



Roll Call Number

Agenda Item Number

22

Date March 19, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "IRONMAN" ON PROPERTY LOCATED AT 1647 NORTHEAST 55TH AVENUE

WHEREAS, on March 1, 2018, the City of Des Moines Plan and Zoning Commission voted 9-0 for APPROVAL of a Preliminary Plat "Ironman" on property located at 1647 Northeast 55th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the property into two lots, each with an existing industrial building, for residential development, subject to compliance with all administrative review comments by the City's Permit and Development Center and 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 Community Development Department recommends that the City waive its right to review the Final Plat "Ironman" as allowed by Iowa Code Section 354.8(2).

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, and that the City hereby waives its right to review the Final Plat "Ironman".

MOVED by _____ to adopt.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(13-2018-1.31)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

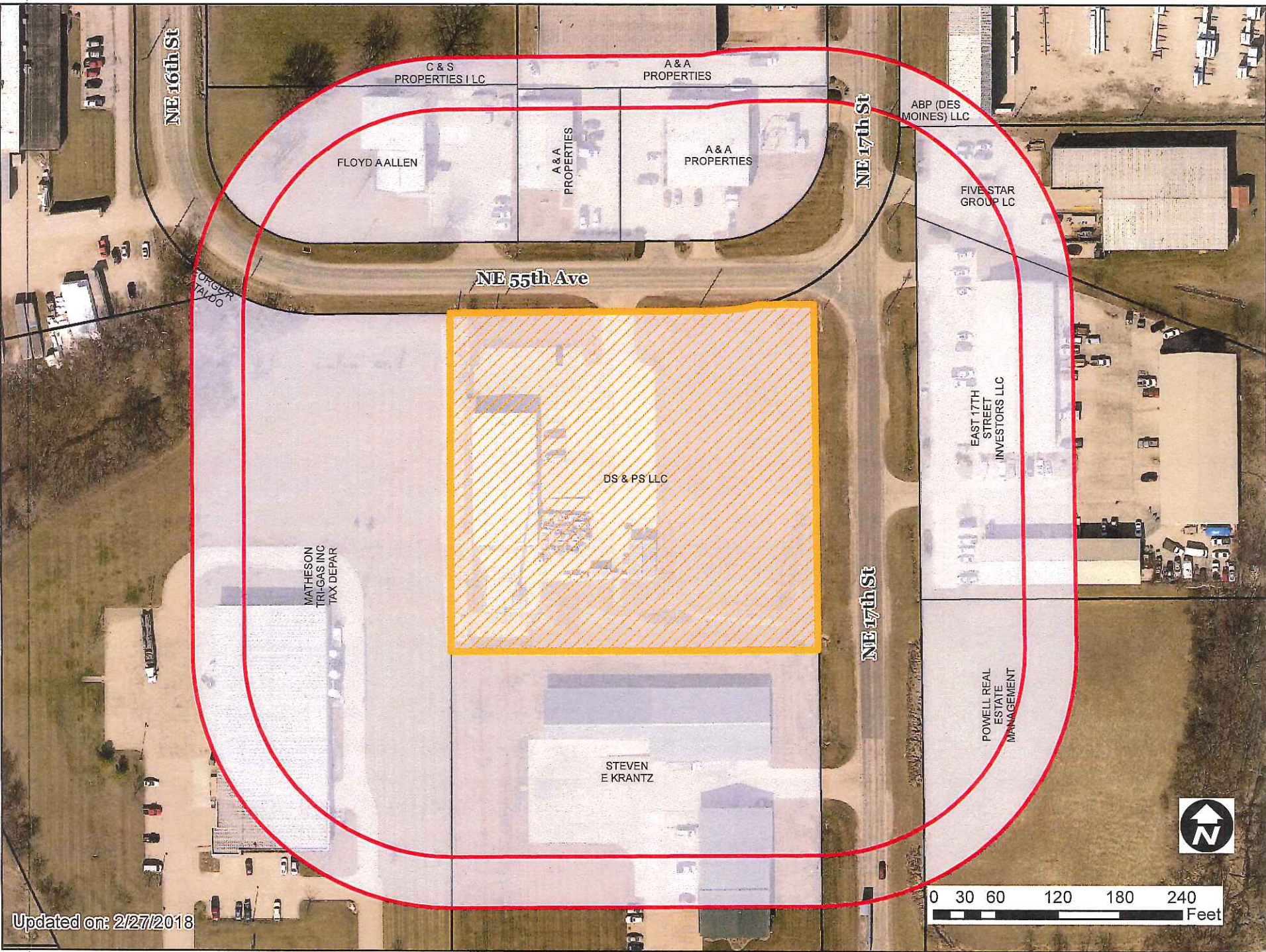
Mayor

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



Updated on: 2/27/2018

ll

March 14, 2018

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 March 1, 2018, the following action was taken regarding a request from DS & PS, LLC (owners) represented by Dennis Sult (agent) for review and approval of a Preliminary Plat "Ironman" on property located at 1647 Northeast 55th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the property into two lots, each with an existing industrial building.

COMMISSION ACTION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler	X			
David Courard-Hauri				X
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard				X
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Mike Simonson				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the requested Preliminary Plat for "Ironman 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.”

The Commission also recommended that the City Council to waive their review of any Final Subdivision Plat.

(13-2018-1.31)

Written Responses

0 in Favor

0 in Opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Preliminary Plat for “Ironman 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

I. GENERAL INFORMATION

1. **Purpose of Request:** The developer is seeking to subdivide the property into two separate parcels for residential development in unincorporated Polk County. Polk County is requiring the subdivision into two parcels to go through their Preliminary Plat procedure.

Section 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, the closer jurisdiction has right of review unless there is a 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:** 2.68 acres.
3. **Existing Zoning (site):** “HI” Heavy Industrial District (Polk County).
4. **Existing Land Use (site):** The property contains two office and warehouse buildings and paved surface parking.
5. **Adjacent Land Use and Zoning:**

North – “HI” Heavy Industrial District (Polk County), Uses are warehousing and office.

South – “HI” Heavy Industrial District (Polk County), Uses are warehousing and office.

East – “HI” Heavy Industrial District (Polk County), Uses are warehousing, office, and mini warehouse.

West – “HI” Heavy Industrial District (Polk County), Uses are warehousing and office.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the unincorporated area of Polk County in Taylor Township between Des Moines and Ankeny.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the unincorporated area of Polk County in Taylor Township. Notifications of the hearing for this specific item were mailed on February 16, 2018 (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 February 23, 2018.
8. **Relevant Zoning History:** N/A.
9. **PlanDSM Land Use Plan Designation:** N/A. Polk County’s Comprehensive Plan 2030 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 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 some landscaping along the Northeast 55th Avenue frontage. 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 generally drains to the southeastern portion of the property. 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:** No changes to utilities and easements have been noted.
4. **Traffic/Street System:** The subject property has access from Northeast 17th Street and Northeast 55th Avenue. The subdivision of the property would result in the eastern property being accessed from either Northeast 17th Street and Northeast 55th Avenue. The western property would be accessed from Northeast 55th Street.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes made a motion to approve the requested Preliminary Plat for "Ironman 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."

The Commission also recommended that the City Council to waive their review of any Final Subdivision Plat.

Motion passed 9-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

DS & PS, LLC (owners) represented by Dennis Sult (agent) for property located at 1647 Northeast 55th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines.		File #			
		13-2018-1.31			
Description of Action	Review and approval of a Preliminary Plat "Ironman", to allow subdivision of the property into two lots, each with an existing industrial building.				
PlanDSM Future Land Use	Current: None. 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	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

DS & PS, LLC, Ironman, 1647 Northeast 55th Avenue

13-2018-1.31



Updated on: 2/5/2018

1 inch = 123 feet



February 19, 2018

**Voldemars Leo Pelds
A. Leo Pelds Engineering Company
2323 Dixon Street
Des Moines, IA 50316**

RE: Ironman Preliminary Plat 1

13-18-1.31

Dear Leo:

We have reviewed the first (1st) submittal of the Ironman Preliminary Plat, located in unincorporated Polk County, and have determined that the following conditions must be satisfied before plan approval can be granted.

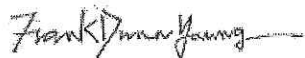
Planning

1. As this plat will go to Plan and Zoning Commission for review and approval, provide in note format the date of the meeting and any conditions of approval.
2. 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.
3. Subdivision plats within the City of Des Moines are required to show existing and proposed addresses. We will defer to Polk County on address assignments for this property.
4. The applicant may wish to provide a request either by email or hardcopy in which they ask to waive final plat review deferring approval of all easements and final plat review to Altoona and Polk County. This request will be documented before Plan and Zoning Commission with recommendation and then presented to Des Moines City Council for approval.

Please submit **two (2) review copies** of the revised plat satisfying the above listed items. Failure to resubmit such amended plan 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 please contact me, Frank Dunn-Young, @ **283-4743** or by email @ **fadunyoung@dmgov.org**.

Sincerely,

A handwritten signature in black ink that reads "Frank Dunn-Young" with a horizontal line extending to the right.

Frank Dunn-Young
Senior City Planner

Dunn-Young, Frank A.

From: Garrett, Mark G.
Sent: Thursday, February 8, 2018 11:42 AM
To: Dunn-Young, Frank A.; Sommer, Jillian L.; Alcivar, Johnny G.
Cc: Bianchetta, Stephen M.; Willham, Brian J.
Subject: Ironman Preliminary Plat 1 (Unincorporated Polk), 1647 NE 55th Ave #13-18-1.31

Ironman Preliminary Plat 1 (Unincorporated Polk), 1647 NE 55th Ave #13-18-1.31

No Traffic concerns on this lot split.

Mark

January 31, 2018

City of Des Moines
Attn: Jillian Sommer
602 Robert Ray Drive
Des Moines, IA 50309

RE: Ironman Plat

Dear Jillian,

On behalf of my client, I am requesting that this Preliminary Plat be reviewed and approved per Iowa Code section 354.9, for the 2-mile reviewing authority. We are requesting that the Final Plat review be waived by the City of Des Moines, as it is a County Plat that will be processed thru the County Planning and Zoning and Board of supervisors for Final Plat recording.

Sincerely,



Wally Pelds, PE & PLS

Ironman Prelim Plat 1
Subdivision: \$520
Notice: \$28



**PERMIT AND DEVELOPMENT CENTER
SUBDIVISION PLAT REVIEW TRANSMITTAL**

602 ROBERT D. RAY DRIVE, DES MOINES, IOWA 50309
PHONE (515) 283-4743 *FAX (515) 283-4270,
E-MAIL: FADUNN-YOUNG@DMGOV.ORG

- TO:**
- FRANK DUNN-YOUNG, PDC PLANNING (PHONE 283-4743 - FAX 283-4270)
 - ADAM PRILIPP, PDC ENGINEERING
 - JORDAN HUTCHENS, PDC ENGINEERING
 - PATRICK PHELAN, FIRE DEPARTMENT
 - TERRY BERK, PDC BUILDING
 - STEPHEN BIANCHETTA, TRAFFIC ENGINEERING
 - RYAN MOFFATT, ECONOMIC DEVELOPMENT
 - TOM FISHER, CITY LEGAL
 - ERIK LUNDY, CD PLANNING STAFF
 - JEFFERY KUSTER, CDM I.T. -GIS STAFF
 - DAVE LOCKARD, POLICE DEPARTMENT
 - RICHARD BROWN, PARKS DEPARTMENT
 - JONATHAN GANO, PUBLIC WORKS DEPARTMENT
 - DAVID JAHN, PUBLIC WORKS DEPARTMENT- MUNICIPAL ARBORIST
 - BRYAN POLLPETER, DMWW
 - CHAD ERNST, MEDIACOM
 - HUGH STEPEHNS, MIDAMERICAN ENERGY
 - STEVE PARKER / ANGIE KISLING / LUKE HAYWORTH, CENTURY LINK
 - LINDSEY BAUGHMAN, WARREN COUNTY PLANNING & ZONING
 - DAN PRITCHARD, STORM WATER
 - JORDAN SCUPIEN, POLK COUNTY AUDITOR'S OFFICE
 - PAT BODDY, POLK COUNTY CONSERVATION COMMISSION
 - STEPHANIE BRANDT, US POST OFFICE ADDRESS MANAGMENT

FROM: FRANK A DUNN-YOUNG-PERMIT & DEVELOPMENT CENTER

DATE: FEBRUARY 1ST, 2018

RE: PRELIMINARY PLAT - IRONMAN PRELIMINARY PLAT 1

Attached is a plat of survey that was submitted to the Permit and Development Center on February 1st, 2018. Please review this document as a 1st Submittal or a resubmittal and return your findings and recommendations to PDC Senior City Planner, Frank Dunn-Young, on or before noon of February 13th, 2018. If you have questions related to this submittal, you may contact Frank Dunn-Young at (515) 283-4743 or via e-mail, fadunnyoung@dmgov.org. In the event we do not receive comments from you within the noted deadline, this office will assume your department has no objections or comments to the proposed project.

CC: PLAT FILE # 13-18-1.31 **PRE-APP:** 1/30/18 **1ST SUBMITTAL**

ENGINEERING REVIEWER:

ALL OK APP 2/2/18