



Roll Call Number

Agenda Item Number

17

Date May 7, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF PRELIMINARY PLAT "SOUTHWOOD ESTATES" FOR PROPERTY LOCATED AT 3800 SOUTHWEST 56TH STREET

WHEREAS, on April 19, 2018, the City of Des Moines Plan and Zoning Commission voted 10-0 to APPROVE a request from TK Development, LLC (developer), represented by Dan Kruse (officer), for preliminary plat "Southwoods Estates" for property located at 3800 Southwest 56th Street, to allow subdivision of the property for 24 lots for single-family residential dwelling development, two outlots for future subdivision development, and four lots to be dedicated for street right-of-way, subject to the conditions of (1) compliance with all administrative review comments of the City's Permit and Development Center; (2) provision of a note on the plat that Outlot "Z" shall be re-platted in cooperation with the owner of property adjoining to the south to provide for the extension of Watrous Avenue through the southwest corner of the property and extend Rose Avenue to connect with that extension of Watrous Avenue; and (3) provision of right-of-way lots for dedication for both the portion of planned Watrous Avenue within the subject property and the portion of the planned Southwest Connector within the subject property; 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

(13-2018-1.35)

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

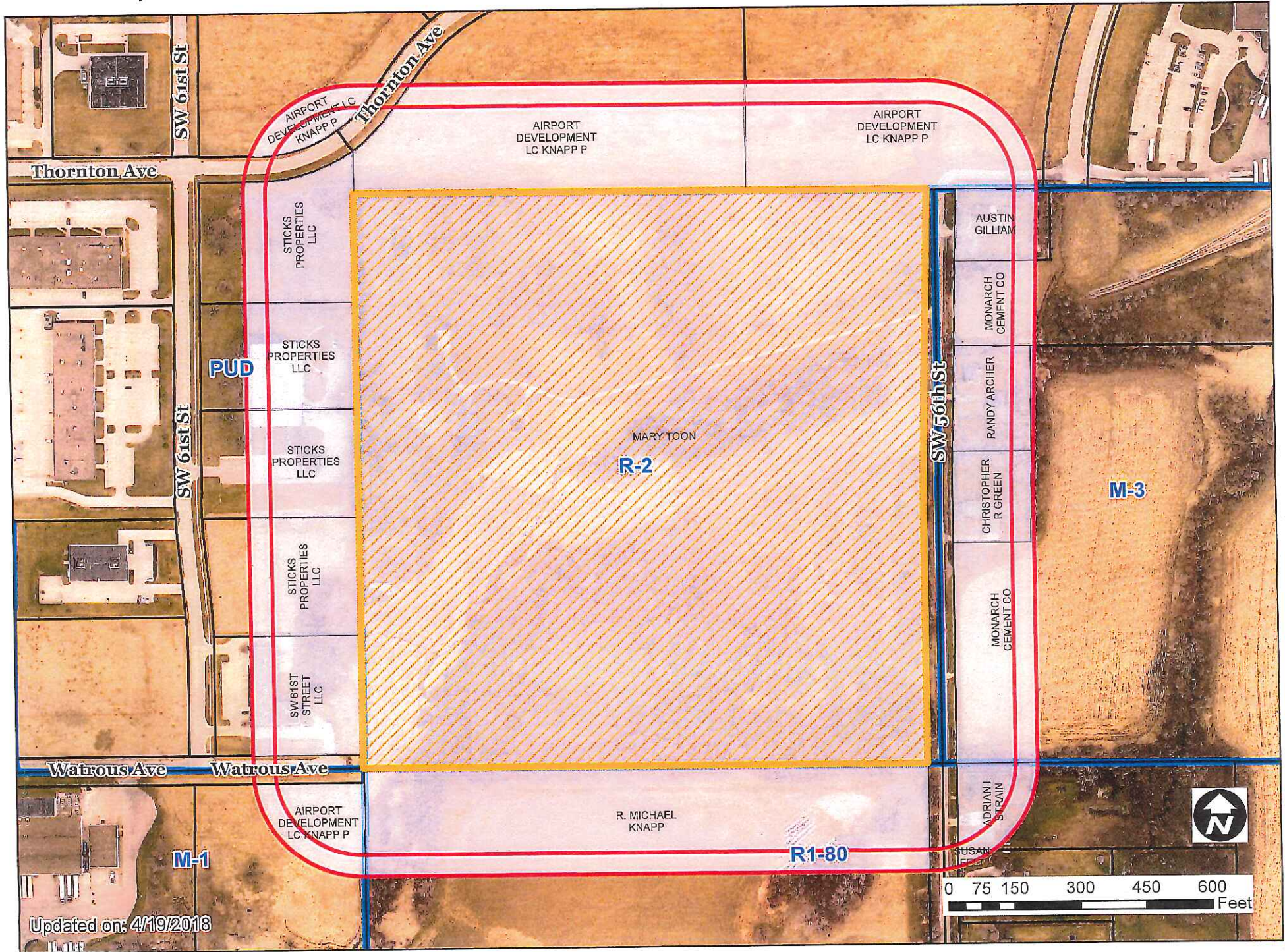
MOTION CARRIED APPROVED Mayor

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



17

TK Development, LLC (developer) represented by Dan Kruse (officer) for property located at 3800 Southwest 56th Street. The subject property is owned by Richard Toon, Mary De Francisco Toon, and the Mary De Francisco Toon Living Trust.				File # 13-2018-1.35	
Description of Action	Review and approval of a major Preliminary Plat "Southwood Estates", to allow the property to be subdivided for 24 lots for single-family residential dwelling development, and two outlots for future subdivision development, and four lots to be dedicated for street Right-Of-Way.				
PlanDSM Future Land Use	Current: Low Density Residential Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

TK Development, LLC, Southwood Estates, 3800 Southwest 56th Street

13-2018-1.35



1 inch = 289 feet



May 4, 2018

Date _____

Agenda Item 17

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 April 19, 2018, the following action was taken regarding a request from TK Development, LLC (developer) represented by Dan Kruse (officer) for review and approval of a major Preliminary Plat "Southwood Estates" on property located at 3800 Southwest 56th Street, to allow the property to be subdivided for 24 lots for single-family residential dwelling development, and two outlots for future subdivision development, and four lots to be dedicated for street Right-Of-Way. The subject property is owned by Richard Toon, Mary De Francisco Toon, and the Mary De Francisco Toon Living Trust.

COMMISSION ACTION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler	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 resubmitted Preliminary Plat, subject to the following conditions:

1. Compliance with all administrative review comments of the Permit and Development Center.

2. Provision of a note on the Plat that Outlot "Z" shall be re-platted in cooperation with the owner of property adjoining to the south to provide for the extension of Watrous Avenue through the southwest corner of the property and extend Rose Avenue to connect with that extension of Watrous Avenue.
3. Provision of ROW lots for dedication for both the portion of planned Watrous Avenue within the subject property and the portion of the planned Southwest Connector within the subject property. (13-2018-1.35)

Written Responses

0 in Favor

0 in Opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the resubmitted Preliminary Plat, subject to the following conditions:

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Provision of a note on the Plat that Outlot "Z" shall be re-platted in cooperation with the owner of property adjoining to the south to provide for the extension of Watrous Avenue through the southwest corner of the property and extend Rose Avenue to connect with that extension of Watrous Avenue.
3. Provision of ROW lots for dedication for both the portion of planned Watrous Avenue within the subject property and the portion of the planned Southwest Connector within the subject property.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to subdivide the subject property for 24 single-family residential lots. This is revised (from 33 single-family lots shown on the original submittal) since the Commission continued the item to allow the developer to work with City Staff and in cooperation with the owner to the south to develop a better street circulation layout. Subsequently the applicant has submitted a revised plat that which scales back the development to a portion that would not change with the scenarios being considered by both owners. The submitted Preliminary Plat revision would reserve the remaining area as an outlot until a final design is agreed upon between the owners. This is shown on the revision as Outlot "Z".
2. **Size of Site:** 39.94 acres.
3. **Existing Zoning (site):** "R-2" One- and Two-Family Residential District and "FSO" Freestanding Sign Overlay District.

4. **Existing Land Use (site):** Single-family dwelling, four accessory structures, and vacant undeveloped land with timber,

5. **Adjacent Land Use and Zoning:**

East - "M-3"; Uses are three single-family dwellings and vacant land.

West – Airport Commerce Park West "PUD"; Uses are light industrial and vacant land.

North - Airport Commerce Park West "PUD"; Uses are light industrial and vacant land.

South - "R1-80"; Use is undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area that contains light industrial uses, undeveloped land and some large-lot single-family dwellings.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Southwestern Hills Neighborhood. All neighborhood associations were notified of the original April 5, 2018 public hearing meeting by mailing of the Preliminary Agenda on March 19, 2018. Notifications of the hearing for this specific item were mailed on March 26, 2018 (10 days prior to the original public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the April 19, 2018 meeting was mailed to all the recognized neighborhood associations on April 13, 2018.

All agendas are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.

8. **Relevant Zoning History:** On December 4, 2017, the City Council amended the future land use designation from Business Park to Low Density Residential for the subject property and other undeveloped property north of the proposed Southwest Connector alignment and west of Southwest 56th Street.

9. **PlanDSM Land Use Plan Designation:** Low Density Residential.

10. **Applicable Regulations:** Taking into consideration 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. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as "Low Density Residential" on the Future Land Use Map. PlanDSM describes this designation as "Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.
2. **Natural Site Features:** There is a natural drainage way running from southwest to northeast through the property. Much of this is timbered with some having been cleared in the recent past to accommodate public sanitary sewer construction. The submitted Preliminary Plat proposes to remove 310,000 square feet (7.12 acres) of tree canopy to accommodate the grading for streets and building pads for the lots. This requires 155 new tree plantings in accordance with the Tree Removal and Mitigation requirements in Article X Chapter 42 of the City Code. The submitted Preliminary Plat includes a tree protection plan in accordance with this requirement.
3. **Utilities:** There is an 8-inch public sanitary sewer main running from a dead end of Watrous Avenue northeast along the drainage way to a manhole in Southwest 56th Street. There is also a force main public sanitary sewer running essentially parallel to the other public main. The submitted Preliminary Plat proposes to access the public sewer in between lots on the northern side of proposed Rose Circle and then is distributed within proposed public street network. The public sanitary sewer would also be extended as an 8-inch main along the west side of Southwest 56th Street from an existing manhole in that ROW to serve the Maish Avenue cul-de-sac and extend to the southeast end of the subject property for access by adjoining future development.

There is a 12-inch Des Moines Water Works public water main in Southwest 56th Street that would be extended with an 8-inch main into the proposed street network. There is also water available in the dead-end of Watrous Avenue at the southwest corner of the property.

4. **Drainage/Grading:** The proposed stormwater management solution involves providing a detention basin at the eastern end of the drainageway. There are 15-inch public storm sewers proposed in the public streets out letting to the proposed basin between Lots 1 and 2 and into the drainageway between Lots 10 and 11 on Rose Circle. The developer is required to design both flood control detention and water quality detention into a development of this area.
5. **Traffic/Street System:** The resubmitted Preliminary Plat shows that the lots would be served by two dead-end public street systems, Rose Avenue and Maish Avenue, connecting to Southwest 56th Street. Rose Avenue would also have a dead-end branch proposed as Rose Circle. These streets are proposed to be terminated at cul-de-sac turnarounds or stubs for future extension.

Additionally, the submitted Preliminary Plant proposes two Outlots, Y and Z, to reserve future Right-Of-Way (ROW) for extension of Watrous Avenue at the southwest corner of the property and for the future Southwest Connector project at the southeast corner of the property. The developer has indicated they do not intend to dedicate easements or ROW to the City in either instance. Staff continues to recommend that the ROW for

these planned streets should be shown to be dedicated as ROW lots as part of the Preliminary Plat pursuant to the City's Subdivision Ordinance.

In working with City Staff, including the City Traffic Engineer, and the owner to the south, the applicant has shown a rough layout that would extend Watrous Avenue from the west down to the future Southwest Connector in cooperation with the owner to the south. Rose Avenue would then extend to a "T" intersection with the extended Watrous Avenue.

Section 106-133 of the Subdivision Ordinance provides for street layout requirements. Generally, proposed streets should extend to the boundary line of the land being subdivided unless prevented by topography. In this instance Staff does not believe that this is proposed. Also, the arrangement of streets shall provide for the continuation and proper intersection of the principle streets with the existing streets and shall provide for proper projection to accommodate the extension of improvements on adjoining property that has not been subdivided.

In this instance, there is the currently planned alignment of the Southwest Connector, which would have limited principle street connections. One of these principle streets would be Watrous Avenue, which stubs into the subject property at the southwest corner. Since continuance by the Commission, the developer has shown City Staff a potential street layout which would accommodate these requirements, while reserving outlots to be re-platted with an amendment. They still are not showing dedication of these planned ROWs on the resubmitted Preliminary Plat. While they have indicated their intention is to show Watrous Avenue with a future amendment in cooperation with owner to the South, there is not an indication of any willingness to dedicate the portion of the southeast corner of their property that would be needed for the planned Southwest Connector. They have only shown these planned ROWs as part of outlots with the revised submittal for the Commission's consideration.

Staff continues to recommend that the planned Watrous Avenue and Southwest Connector ROWs be indicated separately on the Preliminary Plat as ROW lots and not as part of outlots. Staff believes that it is the developer's responsibility to participate in their fair share of the extension of the surrounding street network and dedication of any necessary ROW for projects planned by the City. If there is concern about flexibility of the exact location and alignment of the ROWs, minor adjustments can be made with any Preliminary Plat amendment or with any Final Plat while still being found in substantial compliance with an approved Preliminary Plat.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Brad Cooper, 475 S. 50th Street stated they agree with the staff recommendation and are here to answer any questions the commission may have.

Mike Knapp, 5935 SW McKinley, stated he is the neighbor to the South. All the questions he had in regard to the original plan have been addressed and he is now in agreement with the staff recommendation.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Dory Briles made a motion for approval of the resubmitted Preliminary Plat, subject to the following conditions:

1. Compliance with all administrative review comments of the Permit and Development Center.
2. Provision of a note on the Plat that Outlot "Z" shall be re-platted in cooperation with the owner of property adjoining to the south to provide for the extension of Watrous Avenue through the southwest corner of the property and extend Rose Avenue to connect with that extension of Watrous Avenue.
3. Provision of ROW lots for dedication for both the portion of planned Watrous Avenue within the subject property and the portion of the planned Southwest Connector within the subject property.

Motion passed 10-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments