Roll Call Number	Agenda Item Number
Date August 6, 2018	
RECEIVE AND FILE COMMUNICATION FROM THE P REGARDING APPROVAL OF PRELIMINARY PI "SOUTHWOODS ESTATES" PLAT FOR PRO 3800 SOUTHWEST 56 TH ST	LAT AMENDMENT TO THE OPERTY LOCATED AT
WHEREAS, on July 19, 2018, the City of Des Moines Plan and Zonin a request from TK Development, LLC (developer), represented by Dar plat amendment to the "Southwoods Estates" plat for property located further subdivision of the previously approved Lot 32 into 27 add dwelling development, for a total of 50 lots, subject to the conditions review comments of the City's Permit and Development Center; (2) minimum of 96 feet in diameter; (3) provision of a buffer protection ex of the property which will prohibit grading, clearing, and removal of the (4) provision of buffer yard plantings within untimbered gaps in the buffer and 6 evergreen trees per 100 lineal feet to the satisfaction of the F of a note identifying the business park zoning and permitted uses for and noise ordinance requirements pertaining thereto, to the satisfaction	n Kruse (officer), for a major preliminary d at 3800 Southwest 56 th Street, to allow itional lots for single-family residential of (1) compliance with all administrative revision of the street turnaround to be a assement along the north and west 20 feet ees unless approved by the City Arborist; buffer protection easement at 2 overstory Planning Administrator; and (5) provision property adjacent to the north and west,
WHEREAS, the final subdivision plat will be submitted for City Cour	ncil approval when completed.
NOW, THEREFORE, BE IT RESOLVED, by the City Council of attached communication from the City Plan and Zoning Commission is	
MOVED BY to rec	eive and file.
FQRM APPROVED:	SET
Glenna K. Frank, Assistant City Attorney	(13-2018-1.60)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM		u kan na adaga arawa		
WESTERGAARD				
TOTAL				
OTION CARRIED	<u> </u>	1	API	PROVED

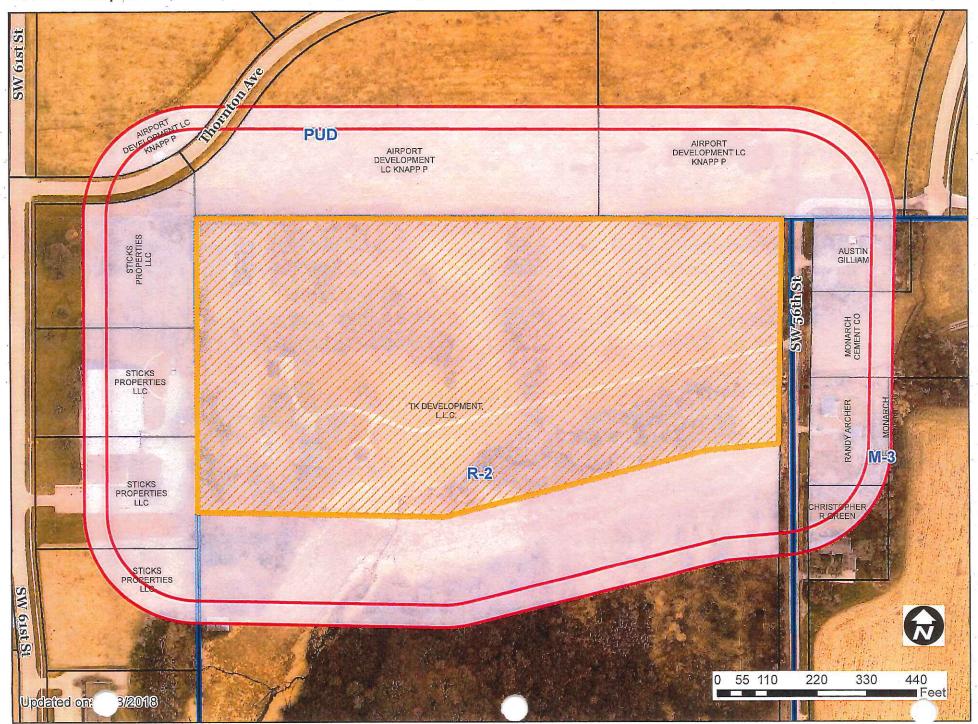
Mayor

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 31, 2018

Honorable Mayor and City Council City of Des Moines, Iowa

1. 1. 2.
Date August 10,201
Agenda Item 2/
Roll Call #

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held July 19, 2018, the following action was taken regarding a request from TK Development, LLC (owner) represented by Dan Kruse (officer) for review and approval of an amendment to a major Preliminary Plat "Southwoods Estates" on property located at 3800 Southwest 56th Street, to allow further subdivision of the previously approved Lot 32 into 27 additional lots for single-family residential dwelling development for a total of 50 lots. The previously approved Preliminary Plat contained 23 other lots for single-family residential dwelling development, two outlots for future subdivision development, and four lots to be dedicated for street Right-Of-Way.

COMMISSION ACTION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Chris Cutler				X
David Courard-Hauri	X			
Jacqueline Easley	Χ			
Jann Freed	X			
John "Jack" Hilmes	Χ			
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. Revise street turnaround to be a minimum of 96 feet in diameter.

- 3. Provide a buffer protection easement along the north and west 20 feet of the property which will prohibit grading, clearing, and removal of trees unless approved by the City Arborist.
- 4. Provide buffer yard plantings within un-timbered gaps in the buffer protection easement at 2 overstory trees and 6 evergreen trees per 100 lineal feet to the satisfaction of the Planning Administrator.
- 5. Provision of a note identifying the business park zoning and permitted uses for property adjacent to the north and west, and noise ordinance requirements pertaining thereto, to the satisfaction of the Planning Administrator.

(13-2018-1.60)

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:

- Compliance with all administrative review comments of the Permit and Development Center.
- 2. Revise street turnaround to be a minimum of 96 feet in diameter.
- 3. Provide a buffer protection easement along the north and west 20 feet of the property which will prohibit grading, clearing, and removal of trees unless approved by the City Arborist.
- 4. Provide buffer yard plantings within un-timbered gaps in the buffer protection easement at 2 overstory trees and 6 evergreen trees per 100 lineal feet to the satisfaction of the Planning Administrator.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The applicant is proposing to further subdivide the subject property for a total of 50 single-family residential lots. The proposed Preliminary Plat amendment specifically shows previously approved Lot 32 being further divided into 27 additional single-family lots on a cul-de-sac, including a large Lot 15 (6.678 acres) containing an existing two-story single-family dwelling.
- 2. Size of Site: 39.94 acres. The proposed amendment area is 17.507 acres.
- 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 public hearing meeting by mailing of the Preliminary Agenda on June 29, 2018. Notifications of the hearing for this specific item were mailed on July 9, 2018 (10 days prior) 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 meeting was mailed to all the recognized neighborhood associations on July 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.

Included in the motion of the City Council was direction to provide and secure a protection buffer on the residential development property to protect from previously approved business park areas to the north and west that are yet undeveloped. It was indicated that this should be considered as part of future development review. These business park areas were approved when the Comprehensive Plans for the City of that time (Land Use 2000) contemplated that the subject property was to be an extension of the business park and not residential development. Therefore, when the Council revised this with the December 2017 amendment to the PlanDSM, they wanted to ensure that the existing approved business park areas were not obligated to provide the residential protection, but rather the residential development would include the protection as development occurs.

On April 19, 2018 the Plan and Zoning Commission approved a Preliminary Plat of the subject property, "Southwoods Estates" which included 23 lots for single-family development. It also created two Outlots to allow for extension of Watrous Avenue from the west in cooperation with development of adjoining property to the south and development of the currently planned Southwest Connector Part 2.

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 trees 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.

As part of the City Council's direction to provide buffer protection from existing approved business park areas to the north and west, staff would recommend a 20-foot wide buffer protection easement be provided along the north and west property lines. This would prevent the area from being disturbed by clearing and grading and tree removal. Additionally, there are some gaps in the existing timber along these boundaries where staff recommends additional buffer plantings be provided which would also need protection.

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 amendment proposes to access the public sanitary sewer in between Lots 24 and 25 extended from the existing trunk sewer to the south. The public sanitary sewer would be extended within proposed Walcott Circle as an 8-inch main to serve the cul-de-sac.

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 18-inch public storm sewers proposed in Walcott Circle out letting to the proposed basin between Lots 26 and 27 and into the drainageway to the south. 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 in the amendment area would be served by a dead-end public street systems, Walcott Circle, connecting to Southwest 56th Street.

The length of the proposed cul-de-sac is over 720 feet in length from the Southwest 56th Street terminus to the center of the proposed turnaround. The proposed turnaround is required to be a minimum 96 feet in diameter under the adopted version of the International Fire Code. Also under that Code, dwellings beyond 750 feet of the terminus of the fire access road would have to provide sprinkler protection as part of construction. The developer is seeking waiver of this requirement for the existing home from the Fire Marshall. Depending on site location, this may require one or two of the new homes on the cul-de-sac to incorporate sprinkler protection.

6. Buffer Protection: The City Council directed that a buffer be provided as part of residential development of the property as protection from adjoining areas already approved for business park development to the north and west. There is significant timber and planting along those areas which should be protected from the development and being disturbed by future owners. Staff recommends that a 20-foot wide buffer protection easement be provided on the plat with the purpose of preventing grading, clearing, and removal of trees.

There are some gaps in the timbered areas along these property boundaries. Staff believes that the standard buffer planting requirement of 2 overstory trees and 6 evergreen trees be provided within the 20-foot protection easement area where these gaps exist.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Brad Cooper 475 S. 50th St. Suite 800 representing Cooper Crawford & Associates, stated they agree with all of staff's comments. They plan to have a 749 foot cul-de-sac that won't require fire sprinklers for all the homes. They also intend to keep the existing home and will show the 20-foot buffer on the final plat. Regarding the noise, they don't have any comment right now and ask staff to review any site plans to the North to make sure it complies with the noise ordinance put in place by the City.

Stewart Ruddy 5000 Westown Parkway Suite 400 representing Knapp Properties, stated on November 16th the Commission considered the amendment to the comprehensive plan. A Knapp Properties representative was not present because staff recommendation was for denial. P&Z recommended approval and Council approved amendment to allow property to be developed for residential use. They are not concerned about the developer but the

residents not being properly notified about the existing business park to the north and west. They believe the developer should address the lack of notice in the declaration of covenants for the subdivision.

John Jack Hilmes asked what is of record now.

<u>Stewart Ruddy</u> stated he was not aware of what on record regarding their use. That's why he would like a notice in the declaration of covenants to serve as another level of protection for the consumer.

<u>John Jack Hilmes</u> asked if he believes the developer disagrees with you because a document of record will be a deterrent of sale.

Steward Ruddy stated he wasn't sure why the developer objects to that language.

<u>Penny Harrison</u> 4500 SW 29th St., stated as a realtor, she takes offense to the statements made about realtors not disclosing things like this to their clients.

<u>Brad Cooper</u> stated they don't want to go above and beyond of what the City already has in place for noise ordinance and believes the residents would be protected by what has been put in place already by the City.

CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>Francis Boggus</u> stated he would move staff recommendation, in addition a notice of commercial and industrial use to the north and east be written in the declaration of covenants.

<u>Michael Ludwig</u> stated staff does not review or enforce private covenants and alternatively recommends that a note be added to the preliminary plat.

<u>Glenna Frank</u> stated the City isn't involved in the declaration of covenants, unless it something the City needs such as storm water detention.

Michael Ludwig asked if a note was added to the preliminary plat, could City Council ask if an agreement has been made between parties regarding this issue and decide if they wanted to approve the final plat at that time.

Glenna Frank stated if it hasn't been addressed, they wouldn't be able to recommend approval. If addressing the issue with staff isn't efficient to Mr. Ruddy or his client, they could voice their opinion at the Council Meeting.

<u>Brad Cooper</u> stated they clearly show commercial/industrial use to the north and west on their preliminary plat and if there is a notation they need to make on the final plat, they are fine with that.

COMMISSION ACTION:

<u>Francis Boggus</u> 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. Revise street turnaround to be a minimum of 96 feet in diameter.
- 3. Provide a buffer protection easement along the north and west 20 feet of the property which will prohibit grading, clearing, and removal of trees unless approved by the City Arborist.
- 4. Provide buffer yard plantings within un-timbered gaps in the buffer protection easement at 2 overstory trees and 6 evergreen trees per 100 lineal feet to the satisfaction of the Planning Administrator.
- 5. Provision of a note identifying the business park zoning and permitted uses for property adjacent to the north and west, and noise ordinance requirements pertaining thereto, to the satisfaction of the Planning Administrator.

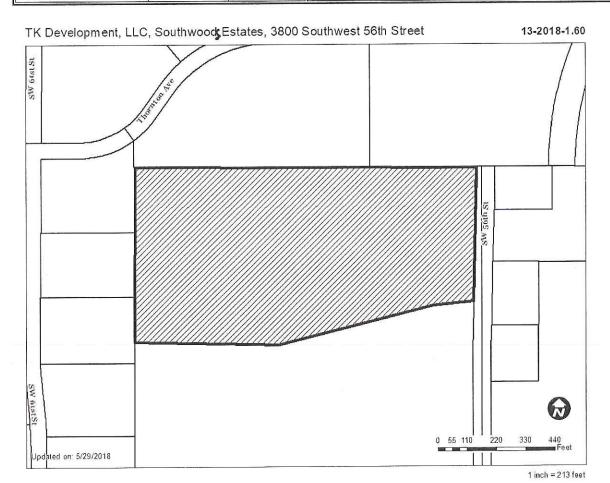
Motion passed 11-0

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:tjh Attachments

TK Development, LLC (owner) represented by Dan Kruse (officer) for" on property located at 3800 Southwest 56th Street.						File # 13-2018-1.60				
								of Action	Review and approval of an amendment to a major Preliminary Plat "Southwoods Estates, to allow further subdivision of the previously approved Lot 32 into 27 additional lots for single-family residential dwelling development for a total of 50 lots. The previously approved Preliminary Plat contained 23 other lots for single-family residential dwelling development, two outlots for future subdivision development, and four lots to be dedicated for street Right-Of-Way.	
				ırrent: Low Density Residential. oposed: N/A.						
Mobilizing Tomorrow SW Connector Part 2 (unscheduled). Transportation Plan										
Current Zoning	"R-2" Two-Family Residential District and "FSO" Freestanding Signs Overlay District.									
Proposed Zonin	N/A.									
Consent Card Responses		In Favor		Not In Favor		Undetermined		% Opposition		
Subject Property		0		0			4			
Outside Area (2	00 feet)				POLITICAL TO A STATE OF THE STA				
Plan and Zoning	g	Appi	roval X			Required 6/7 Vote of		Yes	Yes	
Commission Action		Den	ial			the City Council		No		Х





July 16, 2018

Frank Cownie Mayor City of Des Moines 400 E Court Avenue Des Moines IA 50309

RE: Request from TK Development ("Developer") for review and approval of an amendment to a major Preliminary Plat "Southwood Estates" on property located at 3800 SW 56th Street, Des Moines, lowa 50321

Dear Mayor Cownie:

As you may remember, at the Des Moines City Council Meeting held on December 4, 2017, the Des Moines City Council voted to amend the Future Land Use Map in PlanDSM/Creating Our Tomorrow from Business Park to Low Density Single-Family Residential Use as it related to the property located at 3800 SW 56th Street, Des Moines, Iowa (the "Property"). Airport Development, L.C. is the owner and Developer of Airport Commerce Park West which is the business park property directly to the north of the above-referenced Property and Knapp Properties manages Airport Commerce Park West.

At the above-referenced City Council Meeting, after the vote had taken place you asked that Knapp Properties stay in communication with the Des Moines City Council as to how things are moving along. This letter is our attempt to once again voice our concern with how the Developer plans to develop the Property without regard to the specific concerns that we raised and which the Des Moines City Council seemed to share at that December 4, 2017 City Council Meeting.

On Thursday, July 19, 2018, the City of Des Moines, Plan and Zoning Commission will be considering the major Preliminary Plat for the Southwood Estates development brought forward by the Developer. This type of residential development was expressly contemplated by the Developer at the City Council Meeting on December 4, 2017, when the City Council approved the Amendment to the Comprehensive Plan.

However, also expressly mentioned at that City Council meeting by you, Ms. Hensley, Mr. Coleman and Ms. Westergaard was the need for the Developer to plan his development in such a way that proper planning of the residential development included both a landscape buffer on the residential development lots located adjacent to the Airport Commerce Park West Business Park and a declaration regarding the uses allowed in the Business Park located directly to the North of the Property that would be recorded as part of the residential development in order to alert the residential owners to the uses which are planned or ongoing in the Airport Commerce Park West Business Park.

The Preliminary Plat for Southwood Estates that is being presented to the City of Des Moines, Plan and Zoning Commission on Thursday, July 19, 2018 does not have any of the conditions or protections that the Developer promised the Des Moines City Council would be put in place to protect the users in the



July 16, 2018

Jacqueline Easley Chairperson City Plan and Zoning Commission 602 Robert D. Ray Drive Des Moines, IA 50309

Erik Lundy Senior City Planner City Plan and Zoning Commission 602 Robert D. Ray Drive Des Moines, IA 50309

RE: City Plan and Zoning Commission Public Hearing – July 19, 2018

Dear Mr. Lundy and Ms. Easley:

We are the property manager for the owner of Airport Development, L.C. and plan to attend the Plan and Zoning public hearing on July 19, 2018.

The subject review and approval of an amendment to a major Preliminary Plan "Southwoods Estates" is included on the agenda for the City of Des Moines Plan and Zoning Commission public hearing scheduled for July 19, 2018. We request that this letter be received, filed, and placed on the agenda for the City of Des Moines Plan and Zoning Commission public hearing, as Airport Development, L.C. objects to the subject approval of the amendment to a major Preliminary Plat "Southwoods Estates".

Please acknowledge receipt of this letter as a formal written objection to this matter.

Sincerely,

General Counsel and Secretary

Knapp Properties, L.C.

