


Date January 14, 2013

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held January 3, 2013, the members voted 12-0-1 in support of a motion to **APPROVE** the request from ST Howard Development (purchaser) represented by Steve Howard (officer) for approval of a Preliminary Minor Subdivision Plat, "4111 Tonawanda" on property located at 4111 Tonawanda Drive subject to the following conditions:

1. Compliance with all administrative Plat review comments by the Permit and Development Center.
2. A note shall be added to the Preliminary Plat to state that no tree removal or grading shall occur on the site until such time that a plot plan for the future construction of a single-family dwelling and driveway has been approved by the City's Planning Administrator. This plot plan shall minimize any necessary tree removal and shall identify tree preservation and mitigation measures, and shall protect views from the adjoining Salisbury House property to a reasonable extent.

MOVED by _____ to receive and file.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

NOTE: Final subdivision plat(s) will be submitted for City Council approval at a later date.

(13-2013-1.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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 ST Howard Development (purchaser) represented by Steve Howard (officer) for approval of a Preliminary Minor Subdivision Plat, "4111 Tonawanda" on property located at 4111 Tonawanda Drive. The subject property is owned by Susan Muelhaupt.				File #	
				13-2013-1.18	
Description of Action	To approve a Preliminary Minor Subdivision Plat, "4111 Tonawanda" on property located at 4111 Tonawanda Drive, to subdivide the 2.54 acre property into a 1.79 acre parcel with existing single-family dwelling, and a 0.78 acre parcel.				
2020 Community Character Plan	Intown Estates Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-80" One-Family Residential District				
Proposed Zoning District	"R1-80" One-Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	12-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	

4111 Tonawanda - Preliminary Plat - 4111 Tonawanda Drive 13-2013-1.18



January 9, 2013

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 January 3, 2013, the following action was taken regarding a request from ST Howard Development (purchaser) represented by Steve Howard (officer) for approval of a Preliminary Minor Subdivision Plat, "4111 Tonawanda" on property located at 4111 Tonawanda Drive:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson			X	
CJ Stephens	X			
Vicki Stogdill	X			

APPROVAL of the proposed Preliminary Plat subject to the following conditions:

1. Compliance with all administrative Plat review comments by the Permit and Development Center.
2. A note shall be added to the Preliminary Plat to state that no tree removal or grading shall occur on the site until such time that a plot plan for the future construction of a single-family dwelling and driveway has been approved by the City's Planning Administrator. This plot plan shall minimize any necessary tree removal and shall identify tree preservation and mitigation measures, and shall protect views from the adjoining Salisbury House property to a reasonable extent.



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 RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Preliminary Plat subject to the following conditions:

1. Compliance with all administrative Plat review comments by the Permit and Development Center.
2. A note shall be added to the Preliminary Plat to state that no tree removal or grading shall occur on the site until such time that a plot plan for the future construction of a single-family dwelling and driveway has been approved by the City's Planning Administrator. This plot plan shall minimize any necessary tree removal and shall identify tree preservation and mitigation measures, and shall protect views from the adjoining Salisbury House property to a reasonable extent.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The Preliminary Plat would allow division of the 2.54-acre parcel into two (2) lots. "Lot 1" would contain the existing single-family dwelling and would have 77,454 square feet of area and 80 feet of lot width at the required front yard setback along Tonawanda Drive. "Lot 2" would be developed with a single-family dwelling and would have 33,852 square feet of lot area and 200 feet of lot width at the required front yard setback along Tonawanda Drive. A 6-inch water main would be extended to the site from 42nd Street within Tonawanda Drive right-of-way.

The proposed lots would both comply with the zoning regulations applicable in the "R1-80" District, which requires at least 10,000 square feet of lot area and 80 feet of lot width. The Preliminary Plat indicates that a portion of the existing dwelling would be removed in order to provide a 30-foot setback from the proposed parcel boundary. The Preliminary Plat also proposes an access easement for the existing driveway so that both properties can share the existing driveway from Tonawanda Drive.

The Preliminary Plat is necessary since a utility (water main) must be extended for development on the lot. If no new utilities were necessary, the proposed lot split could be approved administratively in accordance with a Plat of Survey since the proposed parcels satisfy the "R1-80" District bulk regulations.

2. **Size of Site:** 2.54 acres.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** Single-family residential.
5. **Adjacent Land Use and Zoning:**

North – "R1-80", Uses are single-family residential dwellings.

South – "R1-80", Uses are Tonawanda Drive and single-family residential dwellings.

East – “R1-80”, Use is Salisbury House & Gardens museum and reception hall.

West – “R1-80”, Uses are single-family residential dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area that includes large lot single-family residential dwellings on sloping topography with a curvilinear street pattern.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Salisbury Oaks Neighborhood. The Salisbury Oaks was notified of the Commission meeting by mailing of the Preliminary Agenda on November 30, 2012. A Final Agenda was mailed to the neighborhood association on December 14, 2012. All agendas are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Salisbury Oaks Neighborhood Association notices were mailed to Jed Mengel, 3920 Welker Avenue, Des Moines, IA 50312.

Public notices were not mailed to surrounding property owners since notifications of public hearing for Preliminary Plats are not required.

8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Intown Estates Residential.
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. **Lot Configuration:** The proposed lots would both comply with the zoning regulations applicable in the “R1-80” District, which requires at least 10,000 square feet of lot area and 80 feet of lot width. The Preliminary Plat indicates that a portion of the existing dwelling would be removed in order to provide a 30-foot setback from the proposed parcel boundary. The Preliminary Plat also proposes an access easement for the existing driveway so that both properties can share the existing driveway from Tonawanda Drive.
2. **Natural Site Features:** The site generally slopes downward from north to south and contains a mix of overstory trees and groundcover vegetation. There are existing

mature trees scattered throughout the proposed Plat. While no tree removal is proposed as a result of this Platting process, it is highly likely that any future development of a single-family dwelling would require removal of trees. Any tree removal would be subject to compliance with the City's Tree Preservation and Mitigation Ordinance.

Staff recommends that a note be added to the Preliminary Plat to state that no tree removal or grading shall occur on the site until such time that a plot plan for the future construction of a single-family dwelling and driveway has been approved by the City's Planning Administrator. This plot plan shall minimize any necessary tree removal and shall identify tree preservation and mitigation measures, and shall protect views from the adjoining Salisbury House property to a reasonable extent.

3. **Utilities:** The proposed Preliminary Plat indicates a 6-inch water main would be extended within the Tonawanda Drive right-of-way from 42nd Street to the west. This segment would measure approximately 300 feet in length and include a new fire hydrant near the southwest corner of "Lot 2". The Preliminary Plat also demonstrates a 15-foot wide easement for a new water main along the west side of "Lot 2".
4. **Traffic/Street System:** The proposed lots are served by the existing street system for access. An increase in density will occur as a result of the one new dwelling unit proposed with the Plat. Public sidewalks are not required as part of the Plat since the surrounding neighborhood was developed with curvilinear streets having no sidewalks.

The proposed Preliminary Plat indicates that both lots would utilize the existing driveway from Tonawanda Drive with provision of an access easement for both property owners.

SUMMARY OF DISCUSSION

Jason Van Essen presented the report and staff recommendation.

CJ Stephens asked has the neighborhood association been notified.

Jason Van Essen stated that the property is located in the Salisbury Oak neighborhood. They were notified about the Commission meeting by the mailing of preliminary agenda on November 30, 2012 and a final agenda was mailed. Individual notices are not required on a plat.

Shane Devick with Civil Engineering Consultant, 2400 86th Street in Urbandale stated that they agree with staff recommendation. He explained that they do have to bring the water main down from 42nd Street and that is why they are before the Commission tonight.

John "Jack" Hilmes asked about the water main.

Shane Devick stated there are no water mains along the road. In order to put another house in the area they will have to put a water main in and put a hydrant in there to provide service to those lots.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

COMMISSION ACTION

Greg Jones moved staff recommendation to approve the proposed Preliminary Plat subject to the following conditions:

1. Revision of Lot 2 to ensure an 80-foot minimum lot width.
2. Compliance with all Engineering comments for abandonment and provision of public utility and drainage easements.
3. Compliance with all administrative Plat review comments by the Permit and Development Center.

Motion passed 12-0-1 (Mike Simonson abstained)

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

