



Date May 21, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "REPLAT OF LOT 24, CAPITOL HEIGHTS NO. 2" ON PROPERTY LOCATED AT 4010 NORTHEAST 44TH DRIVE

WHEREAS, on May 3, 2018, the City of Des Moines Plan and Zoning Commission voted 12-0 for APPROVAL of a Preliminary Plat "Replat of Lot 24, Capitol Heights No. 2" on property located at 4010 Northeast 44th Drive, 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 lots for single-family residential dwellings, subject to the following conditions:

- 1. Compliance with all comments of the administrative review by the Permit and Development Center.
2. Provision on the plat document of the locations of the septic fields for both Lot 1 and Lot 2. Any necessary easements shall be obtained prior to Final Subdivision Platting.
3. 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."
4. Waiver of the review of any Final Subdivision Plat by City Council subject to provision of a written agreement waiving protest of any future assessments for public infrastructure, recorded at the property owner's expense, and in form approved by the City's Legal and Community Development Departments; and

WHEREAS, the City's Community Development Department further recommends that the provision of written agreement as stated in condition 4 above be submitted by the owner to the City within 30 days of preliminary plat approval.

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.

MOVED by _____ to adopt.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(13-2018-1.47)

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

MOTION CARRIED APPROVED

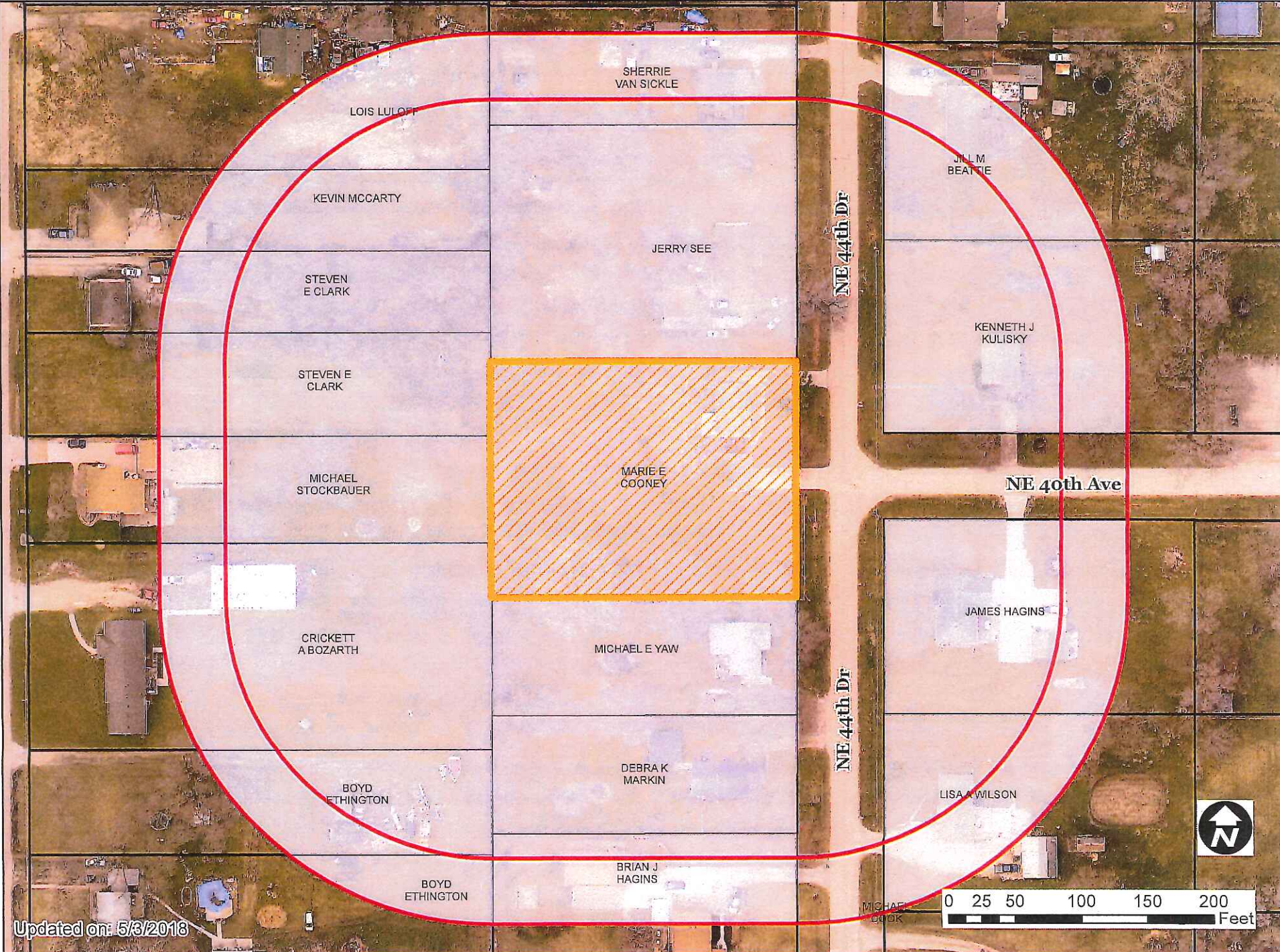
CERTIFICATE

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.

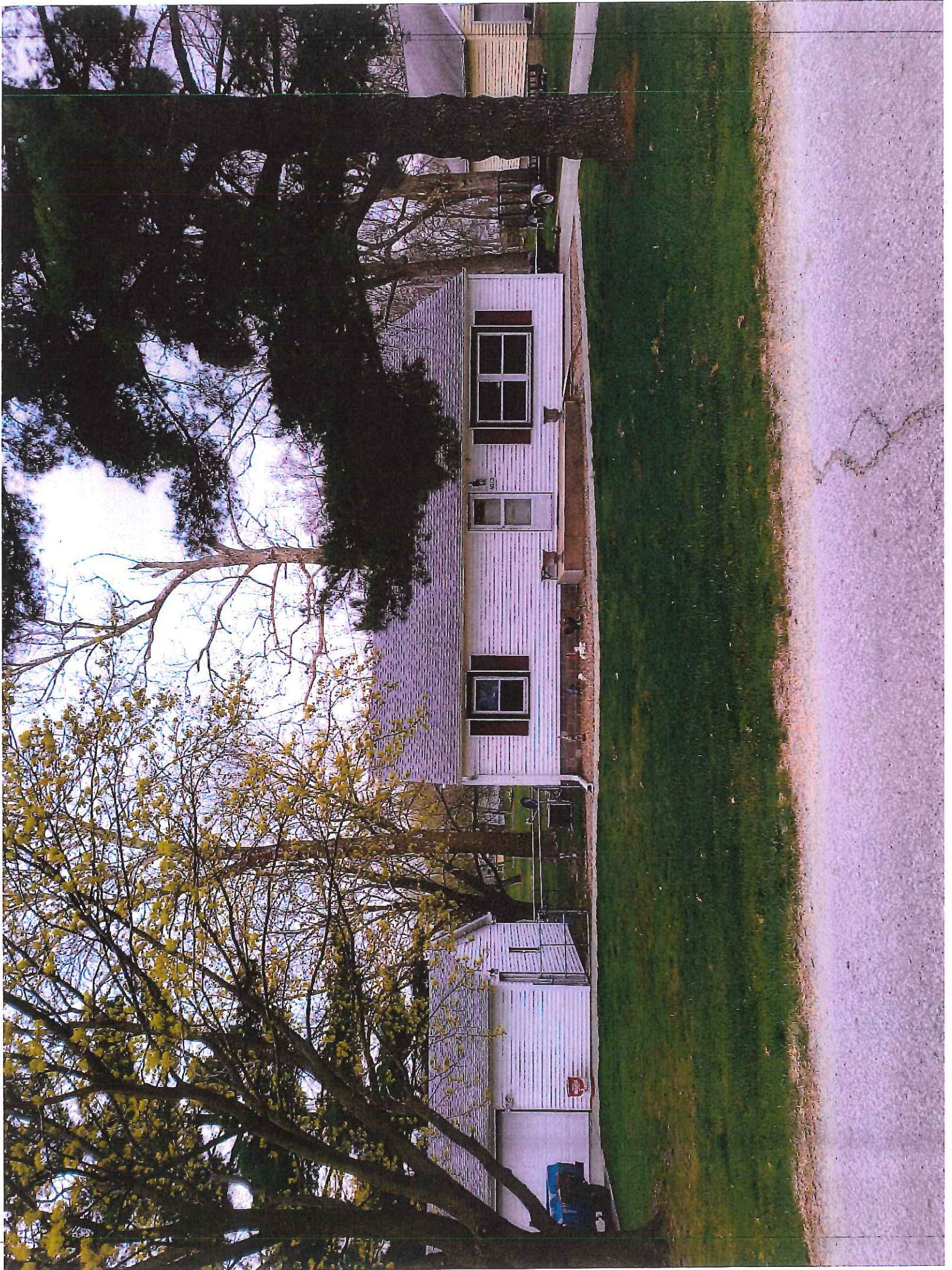
Mayor

City Clerk



Updated on: 5/3/2018

29





May 16, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Date _____
Agenda Item 29
Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 3, 2018, the following action was taken regarding a request from Barb Houseman (developer) for review and approval of a Preliminary Plat "Replat of Lot 24, Capitol Heights No. 2" on property located at 4010 Northeast 44th Drive, 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 (2) lots for single-family residential dwellings. The subject property is owned by Marie E. Cooney (Cooney Family Trust).

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 "Replat of Lot 24, Capitol Heights No. 2", subject to the following conditions:

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

2. Provision on the plat document of the locations of the septic fields for both Lot 1 and Lot 2. Any necessary easements shall be obtained prior to Final Subdivision Platting.
3. 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."
4. Waiver of the review of any Final Subdivision Plat by City Council subject to provision of a written agreement waiving protest of any future assessments for public infrastructure, recorded at the property owner's expense, and in form approved by the City's Legal and Community Development Departments. (13-2018-1.47)

Written Responses

0 in Favor

0 in Opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Preliminary Plat for "Replat of Lot 24, Capitol Heights No. 2", subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.
2. Provision on the plat document of the locations of the septic fields for both Lot 1 and Lot 2. Any necessary easements shall be obtained prior to Final Subdivision Platting.
3. 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."
4. Waiver of the review of any Final Subdivision Plat by City Council subject to provision of a written agreement waiving protest of any future assessments for public infrastructure, recorded at the property owner's expense, and in form approved by the City's Legal and Community Development Departments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant 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 Altoona.

2. **Size of Site:** 41,620 square feet (or 0.955 acres).

3. **Existing Zoning (site):** "LDR" Low Density Residential (Polk County).
4. **Existing Land Use (site):** The property contains a single-family dwelling and a detached garage.
5. **Adjacent Land Use and Zoning:**
 - North** – "LDR" Low Density Residential (Polk County), Use are single-family dwellings.
 - South** – "LDR" Low Density Residential (Polk County), Uses are single-family dwellings.
 - East** – "LDR" Low Density Residential (Polk County), Uses are single-family dwellings.
 - West** – "LDR" Low Density Residential (Polk County), Use are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located in unincorporated Polk County (Delaware Township) between Des Moines and Altoona.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in unincorporated Polk County (Delaware Township). Notifications of the hearing for this specific item were mailed on April 13, 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 April 27, 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 Low Density Residential.
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 several mature trees throughout the property. 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 southeast corner 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:** The plat currently does not indicate the location of the septic fields for the existing property or for Lot 2 after the subdivision. If the fields for Lot 1 lie within the boundaries of Lot 2 after the subdivision, an easement will need to be obtained. Septic fields and dimensions ensuring enough room exists need to be shown with on the plat for Lot 2.
- 4. Traffic/Street System:** The subdivision of the property would result in both the southern property and the northern property being accessed from Northeast 44th Drive.

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 for approval of the requested Preliminary Plat for "Replat of Lot 24, Capitol Heights No. 2", subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.
2. Provision on the plat document of the locations of the septic fields for both Lot 1 and Lot 2. Any necessary easements shall be obtained prior to Final Subdivision Platting.
3. 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."
4. Waiver of the review of any Final Subdivision Plat by City Council subject to provision of a written agreement waiving protest of any future assessments for public infrastructure, recorded at the property owner's expense, and in form approved by the City's Legal and Community Development Departments.

Motion passed 12-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Barb Houseman (developer) for property located at 4010 Northeast 44th Drive, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines. The subject property is owned by Marie E. Cooney (Cooney Family Trust).		File #		
		13-2018-1.47		
Description of Action	Review and approval of a Preliminary Plat "Replat of Lot 24, Capitol Heights No. 2", to allow division of the property into two (2) lots for single-family residential dwellings.			
PlanDSM Future Land Use	Current: N/A. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"LDR" Low Density Residential (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

Barb Houseman, 4010 Northeast 44th Drive

13-2018-1.47



1 inch = 98 feet