



Roll Call Number

Agenda Item Number

19

Date October 26, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF A PRELIMINARY SUBDIVISION PLAT "EFCO INDUSTRIAL PARK PLAT 2" ON PROPERTY LOCATED AT 1611 NORTHEAST 46TH AVENUE

WHEREAS, on October 15, 2015, the City of Des Moines Plan and Zoning Commission voted 12-0-1 to APPROVE a request from Transform, LTD (owner), represented by Tim Forst (officer), for review and approval of a Preliminary Subdivision Plat "EFCO Industrial Park Plat 2" on property located at 1611 Northeast 46th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow a 26 acre parcel to be divided into a 13.9 acre parcel with existing 182,400-square foot building and a 12.1 acre undeveloped parcel to the south, 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.

FORM APPROVED:

MOVED BY _____ to receive and file.

Glenna K. Frank (signature)

Glenna K. Frank, Assistant City Attorney

(13-2016-1.16)

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.

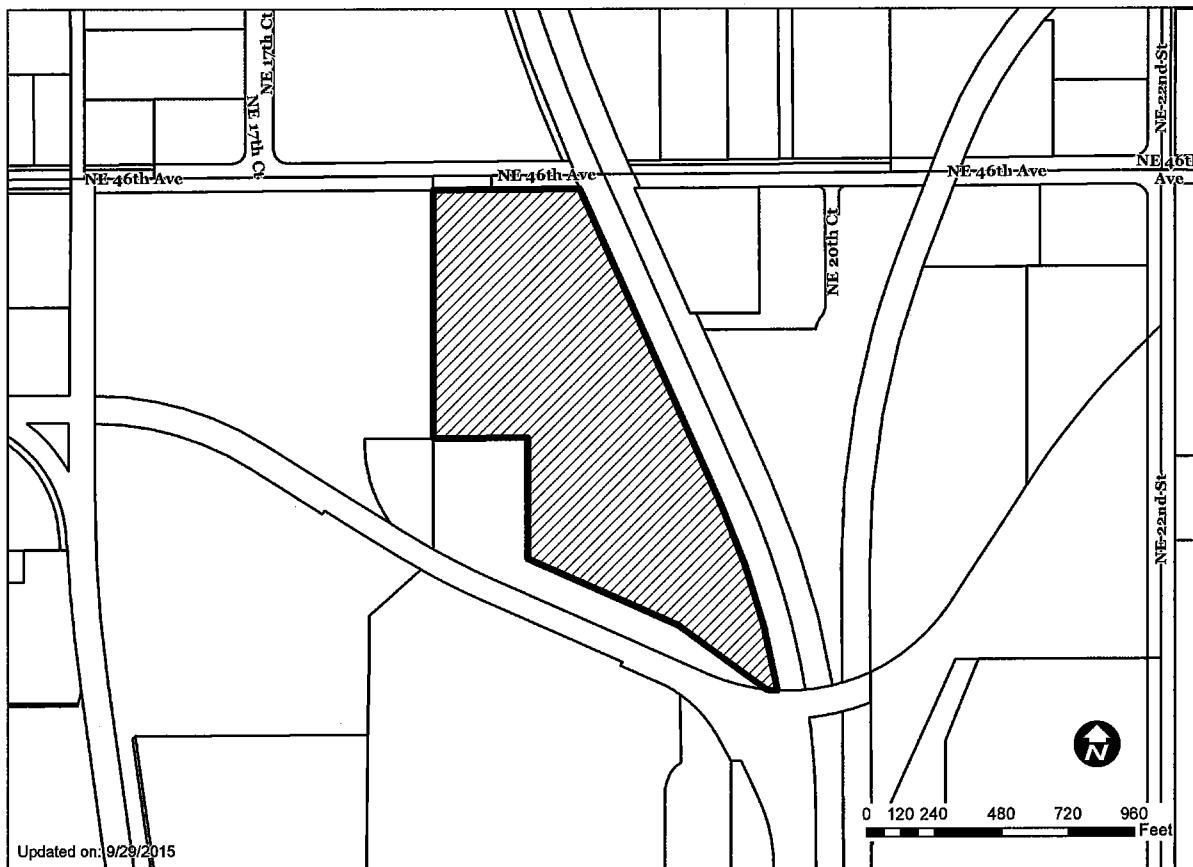
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Transform, LTD (owner) represented by Tim Forst (officer) on property located at 1611 Northeast 46th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines,		File #	
		13-2016-1.16	
Description of Action	Approval of a Preliminary Subdivision Plat "EFCO Industrial Park Plat 2" to allow a 26 acre parcel to be divided into a 13.9 acre parcel with existing 182,400-square foot building and a 12.1 acre undeveloped parcel to the south subject to conditions.		
2020 Community Character Plan	Current: Heavy Industrial. Proposed: N/A.		
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.		
Current Zoning District	HI Heavy Industrial District (Polk County)		
Proposed Zoning District	N/A.		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Inside Area	3	4	
Outside Area			
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council
	Denial		
			No
			X

Transform, Ltd, 1611 Northeast 46th Avenue

13-2016-1.16



1 inch = 406 feet



October 20, 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 15, 2015, the following action was taken regarding a request from Transform, LTD (owner) represented by Tim Forst (officer) for review and approval of a Preliminary Subdivision Plat "EFCO Industrial Park Plat 2" on property located at 1611 Northeast 46th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow a 26 acre parcel to be divided into a 13.9 acre parcel with existing 182,400-square foot building and a 12.1 acre undeveloped parcel to the south.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 Preliminary Subdivision Plat "EFCO Industrial Park Plat 2", subject to the following conditions: (13-2016-1.16)

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 Subdivision Plat “EFCO Industrial Park Plat 2”, 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 subdivide the 26-acre property into two parcels within unincorporated area of Polk County. The subdivision would result in a 13.9-acre north parcel containing the existing 182,400 square foot building and a 12.1 acre, wooded and undeveloped south parcel. Polk County requires the subdivision of a property 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:** 26 acres.
3. **Existing Zoning (site):** “HI” Heavy Industrial District (Polk County).
4. **Existing Land Use (site):** The north portion of the property contains 182,400-square foot industrial building occupied by EFCO Corporation. The south portion of the property is heavily wooded with mature trees along the periphery of the lot.
5. **Adjacent Land Use and Zoning:**

North – “HI” Heavy Industrial (Polk County), Use is EFCO office.

South – “M-2” General Industrial (Polk County), Use is warehouse occupied by Aurora Self Storage.

East – “HI” Heavy Industrial (Polk County). Uses are Union Pacific Railroad and warehouse.

West – “HI” Heavy Industrial (Polk County), Use is EFCO office.

6. **General Neighborhood/Area Land Uses:** The subject property is located along NE 46th Avenue between Des Moines and Ankeny.
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 October 5, 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 October 9, 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 Heavy Industrial.
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 Subdivision 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 extensive tree canopy at the perimeters of the south half of the lot. 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 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:** 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. If there is an existing private sanitary system its location must be shown on the Preliminary Subdivision 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 46th 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 Subdivision Plat "EFCO Industrial Park Plat 2", 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.

Motion passed 13-0.

Respectfully submitted,



Erik Lundy, AICP
Senior City Planner

EML:clw

Attachment