



Roll Call Number

Agenda Item Number

24

Date August 5, 2019

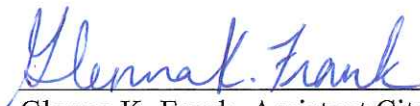
**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING
COMMISSION REGARDING PRELIMINARY PLAT "MCKINLEY ACRES" ON
PROPERTY LOCATED IN THE 3401 BLOCK OF MCKINLEY AVENUE**

WHEREAS, on July 18, 2019, the City of Des Moines Plan and Zoning Commission voted 13-0 for **APPROVAL** of a Preliminary Plat "McKinley Acres", submitted by Robert Ellis (owner), on property located in the 3401 block of McKinley Avenue, to allow division of the property into four lots for development of single-family dwellings, as previously approved by the Plan and Zoning Commission on January 19, 2017, subject to compliance with all administrative review requirements of the Permit and Development Center, including limiting the four lots to only two shared drive approach accesses from McKinley Avenue.

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 receive and file.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(13-2019-1.57)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

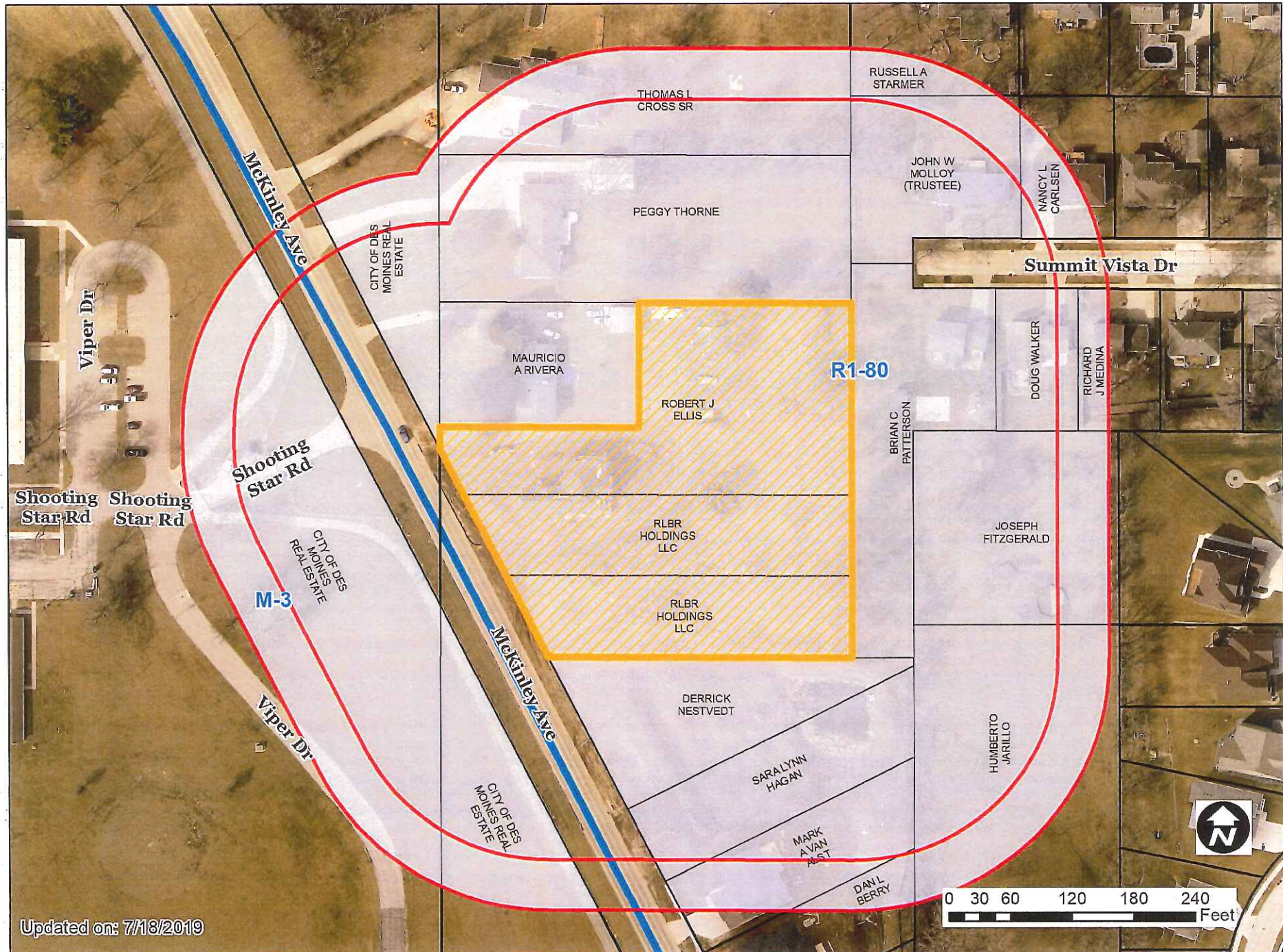
Mayor

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



42

Date August 5, 2019

Agenda Item 24

Roll Call # _____

July 30, 2019

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 July 18, 2019 the following action was taken regarding a request from Robert Ellis (owner) for review and approval of a Preliminary Plat "McKinley Acres" on property located in the 3401 block of McKinley Avenue, to allow re-platting of 2.16 acres of property into four (4) lots for single-family residential development. Previous approval of this Plat by the Plan and Zoning Commission on January 19, 2017 has expired. Additional subject property is owned by RLBR Holdings, LLC represented by Rob and Lynda Bierma.

COMMISSION ACTION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	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			
Emily Webb	X			

APPROVAL of the proposed Preliminary Plat subject compliance with all administrative review requirements of the Permit and Development Center, including limiting the four lots to only two shared drive approach accesses from McKinley Avenue.

(13-2019-1.57)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Preliminary Plat subject compliance with all administrative review requirements of the Permit and Development Center, including limiting the four lots to only two shared drive approach accesses from McKinley Avenue.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The appellant is proposing to divide the property into four lots for development of single-family dwellings. Lots 1, 2 and 3 would have 70 feet of frontage along McKinley Avenue and varying depths due to the irregular shape of the site. Lot 4 would be a flag lot with 20 feet of frontage along McKinley Avenue.
2. **Size of Site:** Approximately 2.42 acres.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** Single-family dwelling with undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-80", Uses are undeveloped land and single-family residential.
 - South** – "R1-80", Uses are McKinley Avenue and single-family residential.
 - East** – "R1-80", Uses are McKinley Avenue and single-family residential.
 - West** – "M-3", Uses are McKinley Avenue and the Des Moines International Airport.
6. **General Neighborhood/Area Land Uses:** The subject property is located north of the Des Moines International Airport in an area that primarily consists of low-density residential development.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the Commission meeting was mailed to the neighborhood associations on July 12, 2019.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321.
8. **Relevant Zoning History:** On August 24, 2016, the Zoning Board of Adjustment approved an Exception of 10 feet less than the minimum 80 feet of lot width required for

a single-family dwelling (for three parcels with 70 feet of frontage) and an Exception of 60 feet less than the minimum required 80 feet of lot width for a single-family dwelling, where such lot meets the lot width at the building line (for one flag lot with 20 feet of frontage), subject to the following conditions:

1. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.
2. The architectural details of each dwelling shall vary from the other dwellings to provide an individualized appearance.
3. Provision of a full basement under each dwelling
4. Provision of a two-car or larger garage. A paved driveway shall be provided for vehicular access to the garage.
5. Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
6. Any dwelling shall be constructed with a front porch of not less than 60 square feet or at least 1/3 of the front façade shall be clad with stone or brick masonry.
7. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4-inches wide.
8. The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
9. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
10. Any modified lot configuration shall be in accordance with a Plat approved by the Permit and Development Center and recorded with Polk County.

On July 26, 2017, a follow-up appeal was approved by the Board of Adjustment for additional relief based on the proposed model home for Exception of 10 feet less than the calculated minimum 40 feet of front yard setback required for a single-family dwelling, Exception of 3 feet less than the minimum 10 feet of side yard setback required on one side for a single-family dwelling, and Exception of 6 feet less than the minimum 20 feet of total side yard setbacks required for a single-family dwelling, subject to the following conditions:

1. A Final Plat shall be approved by the City Council and recorded with Polk County in accordance with relief granted by the Board on August 24, 2016 by Docket ZION2015-00142.

2. Construction of any dwelling shall be in general compliance with building design and elevations as reviewed and approved by the Planning Administrator.
3. The architectural details of each dwelling shall vary from the other dwellings to provide an individualized appearance.
4. Provision of a full basement under each dwelling
5. Provision of a two-car or larger garage. A paved driveway shall be provided for vehicular access to the garage.
6. Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board or other composite materials generally equal in quality to cement fiber board as approved by the Planning Administrator.
7. Any dwelling shall be constructed with a front porch of not less than 60 square feet or at least 1/3 of the front façade shall be clad with stone or brick masonry.
8. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4-inches wide.
9. The roof on any house constructed shall be of architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
10. Any dwelling or accessory structure shall be constructed in compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
11. Any modified lot configuration shall be in accordance with a Plat approved by the Permit and Development Center and recorded with Polk County.

This relief was exercised by the approval of construction of a demonstration single-family dwelling unit on August 2, 2017. However, because a Final Plat was not submitted for approval within the maximum time frame, the Preliminary Plat was expired. It has now been re-submitted so that the City Council may consider an Final Plat.

9. **PlanDSM Land Use Plan Designation:** Low-Density Residential is defined as “areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.” The density of the proposed lot configuration complies with the “Low Density Residential” designation.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and 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.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Site Features:** The site generally slopes downward from the northwest to the southeast and contains a mix of groundcover-type vegetation and trees. There are trees along the perimeter lines of Lot 4 and in the rear of Lots 1 and 2. The applicant has identified all trees being removed or protected and has proposed mitigation plantings for any trees removed.
- 2. Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. The topography of the site requires a stormwater basin to be located in the southeast corner of the development. The basin is designed to temporarily hold water from larger storm events and to release it at a limited rate to the southeast. The developer is required to establish a homeowners association for the purpose of entering into a Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement with the City of Des Moines.
- 3. Utilities:** Water access is available through an 8-inch water main in McKinley Avenue. There is an existing public sanitary sewer main in a 50-foot-wide north/south easement adjacent to the eastern portion of Lots 1-4 and a 60-foot-wide north/south storm sewer easement adjacent to the middle portion of Lot 4.
- 4. Traffic/Street System:** The Preliminary Plat shows the proposed development would be bounded by McKinley Avenue to the west. Based on Traffic Engineering comments, the developer has proposed limiting the number of driveways along McKinley Avenue so that Lots 1-2 and Lots 3-4 share common drive approaches. The submitted plat states that 5-foot-wide sidewalks will be installed along McKinley Avenue by individual lot owners.

SUMMARY OF DISCUSSION

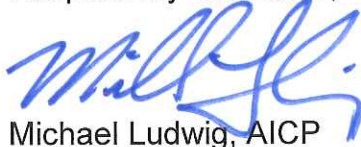
Jacqueline Easley asked if any members of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

David Courard-Hauri made a motion for approval of the proposed Preliminary Plat subject compliance with all administrative review requirements of the Permit and Development Center, including limiting the four lots to only two shared drive approach accesses from McKinley Avenue.

Motion passed 13-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Robert Ellis (owner) for property located in the 3401 block of McKinley Avenue. Additional subject property is owned by RLBR Holdings, LLC represented by Rob and Lynda Bierma.				File #	
				13-2019-1.57	
Description of Action	Review and approval of a Preliminary Plat "McKinley Acres", to allow re-platting of 2.16 acres of property into four (4) lots for single-family residential development. Previous approval of this Plat by the Plan and Zoning Commission on January 19, 2017 has expired.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-80" One-Family Residential District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Robert Ellis, McKinley Acres, 3401 block of McKinley Avenue

13-2019-1.57

