

Date February 25, 2008

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held February 7, 2008, the members voted 11-1 in support of a motion to **APPROVE** the request from Chris and Christie Hayes (owners) for approval of a preliminary subdivision plat "Hayes' Addition to Capitol Heights Plat No. 2" to allow division of the property into two lots for single-family residential use, for property located at 4353 NE Aurora Avenue in unincorporated Polk County within the City's two-mile extraterritorial jurisdiction for subdivision review, subject to the following conditions:

1. All trees over 6 inches in caliper must be identified on the plat.
2. Identification of the existing private sewage disposal system field on Lot 1 and the proposed private sewage disposal system field on Lot 2.
3. Compliance with all administrative review comments of the City's Permit and Development Center.

MOVED by _____ to receive and file.

FORM APPROVED:

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



 Michael F. Kelley
 Assistant City Attorney

(13-2008-1.36)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

Mayor

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.

 City Clerk

Date _____

February 25, 2008

Agenda Item 23

Roll Call # _____

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 February 7, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-1 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 | | | |

APPROVE the request from Chris and Christie Hayes (owners) for approval of a preliminary subdivision plat "Hayes' Addition to Capitol Heights Plat No. 2" to allow division of the property into two lots for single-family residential use, for property located at 4353 NE Aurora Avenue in unincorporated Polk County within the City's two-mile extraterritorial jurisdiction for subdivision review, subject to the following conditions:

1. All trees over 6 inches in caliper must be identified on the plat.
2. Identification of the existing private sewage disposal system field on Lot 1 and the proposed private sewage disposal system field on Lot 2.
3. Compliance with all administrative review comments of the City's Permit and Development Center.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested preliminary subdivision plat subject to the following conditions:

1. All trees over 6 inches in caliper must be identified on the plat.
2. Identification of the existing private sewage disposal system field on Lot 1 and the proposed private sewage disposal system field on Lot 2.
3. 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 170' (15,037 square feet) and include a single-family dwelling constructed in 2007. Lot 2 would generally measure 75' x 325' (33,211 square feet) and include a pole barn and a building envelope 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 325' or 48,700 square feet (1.12 acres).
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* – "LDR" (Polk County), Uses are NE Aurora Avenue and single-family residential.
 - South* – "LDR" (Polk County), Uses is single-family residential.
 - East* – "LDR" (Polk County), Use is single-family residential.
 - West* – "LDR" (Polk County), Use is single-family residential and T & M Service truck terminal.
6. **General Neighborhood/Area Land Uses:** The subject property is located in a low-density residential 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. **Natural Site Features:** There are multiple mature trees scattered throughout the site and around the perimeter. All trees over 6 inches in caliper must be identified on the plat. It appears

that one mature tree may be removed since it is within the area identified as the buildable area.

2. **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 so the properties must be served by private septic systems. The proposed lot areas satisfy Polk County's 15,000 square feet minimum to allow a private septic system in the Low-Density Residential District. The single-family dwelling on Lot 1 has an existing private sewage disposal system field that must be identified on the plat. The proposed plat must also identify the future private sewage disposal system field on Lot 2.
3. **Access/Parking:** There are no future street network modifications expected to impact the subject property. The two lots in the proposed preliminary plat would each have 75 feet of frontage on NE Aurora Avenue.
4. **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 half of the originally platted lots have been divided into two or more parcels.

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item.

Fran Koontz: Moved to approve the requested preliminary subdivision plat subject to the following conditions:

1. All trees over 6 inches in caliper must be identified on the plat.
2. Identification of the existing private sewage disposal system field on Lot 1 and the proposed private sewage disposal system field on Lot 2.
3. Compliance with all administrative review comments of the City's Permit and Development Center.

Motion passed 11-1 (Kent Sovern was in opposition; Kaye Lozier was not yet present).

Respectfully submitted,



Jason Van Essen, AICP
Senior Planner

JMV:dfa

Attachment

February 1st, 2008

Larry Hyler
Bishop Engineering Company
3501 104th Street
Urbandale, IA 50322

RE: Preliminary Plat, Hayes' Addition to Capitol Heights Plat No. 2.

13-08-1.36

Dear Larry:

We have reviewed the first (1st) submittal of the preliminary plat for Hayes' Addition to Capitol Heights No. 2 and have determined that the following conditions must be satisfied before plat approval can be granted.

Engineering

1. Legal Description—According the Polk County Recorder's Office, the original of the official plat has the title "CAPITOL HIEGHTS NO. 2", not "CAPITOL HEIGHTS PLAT NO. 2".
2. Surveyor/Engineer Certification—Preliminary plats in Des Moines are also required to be certified by an engineer licensed in Iowa.
3. Subsurface Features—The nearest sanitary sewer is more than 600 feet to the north in Hubbell Avenue. In the City of Des Moines, neither lot 1 (area 15,037 square feet or 0.345 acres), nor lot 2 (area 33,211 square feet or 0.762 acres) would comply with the requirements for Municipal Code Section 106-132 Platting of land (3) Lot Design "g. Any lot not served by sanitary sewer shall have a lot area of not less than one acre". Check with Polk County as to the lot area requirement and the use of a peat filter system for the sanitary sewer treatment.
4. General Comments—The adjoining property to the west is in a different subdivision—show it on the plat.

Show the name of the adjoining subdivision to the east and south of the plat.

Only a portion of lot 26 adjoins this plat to the west—show an abbreviated description.



PERMIT AND
DEVELOPMENT CENTER
ARMORY BUILDING
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ALL-AMERICA CITY
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2003


Planning

5. The final copy of the plat will need the certification statement signed and dated.
6. According to the City of Des Moines Subdivision Ordinance, all trees 6" caliper or larger shall be clearly identified (species, caliper size) on the preliminary plat.
7. Show the Polk County-assigned parcel address for Lot 2. Also, the address shown for the existing lot in the plat notes section is incorrect (it reads 4553 NE Aurora Avenue, rather than 4353 NE Aurora Avenue).
8. While notation is giving on the plat, staff cannot find the location of a private sewage disposal system (septic or "existing peat filter system") on the plat map. Show the location of existing and proposed septic fields to ensure that a portion of a septic field does not encroach into neighboring property, or the lot to be subdivided.

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", is written over a circular stamp. The stamp contains some illegible text and a central emblem.

Phillip Delafield
Permit & Development Administrator

| | | | | | |
|---|--|--------------|--|--------------------------------------|-----|
| Request from Chris and Christie Hayes (owners) for review and approval of a preliminary subdivision plat for property located at 4353 NE Aurora Avenue in unincorporated Polk County within the City's two-mile extraterritorial jurisdiction for subdivision review. | | | | File # 13-2008-1.36 | |
| Description of Action | Review and approval of "Hayes' Addition to Capitol Heights Plat No. 2" preliminary subdivision plat to allow division of the property into two lots for single-family residential use. | | | | |
| 2020 Community Character Plan | Polk County Land Use | | | | |
| 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 | 0 | 0 | 0 | N/A | |
| Plan and Zoning Commission Action | Approval | 11-1 | Required 6/7 Vote of the City Council | Yes | |
| | Denial | | | No | N/A |

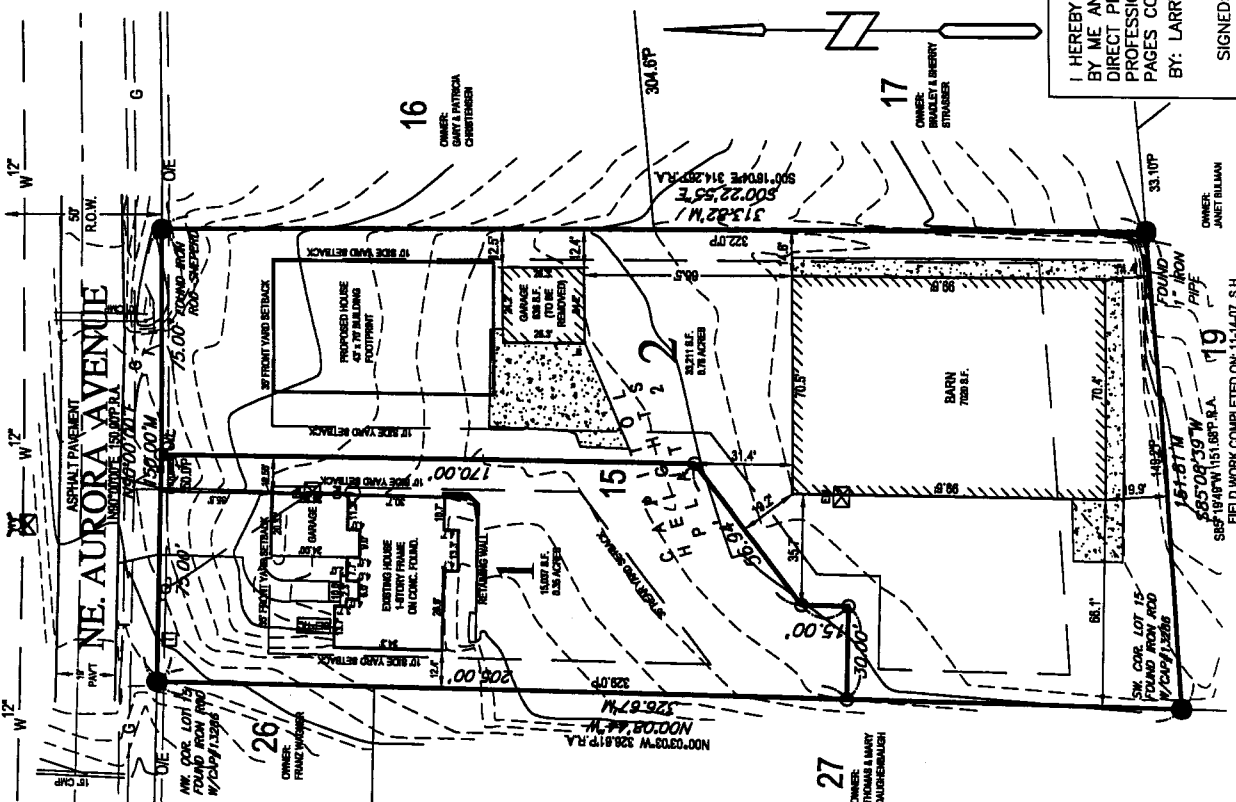
Hayes Addition to Capitol Heights Plat 2 - 4353 NE Aurora Avenue

13-2008-1.36



HAYES' ADDITION TO CAPITOL HEIGHTS PLAT NO. 2

PREPARED BY: LARRY D. HYLER, BISHOP ENGINEERING CO., INC. 3501 104TH STREET URBAN DALE IOWA 50322 PH. (515) 276-0487



LEGAL DESCRIPTION:
 LOT 15, CAPITOL HEIGHTS PLAT 2, AN
 OFFICIAL PLAT, POLK COUNTY, IOWA.

ADDRESS:
 4550 NE AURORA AVENUE
 DES MOINES, IA 50317

OWNER:
 CHRIS HAYES
 CHRISTIE HAYES
 4550 NE AURORA AVENUE
 DES MOINES, IA 50317

PREPARED FOR:
 CHRIS HAYES
 4550 NE AURORA AVENUE
 DES MOINES, IA 50317

BENCHMARK:
 ARROW ON A 1992 'CLOW' BRAND FIRE HYDRANT, LOCATED AT THE
 NORTHWEST CORNER OF NE. 48TH STREET & NE. AURORA AVENUE

ELEVATION: 189.85

NOTES:
 1. LOT 1 AND 2 WILL HAVE A PEAT FILTER SYSTEM FOR SANITARY
 SERVICE.
 2. WATER SERVICE IS PROVIDED BY SOUTHEAST POLK RURAL
 WATER SERVICE.
 3. NO SITE GRADING IS PLANNED FOR THIS DEVELOPMENT.
 4. MAILBOXES LOCATED WITHIN THE POLK COUNTY ROAD RIGHT OF
 WAY SHALL BE OF A BREAKAWAY DESIGN.

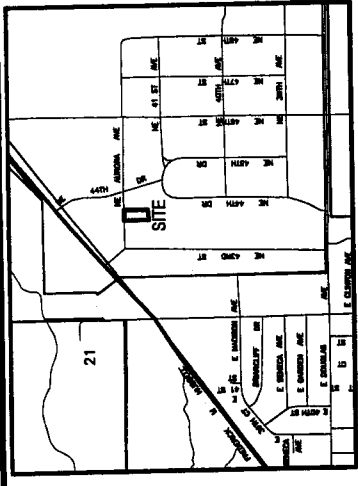
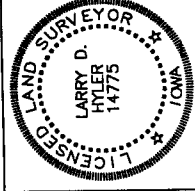
ZONING:
 LOW DENSITY RESIDENTIAL
 MINIMUM LOT SIZE: 15,000 S.F.
 MINIMUM LOT WIDTH: 75'
 FRONT YARD: 35'
 SIDE YARD: 10'
 REAR YARD: 35'



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED
 BY ME AND THE RELATED SURVEY WORK WAS PERFORMED UNDER MY
 DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED
 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
 PAGES COVERED BY THIS SEAL... THIS PAGE ONLY

BY: LARRY D. HYLER LICENSE RENEWAL DATE: DEC. 31, 2008

SIGNED: *Larry D. Hyler* DATE: 11-27-07



- UTILITY LEGEND:**
- G — GAS LINE
 - W — WATER LINE
 - UE — UNDERGROUND ELECTRIC
 - OE — OVERHEAD ELECTRIC
 - T — TELEPHONE LINE
 - ☐ TELEPHONE RISER
 - ☉ POWER POLE
 - ⊗ ELECTRIC METER
 - ⊗ FIRE HYDRANT
 - ⊗ WATER VALVE
 - ⊗ GAS METER

- SURVEY LEGEND:**
- PROPERTY CORNER- FOUND AS NOTED
 - PROPERTY CORNER- PLACED 3/4" IRON PIPE WITH YELLOW PLASTIC CAP ID #14775
 - M MEASURED DISTANCE
 - P PLATTED DISTANCE
 - P.R.A. PREVIOUSLY RECORDED AS ON P.O.S. IN BOOK 11815, PAGE 740
 - R.O.W. RIGHT-OF-WAY

Bishop Engineering
 "Earning Your Respected Development"
 3501 104th Street
 Des Moines, Iowa 50322-3825
 Phone (515) 276-0487 Fax (515) 276-0217
 Civil Engineering & Land Surveying
 Established 1959

PRELIMINARY PLAT

HAYES' ADDITION TO CAPITOL HEIGHTS PLAT NO. 2

DRAWN BY: JUT
 PROJECT NUMBER: 070371
 SHEET NUMBER: 1 OF 1

REFERENCE NUMBER:

N
 N