

Date March 26, 2007

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held March 15, 2007, the members voted 9-1 in support of a motion to **APPROVE** the request from Woodside Commercial Park, LLC (owner) represented by Michael Erickson (officer) for review and approval of a preliminary subdivision plat for "Woodside Commercial Park Plat 1" located in the vicinity of 215 NW 54th Avenue, in unincorporated Polk County within the two-mile extraterritorial jurisdiction for subdivision review by the City, to allow division of the property into 8 parcels for commercial development conditional on the completion of tree mitigation and protection plan.

MOVED by _____ to receive and file.

FORM APPROVED:

Roger K Brown
 Roger K. Brown
 Assistant City Attorney

NOTE: The final subdivision plat will be submitted for City Council approval at a later date.

(13-2007-1.38)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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.

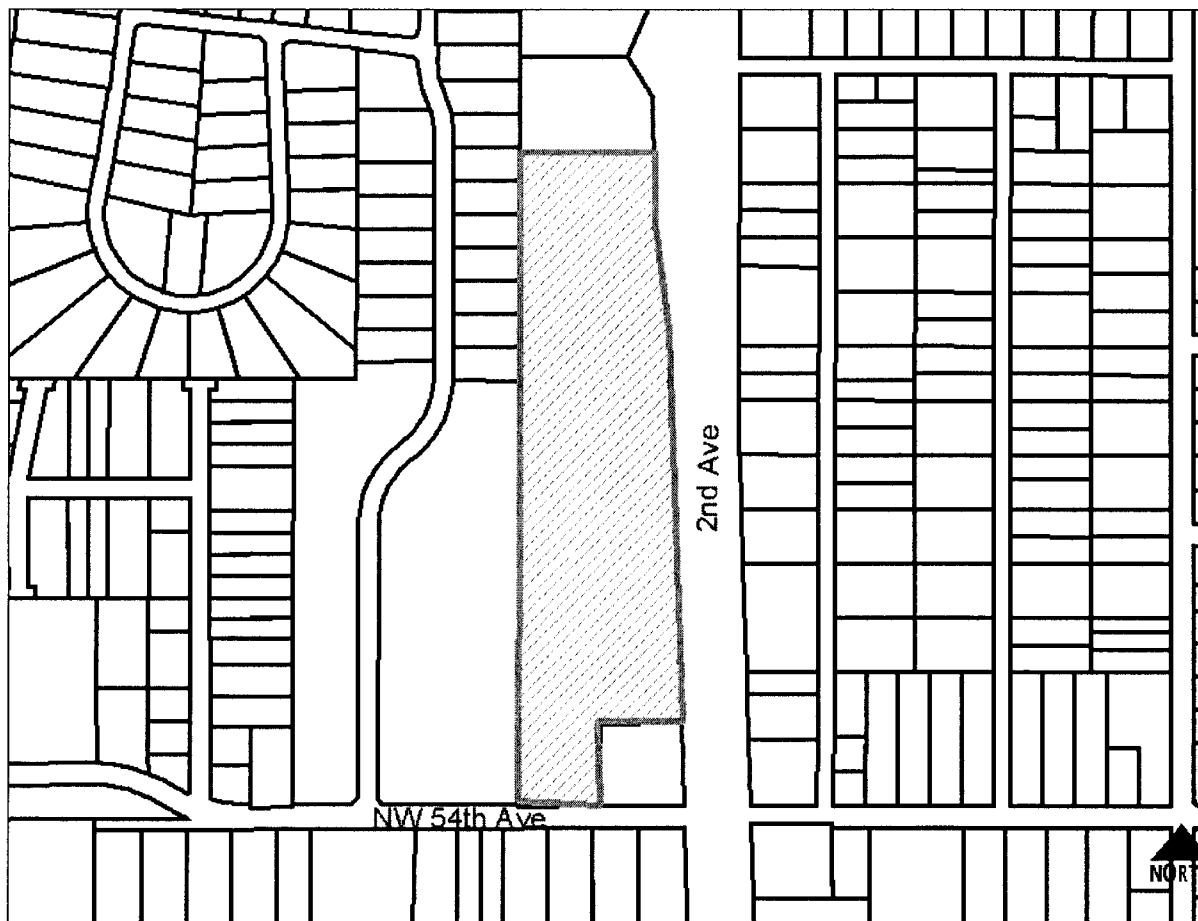
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

20

Request from Woodside Commercial Park, LLC (owner) represented by Michael Erickson (officer) for review and approval of a preliminary subdivision plat for property located at in the vicinity of 215 NW 54th Avenue, in unincorporated Polk County within the two-mile extraterritorial jurisdiction for subdivision review by the City.				File #	
				13-2007-1.38	
Description of Action	Review and approval of a preliminary subdivision plat for "Woodside Commercial Park Plat 1" to allow division of the property into 8 parcels for commercial development.				
2020 Community Character Plan	Not Designated.				
Horizon 2025 Transportation Plan	Iowa Hwy 415 from I35/80 to Iowa 160 to widen from 4-lane divided to 6-lane divided.				
Current Zoning District	Light Business District (Polk County designation).				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	N/A	N/A	N/A	N/A	
Plan and Zoning Commission Action	Approval	9-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Woodside Commercial Park Plat 1 (Preliminary Subdivision) - 215 NW 54th Avenue 13-2007-1.38



March 26, 2007

Date _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Agenda Item 20

Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held March 15, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty				X
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier				X
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson	X			
Kent Sovern	X			
Tim Urban		X		
Marc Wallace				X



CITY PLAN AND ZONING COMMISSION
 ARMORY BUILDING
 602 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309 -1881
 (515) 283-4182

ALL-AMERICA CITY
 1949, 1976, 1981
 2003

APPROVAL of a request from Woodside Commercial Park, LLC (owner) represented by Michael Erickson (officer), for approval of a preliminary subdivision plat for "Woodside Commercial Park Plat 1" located in the vicinity of 215 NW 54th Avenue, in unincorporated Polk County within the two-mile extraterritorial jurisdiction for subdivision review by the City, to allow division of the property into 8 parcels for commercial development conditional on the completion of tree mitigation and protection plan. (13-2007-1.38)

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff has met with the consultant for the developer to discuss the tree protection and mitigation concerns. The consultant indicated a plan to survey trees to be removed by plat improvements such as streets and grading. This information will assist staff in determining whether additional tree plantings should be recommended.

Staff recommends that these items be continued to allow the consultant for the developer to provide the indicated tree survey information.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to divide the property into 9 lots for commercial development.
2. **Size of Site:** 19.09 acres.
3. **Existing Zoning (site):** "LB" Light Business District. (Polk County)
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**

North – "LB", Use is International Union Painters & Allied Trade union hall.

South – "LB" & "S" Suburban District (Polk County), Uses are Saydel Township fire station, R&I Enterprises, a vehicle service/repair shop, and single-family residences.

East – "LB", Uses are Saydel Schools administrative offices, John's Auto Sales, Citywide Towing, Transportation Products Company, Capitol City Equipment, Ted's Body Shop, single-family residences, S&J Marine, and Hobart Food Equipment.

West – "S", Uses are vacant land for single-family and single-family semi-detached residences, and vacant land for storm water detention.

6. **General Neighborhood/Area Land Uses:** The subject property is located fronting the Highway 415 commercial/industrial corridor, providing a transition to rural suburban residential development to the west.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** N/A.
10. **Applicable Regulations:** 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 western portion of the property is substantially timbered. The submitted plat only identifies the trees that are 16" and larger and then defines a drip line for the remaining areas that are defined as young woodlands. The Des Moines Subdivision

Ordinance requires the identification of trees that are 6" caliper and larger. The City will not have the authority to review individual site development if it occurs while in the unincorporated area. The plat indicates that development shall retain a minimum of 50% of the young woodlands, yet it is unclear what mitigation will be made for larger trees removed for grading for streets and drainage.

The proposed street system will remove a substantial amount of timbered area. The proposed access from this street will remove even more timber. While the City has no ability to regulate future site development, it can require tree mitigation as a condition of preliminary plat approval for those trees removed as a result of improvements contained in the proposed plat. Staff recommends that the developer provide an analysis in caliper inches of trees over 6" to be removed with site preparation compared to the proposed buffer landscape plantings. This will provide the Commission with information similar to plat reviews in the City, so that appropriate recommendations can be made for tree mitigation.

2. **Drainage/Grading:** The subject property currently drains generally from north to south. The proposed plat indicates a constructed open drainage swale along the eastern and southern edges of the subject property only piping storm water below streets. This swale outlets at the southwestern corner of the subject property. The applicant has proposed using conservation methods to provide a planted bioswale at the southern end of the plat to help manage more frequent rain events.
3. **Utilities:** The proposed plat will be served by all necessary utilities including public sanitary sewer on the Polk County system.
4. **Landscaping & Buffering:** The proposed plat indicates that a bufferyard will be planted on both sides of common property line to protect the residential development to the west from the commercial development within the plat. The plat indicates landscaping contribution on the part of both developments. The planting scheme includes Scotch Pines and Red Cedar shrubs at a rate of 9 trees and 42 shrubs per 100 lineal feet. Also, an existing 6' opaque fence will be kept in place constructed along the western boundary at the northern portion of the plat where it directly abuts residential lots.
5. **Traffic/Street System:** Due to the existing grade differential between the subject property and NW 2nd Avenue, the submitted plat proposes a public street along the west edge of the subject property, intersecting with NW 54th Avenue on the south and curving east to connect to NW 2nd Avenue at the second median break north of NW 54th Avenue. This provides primary access to all proposed lots except Lot 4 which may have direct access to NW 2nd Avenue at the median break.

Staff initially theorized that the access street should run along the eastern edge as a frontage road along NW 2nd Avenue. However, the grades from the median break access point prohibit this from being accomplished without requiring an infeasible amount of fill. Based on the necessary location of the street, staff recommends that shared drive access to the new street be required in order to limit the number of access drives cutting through the timber to one per two lots. This will substantially limit the number of trees removed for future site development.

SUMMARY OF DISCUSSION

Erik Lundy: Stated staff is recommending the item be continued to allow time for staff and the applicant to finalize a tree mitigation and protection plan. Noted staff has worked closely with the developer and that they are in the process of providing the necessary tree information. Stated the applicant is requesting the item be conditionally approved allowing the tree mitigation to be worked out with staff later.

Larry Hulse: Stated the subdivision is outside the City limits but that the same requirements are used as if it were in the City. Noted the plat also has to be approved by Polk County. Stated staff is comfortable working out the details of the tree mitigation plan with the applicant if the Commission considers the applicant's request.

Tim Urban: Asked if there is a pre-application process for items outside the city limits.

Erik Lundy: Noted staff saw it in advance and treated it the same as any plat that would come before the City for review. The County is provided with City of Des Moines regulations, but he did not think the applicant was aware of the City's tree mitigation plan requirements.

Tim Urban: Referred to the design of the plat, with the removal of vegetation by placing a public street on the back side of the lots and asked why there could not be a frontage drive maintained with cross-access easements between the lots that would preclude taking the right-of-way and building a public street on the back. Asked if the issue had been addressed.

Erik Lundy: Explained staff initially had the same concern. Stated the applicant demonstrated to staff that developing a frontage road would likely increase the number of trees removed based on where the buildings would have to be located to allow for a grade that would accommodate the road.

Mark Lee, Lee Engineers and Surveyors, 8003 Douglas Avenue, Urbandale, Iowa: Noted Wally Greenleaf the project engineer from his office was in attendance as well. Stated the property is 130 acres and is commercially zoned in the County for large lot uses similar to contractor yards, retail parts and other uses that will require some truck traffic. Explained they are in the process of developing a tree survey. Indicated that along the west side of the site Polk County is requiring them to install a tree buffer. This in conjunction with the existing berm will help buffer the residential uses to the west from the proposed commercial development.

Tim Urban: Asked for an explanation why a frontage road system would not work, particularly since it appears to be more economical and would have less of an impact on trees.

Mark Lee: Noted the site fronts a State Highway and that the IDOT only allows a limited amount of access points to the road. Stated the IDOT would prefer there only be one access point to the site from 2nd Avenue. Noted if a frontage road were installed there would be grade differences of approximately 10-15' across. Stated the frontage road would need to be a certain distance from the existing highway and that to accommodate the necessary grading a significant amount of space would be needed that would push the building envelope back into the site requiring more trees to be removed than if the project was constructed as proposed.

Tim Urban: Argued there appears to be room for a frontage road and expressed concern for the amount of trees that would be torn out for the roadway to meet subdivision standards. Did not feel it to be a suitable solution for the site.

Greg Jones: Suggested the frontage road would have to be close to 2nd Avenue and the site is generally 10' higher than the low point near 2nd Avenue. Stated the frontage road would have to be further to the west to accommodate the grade. Indicated the issue is that the applicant feels it is equally as difficult to install a frontage road and to no advantage.

Mike Erickson, Managing member of Woodside Commercial Park, LLC, 1444 NW 124th Court, Clive: Noted they could do it a lot cheaper, but when they discussed it with the County, their preference was to have it more in County standards with reinforced concrete pipe as opposed to plastic pipe, and curb and gutter as opposed to running it into a ditch. If they make it a public street, the overall setback from 2nd Avenue would have pushed the building back into the tree line. Noted the residential was designed with the street in mind.

Kent Sovern: Asked if there were a substantial amount of difference between City and County standards.

Mike Erickson: Noted the parking lot could be in the setbacks; if a private frontage road was done the required lane width would be wider than the parking lot so they were hoping they could put the parking lot in the setback.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak on this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Bruce Heilman: Moved to approve the request conditional on the completion of tree mitigation and protection plan.

Motion passed 9-1 (Tim Urban was in opposition).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J Van Essen', with a long horizontal line extending to the right.

Jason Van Essen, AICP
Senior City Planner

JMV:dfa

Attachments

DATE PLANNED	N/A
DATE COMPLETED	N/A
DATE OF REVIEW	N/A
DATE OF REVISION	N/A

WOODSIDE COMMERCIAL PARK PLAT NO. 1
SECTION 10 - T79N - R24W - POLK COUNTY, IOWA



DRAWING TITLE
TITLE SHEET

PROJECT NO.
06007
SHEET
S-1



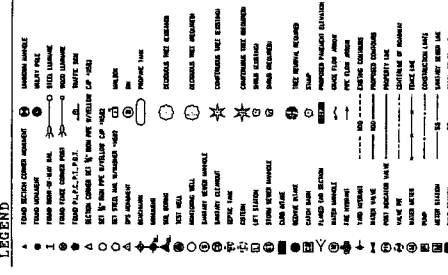
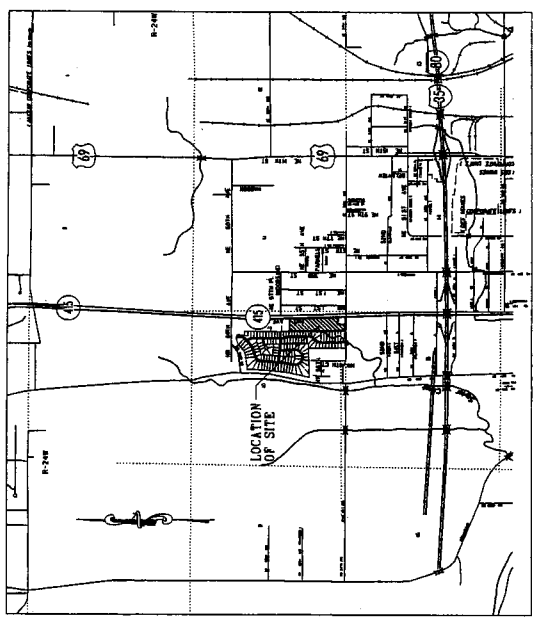
PLANS FOR WOODSIDE COMMERCIAL PARK PLAT NO. 1 PRELIMINARY PLAT

SECTION 10-T79N-R24W, POLK COUNTY, IOWA PROJECT NO. 06007

INDEX OF PAGES

PAGE NO.	DESCRIPTION
5-1	TITLE PAGE & GENERAL NOTES
5-2	PRELIMINARY PLAT - BOUNDARY, EASEMENTS, ETC.
5-3	PRELIMINARY PLAT - UTILITIES PLAN
5-4	PRELIMINARY PLAT - GRADING PLAN

LEGAL DESCRIPTION (AS RECORDED IN BOOK 11453, PAGE 624 OF THE POLK COUNTY RECORDER'S OFFICE.)
Outlot "y" of Woodside Estates West Plat No. 1, an Official Plat, now included in and forming a part of Polk County, Iowa, containing 19.088 Acres.



INSURANCE
Professional Liability Insurance
WALENCE, J. JOHNSON
1111 13th St. SW
Des Moines, IA 50315

ENGINEER
MARK L. LEE
1111 13th St. SW
Des Moines, IA 50315

DATE
JAN 11 1989

- GENERAL NOTES:**
- ALL CONSTRUCTION SHALL COMPLY TO THE IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION, 2001 SERIES, WITH THE MOST RECENT REVISIONS. ALL SHORING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS MANUAL FOR UTILITY BRIDGES AND APPROVED BRIDGES. POLK COUNTY ENGINEERING DEPARTMENT IS RESPONSIBLE FOR PROVIDING CONSTRUCTION INSPECTION OF THE SHORING SYSTEM.
 - ALL UTILITY CONTRACTORS/OWNERS SHALL BE RESPONSIBLE TO PROVIDE THE LIE ENGINEERS AND SURVEYORS WITH THE NECESSARY RECORDS AND INFORMATION TO LOCATE AND IDENTIFY ALL EXISTING UTILITIES. THE LIE ENGINEERS AND SURVEYORS SHALL PROVIDE TO POLK COUNTY CERTIFIED "AS BUILT" DRAWINGS.
 - ALL AREAS WITHIN THE RIGHT-OF-WAY DISTURBED BY CONSTRUCTION SHALL BE REVEGETATED AND MAINTAINED IN ACCORDANCE WITH SECTION 200.12 OF THE IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS MANUAL FOR UTILITY BRIDGES AND APPROVED BRIDGES. REVEGETATION SHALL BE COMPLETED BEFORE THE END OF THE NORMAL SEEDING PERIOD. TEMPORARY SEEDING WILL BE REQUIRED IN THE INTERIM.
 - IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO APPLY FOR AND OBTAIN ANY STORM WATER DRAINAGE PERMITS FROM THE POLK COUNTY ENGINEERING DEPARTMENT.
 - THE POLK COUNTY ENGINEERING DEPARTMENT WILL NOT INTERFERE WITH THE DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
 - MANHOLES LOCATED WITHIN THE RIGHT-OF-WAY SHALL BE OF A BREAMWAY DESIGN.
 - PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE EASEMENTS.
 - ANY SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED DURING THE CONSTRUCTION SHALL BE RESTORED OR REMEDIATED BY THE PROPERTY OWNER.
 - EACH LOT SHALL HAVE ITS OWN ON-SITE STORM WATER DETENTION FACILITIES.
 - ALL PRIVATE ACCESS SHALL BE FROM PROPOSED SUBDIVISION ROAD EXCEPT LOT 4, WHICH HAS THE OPPORTUNITY FOR ACCESS TO HWY 74th STREET (HWY 45) AS REVIEWED DURING SITE PLAN APPROVAL PROCESSES THROUGH POLK COUNTY PUBLIC WORKS AND TRAFFIC ACCESS PERMITS APPROVAL.
 - IF THIS AREA IS AMESSED BY THE CITY OF DES MOINES, THE OWNERS OF THE PROPERTY SHALL BE RESPONSIBLE FOR OBTAINING PERMITS FOR DETENTION, STORAGE AND STREET LIGHT INSTALLATION AS PER THE URBAN STANDARDS SPECIFICATIONS.
 - POLK COUNTY DOES NOT REQUIRE OF ISSUE PERMITS FOR SHORING, BRIDGE AND DOES NOT ACCEPT THE LIABILITY AND/OR RESPONSIBILITY FOR CONSTRUCTION PLACEMENT, REPAIR OR MAINTENANCE THEREOF OR ANY STREET SIGNAGE INSTALLED IN THIS PLAT BY ANY OWNER.
 - LOTS "X" AND "Y" ARE TO BE DEDICATED TO POLK COUNTY FOR ROADWAY PURPOSES AT SUCH TIME THAT THE PROPOSED HIGHWAYS HAVE BEEN IMPROVED AND ACCEPTED BY THE POLK COUNTY BOARD OF SUPERVISORS.
 - ANY UTILITY CONTRACTOR SHALL NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
 - ANY FIELDS ENCOUNTERED DURING EXCAVATION SHALL BE TIED INTO THE PROPOSED PAYMENT DRAINAGE SYSTEM OR THE PROPOSED STORM SEWER SYSTEM. ANY SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED MUST BE RESTORED OR REMEDIATED BY THE INDIVIDUAL PROPERTY OWNER.
 - THE OWNER OF ANY PARCELS WHO SHALL GRAZE, PULL, CONSTRUCT OR OTHERWISE ALTER THE EXISTING OR PROPOSED STORM SEWER OR DRAINAGE FACILITIES SHALL BE RESPONSIBLE FOR PROVIDING TO POLK COUNTY CALCULATIONS FROM A LICENSED ENGINEER IN THE STATE OF IOWA SHOWING THE WATER CIRCLES, CHANNELS OR CHANNELS DO NOT INTERFERE WITH EXISTING OR PROPOSED STORM SEWER OR DRAINAGE FACILITIES.
 - YOUNG WOODLANDS SHALL BE PRESERVED AT A MINIMUM OF 30% OF THE EXISTING.
 - ALL SHORING SHALL BE DESIGNED BY A LICENSED P.E.C. AND OCCURRING ON THE FINAL CONSTRUCTION AND ELEVATION OF 8' DRAINAGE SERVICE AND 10' SHALL BE PLACED AT MINIMUM GRADE OF 5'.

PROJECT BENCHMARK:
 BM#5454 CUT "x" TOP BRIDGE CURB NW COR BRIDGE ON 6th AVENUE OVER SAYLOR CREEK ELEV.=829.62
 BM#1 NE FLANGE BOLT FIRE HYDRANT APPROX 600' WEST OF 2nd AVE SOUTH SIDE NW 60th AVENUE. ELEV.=889.80
 BM#5427 CUT "x" TOP BRIDGE CURB NW COR BRIDGE ON NW 54th AVENUE OVER SAYLOR CREEK. ELEV.=814.12

DATE	BY
02-23-89	
02-24-89	
CITY OF DES MOINES STAFF REVIEW COMMENTS DATED 02-23-89	
POLK COUNTY ENGINEERING DEPARTMENT 02-23-89	

CONTRACTOR TO US UTILITY
ONE CALL SYSTEM 48 HOURS BEFORE ANY EXCAVATION
1-800-292-8898



PLANS SHALL BE VALID FOR TWO YEARS FROM THE DATE OF APPROVAL BY POLK COUNTY.