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**Date** October 12, 2015

# RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF A PRELIMINARY SUBDIVISION PLAT "SAYLOR FIRE STATION PLAT 1" ON PROPERTY LOCATED AT 211 NW 54<sup>TH</sup> AVENUE

WHEREAS, on October 1, 2015, the City of Des Moines Plan and Zoning Commission voted 9-0 to APPROVE a request from Saylor Township Board of Trustees (owner), represented by Terry Shafer (Trustee), for review and approval of a Preliminary Subdivision Plat "Saylor Fire Station Plat 1" on property located at 211 Northwest 54<sup>th</sup> Avenue in unincorporated Polk County, within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow combining two commercial parcels into a single parcel with the Saylor Fire Station and division off of a right-of-way parcel for Northwest 54<sup>th</sup> Avenue, 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"; 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.

ORM APPROVED: enna K. Frank, Assistant City Attorney

MOVED BY to receive and file.

(13-2016-1.11)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE			1	
TOTAL				
IOTION CARRIED	AP	PROVED		

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

	Date	DCt	ober 12,2019	5
	Agenda	Item	21	
а	Roll Ca	11 #		
	S MO		PMENT	

October 7, 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 October 1, 2015, the following action was taken regarding a request from Saylor Township Board of Trustees (owner) represented by Terry Shafer (trustee), for review and approval of a Preliminary Subdivision Plat "Saylor Fire Station Plat 1" on property located at 211 Northwest 54th Avenue in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow combining two commercial parcels into a single parcel with the Saylor Fire Station and division off of a Right-of-Way parcel for Northwest 54th Avenue.

## **COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

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

**APPROVAL** of the requested Preliminary Plat for "Saylor Fire Station Plat 1", subject to the following conditions: (13-2016-1.11)

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."

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Preliminary Plat for "Saylor Fire Station 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."

## STAFF REPORT TO THE PLANNING COMMISSION

#### **GENERAL INFORMATION**

- 1. Purpose of Request: The developer is seeking to combine the two parcels into a single parcel containing the Saylor Fire Station and division off of a Right-of-Way parcel for Northwest 54<sup>th</sup> Avenue. The southeast parcel of the subject site contains the Saylor Fire Station, while the north west parcel is a heavily wooded lot. Polk County requires the combining of two parcels to go through their Preliminary Plat procedure.
- 2. § 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.
- 3. Size of Site: 5.93 acres.
- 4. Existing Zoning (site): "GC" General Commercial District (Polk County).
- 5. Existing Land Use (site): The south east parcel contains a 7,804-square foot fire station building occupied by Saydel Township Voluntary Fire Department. The west parcel is a heavily wooded, vacant lot.

## 6. Adjacent Land Use and Zoning:

North – "GC" General Commercial (Polk County), Use is vacant wooded lot.

**South** – "HDR" High Density Residential (Polk County), Use is retail/warehouse building, auto repair shop and single-family residential.

**East** – "GC" General Commercial (Polk County). Uses are semi-improved lot, auto repair, auto service and sales buildings.

**West** – "LDR" Low Density Residential (Polk County), Use is vacant lot with a detention basin owned by Woodside Estates Townhomes Association.

- **6.** General Neighborhood/Area Land Uses: The subject property is located along NW 2<sup>nd</sup> Street between Des Moines and Ankeny in an area known as Saylor Township.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in the unincorporated area of Polk County and not within 250 feet of any neighborhood association. Notifications of the hearing for this specific item were mailed on September 21, 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 September 11, 2015.

## 8. Relevant Zoning History: N/A.

- **9. 2020 Community Character Land Use Plan Designation:** N/A. The Polk County Future Land Use map designates the property as Highway Commercial and Transit/Access Management Corridor.
- 10. Applicable Regulations: In consideration of the criteria set forth in Chapter 18B of the lowa 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

 Natural Site Features: The subject site contains extensive tree canopy on the north west parcel. 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: There is no proposed grading activity or changes to the existing drainage pattern as part of this preliminary plat. 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:** The subject site is served by a water main owned by Polk County and managed by the Des Moines Water Works and sanitary sewer service provided by Polk County.
- **4. Traffic/Street System:** There are no proposed modifications to the surrounding public street network. The subject property currently has driveway access to NW 54<sup>th</sup> Avenue. 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:**

Jann Freed moved staff recommendation for approval of the requested Preliminary Plat for "Saylor Fire Station 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."

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Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:clw

Attachment

Request from Saylor Township Board of Trustees (owner) represented by Terry Shafer (trustee) regarding property located at 211 Northwest 54 <sup>th</sup> Avenue in unincorporated Polk County.						File # 13-2016-1.11				
Description of Action	Approval of a Preliminary Subdivision Plat "Saylor Fire Station Plat 1" within the two- mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow combining two commercial parcels into a single parcel with the Saylor Fire Station and division off of a Right-of-Way parcel for Northwest 54 <sup>th</sup> Avenue subject to conditions.									
2020 Community N/A. Character Plan										
Mobilizing Tor Transportation										
Current Zonin	urrent Zoning District "GC" General Commercial District (Polk County designation)									
Proposed Zoning District N/A.										
Consent Card Responses Inside Area Outside Area		ln l	In Favor		Not In Favor	Undetern	letermined		% Opposition	
Plan and Zoni		Арр	roval	9-0	<u></u>	Required 6/7		Yes		
Commission A	Action	Den	ial			the City Council		No		X

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Saylor Township Board of Trustees, 211 Northwest 54th Avenue

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13-2016-1.11





September 3<sup>rd</sup>, 2015

Terry Coady Snyder & Associates 2727 SW Snyder Boulevard Ankeny, IA 50023

RE: Preliminary Plat, Saylor Fire Station Plat 1 (in Polk County)

13-16-1.11

Dear Terry:

We have reviewed the first (1st) submittal of the preliminary plat for Saylor Fire Station Plat 1 (in Polk County), and have determined that the following conditions must be satisfied before plat approval can be granted.

## Engineering

- 1. Provide a closure report for each parcel.
- 2. State the reason/purpose for the Plat (e.g. "Street Lot 'A' to become Right-of-Way").
- 3. The certification statement on the plat shall be signed and dated by the surveyor and shall bear the surveyor's lowa registration number and legible seal.

## Planning

4. 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.

5. 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 <u>two (2) review copies</u> 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.

Sincerely,

Ryan Millet

Ryan Moffatt Permit & Development Administrator

