



Roll Call Number

Agenda Item Number

19

Date June 26, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "BIRDLAND VISTA" ON PROPERTY LOCATED IN THE VICINITY OF 2426 SAYLOR ROAD

WHEREAS, on June 15, 2017, the City of Des Moines Plan and Zoning Commission voted 14-0 for APPROVAL of an amendment to the Preliminary Plat "Birdland Vista" on property located in the vicinity of 2426 Saylor Road, to allow 3.69 acres of land to be divided into 23 lots for single-family residential development subject to compliance with all review comments by the Permit and Development Center.

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 (handwritten signature)

Glenna K. Frank Assistant City Attorney

(13-2017-1.45)

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

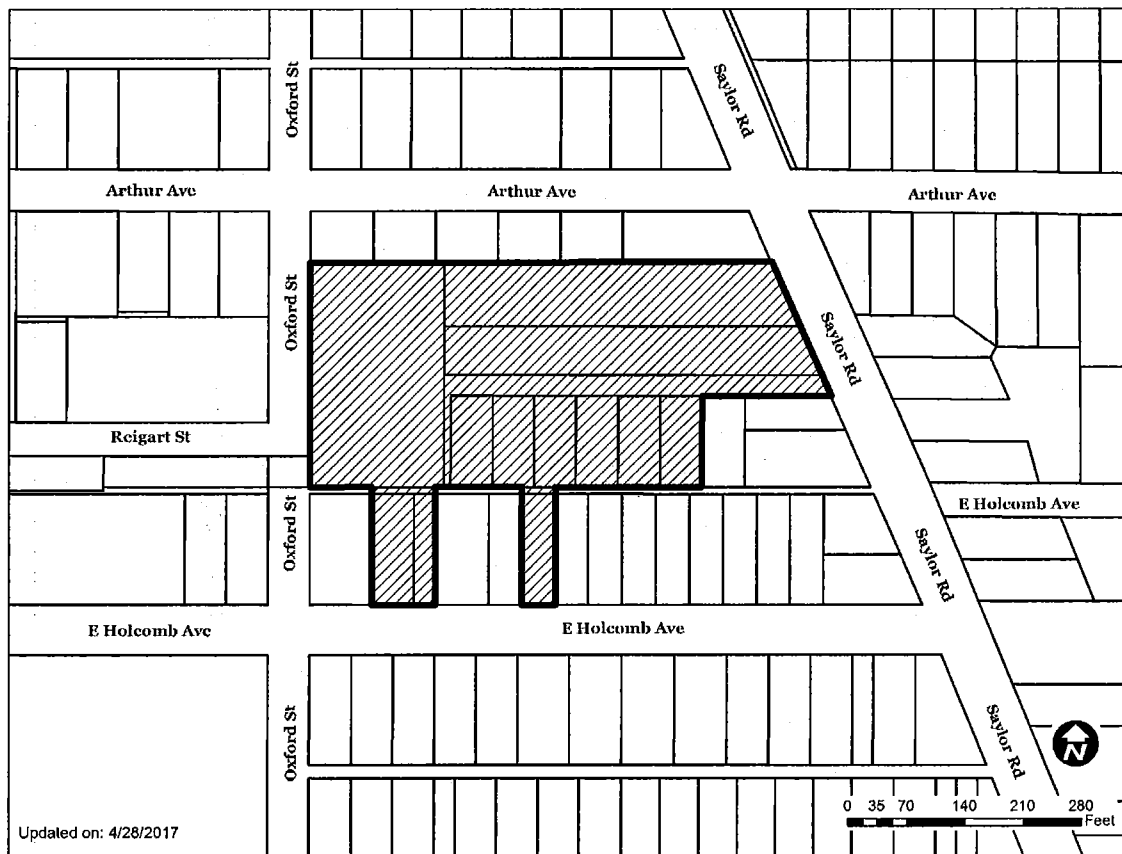
Mayor

City Clerk

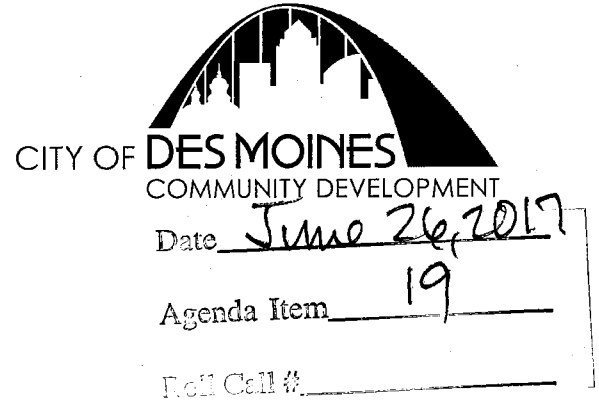
Greater Des Moines Habitat for Humanity, Inc. (owner) represented by Lance Henning (officer) for property located in the vicinity of 2426 Saylor Road.		File #		
		13-2017-1.45		
Description of Action	Approval of a Preliminary Plat "Birdland Vista" to allow 3.69 acres of land to be divided into 23 lots for single-family residential development, subject to compliance with all review comments by the Permit and Development Center.			
PlanDSM Future Land Use	Current: Low-Medium Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"PUD" Planned Unit Development, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property				
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	14-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Greater Des Moines Habitat for Humanity, Inc., 2426 Saylor Road

13-2017-1.45



1 Inch = 135 feet



June 21, 2017

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 15, 2017, the following action was taken regarding a request from Greater Des Moines Habitat for Humanity, Inc. (owner) represented by Lance Henning (officer) for review and approval of a Preliminary Plat "Birdland Vista" on property located in the vicinity of 2426 Saylor Road, to allow 3.69 acres of land to be divided into 23 lots for single-family residential development.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of the submitted Preliminary Plat subject to compliance with all review comments by the Permit and Development Center. (13-2017-1.45)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the submitted Preliminary Plat subject to compliance with all review comments by the Permit and Development Center.

STAFF REPORT TO THE PLANNING COMMISSION

This item is continued from the May 18, 2017 and June 1, 2017 meetings of the Commission.

GENERAL INFORMATION

1. **Purpose of Request:** The applicant seeks to develop land for 23 single-family dwellings. This includes a lot with an existing single-family dwelling. The proposed development is atypical in that 20 of the lots would be oriented towards a common open space. Vehicular access for these lots would be provided by two (2) paved public alleys along the rear of the lots.
2. **Size of Site:** 3.69 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development with Birdland Vista PUD Conceptual Plan.
4. **Existing Land Use (site):** Vacant land and a single-family dwelling.
5. **Adjacent Land Use and Zoning:**
 - North** - "R1-60"; Uses are single-family dwellings and undeveloped land along Arthur Street.
 - South** - "R1-60"; Uses are single-family dwellings along East Holcomb Avenue.
 - East** - "R1-60"; Uses are single-family dwellings along Saylor Road and Union Park.
 - West** - "M-1"; Uses are undeveloped lots along Oxford Street.
6. **General Neighborhood/Area Land Uses:** The site is located in a primarily low density residential area to the north of the recently reconstructed levy along the Des Moines River. The site is located between an industrial area along 2nd Avenue and the City of Des Moines' Union Park.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Union Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on April 28, 2017 and a Final Agenda on May 12, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on May 8, 2017 (10 days prior to the original public hearing) to the Union Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Union Park Neighborhood Association notices were mailed to Jack Daugherty, P.O. Box 16113, Des Moines, IA 50316.

8. **Relevant Zoning History:** On April 17, 2017, the City Council rezoned the property to "PUD" Planned Unit Development by Ordinance No. 15,579 along with the approval of the Birdland PUD Conceptual Plan.
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-Medium Density Residential. The plan defines this category as "areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre".
10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code and in accordance with Section 106-72 of the Subdivision Ordinance, the Commission shall determine if a Preliminary Major Plat conforms to the standards and requirements outlined in I.C. § 354.1 et seq., and Chapter 106 of the City Code and shall approve, conditionally approve or reject such plat within 45 days after the date of submission thereof 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 Preliminary Plat was submitted on April 19, 2017 to the City Permit and Development Center. The applicant requested a continuance of the Plat review prior to the June 1, 2017 meeting of the Commission.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The site contains several mature trees that would be removed to accommodate the proposed dwellings and necessary utilities. The approved PUD Conceptual Plan states that 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 resubmitted Preliminary Plat indicates proposed removal of trees using the canopy method. The submitted Plat indicates 55 trees planting required for mitigation. The developer is proposing 55 tree plantings comprised of five separate species with the landscape plan. This would meet the mitigation requirements. There is one existing tree at the northeast of the Plat along Saylor Road that is proposed to be protected.
2. **Utilities:** The submitted utility plan with the Preliminary Plat indicates that that the development would be served by a proposed 8-inch public sanitary sewer and an 8-inch public water main through the common open space through the center of the site. They are proposed inside of a 40-foot wide public water main easement and a concentric 30-foot wide public sanitary sewer main easement. There would not be tree plantings allowed within the public water easement.

- 3. Drainage & Grading:** The approved PUD Conceptual Plan required compliance with stormwater management standards for the City. The submitted Preliminary Plat proposes a network of 15-inch and 24-inch public storm sewers throughout the development, with surface detention provided in a basin located within Outlot "X" in the southwestern portion of the Plat. The stormwater is proposed to release into a public storm sewer intake in Holcomb Avenue.

City Engineering staff has reviewed the revised calculations and assumptions in the report and determined that the design would meet the minimum requirements for storm water management, subject to conformance with all administrative review comments.

- 4. Traffic/Street System:** The submitted Preliminary Plat includes two (2) paved east/west public alleys running from Saylor Road to Oxford Street. These would be located within 22-foot wide segments of Right-of-Way that would be dedicated to the City. A portion of the southern alley crosses the separate owned property at 2410 Saylor Road, which is outside of the Plat boundary and shown by a public access easement. Sections of the alley have adjoining drive approaches on the private property, which are designed with a pavement thickness to accommodate access for emergency vehicle staging in order to meet the Fire Code.
- 5. Landscaping:** The approved PUD Conceptual Plan required one (1) overstory tree be provided on each development lot and six (6) overstory street trees for the lots with public street frontages. This is a minimum of 29 overstory tree plantings required. The submitted Plat proposes 50 overstory tree plantings plus 5 street tree plantings for a total of 55 over story trees to be planted. This number would comply with mitigation planting requirements.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. There was someone in the audience that asked to speak.

Jason Van Essen presented the staff report and recommendation.

Will Page asked if there will be a provision for security around the stormwater detention basin, because it is a residential area?

Jason Van Essen stated it is not intended to hold water, so he doesn't believe there is anything other than the landscaping. It is not a fenced in facility that would have long standing water for an extended period of time.

Tim West stated they don't have a lot to add from staff's presentation but could answer any questions.

Will Page stated it is a good plan and he looks forward to seeing what they will do. He asked about a triangle/public traffic island at the intersection of Sheridan Avenue and

Cornell Street. He has talked to Lance Henning about improving the landscape of that making it into something. Is this something Habitat is going to go ahead with.

Tim West stated he was not aware of those discussions, but if it is a landscaping item that would improve the extension of this development, it would be strongly considered for general improvement to the neighborhood.

Will Page stated it would be something you would have to do in cooperation with the City.

Mike Ludwig pointed out the triangle/public traffic island is not part of this request and cannot be tied as a condition to the applicant's request tonight. That would be a separate matter from this plat.

Tim West stated he believes it is Habitat's intent to build better neighborhoods and if some landscaping will go a long towards the extension of this development, even though it's a block or so away it may be something they would consider.

Will Page stated it would be a gateway to the development from the north and also an amenity coming from the south. He mentions this because he got the sense from Habitat that they are willing to do this as sort of an extra bonus. He brings it up now because the City would have to be involved and he urge the City to seriously consider allowing this.

Mike Ludwig stated staff can have a discussion with the applicant it just cannot be a condition of the plat.

CHAIRPERSON OPENED THE PUBLIC HEARING

James Wolf 224 E Holcomb Avenue stated he is in opposition of the applicant's request. He has safety and flooding concerns. This area is known to flood. According to reports that Army Corps of Engineers has filed, Saylorville is silting which means it is filling in which means its capacity to hold water is decreasing. During construction of the levy the Corps remodeled the Des Moines River and said that the levies had to be raised during the construction 24 inches, which mean they re-specified that flood gate at Saylor and Guthrie. The other problem with the levy is it is manmade, just like Saylorville Lake is. Nature is going to work to defeat it because it is not natural. The problem with the levy also is that you cannot see the spaces that may be developing inside it which creates a problem when you put them under stress. The structures that are being put in are not flood capable and the materials being used to construct those structures are not flood capable either which means a lot more damage and potential for future buyouts. If any federal funds are used to secure the mortgage, federal legislation requires flood insurance. He believes that the City leadership does not understand the federal regulations from what he has observed people are allowed to build in flood plains. This is not a flood plain but a flood prone area but there are other things you can do. The City of Detroit did urban farming. It might be considered as an alternative.

Rocky Sposato joined the meeting @ 6:21 pm

Rebuttal

Tim West stated they have identified the FEMA relationship to this development and are abiding by the City and Federal codes required for this specific part of the development for the preliminary plat.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of the submitted Preliminary Plat subject to compliance with all review comments by the Permit and Development Center.

Motion passed 14-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

