



Date June 3, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "VIA 335" ON PROPERTY LOCATED AT 335 FOREST AVENUE

WHEREAS, on May 16, 2019, the City of Des Moines Plan and Zoning Commission voted 9-0 for APPROVAL of a Preliminary Plat "Via 335", submitted by Galway Homes, Inc. (owner), represented by Jim Postma (officer), on property located at 335 Forest Avenue, to divide the existing 2.6-acre property into 24 lots for row townhomes and a common space outlot, subject to the following conditions:

- 1. Compliance with all administrative review comments by the Permit and Development Center; and
2. Compliance with the Tree Removal and Mitigation Ordinance, Chapter 42, Article X of the City Code.

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

(13-2019-1.49)

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

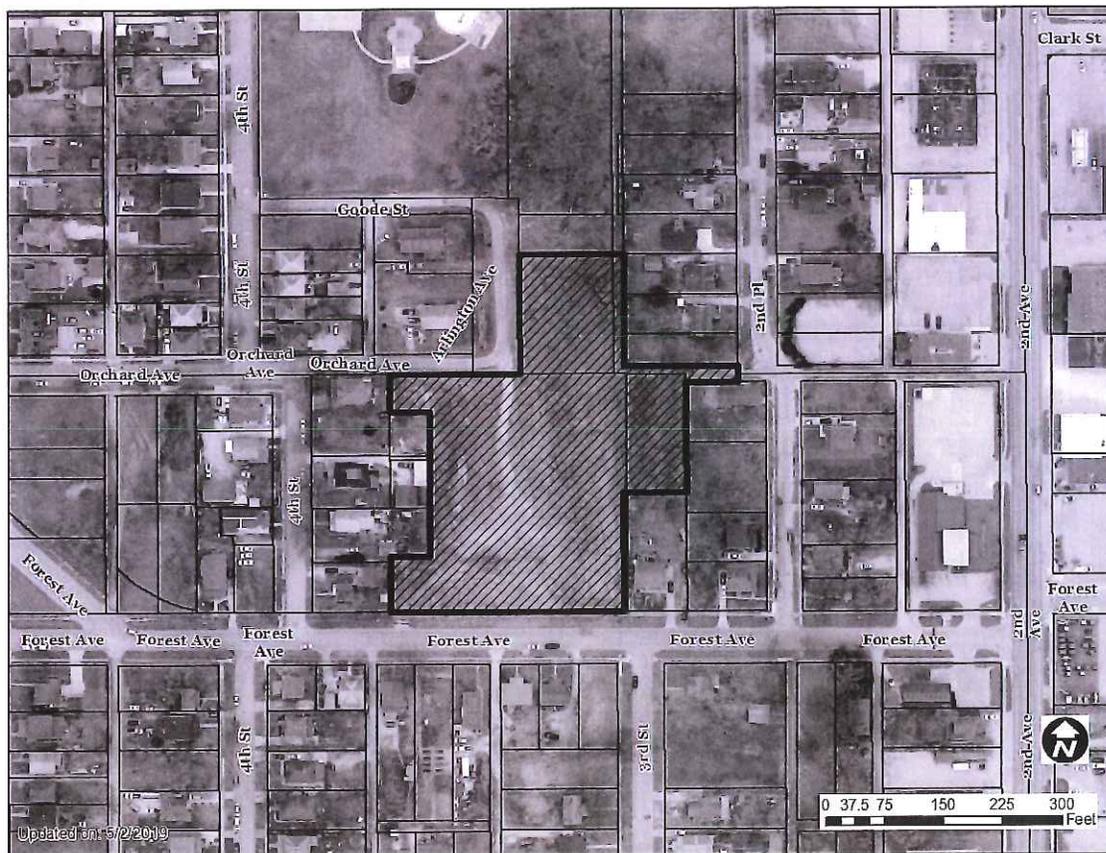
City Clerk



Galway Homes, Inc. (owner) represented by Jim Postma (officer) for property located at 335 Forest Avenue.				File # 13-2019-1.49	
Description of Action	Review and approval of a Preliminary Plat for "Via 335" to divide the existing 2.6-acre property into 24 lots for row townhomes and a common outlet.				
PlanDSM Future Land Use	Current: Low-Medium Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	Via three35 "PUD" Planned Unit Development, "GGP" Gambling Games Prohibition Overlay 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

Galway Homes, Inc., 335 Forest Avenue

13-2019-1.49





May 28, 2019

Date June 3, 2019

Agenda Item 23

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 May 16, 2019 the following action was taken regarding a request from Galway Homes, Inc. (owner) represented by Jim Postma (officer) for review and approval of a Preliminary Plat for "Via 335" on property located at 335 Forest Avenue to divide the existing 2.6-acre property into 24 lots for row townhomes and a common outlet.

**COMMISSION ACTION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				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			
Emily Webb	X			

**APPROVAL** of the submitted Preliminary Plat, subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Compliance with the Tree Removal and Mitigation Ordinance, Chapter 42, Article X, of the City Code.

(13-2019-1.49)

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the submitted Preliminary Plat subject to

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Compliance with the Tree Removal and Mitigation Ordinance, Chapter 42, Article X, of the City Code.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The property was rezoned to PUD in 2016. The approved PUD Conceptual Plan allows the site to be developed with 24 row townhomes and common space. Each unit would have a two-car attached garage. Vehicular access to the site would be provided by a driveway from Forest Avenue to the south and from Orchard Avenue to the north
2. **Size of Site:** 2.25 acres.
3. **Existing Zoning (site):** "PUD" Via Three35, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**
  - East** - "R1-60"; Uses are single-family dwellings and vacant lots.
  - West** - "R1-60"; Uses are single-family dwellings.
  - North** - "R1-60"; Use are single-family dwellings, vacant land and Bates Park (city park)
  - South** - "R1-60"; Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located in a predominately single-family residential area within the River Bend Neighborhood. It is located south of Bates Park (City Park).
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the River Bend Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on May 10, 2019. The River Bend Neighborhood Association mailings were sent to Breanne Barnum, 1919 Arlington Avenue, Des Moines, IA 50314.

8. **Relevant Zoning History:** On November 21, 2016, the City Council rezoned the subject property (Ordinance Number 15,539) to "PUD" District and approved (Roll Call Number 16-2033) the Via Three35 PUD Conceptual Plan. This request was considered by the Plan and Zoning Commission on October 20, 2016.
9. **PlanDSM Land Use Plan Designation:** The subject site is designated as Low/Medium Density Residential within a Community Node on the Future Land Use Map.
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. **Natural Features:** Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
2. **Grading & Storm Water Management:** All grading is subject to approval of a grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. The applicant is proposing underground storm water management facilities along the east and south perimeter of the townhomes.
3. **Utilities:** All necessary utilities are available for the development in the adjoining Forest Avenue right-of-way.

## SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Mike Simonson asked if the platting was in general conformance with the approved PUD.

Erik Lundy stated yes.

Will Page asked to confirm the location of the River Bend Historic District boundary.

Erik Lundy stated the River Bend Historic District would be North of Bates Park.

Jim Postma, 1247 41<sup>st</sup> Street stated he started this project 3 years ago when Mercy Hospital removed their apartments. These will be single family, owner occupied and a good

addition to the neighborhood. He wasn't aware anyone had objections until tonight's meeting.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Risha Weber, 2909 Deepwoods Court stated she is the property manager of 219 Forest Avenue. She doesn't have concerns about townhomes being built but what has happened to her property since they started development. When the trees were excavated, they had damage to their gutters from fallen trees. The developers put up a commercial fence which they hooked onto her fence and that has caused damage. Landscaping around the property has been damaged and is now difficult to mow. She would like to have a more definitive property line instead of the zig zag lines you see today.

Will Page asked if she was concerned about the surroundings more than the development of row houses on this property.

Risha Weber stated that is correct.

Mike Simonson asked if a fence is required when multi-family residential abuts single family residential.

Erik Lundy stated unless there was surface parking lot, screening would not be required. However, the PUD does show new landscaping around that area.

Emily Webb asked for plans to mitigate flooding and excavation of trees.

Erik Lundy stated that is a condition they need to comply with. When they come back with the development plan, they will need to show replacement of the trees that have been removed.

Mike Ludwig asked for information regarding storm water.

Erik Lundy stated this site will be constructing underground chambers. Without storm sewer in the area, they will need to detain and release in a fashion that is not erosive.

Stephen Clark, 1407 2<sup>nd</sup> Place stated it was a big mistake to excavate all the trees along the hillside. The density of this project is way too high for this area and they will not be able to control the amount of water that will flow through the property.

Will Page asked if he has seen the latest engineering plans for the development.

Stephen Clark stated he has and it shows it will erode the area that much worse.

Carolyn Jenison stated she has lived in the area for 20 years and is excited to see this development. She believes staff will do their best to mitigate the erosion and water shed issues.

Jayna Linn, 1427 4<sup>th</sup> Street stated she is worried about traffic flow on Orchard because it is more of an alley way than a street.

Kim Thomas, 4564 NE 34<sup>th</sup> Court stated he came to the meeting back in 2016 when it was continued and since then has not heard anything about this project. His opposition is the same as it was back then and that's because of the increase of traffic on Orchard.

Emily Webb asked if each townhome will have a 2-car garage.

Erik Lundy stated the PUD Concept plan was approved with a 2-car garage underneath with 2 stories above for each unit.

Mike Ludwig stated each townhome has a 2-car garage with a driveway for access. The private drive for the development also has parallel parking stalls for guests.

Carolyn Jenison asked if staff sees any issues with traffic.

Erik Lundy stated a traffic analysis was a part of approving this PUD. No traffic concerns were raised by Engineering staff during review of the PUD.

Jim Postma stated he agrees that 90% of the traffic will use Forest Avenue instead of Orchard. He asked the commission to approve the plat and if anyone in the neighborhood has a problem, they can call him anytime.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

Mike Simonson made a motion for approval of the submitted Preliminary Plat subject to

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Compliance with the Tree Removal and Mitigation Ordinance, Chapter 42, Article X, of the City Code.

Motion passed 9-0

Respectfully submitted,

Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments