

★ **Roll Call Number**

Agenda Item Number

.....
January 7, 2008

Date

_____ 16 _____

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held December 20, 2007, the members voted 12-0 in support of a motion to **APPROVE** the request from Art Cunningham (owner) for approval of a preliminary subdivision plat for "Chandler's Acres" located at 4080 NE 47th Street in unincorporated Polk County, within the two mile jurisdiction for extraterritorial review by the City, subject to compliance with all administrative review comments of the City's Permit and Development Center; to allow the division of the subject property into two lots for single-family residential use served by private sanitary waste disposal systems.

MOVED by _____ to receive and file.

FORM APPROVED:

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

Roger K. Brown
Assistant City Attorney

(13-2008-1.26)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

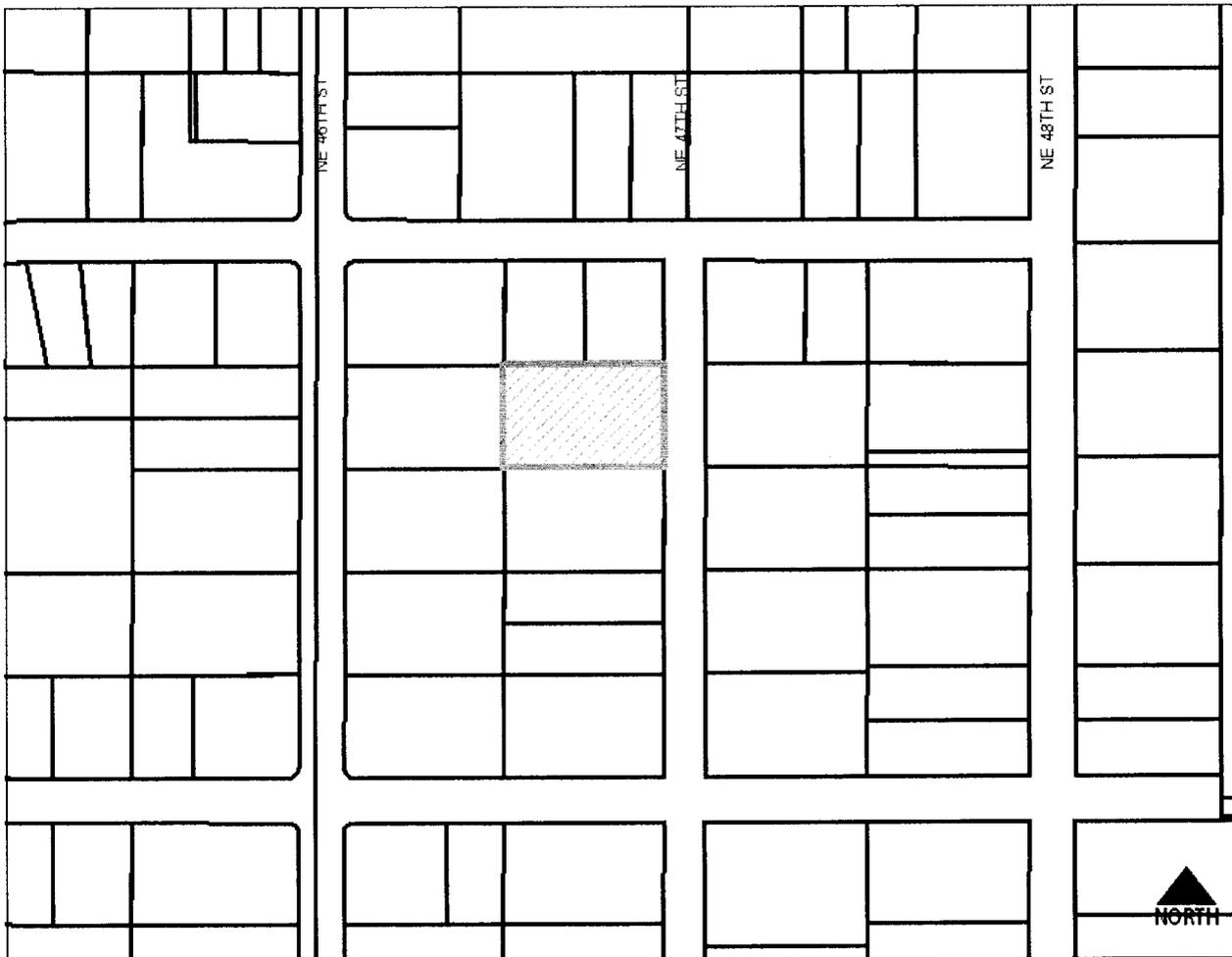
City Clerk

16

Request from Art Cunningham (owner) for review and approval of a preliminary subdivision plat for "Chandler's Acres" located at 4080 NE 47 th Street in unincorporated Polk County, within the two mile jurisdiction for extraterritorial review by the City.				File #	
				13-2008-1.26	
Description of Action	Review and approval of "Chandler's Acres" preliminary subdivision plat to allow the division of the subject property into two lots for single-family residential use served by private sanitary waste disposal systems.				
2020 Community Character Plan	Not In Plan (Located In Polk County)				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	Polk County Zoning				
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	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Chandler's Acres - Preliminary Plat - 4080 NE 47th Street

13-2008-1.26



Date _____
 Agenda Item 16
 Roll Call # _____

January 7, 2008

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 December 20, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern				X
Tim Urban	X			
Marc Wallace	X			

in support of a motion to **APPROVE** the request from Art Cunningham (owner) for approval of a preliminary subdivision plat "Chandler's Acres" located at 4080 NE 47th Street in unincorporated Polk County, within the two mile jurisdiction for extraterritorial review by the City subject to compliance with all administrative review comments of the City's Permit and Development Center; to allow the division of the subject property into two lots for single-family residential use served by private sanitary waste disposal systems. (13-2008-1.26)

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested preliminary subdivision plat subject to compliance with all administrative review comments of the City's Permit and Development Center.



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

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to divide the property into two lots for single-family residential development. Lot 1 would generally measure 75' x 231' (17,322 square feet) and include an existing single-family dwelling and a detached garage. Lot 2 would generally measure 75' x 231' (17,329 square feet) and be used for a new single-family dwelling. The Polk County Zoning Commission and Polk County Board of Supervisors must also approve the plat.
2. **Size of Site:** 150' x 231' or 34,651 square feet (0.80 acre).
3. **Existing Zoning (site):** "LDR" Low-Density Residential District. (Polk County)
4. **Existing Land Use (site):** Single-family residential.
5. **Adjacent Land Use and Zoning:**
 - North* – "SE" (Polk County), Use is single-family residential.
 - South* – "SE" (Polk County), Use is single-family residential.
 - East* – "SE" (Polk County), Uses are NE 47th Street and single-family residential.
 - West* – "SE" (Polk County), Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located in a low-density residential area in an area of unincorporated Polk County recognized as Capitol Heights.
7. **Relevant Zoning History:** N/A.
8. **2020 Community Character Land Use Plan Designation:** A designation has not been established for the area known as Capitol Heights.
9. **Applicable Regulations:** The Commission reviews all preliminary subdivision plats within the two-mile jurisdiction of subdivision review for the City of Des Moines. 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. **Utilities:** Polk County has indicated that this plat is not in an urban service area and no date has been set for providing sanitary sewer service to the area. The closest sanitary sewer is approximately 700 feet to the north of the subject property and within the City of Des Moines' corporate boundaries. The subject property cannot connect to this sewer until such time that it

is annexed to the City. Therefore the properties must be served by private septic systems. The proposed lot areas satisfy Polk County's minimum required 15,000 square feet of lot area necessary to allow a private septic system in the Low-Density Residential District. The single-family dwelling on Lot 1 has an existing sewage disposal system and the proposed plat designates a 40-foot by 60-foot portion of Lot 2 for a new septic system.

- 2. **Access/Parking:** There is no future street network expected to impact the subject property. The two lots in the proposed preliminary plat would each have frontage on NE 47th Street.
- 3. **Additional Information:** The subject property is located in an area that was originally platted as a rural subdivision with 150-foot-wide lots. An analysis of the surrounding area found that approximately 40% (26 of 64) of the originally platted lots have been divided into two or more parcels.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Brian Millard: Moved approval of the requested preliminary subdivision plat subject to compliance with all administrative review comments of the City's Permit and Development Center.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

December 20th, 2007

Vince Piagentini
Associated Engineering Company of Iowa
2917 MLK Jr. Parkway
Des Moines, IA 50131

RE: Chandler's Acres, Preliminary Plat
13-08-1.26

Dear Vince:

We have reviewed the first (1st) submittal of the preliminary plat for Chandler's Acres, in unincorporated Polk County and have determined that the following conditions must be satisfied before preliminary plat review can be placed on the Plan & Zoning Commission Agenda.

Engineering

1. Surveyor/Engineer Certification—Preliminary plats in Des Moines are also required to be certified by an engineer licensed in Iowa.
2. Existing Contours—Shown. On preliminary plats within the City of Des Moines we require the reference benchmark to be listed.
3. Proposed Contours—On preliminary plats within the City of Des Moines we require the reference benchmark to be listed.
4. Subsurface Features—Check with Polk County. In the City of Des Moines neither lot 1 (area 17,322 square feet or 0.398 acres), lot 2 (area 17,329 square feet or 0.398 acres) nor the entire plat (34,651 square feet or 0.796 acres) would comply with the requirements of the Municipal Code Section 106-132 Platting of land (3) Lot design " g. Any lot not served by a sanitary sewer shall have a lot area of not less than one acre."

Planning

5. Dimension the R.O.W. of NE 47th Street, adjacent to the plat.
6. Show the assigned (by Polk County) address for Lot 2.
7. In conformance with the City of Des Moines Subdivision Ordinance, identify all trees on site 6" caliper or larger.
8. This item is slated to appear on the January 17th, 2008 Plan and Zoning Commission agenda.



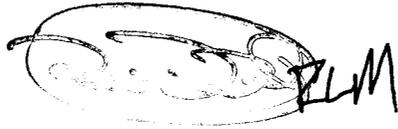
PERMIT AND
DEVELOPMENT CENTER
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4200

ALL-AMERICA CITY
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2003

Please submit two (2) review copies of the revised plat satisfying the above listed items. Failure to resubmit such amended plat within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact Ryan Moffatt @ **283-4975** or email him @ **rlmoffatt@dmgov.org**.

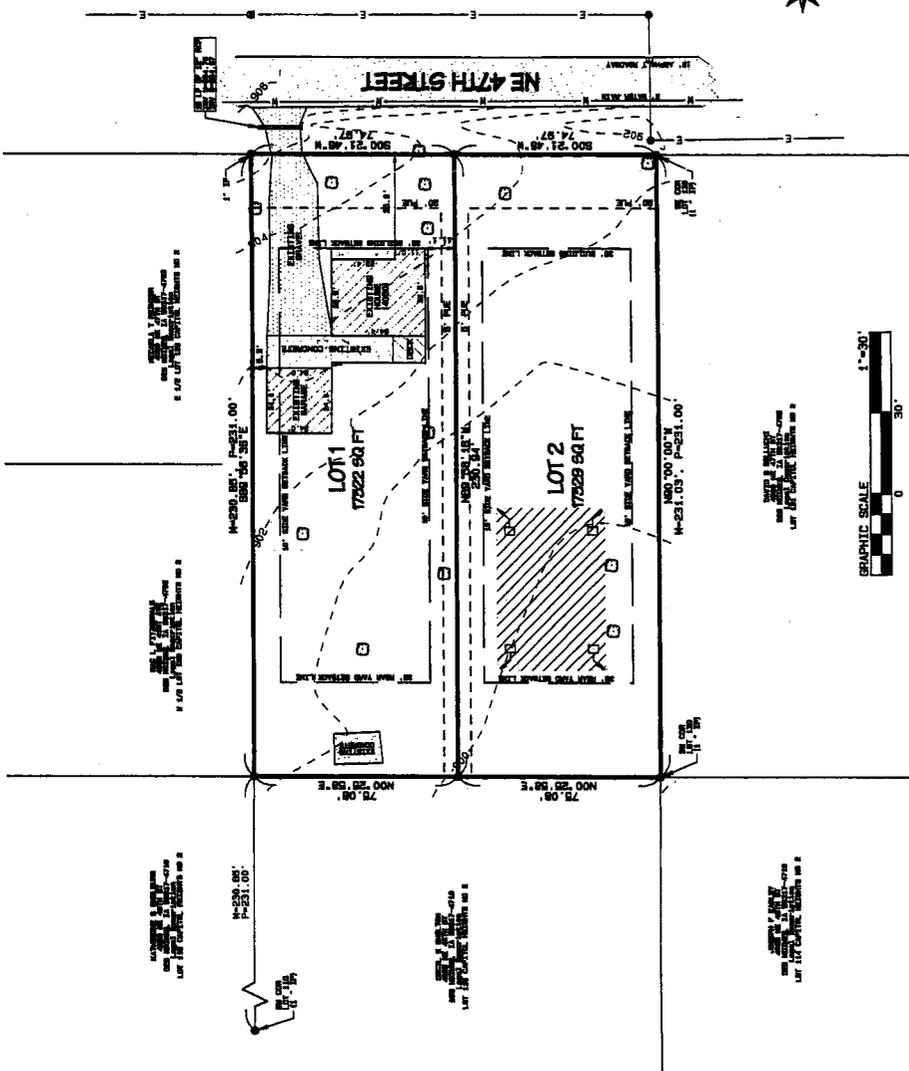
Sincerely,

A handwritten signature in black ink, appearing to read "P. Delafield", written over a faint circular stamp or seal.

Phillip Delafield
Permit and Development Administrator

CHANDLER'S ACRES - PRELIMINARY PLAT

OWNER/DEVELOPER: Art Cunningham
 3688 NE 44th Dr., Des Moines, IA 50317
 Phone: (515) 286-5785
 ADDRESS OF SURVEY: 4080 NE 47th St., Des Moines, IA

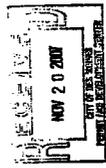
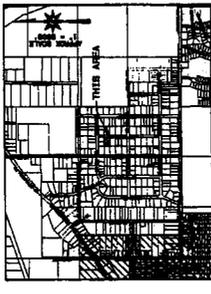


LEGAL DESCRIPTION:
 LOT 150, CAPITAL HEIGHTS NO. 2, AN OFFICIAL PLAT, NOW INCLUDED
 IN AND FORMING A PART OF POLK COUNTY, IOWA

ZONING:
 LOW DENSITY RESIDENTIAL (LDR)
 MIN. SETBACKS: 35'
 FRONT: 40'
 SIDE: 40'
 REAR: 50'

- GENERAL NOTES:**
1. POST DEVELOPMENT EASEMENT SHALL NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
 2. RELOCATION OF ANY ENTRANCE OR UTILITY TO CONFORM TO THE REQUIREMENTS OF THIS PLAT WILL BE AT THE DEVELOPERS EXPENSE - MAY BE OF BREAKAWAY DESIGN.
 3. UTILITIES SHALL BE DEDICATED FOR THE USE OF ANY PUBLIC UTILITY.
 4. ALL EASEMENTS ARE DEDICATED FOR THE USE OF ANY PUBLIC UTILITY.
 5. SEWER SYSTEM: LATERAL FIELD AND SEPTIC TANK. ALTERNATE WASTE WATER SYSTEMS MAY BE REQUIRED.
 6. ANY SURFACE DRAINAGE FACILITIES THAT ARE SUBSURFACE DRAINAGE FACILITIES OR RESTORED BY THE PROPERTY OWNER.
 7. DES MOINES WATER WORKS DISTRICT

VICINITY SKETCH



1.	DATE	BY

COMMENTS / REVISIONS

DRAWN BY: SEAN CHECKED BY: VINCE SCALE: 1"=30' FIELD BK 53 PG. 61
 PROJECT #: 203234 Date: Tue Nov 20, 2007 SHEET 1 OF 1



ASSOCIATED ENGINEERING COMPANY OF IOWA, INC.
 2917 Mountain Lakeshore Lane E. Pkwy Des Moines, IA 50310
 Phone: (515) 283-8156 Fax: (515) 283-8187
 www.aec-iowa.com

SECURITY MARKER FOUND
 CUT 1/4" FROM P.C. PIERCE
 WITH YELLOW CAP
 FROM PITHE
 AS REQUIRED DISTANCE
 AS REQUIRED
 AS COMPUTED

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 of Iowa, Inc.**
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