



Roll Call Number

Agenda Item Number

17A

Date July 25, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF A PRELIMINARY PLAT "BROOK LANDING" ON PROPERTY LOCATED AT 3300 EAST 56TH STREET

WHEREAS, on July 7, 2016, the City of Des Moines Plan and Zoning Commission voted 11-0 for APPROVAL of a Preliminary Plat "Brook Landing" on property located at 3300 East 56th Street, to allow subdivision into 190 lots for single-family residential development and a 6.71 acre lot for development of a religious assembly site, subject to the following conditions:

- 1. Compliance with all administrative review comments by the Permit and Development Center.
2. Subject to approval of the proposed rezoning and First Amendment to the Brook Landing PUD Conceptual Plan; and

WHEREAS, the final subdivision plat will be submitted for City Council approval when completed.

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 receive and file.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(13-2016-1.47)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

Mayor

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.

City Clerk



July 12, 2016

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 July 7, 2016, the following action was taken regarding a request from J.J. Equity, LLC (developer) represented by Jon Galloway (officer) for review and approval of a Preliminary Plat "Brook Landing" on property located at 3300 East 56th Street, to allow subdivision into 190 lots for single-family residential development and a 6.71 acre lot for development of a religious assembly site. The subject property is owned by Darlene A. Fini.

**COMMISSION RECOMMENDATION:**

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus				X
Dory Briles				X
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of the requested Preliminary Plat subject to the following conditions:  
(13-2016-1.47)

1. Compliance with all administrative review comments by the Permit and Development Center.
2. Subject to approval of the proposed rezoning and First Amendment to the Brook Landing PUD Conceptual Plan.

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends that the proposed preliminary plat subject to the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Center.
2. Subject to approval of the proposed rezoning and First Amendment to the Brook Landing PUD Conceptual Plan.

### **STAFF REPORT TO THE PLANNING COMMISSION**

#### **GENERAL INFORMATION**

1. **Purpose of Request:** The applicant seeks to plat the contiguously owned property under the provisions of the approved Brook Landing "PUD" Conceptual Plan and the proposed first amendment. The initial submittal included 191 lots for single-family residential development including a 6.71 acre lot for site development of a religious assembly. There are also four (4) outlot parcels identified for storm water detention basins, and an additional outlot not to be developed.
2. **Size of Site:** 70.9 acres.
3. **Existing Zoning (site):** "A-1" Agricultural District and "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Agricultural production.
5. **Adjacent Land Use and Zoning:**
  - North** - "A-1"; Uses are single-family dwellings along East Douglas Avenue.
  - South** - "Copper Crossing PUD"; Use is currently agricultural production. However, the approved "Copper Crossing PUD Conceptual Plan" allows this land to be developed with a mix of one- and two-family dwellings. The area immediately adjoining the subject property would have lot widths of approximately 75 feet.
  - East** - "A-1"; Use is agricultural production and single-family residential dwelling.
  - West** - "Brook Run PUD"; Uses are townhome dwellings and single-family dwellings on lots that have lot widths of approximately 55 feet.
6. **General Neighborhood/Area Land Uses:** The subject property is in a developing area that includes a mix of residential and agricultural production uses.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located within the Brook Run Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on June 20, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on June 27, 2016 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the Brook Run Neighborhood Association. A Final Agenda for the meeting was mailed to all recognized neighborhood associations on July 1, 2015.

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 Brook Run Neighborhood Association notices were mailed to Dale Burgess, 3516 Park Side Drive, Des Moines, IA 50317.

- 8. Relevant Zoning History:** The property was annexed to the City of Des Moines in 2009, at which time it became zoned "A-1" Agricultural District. The balance of the PUD was recently rezoned by the City Council on May 23, 2016 by Ordinance No. 15,479 along with the adoption of the Brook Landing PUD Conceptual Plan for 68.8 acres. There is a submitted "PUD" Conceptual Plan amendment and rezoning for an additional 2.08 acres at the north end currently zoned "A-1" Agricultural District.
- 9. PlanDSM Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is located within an area designated on the proposed PlanDSM future land use map as Low-Density Residential. The plan defines this category as "Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre". The proposed rezoning and "PUD" Conceptual Plan amendment would not require this designation to be amended.
- 10. Applicable Regulations:** In consideration of 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 Site Features:** The site has been used for row crop production for an extended period. Some tree growth has occurred along fence rows and waterways. Development

of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code as part of any grading permit or subdivision plat.

The proposed plat document uses the canopy method for proposed tree removal and indicates removal of all 233,273 square feet of tree canopy (which is not proposed), 333 mitigation plantings would be required at 1 per 700 square feet. With approved PUD Conceptual Plan and proposed amendment requirements for street tree and lot plantings, 660 tree plantings will be provided at full build out. This would not include evergreen buffer plantings on the required East 56<sup>th</sup> Street buffer.

- 2. **Utilities:** The approved "PUD" Conceptual Plan and proposed amendment states that sanitary sewer will be extended from Brook View Avenue to the west and from a future connection to the south. Engineering staff indicated revisions needed to be made to some grades and elevations in order to demonstrate that some of the proposed lots can be adequately served by sanitary sewer. The developer has resubmitted a revised plat in response which is still under review. Any approval by the Commission shall be subject to all Engineering review comments, including adequately designed sanitary sewer network to serve all development parcels.

The proposed plat indicates 8-inch water main will be extended throughout the development.

- 3. **Drainage/Grading:** The submitted plat proposes a network of public storm sewers throughout the development and four (4) stormwater detention basins on outlots located at the periphery of the site in accordance with the approved "PUD" Conceptual Plan and proposed amendment. The detention facilities would be maintained by a homeowner's association. The City requires that the entire subdivision be located within a horizontal property regime, with the detention basins designated as common areas shared by the owners of all the residential units. All grading is subject to issuance of a grading permit and approval of a Storm Water Pollution Protection Plan and approved by the Iowa Department of Natural Resources.
- 4. **Street System/Access:** The traffic study submitted with the PUD rezoning was reviewed by Traffic Engineering and determined that the proposed street network and development density will not have a significant impact on the adjacent existing street network. Due to its length, a temporary turnaround is proposed at the end of the longer of the two proposed street connections to the south. Because it is longer than one lot depth, the turnaround is necessary.

**SUMMARY OF DISCUSSION**

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

**COMMISSION ACTION:**

John "Jack" Hilmes moved staff recommendation for approval of the proposed preliminary plat subject to the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Center.
2. Subject to approval of the proposed rezoning and First Amendment to the Brook Landing PUD Conceptual Plan.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

<b>J.J. Equity, LLC (developer) represented by Jon Galloway (officer) for property located at 3300 East 56th Street. The subject property is owned by Darlene A. Fini.</b>		<b>File #</b> 13-2016-1.47		
<b>Description of Action</b>	Approval of a Preliminary Plat "Brook Landing" to allow subdivision into 190 lots for single-family residential development and a 6.71 acre lot for development of a religious assembly site subject to any administrative review comments for the final recorded PUD Conceptual Plan Mylar Document.			
<b>PlanDSM Future Land Use</b>	Current: Low Density Residential District. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"A-1" Agricultural District, "PUD: Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

J.J. Equity, LLC, 3300 East 56th Street

13-2016-1.47

