

COUNCIL COMMUNICATION

	Number:	20-017	Meeting:	January 13, 2020
	Agenda Item:	57	Roll Call:	20-0107
	Submitted by:	Chris Johansen, Community Development Director		

AGENDA HEADING:

Request from Coluzzi Construction, LLC (owner) represented by Mitch Coluzzi (officer) for an appeal of the administrative denial and Plan and Zoning Commission’s denial of a Plat of Survey submitted for property in the 5600 block of Southeast 27th Street, currently described as Outlot Y in Prairie Hills Des Moines Plat No. 1.

SYNOPSIS:

City staff administratively denied the plat of survey and the applicant appealed to the Plan and Zoning Commission. On December 5, 2019 the Plan and Zoning Commission considered the applicant’s appeal and upheld the administrative denial by a vote of 9-0. The applicant has now appealed the decisions to the City Council. Staff recommends denial of the appeal.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On January 17, 2008, the Plan and Zoning Commission approved a Preliminary Plat for “Prairie Hills Des Moines”. This Preliminary Plat showed the subject property as being subdivided for 20 single-family lots on a street system with Southeast 27th Street running north/south through the western portion of the property and an east/west street extending east from Southeast 27th Street stubbing to the east property line.
- A Final Plat for Prairie Hills Des Moines Plat 1 was approved by the City Council on August 11, 2008 in accordance with the approved Preliminary Plat. The subject property was designated as Outlot Y on the Final Plat for future development. A separate Final Plat for the area contained within Outlot Y that complies with the approved Preliminary Plat for Prairie Hills Des Moines was anticipated prior to any future development.
- On April 16, 2019, Mr. Coluzzi participated in a pre-application meeting held at his request during which he proposed developing this parcel as a “single-family subdivision with 65-foot wide lots.” Because the property was zoned R1-80 (minimum 80-foot lot width) and his proposed layout varied from the approved preliminary plat, he was informed at the pre-application meeting that he would need to submit a rezoning application and a new preliminary plat for his proposed design, in items four (4) and five (5) of the Pre-Application Conference Site Plan Conference Minutes.

- A deed for the subject property from Prairie Hills at Des Moines LLC to Coluzzi Construction was also executed on April 16, 2019 and recorded on May 10, 2019.
- On October 9, 2019 Mr. Coluzzi submitted the proposed Plat of Survey, which would eliminate Mr. Coluzzi's responsibility to construct public improvements that were specified on the Preliminary Plat for Prairie Hills Des Moines, including but not limited to Southeast 27th Street running north/south through the western portion of the property and an east/west street extending east from Southeast 27th Street stubbing to the east property line. The Permit and Development Coordinator in concurrence with the Planning Director and City Engineer reviewed the submitted Plat of Survey under the provisions of Section 106-132 of the City Code. The determination was made that the Plat of Survey did not conform with the intent for provision of appropriate block design and lot design with all necessary public improvements in place. The Plat of Survey was administratively denied on October 24, 2019. Mr. Coluzzi then appealed the administrative denial of the Plat of Survey to the Plan and Zoning Commission.
- During the Plan and Zoning Commission hearing held on December 5, 2019, Mitch Coluzzi, as officer for Coluzzi Construction, LLC stated that he purchased Outlot Y in Prairie Hills Des Moines Plat No. 1 with the intent of constructing one (1) single-family dwelling for his parents and other generations to come. The Plan and Zoning Commission considered the applicant's appeal and upheld the administrative denial of the Plat of Survey by a vote of 9-0.
- The following documents are attached for City Council's reference:
 - A letter from the Planning Administrator containing the staff report to the Plan and Zoning Commission, summary of the hearing and action by the Plan and Zoning Commission on December 5, 2019.
 - A copy of the Plat of Survey submitted by Mr. Coluzzi, which has been denied by Plan and Zoning and staff.
 - A copy of the conditionally approved Preliminary Plat of Prairie Hills Des Moines.
 - A copy of the approved Final Plat of Prairie Hills Des Moines Plat No. 1.
 - The April 16, 2019 pre-application request from Mr. Coluzzi.
 - The April 16, 2019 pre-application meeting minutes.

PREVIOUS COUNCIL ACTION(S):

Date: August 11, 2008

Roll Call Number: [08-1413](#)

Action: [Approving](#) final subdivision plat entitled Prairie Hills of Des Moines Plat 1 located at 2680 E. Payton Avenue. ([Council Communication No. 08-470](#)). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: December 5, 2019

Resolution Number: 13-2020-1.21

Action: Decision to uphold the administrative denial of the Plat of Survey by a vote of 9-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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