

Date May 22, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "HABITAT – E 46TH STREET" **ON PROPERTY LOCATED AT 4320 E. 46TH STREET**

WHEREAS, on April 20, 2023, the City of Des Moines Plan and Zoning Commission voted 11-0 to **APPROVE** a request from Greater Des Moines Habitat of Humanity (owner), represented by Ryan Doyle (officer), for Preliminary Plat "Habitat – E 46th Street" on property located at 4320 E. 46th Street. to allow subdivision and development of approximately 4.2 acres with fifteen (15) residential lots accessible, subject to the condition that a sewer easement be provided within the lots to ensure future development upon the parcel to the south (Parcel #792321278015) could connect to the sanitary sewer within the proposed cul-de-sac; 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.

SECOND BY

FORM APPROVED:

/s/ Chas M. Cahill Chas M. Cahill Assistant City Attorney

(PLAT-2023-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COWNIE					· · · · · · · · · · · · · · · · · · ·
BOESEN					I, LAURA BAUMGARTNER, City Clerk of said
GATTO					City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the
SHEUMAKER					above date, among other proceedings the above
MANDELBAUM					was adopted.
VOSS					IN MUTHERS WHERE SEAL IN THE SEAL
WESTERGAARD					IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first
TOTAL					above written.
MOTION CARRIED			APP	ROVED	
			I	Mayor	City Clerk



May 2, 2023

Communication from the City Plan and Zoning Commission advising that at their April 20, 2023 meeting, the following action was taken regarding a request from Greater Des Moines Habitat for Humanity (owner), represented by Ryan Doyle (officer), regarding property located at 4320 East 46th Street, for the following:

- A) Review and approval of a Preliminary Plat "Habitat E 46th Development" to allow for development of fifteen (15) one-household residential lots.
- B) Review and approval of a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4.A.2 and 135-9.3.1.B, to waive public sidewalk along the east frontage of Lot 15 and Outlot Y, as defined in the above-referenced preliminary plat, where required per City Code Section 135-8.5.2.A. (Withdrawn by Applicant)

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	Х				
Dan Drendel	Х				
Leah Rudolphi	Х				
Carol Maher	Х				
Abby Chungath	Х				
Kayla Berkson	Х				
Chris Draper	Х				
Todd Garner					Х
Johnny Alcivar					X
Justyn Lewis	Х				
Carolyn Jenison	Х				
William Page	Х				
Andrew Lorentzen	Х				
Emily Webb					Х
Katie Gillette					Х

APPROVAL of the Preliminary Plat "Habitat – E 46^{th} Development," subject to the condition that a sewer easement be provided within the lots ensure future development upon the parcel to the south (Parcel #792321278015) could connect to the sanitary sewer within the proposed cul-de-sac.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

A) Staff recommends approval of the Preliminary Plat "Habitat – E 46th Development," subject to the condition that a street stub connection be provided to the parcel to the southwest (Parcel #792321278015).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- **1. Purpose of Request:** The applicant is proposing to subdivide a parcel into fifteen (15) one-household residential lots and two (2) outlots.
- 2. Size of Site: 4.2 acres.
- 3. Existing Zoning (site): "N2b" Neighborhood District.
- 4. Existing Land Use (site): An undeveloped parcel.

5. Adjacent Land Use and Zoning:

North - "MX3" and "N2b"; Uses are an undeveloped parcel and one-household dwelling units.

South - "N2b"; Uses are an undeveloped parcel and one-household dwelling units.

East - "P2"; Uses are a community school and East 46th Street.

West - "MX3" and "N2b"; Uses are commercial and one-household dwelling units.

- 6. General Neighborhood/Area Land Uses: The subject site is located along the west side of East 46th Street just south of the Hubbell Avenue intersection. The East 46th Street corridor contains primarily one-household residential uses, as well as a community school and religious assembly. Undeveloped parcels and one-household residential uses largely define areas adjacent to the corridor in this area of the City.
- 7. Applicable Recognized Neighborhood(s): The subject property is not located within a recognized neighborhood association. All neighborhood associations were notified of the Commission meeting by emailing of the Preliminary Agenda on March 31, 2023 and emailing of the Final Agenda on April 14, 2023. Notifications of the hearing for this specific item were mailed on April 10, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division.

- 8. Relevant Zoning History: None.
- 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.

Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
 - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
 - > Zoning restrictions at the time of the proposal;
- The city's comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, in order to
 ensure that future development and other properties in various areas of the city
 will not be adversely affected;



- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize
 the granting of relief from strict compliance with the regulations of this chapter
 as part of the site plan or alternate design documentation review process when
 specific site features or characteristics of the subject property, including the
 presence of existing buildings, creates conditions that make strict compliance
 with applicable regulations impractical or undesirable. The design alternative
 provisions are also intended to recognize that alternative design solutions may
 result in equal or better implementation of the regulation's intended purpose and
 greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - > An evaluation of the character of the surrounding neighborhood, such as:
 - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
- For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
 - The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
 - Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;

Development Services • (515) 283-4182 • DSM.city/development

- Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
- Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
- Other factors determined relevant by the Development Services director, Plan and Zoning commission, or City Council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

 Site Conditions and Layout: The subject property is a mix of wooded and scrub areas that are in an undeveloped condition. The site's stormwater management detention basin would be located in the northwest corner of the site to take advantage of the site's topography. Sanitary sewer service is currently proposed to be extended from the north along East 46th Street to the proposed development. The adjacent 2.863-acre parcel to the southwest is also in an undeveloped condition.

Planning, Traffic and Transportation, as well as Fire Department staff support through streets over cul-de-sacs for street connectivity and eliminating potential complications for emergency vehicle access. Additionally, public access to the school should be considered when evaluating future development potential of the adjacent undeveloped parcel of land and its connection to the surrounding neighborhood.

Allowing the currently proposed development concept would eliminate the potential connectivity to the adjacent undeveloped parcel to the southwest. Additionally, as sanitary sewer is being extended from the north for the proposed development, extending further access to the adjacent undeveloped parcel would likely be preferable over extending sanitary sewer access from Hubbell Avenue to the west. As stated within both PlanDSM and the Planning and Design Ordinance, site development should be pursued in a thoughtful manner that considers future land uses and encourages infill-style development patterns.

Staff supports the preliminary plat with the condition that a street stub connection be provided to the undeveloped parcel to the southwest to promote infill-style development and connectivity with the surrounding neighborhood.

2. Building Design: The site is zoned "N2b" Neighborhood District. Any future house must be built in accordance with the standards for the House Type A building typology pursuant to Chapter 135 of the City Code.

SUMMARY OF DISCUSSION

Shawna Beron presented staff report and recommendation.

Carol Maher asked where the stubbed street would be located.

<u>Shawna Beron</u> showed that the recommended stub would extend from the proposed culde-sac to the undeveloped lot immediately south of the subject property. <u>Bert Drost</u> stated if the stubbed street would provide access to allow the undeveloped land to be developed and would also create a sidewalk connection to Delaware Elementary School.

<u>Chris Draper</u> asked if the topography along the northwest would prevent the full 15 lots if the stub were provided.

<u>Shawna Beron</u> stated that the northwest corner of the site is where they're proposing their storm water detention basin.

Chris Draper clarified the stubbed street would remove one lot from the proposed plan.

Bert Drost stated it would likely eliminate "lot 5" shown on the proposed plat.

<u>Abby Chungath</u> asked if a stubbed street would make it harder for emergency vehicles to turn around.

<u>Shawna Beron</u> stated in conversation with the fire department, they would prefer more ways to turn around.

Abby Chungath asked if a fire truck was able to turn around within a cul-de-sac.

Shawn Beron stated yes.

Chris Draper asked if a through street could be constructed north to Hubbell Avenue.

Shawna Beron stated they haven't had conversation with that property owner.

Lance Henning, Habitat for Humanity, 2200 E. Euclid Avenue, stated the proposed development would follow the general program with homeowners receiving education and financing through Habitat for Humanity. These houses would be built slab-on-grade with the provision of a garage. He also reminded the Commission that this property was in front of the Commission back in 2019, where they approved the use of a cul-de-sac. They would need to develop all 15 lots as there are financial challenges due to the cost of bringing sewer and water into the development. The south parcel is accessible from East 44th Street and Habitat would be willing to provide an easement for sewer connectivity.

Carol Maher asked if they considered multi-family residential.

<u>Lance Henning</u> stated they have not considered higher density. They are building to what the zoning allows and the context of the neighborhood being single-family residential.

<u>Chris Draper</u> asked if the topography hinders the detention basin being placed on the southwest side of the development.

<u>Tim West</u>, Snyder and Associates, 2727 SW Snyder Blvd, Ankeny, IA. stated that the lowest portion of the property is in the northwest corner and that they're required to follow ISWIM guidelines set by Iowa Storm Water Management.

CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Robert Livers</u>, 2346 E. 29th Street, stated he owns the property north of this development and has concerns with additional storm water runoff, privacy, and trespassing.

<u>Kirk Whitlach</u>, 4360 E 46th Street, stated he shares concerns with storm water runoff and wants to know if the utility access will come through his property.

<u>Bert Drost</u> stated the utilities would be constructed within right-of-way and that the city engineering department has approved the storm water management plan for this development.

Marvin Cole, 4350 E. 46th Street, noted concerns of the proposed house size and no basements.

<u>Bert Drost</u> stated the previous owner was in the rezoning phase when it came before the commission in early 2019. Since the previous request was before the form-based code was adopted, City staff recommended minimum house sizes. Now that the property is zoned N2b, there are minimum house size requirements in Chapter 135 of the city Code.

<u>Jose Alvarez</u>, 4300 E. 46th Street, stated he has concerns about the size of homes being proposed and potentially devaluing his property. He would like to know what mitigation plan is in place for trees being removed.

<u>Ryan Doyle</u>, Habitat for Humanity, 2200 E. Euclid Avenue, stated the storm water management that is proposed would mitigate any adverse effects to the surrounding area. They will be working with City staff to identify exact square footages and making sure the homes fit into the character of the surrounding neighborhood.

Abby Chungath asked Mr. Doyle to address their tree mitigation plan.

Ryan Doyle stated they will be compliant with the city's tree mitigation requirements.

<u>Leah Rudolphi</u> asked if they are required to detain all storm water from the site so there is no net impact to surrounding properties.

Tim West stated they're required to bring the stie back to predeveloped release rates.

CHAIRPERSON CLOSED THE PUBLIC HEARING

<u>Chris Draper</u> stated he wouldn't be in favor of the stubbed street as it would create more problems.

COMMISSION ACTION:

<u>Carolyn Jenison</u> made a motion for approval of the Preliminary Plat "Habitat – E 46^{th} Development," subject to the condition that a sewer easement be provided within the lots ensure future development upon the parcel to the south (Parcel #792321278015) could connect to the sanitary sewer within the proposed cul-de-sac.

Motion passed: 11-0



Respectfully submitted,

But Dut

Bert Drost, AICP Planning & Urban Design Administrator

BAD:tjh

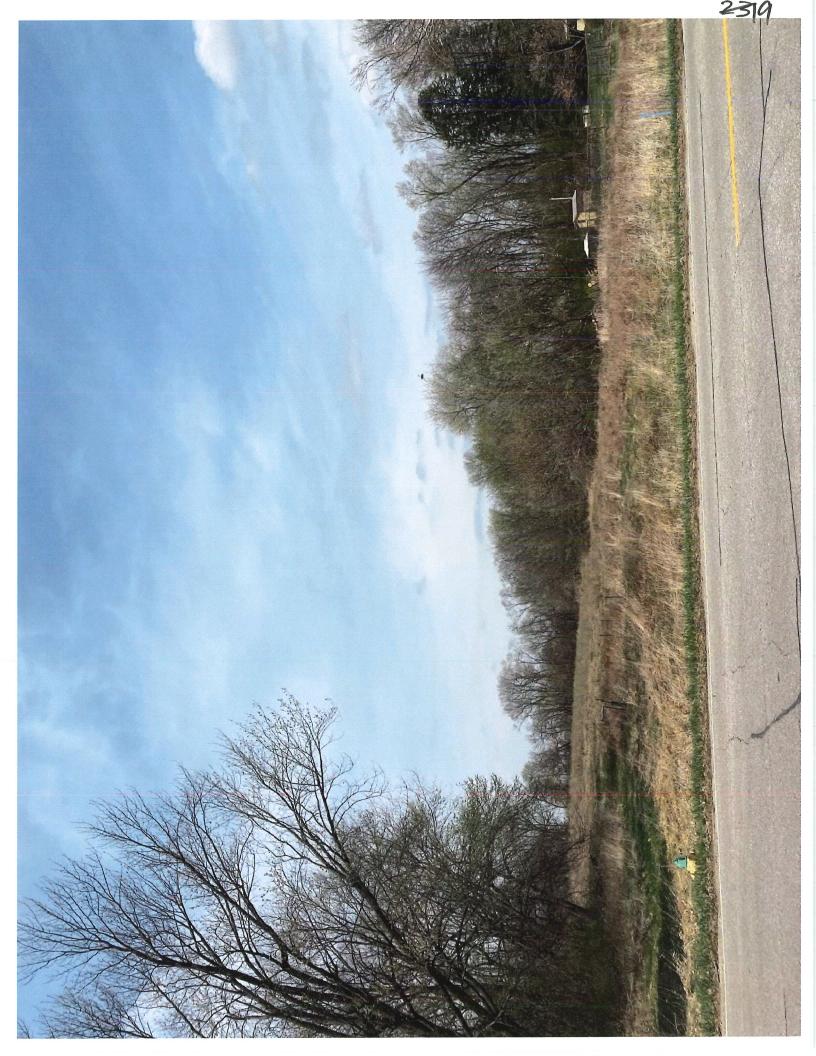


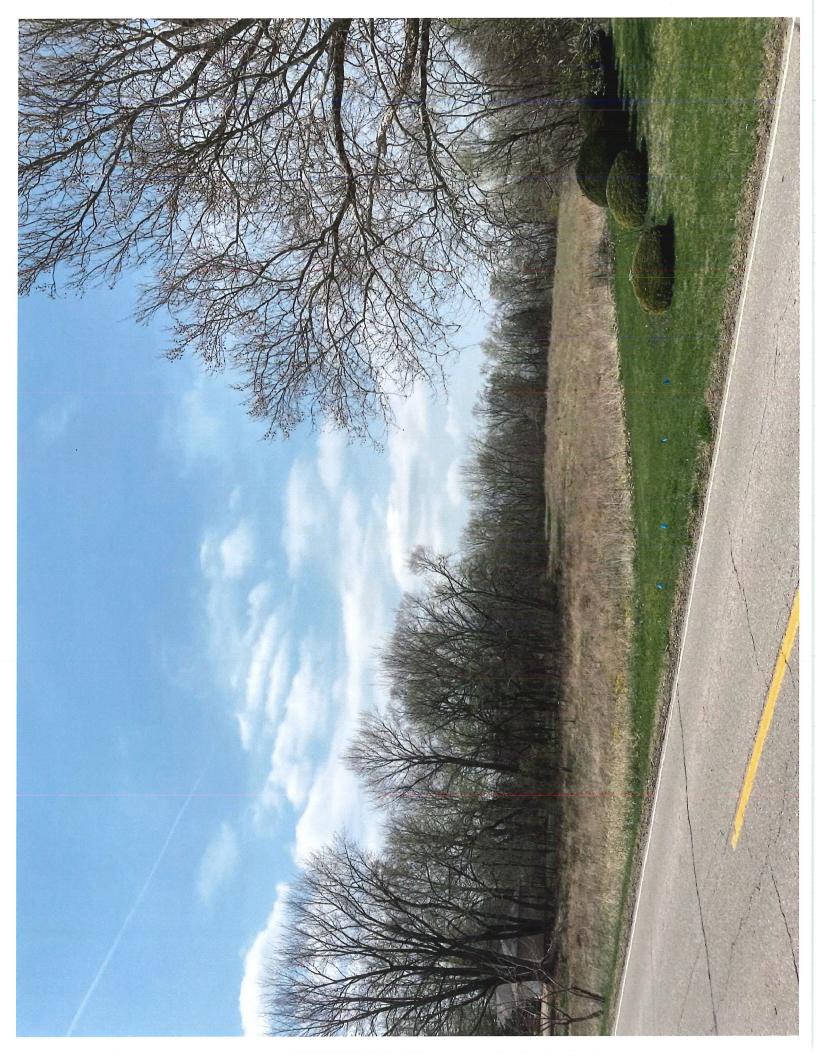
Greater Des Moines Habitat for Humanity, 4320 East 46th Street

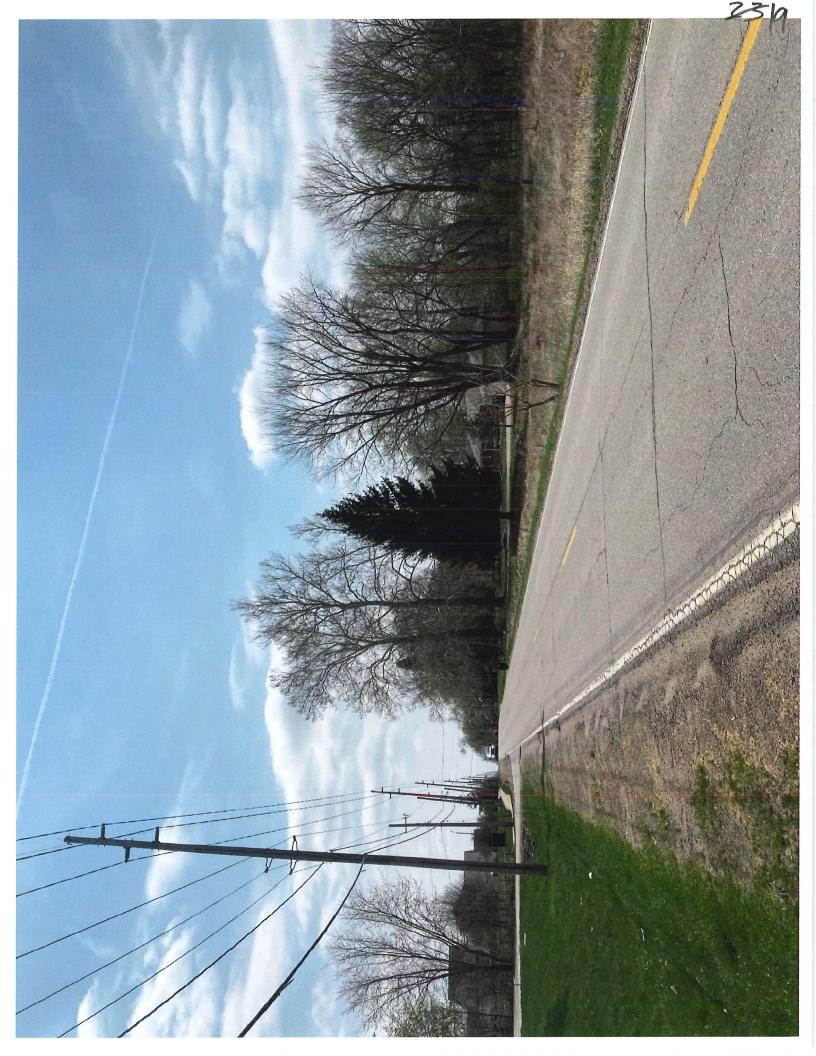
PLAT-2023-000005

19

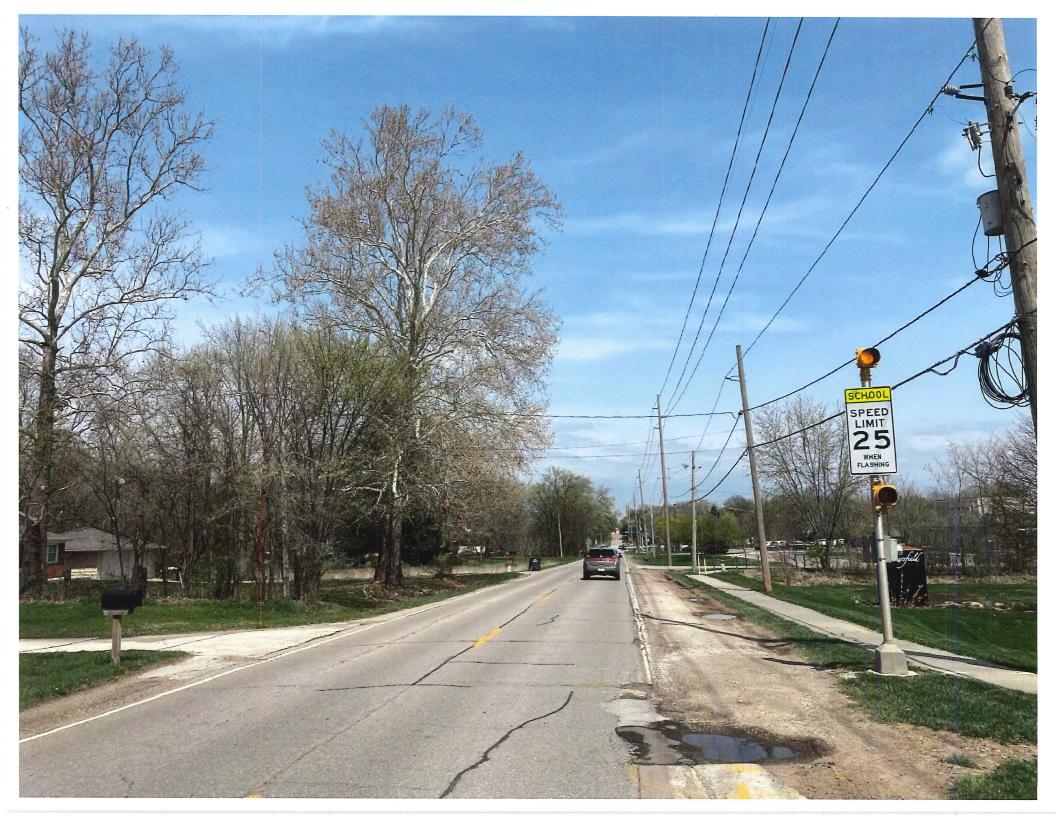








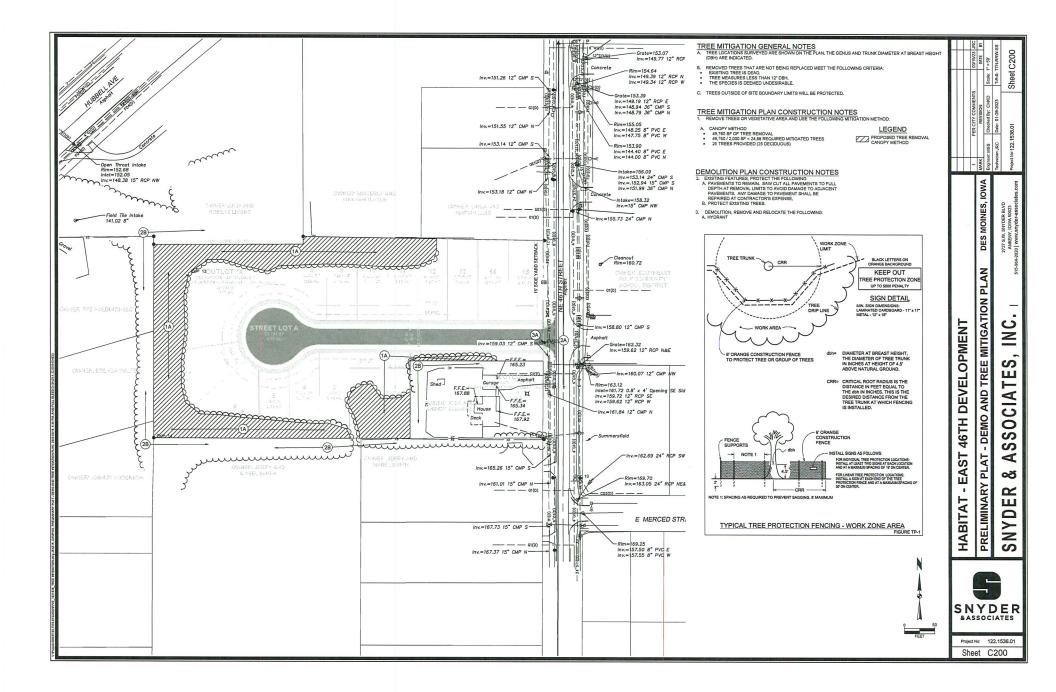


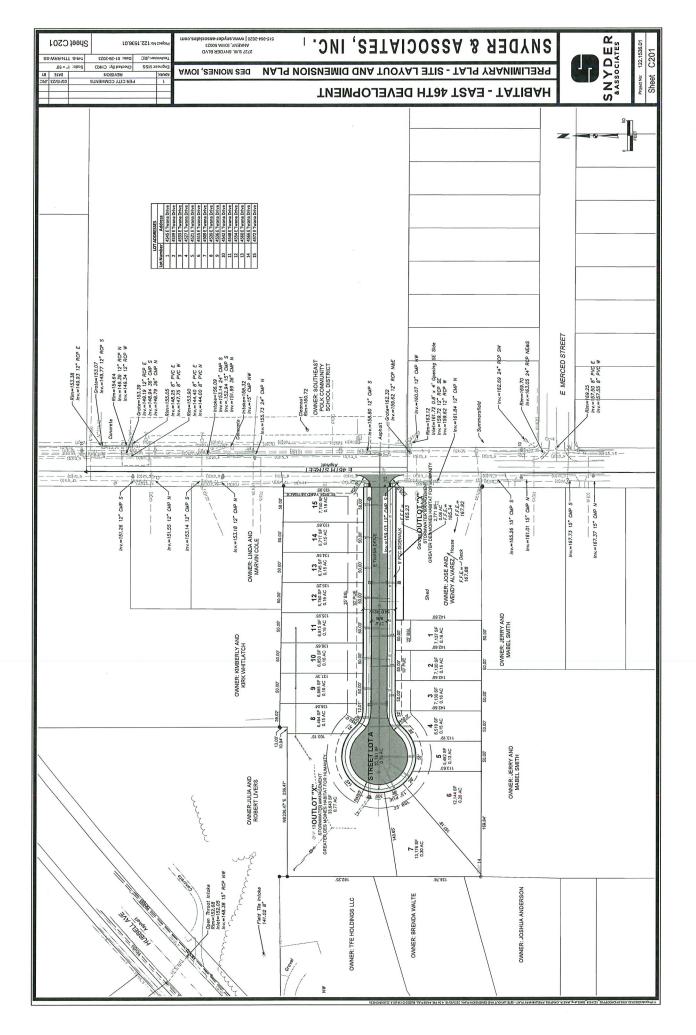


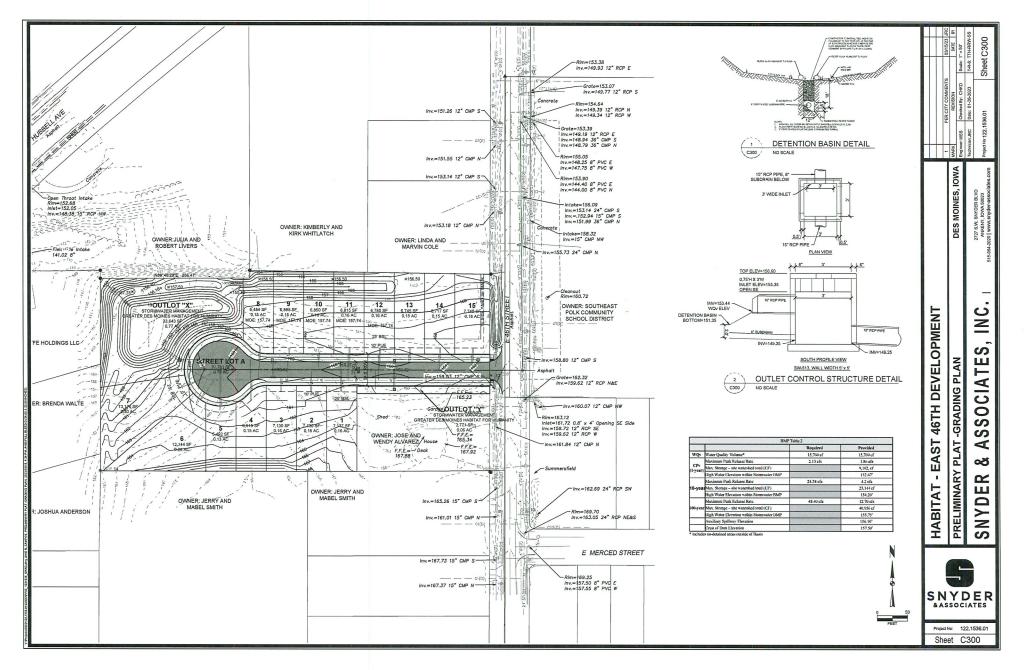




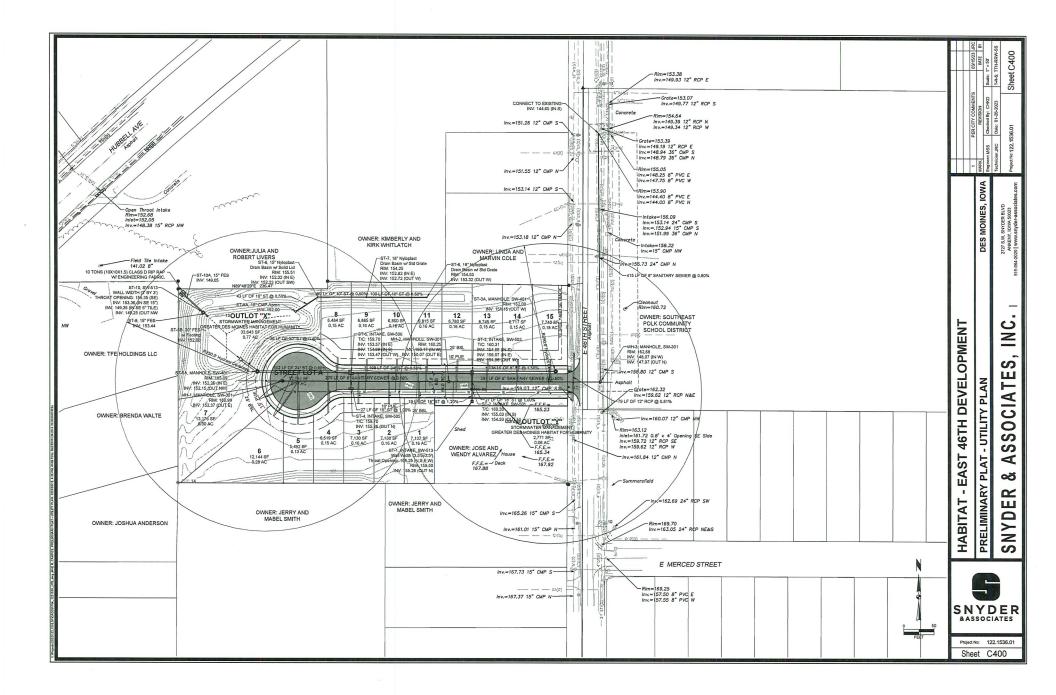
			73
HABITA	PRELIMINARY PLAT - 2023 FOR T - EAST 46TH DEVELO CITY OF DES MOINES, IOWA	PMENT	I PERCTY COMMENTS ONTE IC 1 PERCTY COMMENTS ONTE IC IC 0 Mathematical Comments IC IC IC 0 Mathematical Comments Comments IC
Index of Sheets C100 PRELIMINARY PLAT- TITLE SHEET C200 PRELIMINARY PLAT- TITLE SHEET C200 PRELIMINARY PLAT- STEL ANOUT AND DIMENSION PLAN C201 PRELIMINARY PLAT- STEL LAYOUT AND DIMENSION PLAN C300 PRELIMINARY PLAT- GRADING PLAN C400 PRELIMINARY PLAT- GRADING PLAN C400 PRELIMINARY PLAT- PLANTING PLAN C500 PRELIMINARY PLAT- PLANTING PLAN	<image/>	<section-header><section-header><section-header><section-header><section-header><text><text><section-header><text><text><text><text><text></text></text></text></text></text></section-header></text></text></section-header></section-header></section-header></section-header></section-header>	HABITAT - EAST 46TH DEVELOPMENT PRELIMINARY PLAT - TITLE SHEET DES MOINES, IOWA SNYDER & ASSOCIATES, INC. 1 Stream
OF NE 44TH STREET, IAS SHOWN ON SURVEY) CP3 IS 457134 77 1437124872 CP3 IS 45714 77 1437124872 CP3 IS 457124 CP3 IS 457124 CP3 IS 457124 CP3 IS 45712 CP3 IS 4571 CP3 IS 4571 CP3 IS 4571 CP3 IS 4571 CP3 IS 457 CP3 CP3 IS 457 CP3 CP3 IS 457 CP3 CP3 CP3 IS 457 CP3	Hashy carify that the portion of this bichrical admittation described between specified by a charge of the bichrical schematics of the bichric	I haveby certify that this argineeing document was prepared by me or under my document by me or under my direct decision of the sector of the	Project Mrs. 122.1536.01 Sheet C100

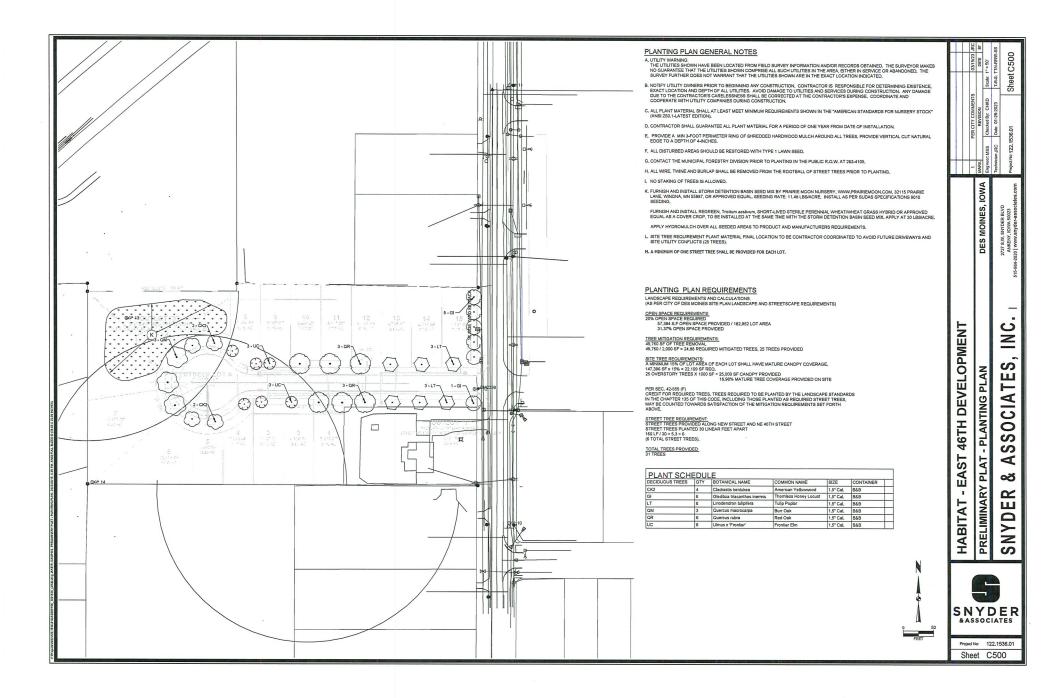






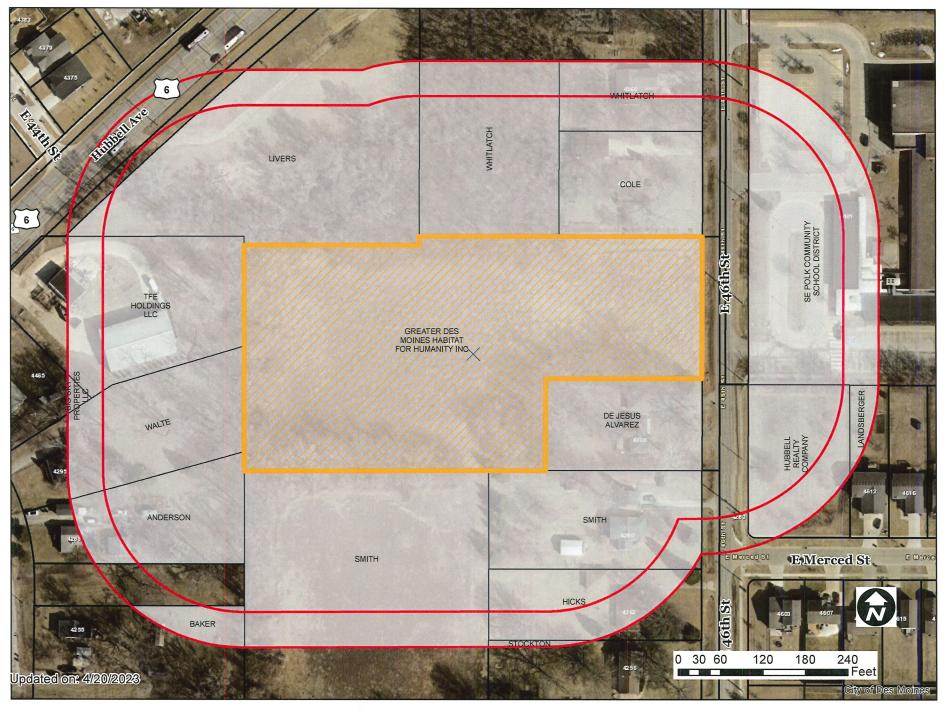
.





Greater Des Moines Habitat for Humanity, 4320 East 46th Street

PLAT-2023-000005



1 inch = 131 feet