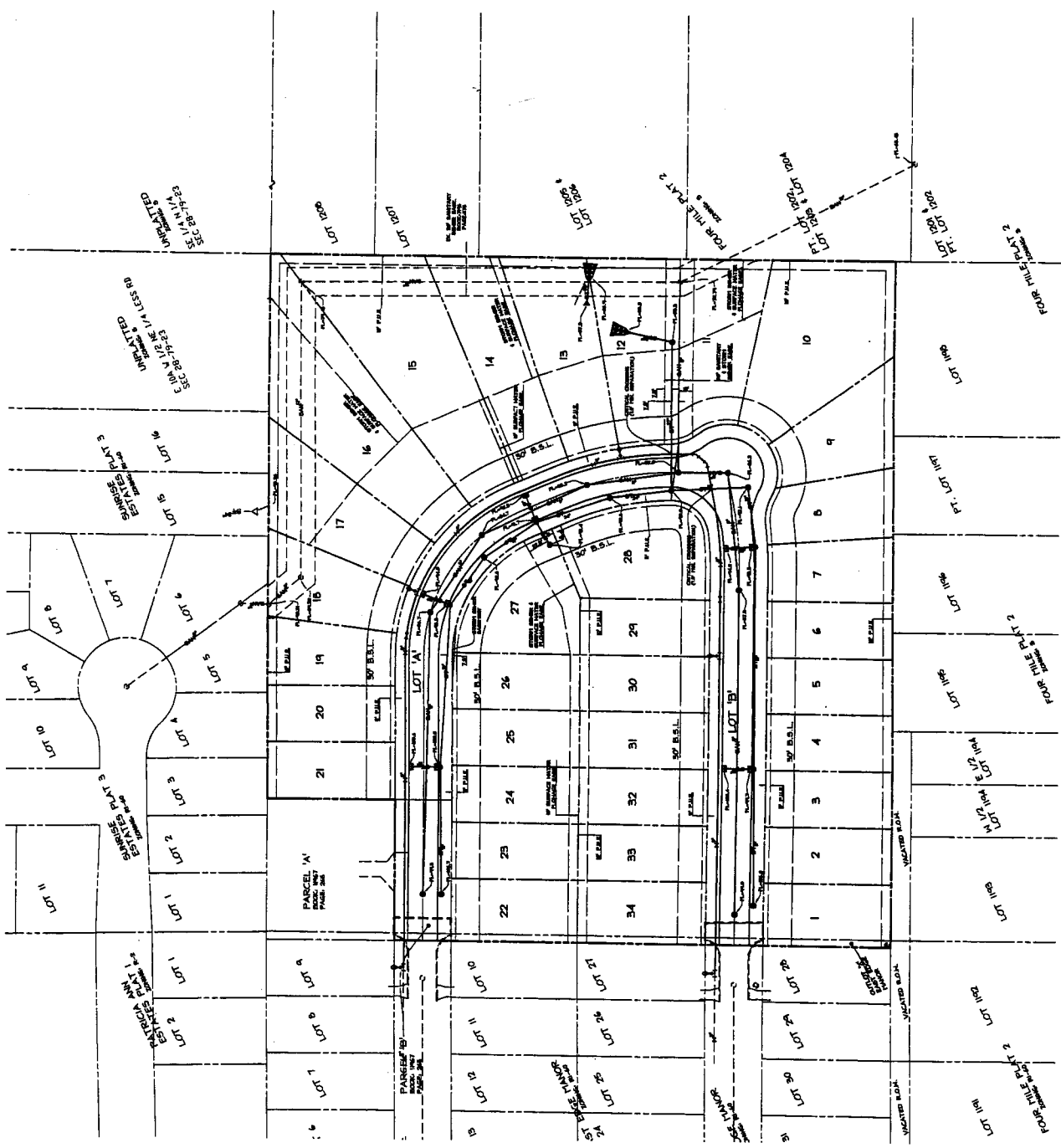

Erik Lundy, AICP
Senior Planner

EML:dfa

Attachment

PRELIMINARY PLAT GRANDVIEW MEADOWS

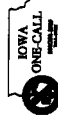
** PAVEMENT SUBDRAIN DESIGN FOR THIS PLAT SHALL BE INCLUDED ON THE DETAILED CONSTRUCTION DRAWINGS AND SUBMITTED TO THE CITY OF DES MOINES FOR REVIEW AND APPROVAL. SUBDRAIN DESIGN FOLLOW THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT. **



- LEGEND**
- EXISTING/PROPOSED
 - PLAT BOUNDARY
 - STREET
 - WATER MAIN & SIZE
 - MANHOLE
 - PROP. FIRE HYDRANT
 - VALVE
 - F.E.S.
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - SILT FENCE OR APPROVED FILTRATION SOCK

COOPER CRAWFORD & ASSOCIATES, L.L.C.
CIVIL ENGINEERS
2167 GRAND AVENUE, WEST DES MOINES, IOWA 52246
PHONE: (515) 281-1341 FAX: (515) 281-1345
DATE: 11.2007
JOB NUMBER: CC 0812

SCALE: 1"=50'



Request from Triad Development (owner) represented by Mana Thongvanh (officer) for review and approval of a preliminary subdivision plat "Grandview Meadows" located at 4301 Grandview Avenue.				File #	
				13-2007-1.69	
Description of Action	Review and approval of "Grandview Meadows" preliminary subdivision plat to include 34 single-family residential lots on 10.39 acres, and a 0.47 acre "Parcel A" to contain an existing single-family dwelling.				
2020 Community Character Plan	Low-Density Residential.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District.				
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	12-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Grandview Meadows - Preliminary Plat - E 43rd St & Grandview Ave Area

13-2007-1.69

