



Roll Call Number

Agenda Item Number

19

Date April 23, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "D & M DEVELOPMENT" ON PROPERTY LOCATED AT 4764 NORTHEAST 22ND STREET

WHEREAS, on April 5, 2018, the City of Des Moines Plan and Zoning Commission voted 12-0 for APPROVAL of a Preliminary Plat "D & M Development" on property located at 4764 Northeast 22nd Street, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be divided into five lots for heavy industrial development, subject to compliance with all administrative review comments by the City's Permit and Development Center; and

WHEREAS, the Community Development Department recommends that the City waive its right to review the Final Plat "D & M Development" 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 "D & M Development".

MOVED by _____ to adopt.

FORM APPROVED:

Lawrence R. McDowell
Deputy City Attorney

(13-2018-1.42)

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

MOTION CARRIED

APPROVED

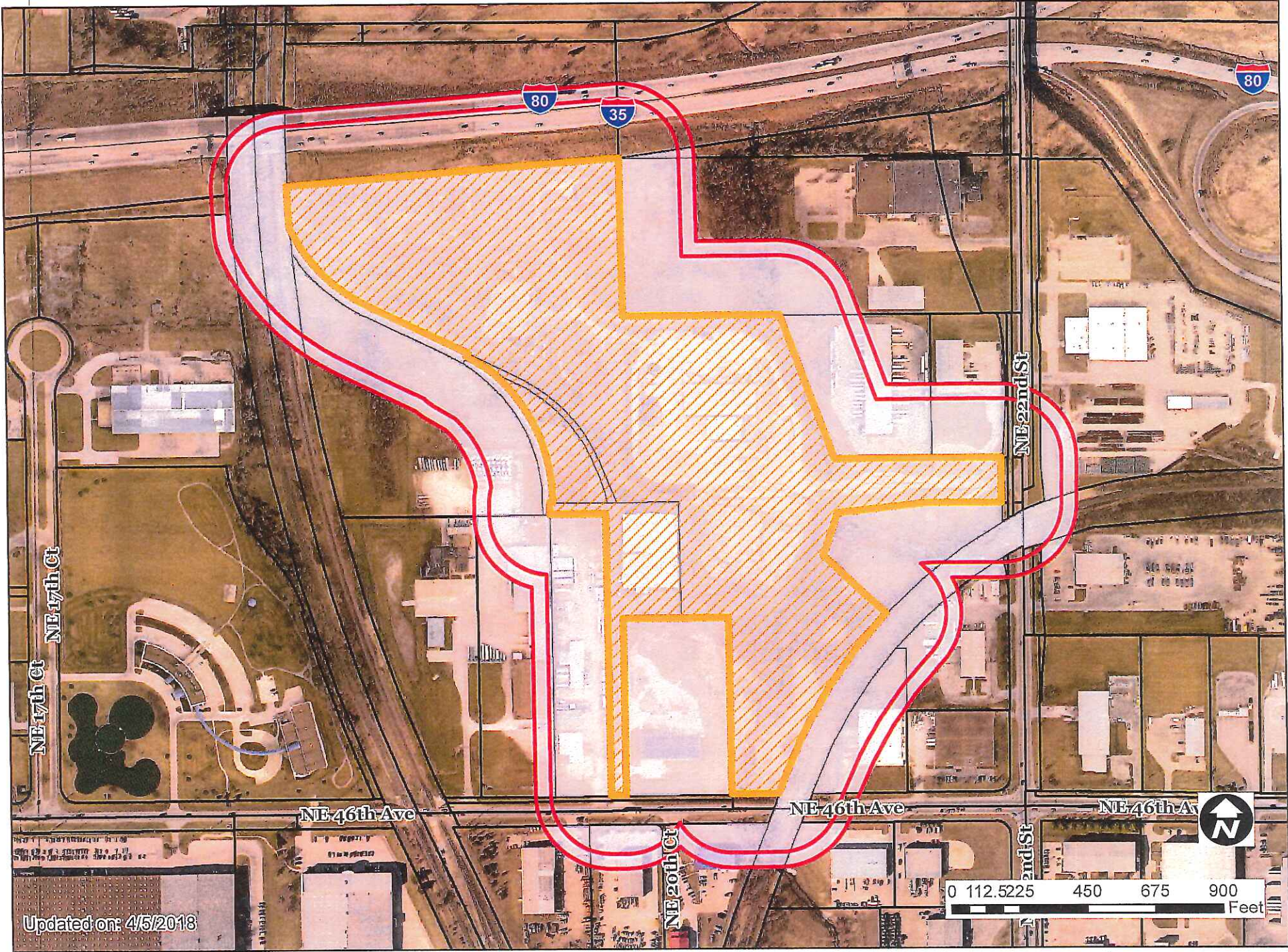
CERTIFICATE

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



Updated on: 4/5/2018





Date April 23, 2018
 Agenda Item 19
 Roll Call # _____

April 18, 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 April 5, 2018, the following action was taken regarding a request from D&M Partners, LLC (owner) represented by Mick Albaugh (officer) for review and approval of a Preliminary Plat "D & M Development" on property located at 4764 Northeast 22nd Street, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be divided into five (5) lots for heavy industrial development.

COMMISSION ACTION:

After public hearing, the members voted 12-0 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 "D & M Development", subject to compliance with all comments of the administrative review by the Permit and Development Center and that the Commission forward a recommendation to the City Council to waive their review of any Final Subdivision Plat. (13-2018-1.42)

Written Responses

0 in Favor

0 in Opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Preliminary Plat for "D & M Development", subject to compliance with all comments of the administrative review by the Permit and Development Center.

Staff further recommends that the Commission forward a recommendation to the City Council to waive their review of any Final Subdivision Plat.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The owner is seeking to subdivide the property into five separate parcels for heavy industrial development in unincorporated Polk County. Polk County is requiring the subdivision into five 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:** 39.74 acres.

- 3. Existing Zoning (site):** "HI" Heavy Industrial District (Polk County).

- 4. Existing Land Use (site):** The property contains office and warehouse buildings, pavement, a hoop house, auto repair shop, 80-ton truck scale, vacant land, and railroad spurs.

- 5. Adjacent Land Use and Zoning:**

North – "HI" Heavy Industrial District (Polk County), Uses are warehousing, office, and vacant land.

South – "HI" Heavy Industrial District (Polk County), Uses are warehousing, office, and vacant land.

East – "HI" Heavy Industrial District (Polk County), Uses are warehousing and office.

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 Saylor Township between Des Moines and Ankeny.

7. **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 March 26, 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 March 30, 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 wooded and wetland areas along the northwest and southeast sections. 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 recommended 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. This notation was included on a resubmittal.
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:** Provision of necessary utilities and easements have been noted.

4. **Traffic/Street System:** The subject property has access from Northeast 22nd Street and Northeast 46th Avenue. Development of the property includes the construction of a new road named Northeast 20th Lane that will circumnavigate the site from Northeast 46th Street to Northeast 22nd Street. All new parcels will have access onto Northeast 20th Lane.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Greg Jones made a motion for approval of the requested Preliminary Plat for "D & M Development", subject to compliance with all comments of the administrative review by the Permit and Development Center and that the Commission forward a recommendation to the City Council to waive their review of any Final Subdivision Plat.

Motion passed 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

D&M Partners, LLC (owner) represented by Mick Albaugh (officer) for property located at 4764 Northeast 22nd Street.		File # 13-2018-1.42		
Description of Action	Review and approval of a Preliminary Plat "D & M Development", in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be divided into five (5) lots for heavy industrial development.			
PlanDSM Future Land Use	Current: N/A. 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

D&M Partners, LLC, D & M Development, 4764 Northeast 22nd Street

13-2018-1.42



1 inch = 426 feet