



Date August 23, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF PRELIMINARY PLAT "OAK CREST" FOR PROPERTY LOCATED AT 4005 GRAND AVENUE AND 520 40TH STREET

WHEREAS, on August 5, 2021, the City of Des Moines Plan and Zoning Commission voted 10-0 to APPROVE a request from 4005 Grand, LLC (owner), represented by Mike Simonson (officer), for approval of the Preliminary Plat "Oak Crest" on 1.28 acres of property located at 4005 Grand Avenue and 520 40th Street, to allow development of a 6-unit residential row building fronting Grand Avenue, a 2-unit residential row building fronting 40th Street, detached garages, and reconfiguration of property lines for the existing apartment building, subject to compliance with all administrative review comments from the Development Services Department; 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.

MOVED BY \_\_\_\_\_ to receive and file.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(13-2021-1.50)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED, Mayor.

CERTIFICATE
I, P. KAY CMELIK, 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

August 17, 2021

Communication from the City Plan and Zoning Commission advising that at their August 5, 2021 meeting, the following action was taken regarding a request from 4005 Grand, LLC (owner) represented by Mike Simonson (officer) for review and approval of a Preliminary Plat "Oak Crest" for 1.28 acres of property located at 4005 Grand Avenue and 520 40th Street, to be divided into 14 lots for development of a 6-unit Household Living Row Building type and a 2-unit Household Living Row Building type. The property is owned by St. Augustin's Church of Des Moines (owner), represented by Fr. Christopher Pisut (officer).

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar				X
Lisa Howard				X
Carolyn Jenison				X
William Page	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of the submitted Oak Crest Townhomes Preliminary Plat subject to compliance with all administrative review comments. (13-2021.50)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the submitted Oak Crest Townhomes Preliminary Plat subject to compliance with all administrative review comments.

# STAFF REPORT TO THE PLANNING COMMISSION

## I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed development includes a 6-unit Row Building fronting Grand Avenue and a 2-unit Row Building fronting 40<sup>th</sup> Street as well as detached garages. The preliminary plat facilitates the division of the site into rowhouse parcels, garage unit parcels, and a commonly owned land parcel.

The proposed plat also reconfigures property lines for the existing apartment building at 520 40<sup>th</sup> Street. A site plan will be required for a proposed new parking lot at the northwest side of the existing apartment building due to the change in lot lines. Review criteria can be found in Section I, subparagraph 10 of this report. Staff analysis of the proposal can be found in Section II of the report.

2. **Size of Site:** 15,666 square feet.
3. **Existing Zoning (site):** "NX2" Neighborhood Mixed Use District.
4. **Existing Land Use (site):** The property is currently vacant.
5. **Adjacent Land Use and Zoning:**
  - North** – "NX2"; Uses are residential for St Augustin's Church.
  - South** – "NX3"; Uses are multiple household dwellings.
  - East** – "NX2"; Uses are residential single-family dwellings.
  - West** – "P2"; Uses are worship and assembly.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of Grand Avenue to the west of 40<sup>th</sup> Street. The surrounding area contains a mix of single household dwellings, multiple household dwellings, and places of worship.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the North of Grand Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 21, 2021 and by mailing of the Final Agenda on July 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2021 (10 days prior to the public hearing) to the North of Grand Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 North of Grand Neighborhood Association mailings were sent to Jason Norris, 647 34<sup>th</sup> Street, Des Moines, IA 50312.

8. **Relevant Zoning History:** On July 19, 2021, the Plan and Zoning Commission approved the Site Plan for Oak Crest Townhomes.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Medium Density Residential.

**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 Features:** Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code. The applicant is required to demonstrate compliance with the City's Tree Removal and Mitigation Ordinance requirements.
- 2. Drainage/Grading & Storm Water Management:** All grading is subject to approval of a 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.
- 3. Utilities:** All necessary utilities are available for the development in the adjoining Grand Avenue and 40<sup>th</sup> Street rights-of-way.

## **SUMMARY OF DISCUSSION**

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION:**

Jann Freed made a motion for approval of the submitted Oak Crest Townhomes Preliminary Plat subject to compliance with all administrative review comments.

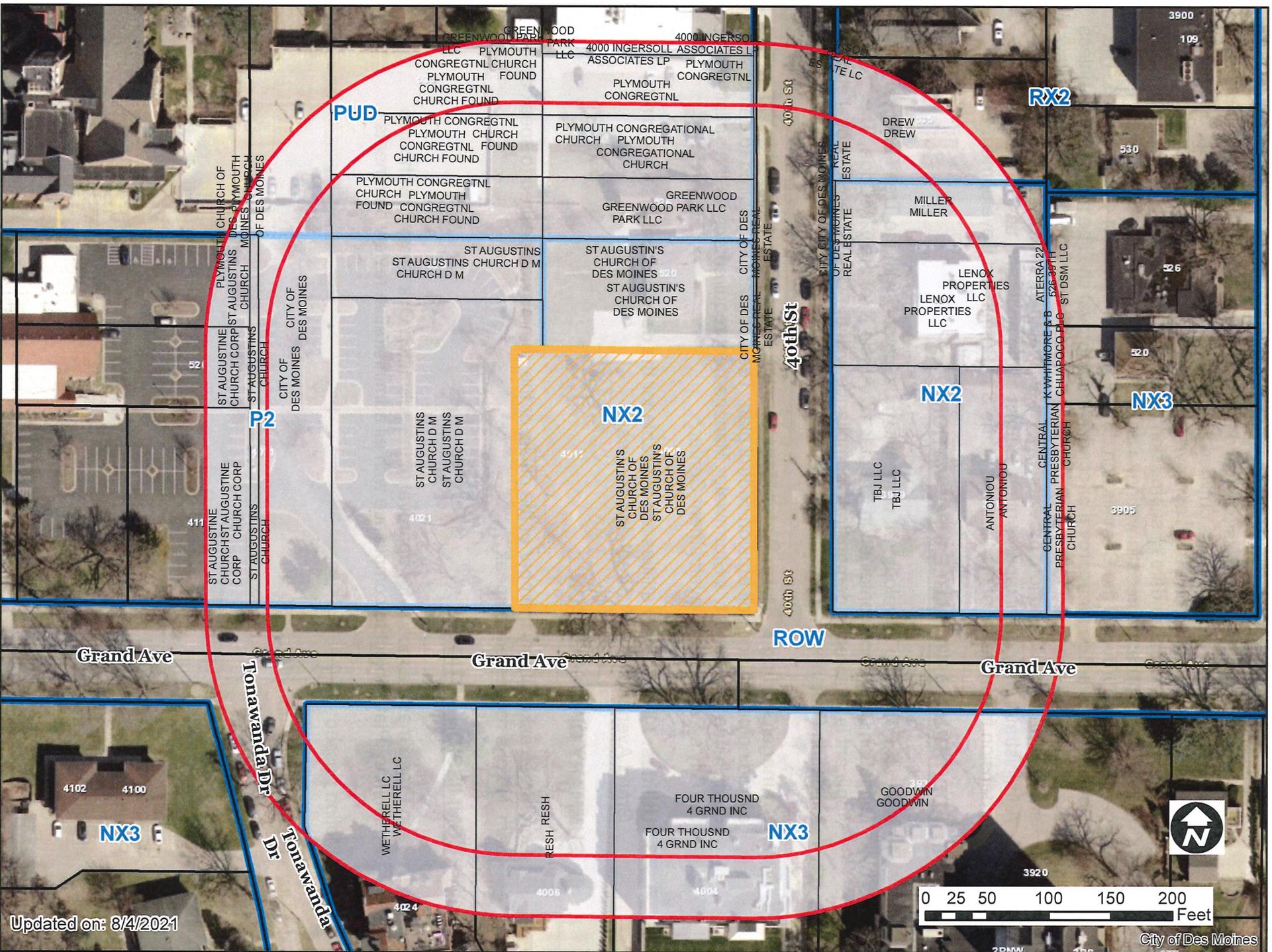
Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

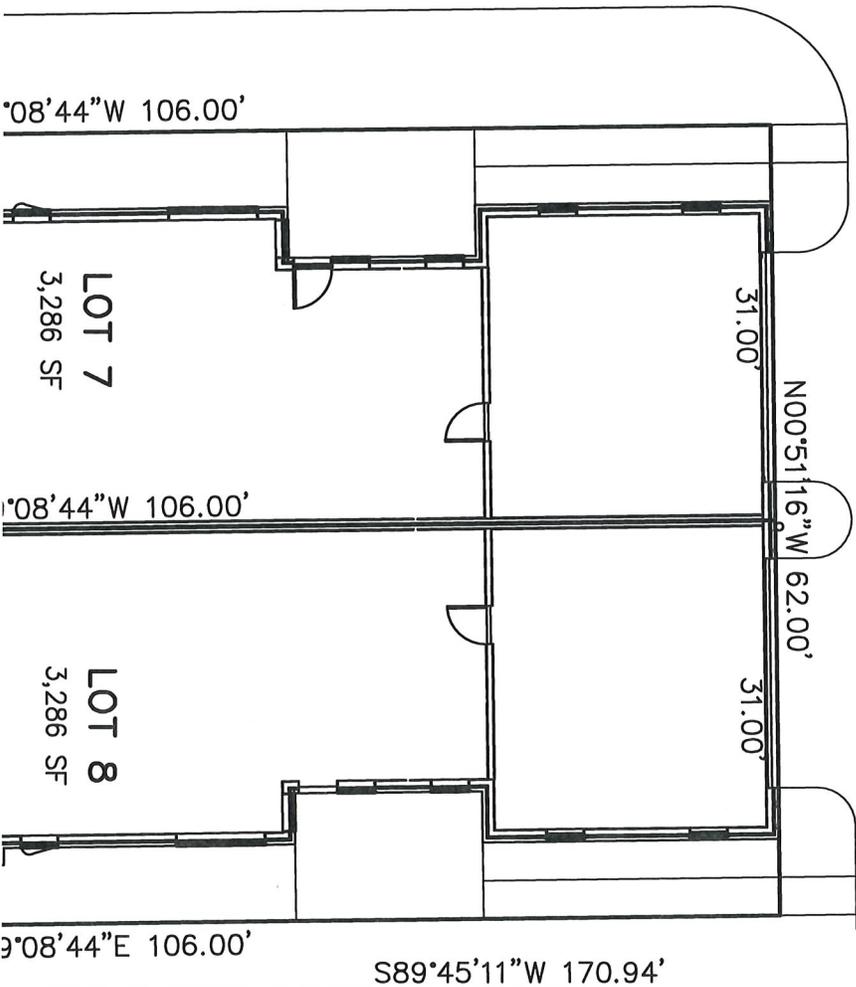
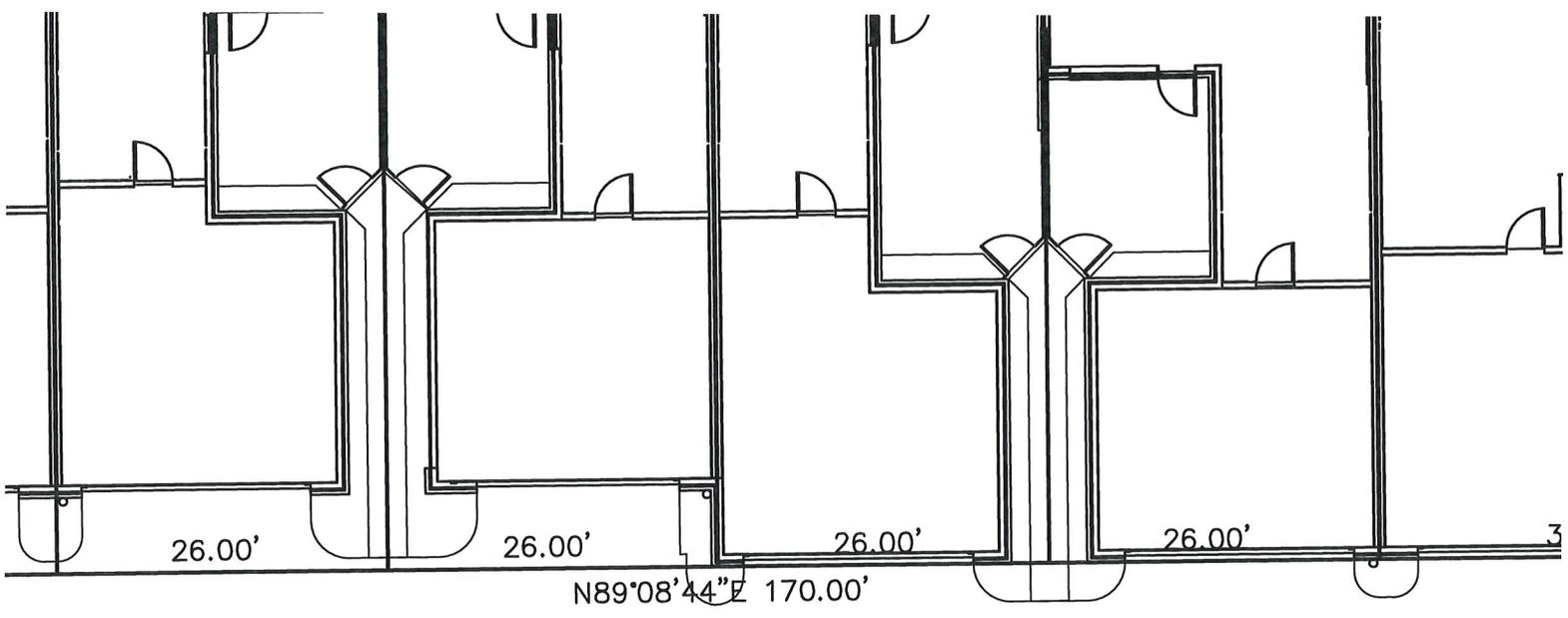


Updated on: 8/4/2021

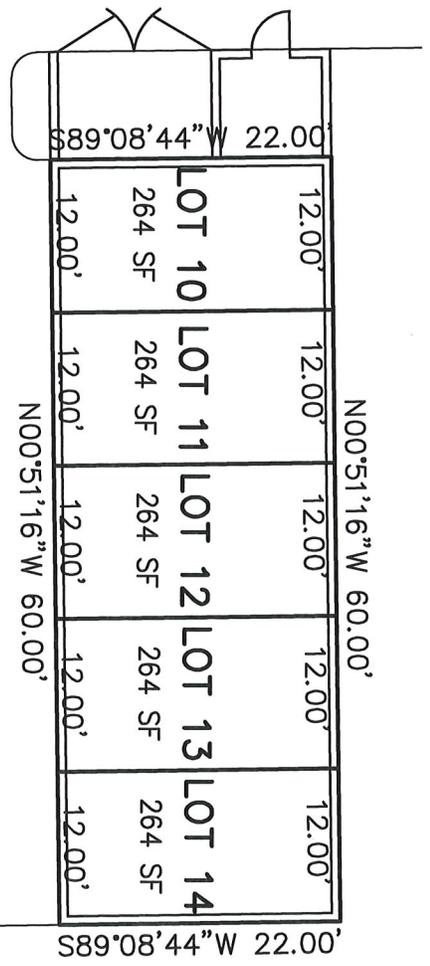
7. OUTLOT A IS INTENDED TO BE COMMON SPACE OWNED AND MAINTAINED BY THE HOMEOWNER ASSOCIATION.

5. ANY WORK WITHIN CITY RIGHT-OF-WAY REQUIRES A RIGHT-OF-WAY PERMIT.

AS



OUTLOT A  
18,053 SF



22