

★ Roll Call Number

Agenda Item Number

17

Date December 17, 2007

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held December 6, 2007, the members voted 11-0 in support of a motion to **APPROVE** the request from Midtown Heights, LLC (owner) represented by Steve Niebuhr (officer) for approval of a preliminary subdivision plat for "Midtown Heights" located at 2110 High Street subject to provision of the necessary "no-build" easements to satisfy building code separation requirements.

MOVED by _____ to receive and file.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

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

(13-2008-1.10)

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.

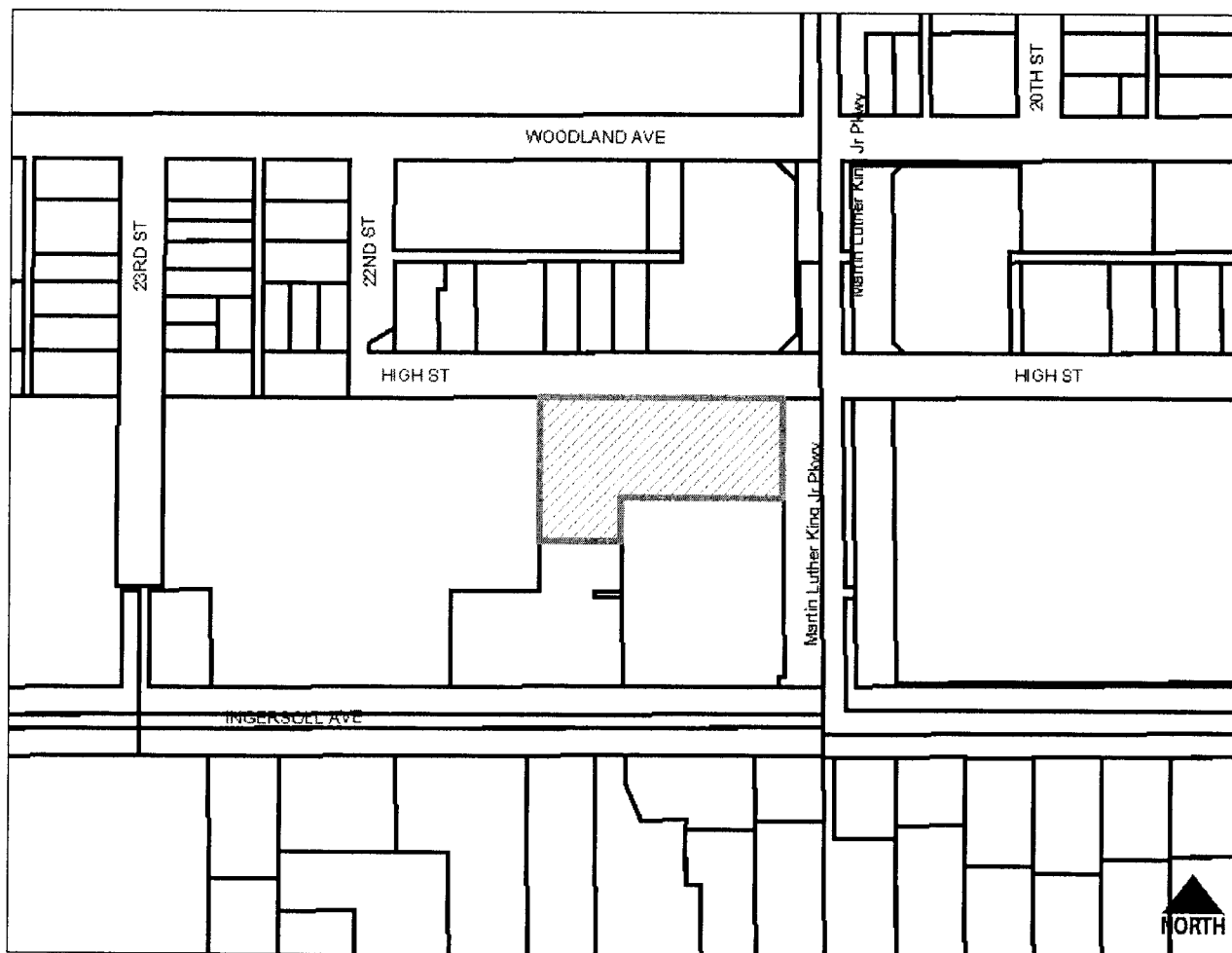
 Mayor

 City Clerk

Request from Midtown Heights, LLC (owner) represented by Steve Niebuhr (officer) for review and approval of a preliminary subdivision plat "Midtown Heights" located at 2110 High Street.			File #	
			13-2008-1.10	
Description of Action	Review and approval of "Midtown Heights" preliminary subdivision plat to allow for 17 townhome parcels within a common area outlot.			
2020 Community Character Plan	Commercial: Pedestrian-Oriented Commercial Corridor			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District			
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	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Midtown Heights (Preliminary Plat) - 2110 High Street

13-2008-1.10



December 17, 2007

Date _____

Agenda Item 17

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 December 6, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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 Midtown Heights, LLC (owner) represented by Steve Niebuhr (officer) for approval of a preliminary subdivision plat for "Midtown Heights", located at 2110 High Street subject to provision of the necessary "no-build" easements to satisfy building code separation requirements. (13-2008-1.10)

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the submitted preliminary subdivision plat subject to provision of the necessary "no-build" easements to satisfy building code separation requirements.

STAFF REPORT

I. GENERAL INFORMATION

- Purpose of Request:** The developer is seeking to develop an infill row house condominium enclave as a transition between the Ingersoll Avenue pedestrian commercial corridor and the Woodland Heights residential neighborhood to the north. The purpose of the plat is to create independent parcels for each townhome unit within the bounds of an overall commonly owned parcel for the site.



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

- 2. **Size of Site:** 1.35 acres.
- 3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial.
- 4. **Existing Land Use (site):** Vacant land under construction.

5. **Adjacent Land Use and Zoning:**

North – "C-1" & "R-2A", Uses are the Freedom Financial Bank (under renovation), two-family conversion dwellings and single-family dwellings.

South – "C-2", Uses are Stew Hansen's First Auto Acceptance used car sales and Iowa Health Systems Ingersoll Family Physicians.

East – "NPC", Use is Ingersoll Square loft condominiums.

West – "NPC", Use is Mediacom of Central Iowa.

- 6. **General Neighborhood/Area Land Uses:** The subject property is within a transition area between the western fringe of Downtown where the Ingersoll Avenue pedestrian commercial corridor begins and the Sherman Hill and Woodland Heights neighborhood areas.
- 7. **Applicable Recognized Neighborhood(s):** Woodland Heights Organization and Sherman Hill Association.
- 8. **Relevant Zoning History:** On March 1, 2007 the Plan and Zoning Commission approved the Site Plan for Midtown Heights under design guidelines for multiple-family dwellings.
- 9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented, Commercial Corridor.
- 10. **Applicable Regulations:** 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. **Drainage/Grading:** The site currently slopes downward from both High Street and M.L. King Jr. Parkway. Storm water is proposed to be detained at the eastern edge of the site with the addition of a rain garden feature on the surface of the basin. The developer has an approved grading plan and soil erosion protection plan based on the Site Plan approval.
- 2. **Utilities:** There is newly constructed public storm sewer consisting of a large reinforced concrete box running through the northern portion of the site. The north 45' of the property is to be kept under a public storm sewer easement. The townhome lots are to be served by

public 8" sanitary sewer mains with easements proposed within the private drive system. Water main is located in High Street with individual townhome lots served from a common private fire service from the main, so no water main extension is necessary.

3. **Traffic/Street System:** Access to the development is to be provided by a drive entrance from High Street as the primary access to get to a signalized intersection with M.L. King Jr. Parkway. Secondary access is provided through cross access easement with the clinic entrance from Ingersoll Avenue. Direct access onto M.L. King Jr. Parkway from the plat is prohibited based on the design of intersection safety improvements at the Ingersoll Avenue intersection. No improvements to the surrounding street network are necessary with the proposed plat to accommodate the anticipated minor increase in traffic into the surrounding neighborhoods due to the townhome development.
4. **Permit and Development Center Comments:** With the adoption of the 2006 International Building Code effective this past July, the Permit and Development Center has commented that openings such as windows and doors are no longer permitted without a 5' setback from property line. Since these openings were required by the approved Site Plan, the option to removing them is to provide no-build easements in the adjoining 5 foot area within Outlot A where openings occur along the proposed lot line. These easements must be shown on the subdivision plat.

SUMMARY OF DISCUSSION

There was no one in attendance to speak on this item and no discussion ensued.

Tim Urban: Moved for approval.

Motion passed 11-0.

Respectfully submitted,



Erik Lundy, AICP
Senior Planner

EML:dfa

Attachment

November 19th, 2007

Dan Rittel
ERG, Inc.
2413 Grand Avenue
Des Moines, IA 50312

RE: Preliminary Plat, Midtown Heights

13-08-1.10

Dear Daniel

We have reviewed the first (1st) submittal of the preliminary plat for Midtown Heights, and have determined that the following conditions must be satisfied before plat approval can be granted.

Engineering

1. Preliminary plats must be certified by an Iowa LLC in addition to an LPE. Certification statements need to be signed and dated.
2. The public sanitary sewer easement shown does not match the approved site plan for the development.
3. Describe the use and ownership of Outlot 'A' on the plat and identify it in more places than one.
4. Generally speaking, the preliminary plat needs to have current information consistent with the approved site plan.
5. The existing 12" storm sewer shown on the southern portion of the lot will need to have a public sewer easement established, if an easement does not already exist. If there is an existing easement over the easement, list the book and page number.

Fire

6. The 20 ft. wide private drives shall be marked with permanent NO PARKING- FIRE LANE signs. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Note this information on the preliminary plat.

Planning



PERMIT AND
DEVELOPMENT CENTER
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
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(515) 283-4200

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- 7. The proprietor name and address shown does not match up with Polk County Assessor's Records (Midtown Heights, L.C.) Please correct on the plat.
- 8. From the Building Department: The proposed property lines at units # 1, 7, 8, 12, 13 & 17 are shown at the edge of the building, which by Code, does not allow for openings such as windows on the outer-most exterior walls. The proposed property line should be moved so that there is a minimum of 5' from the building wall lines on the above units, or a "no-build" easement should be sought for 5' adjacent to the exterior walls, in accordance with Building Ordinance Section 26-212.
- 9. Provide the number of lots in note format on the plat.
- 10. Show addresses and street names on the plat. A listing of assigned lot addresses is enclosed.
- 11. Label the drive accessing the site from High Street as a "private drive."
- 12. General Note: This preliminary plat is slated to appear before the Plan and Zoning Commission on December 6th, 2007.

Please submit **four (4) 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.

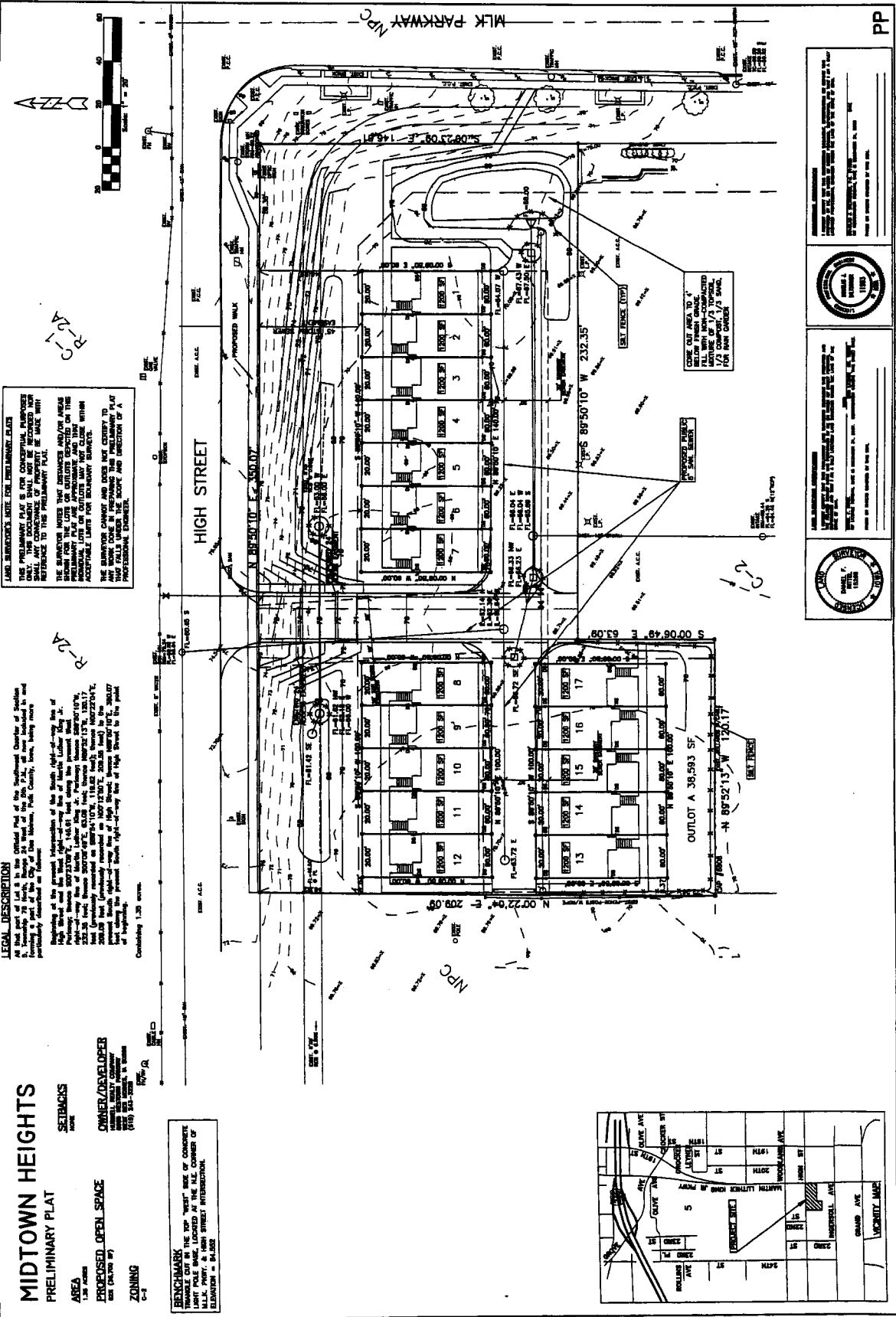
If you have any questions contact Ryan Moffatt @ 283-4975 or email him @ rlmoffatt@dmgov.org.

Sincerely,



Phillip Delafield
Permit & Development Administrator

Enclosure



LEGAL DESCRIPTION
 Beginning at the West Intersection of the South right-of-way line of High Street and the East right-of-way line of MLK Parkway, thence South 89°50'10\"/>

MIDTOWN HEIGHTS
PRELIMINARY PLAT

SETBACKS
 NONE

OWNER/DEVELOPER
 HARVEY KALY COMPANY
 2000 S. HIGHWAY 100, SUITE 100
 ANAHEIM, CA 92805
 (818) 898-8888

PROPOSED OPEN SPACE
 801 (DUALITY #)

ZONING
 C-1

BENCHMARK
 THE TOP "WEST" END OF CONCRETE LIGHT POLE BASE, LOCATED AT THE ELL CORNER OF MLK PARKWAY & HIGH STREET INTERSECTION.
 ELEVATION = 1165.52

LAND SURVEYORS NOTE FOR ENVIRONMENTAL PLANS
 THIS PRELIMINARY PLAT IS FOR CONVENTIONAL PURPOSES ONLY. LAND SURVEYORS SHALL NOT BE RESPONSIBLE FOR ANY OTHER PURPOSES OR ACTIONS. THE SURVEYOR UNDERTAKES THAT DISTANCES AND/OR AREA ON THIS PRELIMINARY PLAT ARE APPROXIMATE AND THAT ACCURACY IS NOT GUARANTEED. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY DISTANCES OR AREAS. ANY WORK DONE IN PURSUANCE OF THIS PRELIMINARY PLAT SHALL BE THE RESPONSIBILITY OF THE PROFESSIONAL ENGINEER.



PP

PROPOSED PUBLIC UTILITY

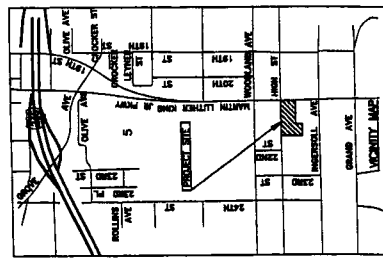
SEE SET AREA 10' FROM ALL PROPERTY LINES. ALL UTILITIES SHALL BE COMPLETED 1/2 COMPACT, 1/2 SAND, FOR BEST DRAINAGE.

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R-2

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