

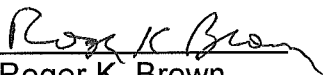
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Date December 4, 2006

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held November 16, 2006, the members voted 12-0-1 in support of a motion to **APPROVE** the request from Anderson Properties, LLC (owner), represented by Bill Anderson (officer), for approval of a preliminary subdivision plat for "Anderson Commercial Park Plat 3" for property located in the vicinity of 5409 SE 14th Street, to create three lots for commercial and multi-family residential development subject to the following:

1. Recording of a provision with Lots 1 & 2 that "Any development of the property is subject to provision of storm water management in accordance with Statewide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate."
2. Recording of a provision with Lots 1, 2 & 3, that vehicular cross access with easement to property south of Lot 2 shall be constructed with any development of Lots 1, 2, or 3.
3. Recording of a provision on Lot 3 that no vehicular access shall be constructed to East Diehl Avenue prior to construction of access to SE 14th Street by easement through Lots 1 & 2.

MOVED by _____ to receive and file.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

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

(13-2007-1.15)

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

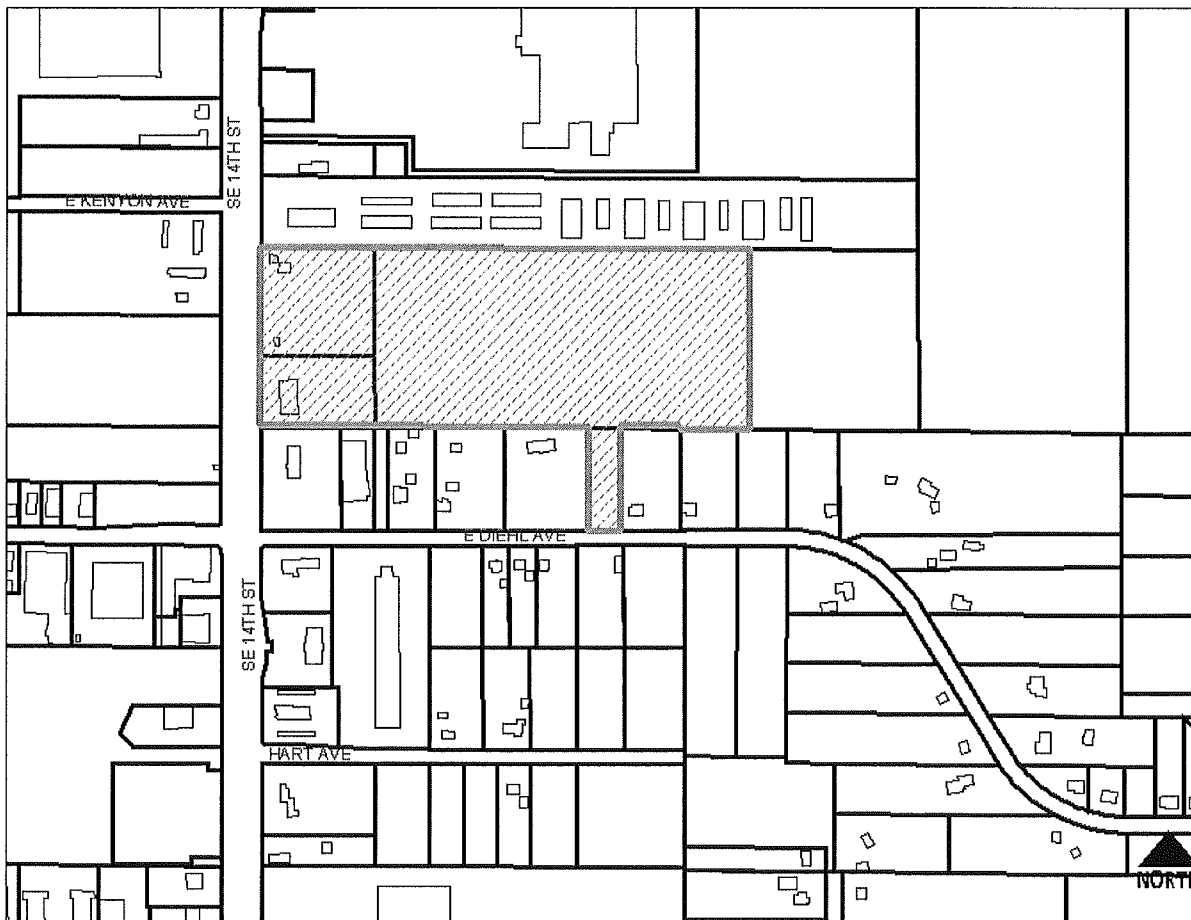
MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk

Request from Anderson Properties, LLC (owner) represented by Bill Anderson (officer) for review and approval of a preliminary subdivision plat for property located in the vicinity of 5409 SE 14 th Street.			File # 13-2007-1.15	
Description of Action	Review and approval of a preliminary subdivision plat "Anderson Commercial Park Plat 3" for subject property to create three lots for commercial and multi-family residential development.			
2020 Community Character Plan	Medium-Density Residential and Commercial: Auto-Oriented Community Commercial.			
Horizon 2025 Transportation Plan	SE 14 th Street from Watrous Avenue to Army Post Road widen from 4 lane divided to 6 lane divided.			
Current Zoning District	"R-3" Multiple-Family Residential District and "C-2" General Retail and Highway-Oriented Commercial District.			
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	12-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No

Anderson Commercial Park Plat 3 (Preliminary Plat) - 5409 SE 14th St 13-2007-1.15



December 4, 2006

Date 12-4-06

Agenda Item 19

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 November 16, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-1 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			
Brian Meyer	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

APPROVE the request from Anderson Properties, LLC (owner), represented by Bill Anderson (officer) for approval of a preliminary subdivision plat for "Anderson Commercial Park Plat 3" for property located in the vicinity of 5409 SE 14th Street, to create three lots for commercial and multi-family residential development subject to the following: (13-2007-1.15)

1. Recording of a provision with Lots 1 & 2 that "Any development of the property is subject to provision of storm water management in accordance with Statewide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate."
2. Recording of a provision with Lots 1, 2 & 3, that vehicular cross access with easement to property south of Lot 2 shall be constructed with any development of Lots 1, 2, or 3.
3. Recording of a provision on Lot 3 that no vehicular access shall be constructed to East Diehl Avenue prior to construction of access to SE 14th Street by easement through Lots 1 & 2.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the submitted preliminary subdivision plat subject to following:

1. Recording of a provision with Lots 1 & 2 that "Any development of the property is subject to provision of storm water management in accordance with Statewide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate."
2. Recording of a provision with Lots 1, 2 & 3, that vehicular cross access with easement to property south of Lot 2 shall be constructed with any development of Lots 1, 2, or 3.
3. Recording of a provision on Lot 3 that no vehicular access shall be constructed to East Diehl Avenue prior to construction of access to SE 14th Street by easement through Lots 1 & 2.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to divide the subject property for commercial and multi-family senior housing uses and provide extension of public utilities and provision of public access to the eastern portion of the subject property.
2. **Size of Site:** Approximately 18.35 acres
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District and Limited "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Vacant land and commercial structures including an off-premises advertising sign at the northwest corner of the site.
5. **Adjacent Land Use and Zoning:**
 - North* – Limited "C-2", Use is Dino's Storage mini-warehousing.
 - South* – "R1-80", Uses are single-family residential.
 - East* – "R1-80", Uses are open space and parkland.
 - West* – "C-2", Uses are vacant land and the "A-1" motel.
6. **General Neighborhood/Area Land Uses:** The subject property is located fronting the SE 14th Street major commercial corridor. The property is just west of the Ewing Park complex.
7. **Applicable Recognized Neighborhood(s):** Bloomfield/Allen Neighborhood and South Park Neighborhood.
8. **Relevant Zoning History:** The eastern portion of the property was recently rezoned by the City Council on October 9, 2006 to from "R1-80" One-Family Residential District to a Limited "R-3" Multiple-Family Residential District with the following restrictions accepted by the property owner.
 - A. Only the following uses of structures and land shall be permitted upon the Property:
 1. Any use allowed in and as restricted in the "R1-80" One-Family Residential District.

2. Multiple-family senior residential housing.
- B. None of the trees over 4 inch in caliper measured one foot above the ground shall be removed from the Property until a tree mitigation plan is approved by the City incident to the approval of a site plan or grading permit.
 - C. Any development of the Property is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.
 - D. Any development of the Property will incorporate conservation design methods for mitigation of storm water runoff from more frequent than two-year storm events.
 - E. Any site plan or platting of the Property for multiple-family residential use shall include a professionally prepared traffic study and access to the subject property shall be based on the traffic study as reviewed and approved by the City Traffic Engineer.
 - F. In the site plan review process, the design and materials for any multiple-family structure built on the Property shall be reviewed by the City for compatibility with the adjoining residential properties.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Community Commercial and Medium Density Residential.
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 submitted preliminary plat identifies five trees over four inches in diameter within the subject property and about five additional trees over four inches in diameter in the fence line shared with properties to the south. There are additional smaller scrub trees located within the fence lines surrounding the property on the north, east and south. The zoning condition for this property prohibits removal of any trees over 4" in diameter until tree mitigation is approved as part of a site plan or grading plan.
2. **Drainage/Grading:** The subject plat does not propose any grading as part of the platting process. The zoning conditions required any development of the property be subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate. Staff believes that this standard also be a condition recorded on the two commercial lots as part of any final plat. Also a zoning condition for the Lot 3 property is that any development will incorporate conservation design methods for mitigation of storm water runoff from more frequent than two-year storm events.
3. **Utilities:** The submitted subdivision plat indicates extension of an 6" public water main and a 8" sanitary sewer main from existing mains located in the SE 14th Street right-of-way. The

mains would be extended to serve both the commercial properties along SE 14th Street and the multiple-family development proposed to the east. All other utilities are generally available to serve all proposed properties.

- 4. Traffic/Street System:** The submitted preliminary plat proposes a common 40' ingress/egress for access to all three proposed lots. This aligns with the median break in SE 14th Street. In addition two 25' access easements are provided for frontage access to existing commercial properties to the north and south along SE 14th Street. The plat also proposes a 14' wide deceleration lane widening to SE 14th Street, to be constructed under contract with the City.

One of the zoning conditions for Lot 3 was that any plat or site plan for the property would include a professionally prepared traffic study and access to the subject property shall be based on the traffic study as reviewed and approved by the City Traffic Engineer. The applicant has submitted a traffic study prepared by Snyder and Associates that is intended to serve both the submitted plat and the future site plan for multiple-family development on Lot 3.

The submitted traffic study concludes with the following recommendations:

- a. Construct a single access driveway for access to Lot 3 prior to the initial phase of the multiple-family development. This should have two traffic lanes with the entrance lane 15' wide at a minimum.
- b. Provision of a right turn deceleration lane on SE 14th Street.
- c. Utilize existing access easements approved for the site with the Dino's Storage and Tasty Tacos commercial properties to the north and south, creating the cross access when commercial development occurs on Lots 1 & 2. Preferable location for a connection to East Diehl Avenue is through the easternmost portion of the Tasty Tacos commercial property to the south. This would reduce conflict with commercial traffic to the Tasty Tacos and put the traffic entering East Diehl Avenue as far away as possible from SE 14th Street.

Traffic and Transportation Engineering staff have reviewed the study and concur with the recommendations except that the south cross access needs to be provided prior to development of Lot 3 for any multiple-family development should that occur before commercial development on Lots 1 or 2. Whenever the single access driveway is installed, the cross access to East Diehl Avenue through the property to the south must be constructed as well. The first two recommendations are being addressed with the submitted preliminary subdivision plat.

Engineering staff in the Permit and Development Center have also indicated that making the connection to East Diehl Avenue through the eastern most portion of the Tasty Taco site would likely interfere with existing storm water detention improvements. Based on this conflict. Traffic and Transportation Engineering staff have indicated that connection to East Diehl Avenue will not present a traffic problem even if the preferred eastern most location identified in the traffic study cannot be achieved due to conflicts with storm water detention.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Chuck Bishop, 3501 104th Street, represented the applicant: Noted the developer had no objections to staff recommendations. There is no anticipation for additional access onto Diehl.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Chuck Bishop: Noted there is nothing proposed on lots 1 and 2, but Lot 3 is the Senior Housing, which is moving forward; a site plan will come forward soon.

David Cupp: Moved staff.

Motion passed 12-0-1 (Brook Rosenberg abstained).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment