

COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	22-339	Meeting:	July 18, 2022
	Agenda Item:	19	Roll Call:	22-1132
	Submitted by:	Erin Olson-Douglas, Development Services Department Director		

AGENDA HEADING:

Conditionally approving Via Three35 Final Plat and acceptance of easements and subdivision bond.

SYNOPSIS:

Recommend conditional approval of the final plat for Via Three35, located in the vicinity of 335 Forest Avenue, subject to acceptance of final legal documents by the City Legal Department, and recommend acceptance of the required easements and subdivision improvement bond necessary for the development. The owner and developer of the property is Galway Homes, represented by Jim Postma, 1244 41st Street, Des Moines, IA, 50311.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Via Three35 Final Plat is located in the vicinity of 335 Forest Avenue and comprises approximately 2.59 acres of property that is zoned Legacy Planned Unit Development (PUD) District.
- The final plat for Via Three35 consists of 24 lots to be developed for townhome units and four (4) outlots for common spaces. The townhome development includes four (4) new buildings, including two (2) buildings comprised of eight (8) units each and two (2) buildings comprised of four (4) units each. Each unit is proposed to be platted as its own lot. The development will comply with zoning regulations of the PUD zoning district and PUD conceptual plan.
- Subdivision improvement bond number NIA 4273 in the amount of \$30,456 from Merchants Bonding Company has been provided as surety for the required public improvements, which include grading, erosion control, and sidewalk.
- This plat is recommended for conditional approval to allow additional time for the receipt of revised legal documents to the satisfaction of the City Legal Department. The conditional approval is valid for a period of 30 days, upon which time reaffirmation of the approval would be required prior to recording the plat.



PREVIOUS COUNCIL ACTION(S):

Date: May 10, 2021

Roll Call Number: [21-0677](#)

Action: Approving Private Construction Contract between the following:

- (A) [Gator](#) Excavating, Inc. d/b/a Absolute Infrastructure and Galway Homes, Inc. for sanitary sewer improvements to serve 335 Forest Avenue. Moved by Gatto to adopt. Motion Carried 7-0.

Date: December 18, 2017

Roll Call Number: [17-2187](#), [17-2188](#), and [17-2189](#)

Action: [On](#) vacation of north-south and east-west alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street and conveyance of portions of the vacated alleys to Galway Homes, Inc., \$275, Zachary A. Powell, \$25, and Layla Kimmel, \$25. ([Council Communication No. 17-859](#)) Moved by Gray to adopt. Motion Carried 7-0.

- (A) [First](#) consideration of ordinance above. Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

- (B) [Final](#) consideration of ordinance above (waiver requested by Galway Homes, Inc.), requires six votes. Moved by Gray that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,637](#). Motion Carried 7-0.

Date: November 21, 2016

Roll Call Number: [16-2032](#), [16-2033](#), [16-2034](#), and [16-2035](#)

Action: Items regarding 335 Forest Avenue and 1427 Arlington Avenue:

- (A) [Request](#) from Galway Homes Inc. to amend the PlanDSM Creating Our Tomorrow Plan future land use designation from Low-Density Residential within a Community Node to Low/Medium-Density Residential within a Community Node, to allow for demolition of an existing one-story 6-unit multiple-family dwelling and redevelopment with up to 24 units within six 3-story row townhomes served by a private drive accessing both Forest Avenue and Orchard Avenue. Moved by Gray to approve the proposed amendment. Motion Carried 7-0.
- (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the Viathree35 PUD Conceptual Plan. Moved by Gray to adopt. Motion Carried 7-0.
- (C) [First](#) consideration of ordinance above. Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. Moved by Gray that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,539](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: May 16, 2019

Resolution Number: 13-2019-1.49

Action: Approval of the submitted Via Three35 Preliminary Plat subject to conditions. THE VOTE: 9-0.

Board: Plan and Zoning Commission

Date: October 5, 2017

Resolution Number: 11-2017-1.12

Action: Approval of the request to vacate the north/south and east/west portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, subject to conditions. THE VOTE: 11-0.

Board: Plan and Zoning Commission

Date: October 20, 2016

Resolution Number: ZON2016-00179

Action: Approval of Part A) the proposed rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan future land use designation, approval of Part B) to amend the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential within a Community Node to Low/Medium Density Residential within a Community Node, approval of Part C) to rezone the property from “R1-60” District to “PUD” Planned Unit Development and approval of Part D) the proposed PUD Conceptual Plan subject to conditions. THE VOTE: 12-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

- Release or reduction of required Subdivision Bond

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