



Roll Call Number

Agenda Item Number

16

Date March 6, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "AURORA AVENUE BIBLE CHURCH PLAT 1," FOR PROPERTY LOCATED AT 45 NW AURORA AVENUE IN SAYLOR TOWNSHIP (UNINCORPORATED POLK COUNTY)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2023, its members voted 12-0 to recommend **APPROVAL** of a Preliminary Plat "Aurora Avenue Bible Church Plat 1," for property located at 45 NW Aurora Avenue in Saylor Township (unincorporated Polk County), and within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property for two (2) lots, including one (1) lot for the existing church use and one (1) lot for a one-household residential use; and

WHEREAS, the Development Services Department recommends that the City waive its right to review the Final Plat "Aurora Avenue Bible Church Play 1" as allowed by Iowa Code 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 the City hereby waives its right to review the Final Plat "Aurora Avenue Bible Church Plat 1".

MOVED BY _____ TO ADOPT. SECOND BY _____.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(PLAT-2023-0000002)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, Laura Baumgartner, 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

Date 3/6/23

Agenda Item 16

Roll Call # _____

February 28, 2023

Communication from the City Plan and Zoning Commission advising that at their February 16, 2023 meeting, the following action was taken regarding a request from Aurora Avenue Bible Church (owner), represented by Mike Cornelison (officer), for review and approval of a Major Preliminary Plat “Aurora Avenue Bible Church Plat 1,” for property located at 45 NW Aurora Avenue in Saylor Township (unincorporated Polk County), and within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property for two (2) lots, including one (1) lot for the existing church use and one (1) lot for a one-household residential use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows.

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Carol Maher	X			
Abby Chungath	X			
Kayla Berkson				X
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar				X
Justyn Lewis				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			
Katie Gillette	X			

APPROVAL of the requested Preliminary Plat “Aurora Avenue Bible Church Plat 1,” subject to compliance with all administrative review comments and City Council waive its right to review the Final Plat “Aurora Avenue Bible Church Plat 1,” as allowed by Iowa Code Section 354.8(2).

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Preliminary Plat "Aurora Avenue Bible Church Plat 1," subject to compliance with all administrative review comments.

Staff also recommends that the City Council waive its right to review the Final Plat "Aurora Avenue Bible Church Plat 1," as allowed by Iowa Code Section 354.8(2).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to subdivide the property in unincorporated Polk County into 1 parcel for a church's use and 1 parcel for a one-household residential use. Polk County is requiring the subdivision to go through their Preliminary Platting 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 closest.

2. **Size of Site:** 1.51 acres.
3. **Existing Zoning (site):** "MDR" Medium-Density Residential District (Polk County).
4. **Existing Land Use (site):** The property currently contains a church and accessory parking lot in the northern portion of the parcel. A single-family home fronts Northwest Aurora Avenue in the southern portion of the parcel.

5. **Adjacent Land Use and Zoning:**

North – "MDR" Medium-Density Residential District (Polk County), Uses are one-household dwelling units.

South – "N3b" and "MDR" Medium-Density Residential District (Polk County), Uses are Northwest Aurora Avenue and one-household dwelling units.

East – "MDR" Medium-Density Residential District (Polk County), Uses are one-household dwelling units.

West – "MDR" Medium-Density Residential District (Polk County), Uses are a one-household dwelling unit and an 11-unit apartment building.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an unincorporated area of Polk County (Saylor Township) immediately north of the Des Moines city limits. This site is approximately 300 feet east of Aurora Avenue's intersection with 2nd Avenue. The surrounding area is mostly a mix of one-household

dwelling units and undeveloped parcels, with the 2nd Avenue corridor containing a diverse slate of commercial and industrial uses.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in an unincorporated area of Polk County (Saylor Township) but is located within 250 feet of the Highland Park Neighborhood Association. All neighborhood associations were notified of the Commission meeting by email of the Preliminary Agenda on January 27, 2023 and by email of the Final Agenda on February 10, 2023. Notifications of the hearing for this specific item were mailed on February 6, 2023 (10 days prior to the hearing) to all neighborhood associations and primary titleholder on file with the Polk County Assessor for each property within 250 feet of the Preliminary Plat boundary.

All agendas and notices are sent to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Highland Park Neighborhood agendas and notices were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, IA 50313.

- 8. Relevant Zoning History:** N/A.
- 9. PlanDSM Land Use Plan Designation:** N/A. Polk County's Comprehensive Plan 2050 Land Use map designates the property as Medium-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. Layout:** No changes are proposed to the site's layout. This preliminary plat would only subdivide the property so that the existing one-household dwelling unit (formerly a pastor's home and mission house) would sit on a different parcel than the church, allowing it to be sold off.
- 2. Natural Site Features:** In addition to the site's existing home, church building, and parking lot, some mature trees exist throughout the property's lawn area.

3. **Drainage/Grading:** The subject property generally drains from the southwest to the northeast. No land disturbances or additional development are proposed at this time. With any future development, Polk County will have enforcement of drainage and storm water management under site plan development requirements within their adopted ordinances and standards.
4. **Utilities:** No changes to public utilities have been proposed. Approval of this preliminary plat is subject to the verification of a public water main easement with Des Moines Water Works that straddles the eastern property line.
5. **Traffic/Street System:** The subject property contains frontage along Northwest Aurora Avenue. Vehicular access for both the church and the one-household dwelling unit would be maintained as-is.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Emily Webb made a motion for approval of the requested Preliminary Plat "Aurora Avenue Bible Church Plat 1," subject to compliance with all administrative review comments and City Council waive its right to review the Final Plat "Aurora Avenue Bible Church Plat 1," as allowed by Iowa Code Section 354.8(2).

Motion passed: 12-0

Respectfully submitted,

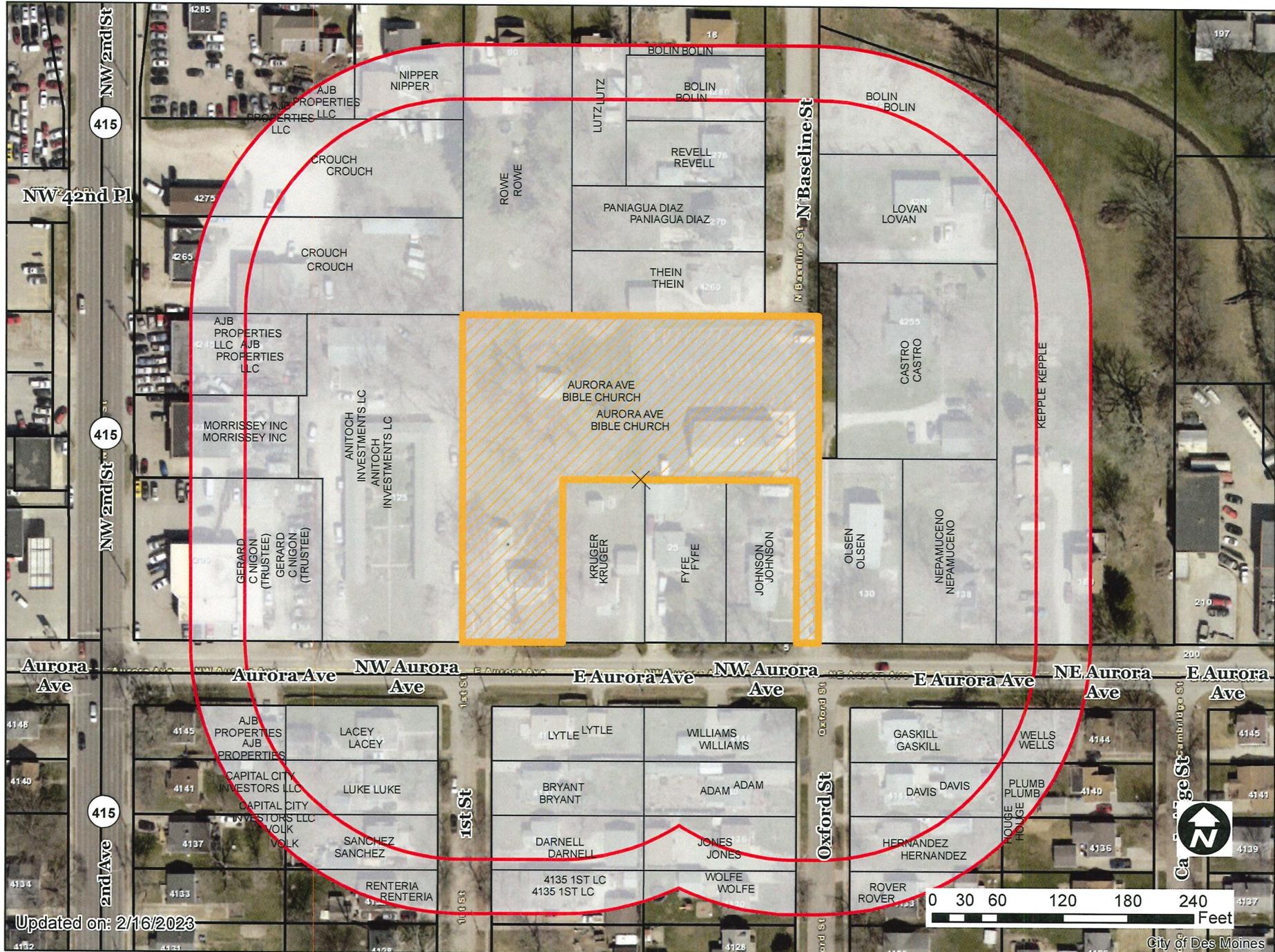


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Aurora Avenue Bible Church, 45 Northwest Aurora Avenue Saylor Township

PLAT-2023-000002



1 inch = 117 feet