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**CITY COUNCIL
COMMUNICATION:**

ITEM _____

01-163

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

AGENDA:

APRIL 2, 2001

SUBJECT:

TEMPORARY
MORATORIUM-FOUR
MILE CREEK BASIN

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

JAMES GRANT
COMMUNITY
DEVELOPMENT
DIRECTOR

SYNOPSIS -

Requesting to continue a moratorium that will expire on April 2, 2001, for an area along a tributary to the Four Mile Creek Basin: west of East 38th Street, east of Four Mile Creek, north of Easton Boulevard, and south of Hull Avenue. The original moratorium was to permit the study of this area and enable the orderly consideration of amendments to the flood plain and floodway boundaries in this area. This study has been completed (copy attached to the roll call) and has identified boundaries of this drainage area. The Planning Commission sponsored a neighborhood meeting on flooding issues and will be drafting regulations to address development on flood prone areas for Council's consideration in May. The continuation of this moratorium will restrict development until June 18, 2001, for only the properties within the boundaries of the established drainage area. During this moratorium period, the City's Flood Plain Development Regulations and Zoning Ordinance are intended to be amended to reflect the areas identified in this study.

FISCAL IMPACT -

None.

RECOMMENDATION -

Approval.

BACKGROUND -

On July 10, 2000, the City Council imposed a temporary moratorium on construction for the area west of East 38th Street, east of Four Mile Creek, north of Easton Boulevard, and south of Hull Avenue to cease improvements in this area until such time as a study is completed to determine the floodplain and floodway elevations in this area. The moratorium was extended on January 8,

2001 to April 2, 2001, and needs to be continued until June in order to allow sufficient time to draft new ordinances for the flood prone area identified in the study.

The study was completed by Snyder and Associates on December 22, 2000. This study identified a 100 year flood plain boundary created by the tributary served by Four Mile Creek adjacent to Sheridan Avenue. This drainage basin is located in the eastern part of Des Moines generally bound by Douglas Avenue on the north, 42nd Street on the east, Sheridan Avenue on south, and Four Mile Creek on the west. The Planning Commission hosted a neighborhood meeting on March 27, 2001, for those property owners affected by the drainage study. Approximately 33 residents attended and discussed flooding issues, maintenance concerns, and potential improvements. This basin is approximately 337 acres.

The Planning Commission will review the comments from the meeting and draft an overlay district to address development in flood prone areas for Council's consideration in May.

During this moratorium period, no building permits will be issued for the construction of new buildings or for the reconstruction or repair of any existing building damaged by any means to an extent greater than 50 percent of its replacement costs, within the portion of the area west of East 38th Street, east of Four Mile Creek, north of Easton Boulevard, and south of Hull Avenue (which is designated on Figure 5, attached to the roll call, as the 100 Year Flood Plain) except as provided below.

The Community Development Director may grant an exception from this moratorium and issue a building permit for improvements to property which is determined by the Community Development Director, with the concurrence of the City Engineer or his designee, to be elevated above the 100 year flood elevation estimated by the most recent studies.

Any party may, by written application to the City Clerk, request relief from the affect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be considered by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is

necessary to remedy such unnecessary hardship.

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