



Date September 14, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF A PRELIMINARY SUBDIVISION PLAT "SAYDEL COMMERCIAL PLAT 1" ON PROPERTY LOCATED AT 5554 NORTHEAST 14TH STREET

WHEREAS, on September 3, 2015, the City of Des Moines Plan and Zoning Commission voted 8-0 to APPROVE a request from Penta Partners, LLC (owner), represented by James Gocke (agent), for review and approval of a Preliminary Subdivision Plat "Saydel Commercial Plat 1" on property located at 5554 Northeast 14th Street in unincorporated Polk County, within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow division of the property into two commercial parcels subject to the following conditions:

- 1. Compliance with all comments of the administrative review by the Permit and Development Center.
2. Provision of a note on the plat document that "future development is subject to Article 7 Section 4 "Natural Resources Protection, Woodlands" of the Polk County Zoning Code."
3. Provision of the location of any existing private sanitary disposal system on the plat document; and

WHEREAS, the final subdivision plat will be submitted for City Council approval when completed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the attached communication from the City Plan and Zoning Commission is hereby received and filed.

FORM APPROVED:

MOVED BY \_\_\_\_\_ to receive and file.

Glenna K. Frank (handwritten signature)

Glenna K. Frank, Assistant City Attorney

(13-2016-1.08)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and 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



September 8, 2015

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 September 3, 2015, the following action was taken regarding a request from Penta Partners, LLC (owner), represented by James Gocke (agent), for review and approval of a Preliminary Subdivision Plat "Saydel Commercial Plat 1" on property located at 5554 Northeast 14<sup>th</sup> Street in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow division of the property into two commercial parcels.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes				X
Greg Jones				X
Sasha Kamper	X			
Brian Millard				X
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson				X
CJ Stephens	X			
Greg Wattier				X

**APPROVAL** of the requested Preliminary Plat for "Saylor Commercial Plat 1", subject to the following conditions: (13-2015-1.08)

1. Compliance with all comments of the administrative review by the Permit and Development Center.

2. Provision of a note on the plat document that “future development is subject to Article 7 Section 4 “Natural Resources Protection, Woodlands” of the Polk County Zoning Code.”
3. Provision of the location of any existing private sanitary disposal system on the plat document.

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested Preliminary Plat for “Saylor Commercial Plat 1”, subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.
2. Provision of a note on the plat document that “future development is subject to Article 7 Section 4 “Natural Resources Protection, Woodlands” of the Polk County Zoning Code.”
3. Provision of the location of any existing private sanitary disposal system on the plat document.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The developer is seeking to subdivide the property into two separate parcels for commercial development within unincorporated area of Polk County. One parcel would contain the existing industrial development with the remainder parcel being made available for future commercial development. The property was previously divided by deeding a 6,650-square foot triangular parcel to Polk County on August 4, 2014. Therefore, Polk County is requiring the subdivision into two parcels to go through their Preliminary Plat procedure.

§ 354.9 of the Iowa Code provides for review of land subdivision by a municipality within 2 miles of its corporate limit. When the territory overlaps with another municipal jurisdiction then the closer jurisdiction has right of review unless there is separate intergovernmental agreement pursuant to Chapter 28E of the Iowa Code. In this instance the City of Des Moines is closer to the property than the City of Ankeny.

2. **Size of Site:** 9.47 acres.
3. **Existing Zoning (site):** “GC” General Commercial (Polk County).
4. **Existing Land Use (site):** The property contains a 9,000-square foot office, production, and warehouse building occupied by Aurora Industries. This is a company that manufactures equipment units used for moving and reconfiguring retail store shelving during store set-up and remodeling. Approximately 8 acres of the property are currently used for crop production.
5. **Adjacent Land Use and Zoning:**

**North** – “GC” General Commercial (Polk County), Use is Thomas Bus Sales of Iowa.  
**South** – “GC”, Use is a single-family mobile home dwelling with accessory buildings.

**East** – “HI” Heavy Industrial (Polk County), Uses are undeveloped land for crop production.

**West** – “LDR” Low Density Residential (Polk County), Use is Saydel High School.

5. **General Neighborhood/Area Land Uses:** The subject property is located in the Saylor Township highway commercial area along US Highway 69 between Des Moines and Ankeny.
6. **Applicable Recognized Neighborhood(s):** The subject property is located in the unincorporated area of Polk County in Saylor Township. Notifications of the hearing for this specific item were mailed on August 24, 2015 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the Preliminary Plat amendment boundary. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 28, 2015.
7. **Relevant Zoning History:** N/A.
8. **2020 Community Character Land Use Plan Designation:** N/A. The Polk County Future Land Use map designates the property a Highway Commercial.
10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if the Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code. The Commission shall also determine if it conforms to 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.

The Preliminary Plat is concurrently reviewed and would be given final approval by Polk County Board of Supervisors.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property contains tree canopy at the perimeters of the commercially developed and crop production areas. Any future development is subject to enforcement of Polk County’s Ordinance for tree preservation which is contained in Article 7 Section 4 of the Polk County Zoning Code. Polk County has different methodology for preservation of existing woodlands and requires protection of different percentages of woodland areas depending on the maturity of the canopy. Staff is recommending that a notation be included on the plat document that future development is subject to Article 7 Section 4 “Natural Resources Protection, Woodlands” of the Polk County Zoning Code.

- 2. **Drainage/Grading:** The subject property has an existing over land drainage swale through the central portion of the property predominantly used for crop production. There is no proposed grading activity or changes to the existing drainage patterns as part of the subdivision process. With any future development, Polk County will have enforcement of drainage and storm water management under site plan development standards within their adopted Ordinances and standards
- 3. **Utilities:** Within NE 14<sup>th</sup> Street (US Hwy 69) there is an 8-inch cast iron water main owned by Polk County and managed by the Des Moines Water Works. There is also a 10-inch sanitary sewer main owned and maintained by the City of Des Moines. The City Engineering staff inquired as to whether there is an existing private sanitary system. If there is an existing system its location must be shown on the Preliminary Plat.
- 4. **Traffic/Street System:** There are no proposed modifications to the surrounding public street network. The subject property currently has driveway access to NE 14<sup>th</sup> Street (US Hwy 69). Any future development which may require access will be subject to issuance of an access permit from Iowa DOT.

**SUMMARY OF DISCUSSION**

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

**COMMISSION ACTION:**

CJ Stephens moved staff recommendation approval of the requested Preliminary Plat for "Saylor Commercial Plat 1", subject to the following conditions:

- 1. Compliance with all comments of the administrative review by the Permit and Development Center.
- 2. Provision of a note on the plat document that "future development is subject to Article 7 Section 4 "Natural Resources Protection, Woodlands" of the Polk County Zoning Code."
- 3. Provision of the location of any existing private sanitary disposal system on the plat document.

Motion passed 8-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

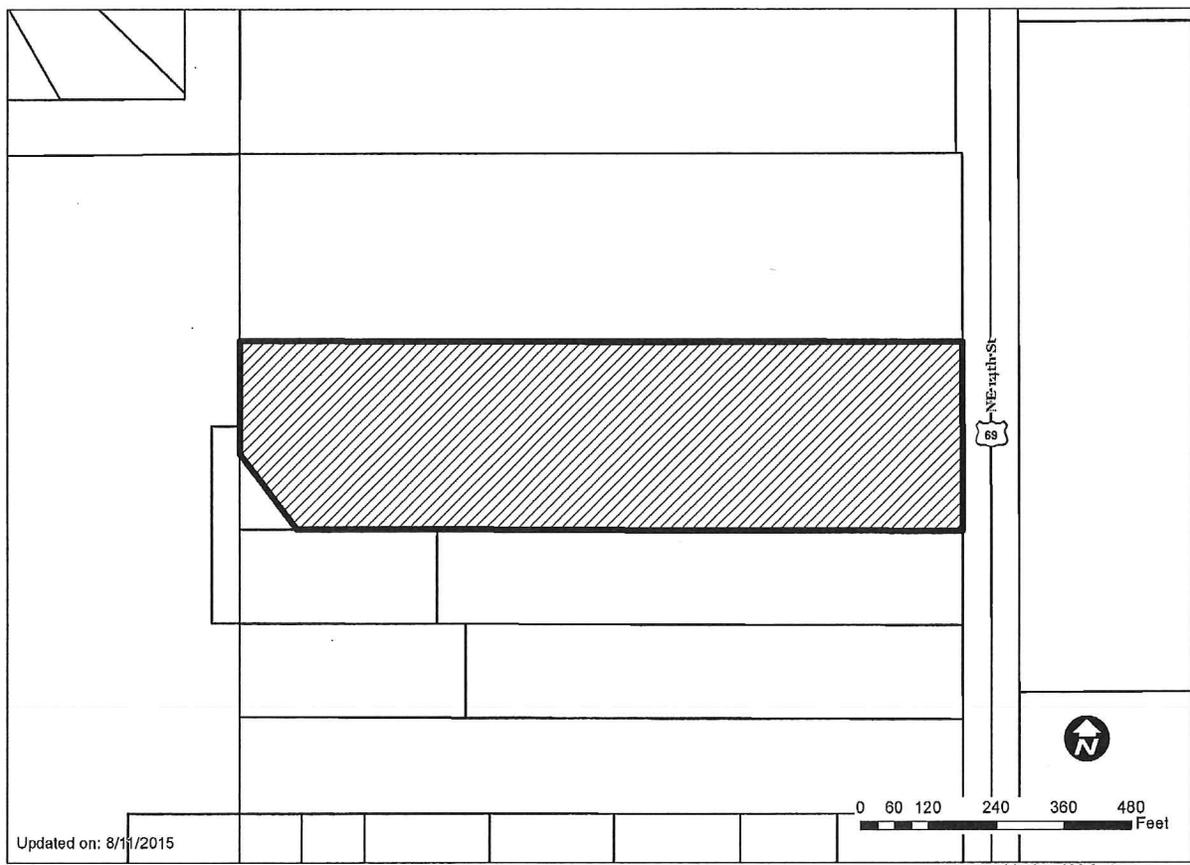
MGL:clw

Attachment

Request from Penta Partners, LLC (owner), represented by James Gocke (agent) on property located at 5554 Northeast 14th Street in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines		File # 13-2016-1.08		
Description of Action	Approval of a request for a Preliminary Subdivision Plat "Saydel Commercial Plat 1", to allow division of the property into two commercial parcels.			
2020 Community Character Plan	Current: N/A Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	2015-2024 US 69 Widening from 2 lanes to 5 lanes from NE 51 <sup>st</sup> Avenue to the South Corporate Limit of Ankeny			
Current Zoning District	"GC" General Commercial District. (Polk County)			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Penta Partners, LLC, 5554 Northeast 14th Street

13-2016-1.08





August 26<sup>th</sup>, 2015

**Erin Ollendike  
Civil Design Advantage  
3405 SE Crossroads Drive, Suite G  
Grimes, IA 50111**

RE: Preliminary Plat, Saydel Commercial Plat 1 (in Polk County)  
13-16-1.08

Dear Erin:

We have reviewed the first (1<sup>st</sup>) submittal of the preliminary plat for Saydel Commercial Plat 1, located in Polk County, and have determined that the following conditions must be satisfied before plat approval can be granted.

**Engineering**

- 1. The City of Des Moines requires that preliminary plats are signed by a professional land surveyor in the State of Iowa.
- 2. If the proposed site utilizes a septic system, its location must be shown on the plat. If the sewer service flows to a sewer main, note it on the plat.
- 3. Submit a closure report for our records.

**Planning**

- 4. The "Owner/Developer" contact information shown appears to be in error.
- 5. Complete the missing "Acquisition Plat" book and page number info in the SW corner of the plat map.
- 6. Subdivision plats within the City of Des Moines are required to show existing and proposed addresses. Will defer to Polk County on address assignments for this property.

7. Provide a note on the plat stating that future development of the property is subject to Article 7, Section 4, "Natural Resource Protection, Woodlands" of the Polk County Zoning Code, which preserves wooded areas on the property.

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 me @ 283-4975 or email @ [rlmoffatt@dmgov.org](mailto:rlmoffatt@dmgov.org).

Sincerely,



Ryan Moffatt  
Senior City Planner

