

★ **Roll Call Number**

Agenda Item Number

26

Date March 20, 2006

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held March 2, 2006, the members voted 13-0 in support of a motion to **APPROVE** the request from Imperial III Partnership (owner) represented by Jared Johnston (officer) for approval of a preliminary subdivision plat for "Ellis Heights Plat 2" located at 5049 Northeast 14th Street in unincorporated Polk County, all within the two-mile extraterritorial jurisdiction for subdivision review by the City, to allow division of the property into two parcels for a freestanding restaurant and for the primary commercial center.

MOVED by _____ to receive and file.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

NOTE: The final subdivision plat will be submitted for City Council approval at a later date.

(13-2006-1.46)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
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

26

Request from Imperial III Partnership (owner) represented by Jared Johnston (officer) for review and approval of a preliminary subdivision plat for "Ellis Heights Plat 2" located at 5049 Northeast 14 th Street in unincorporated Polk County, all within the two-mile extraterritorial jurisdiction for subdivision review by the City, in unincorporated Polk County.			File # 13-2006-1.46	
Description of Action	Review and approval of a preliminary subdivision plat for "Ellis Heights Plat 2", a preliminary subdivision plat to allow division of the property into two parcels for a freestanding restaurant and for the primary commercial.			
2020 Community Character Plan	N/A			
Horizon 2025 Transportation Plan	US 69 widen to 5 lanes undivided from 4 lanes undivided from NE 58 th to I35/80			
Current Zoning District	Polk County: General Business District			
Proposed Zoning District	N/A			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	N/A	N/A	N/A	N/A
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Preliminary Plat - Ellis Heights Plat 2

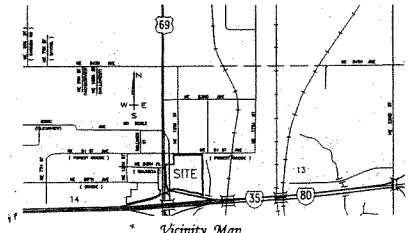
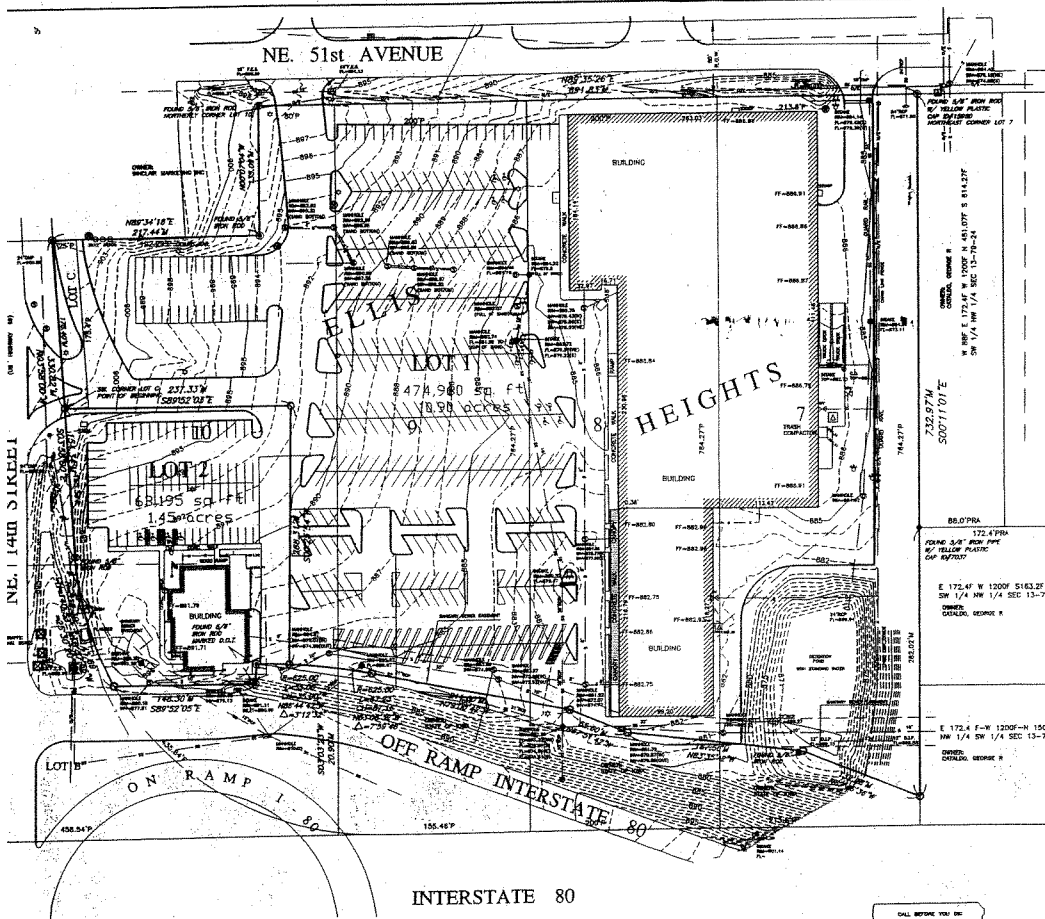
13-2006-1.46



Ellis Heights Plat 2

Preliminary Plat

26



Property Description:
 LOTS 7, 8, 9, 10 AND "C" IN ELLIS HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF POLK COUNTY, IOWA, EXCEPT THAT PART CONVEYED TO THE STATE OF IOWA ON WARRANTY DEED IN BOOK 5218 PAGE 947.
 SAID TRACT OF LAND SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.
 SAID TRACT OF LAND CONTAINS 12.35 ACRES MORE OR LESS.

Site Address:
 5029 NE 14TH STREET
 POLK COUNTY, IOWA

Prepared For:
 JAMES JOHNSON

Proprietor:
 JAMES JOHNSON

Zoning: G0
 GENERAL BUSINESS DISTRICT
 BUILDING SETBACKS:
 FRONT: 30.0'
 SIDE: 10.0'
 REAR: 10.0'

- Notes:**
- 1) THIS PLAT WILL NOT REQUIRE ANY NEW GRADING.
 - 2) THIS PLAT WILL NOT HAVE ANY NEW STREETS OR UTILITIES.
 - 3) LOT 1 USES ADDRESSES 5035-5049 NE 14TH ST.
 - 4) LOT 2 USES ADDRESS 5029 NE 14TH ST.

- Utility Legend:**
- SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - SANITARY SEWER
 - STORM SEWER
 - GAS LINE
 - WATER LINE
 - UNDERGROUND ELECTRIC
 - OVERHEAD ELECTRIC
 - TELEPHONE LINE
 - LIGHT POLE
 - POWER POLE
 - ELECTRIC TRANSFORMER
 - ELECTRIC BOX
 - TELEPHONE BOX
 - INTAKE
 - SURFACE INTAKE
 - CLEAN-OUT
 - FIVE BRANCH
 - WATER VALVE
 - WATER STOP BOX
 - GAS VALVE
 - DENOTES HEADER OF PARKING STALLS

- Survey Legend:**
- PROPERTY CORNER - FOUND AS NOTED
 - PROPERTY CORNER - PLACED 1/4" BROWN PIPE WITH YELLOW PLASTIC CAP # 14775
 - MEASURED DISTANCE
 - PLATED DISTANCE
 - REEDED DISTANCE
 - L.S.M. HIGH-CLEARANCE
 - P.O.A. POINT OF BEGINNING

Benchmark:
 PINNAC OF THE SANITARY SEWER MANHOLE
 LOCATED 22' WEST AND 12' SOUTH
 OF THE BONANZA BUILDING.
 ELEVATION = 890.18



Top Engineering
 Incorporated - Development
 3501 104th Street
 Des Moines, Iowa 50323-3825
 Phone: (515) 281-7447 Fax: (515) 281-7417
 Surveying & Land Surveying Established 1959

LINE LEGEND	
BOUNDARY LINE	---
LOT LINE	---
CENTER LINE	---
EASEMENT LINE	---
BUILDING LINE	---
FENCE LINE	---

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME AND THE RELATED SURVEY WORK WAS PERFORMED UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. LICENSE RENEWAL DATE: DECEMBER 31, 2008

BY: LARRY D. HYLER, PLS 14775
 FOR: JOHNSON, JAMES JOHNSON
 DATE: 12/2/08



NO.	REVISIONS	DATE	BY
1			
2			
3			

Preliminary Plat
 Ellis Heights plat 2
 Polk County, Iowa

Sheet Number: 05
 0540
 SHEET 1 OF 1

March 20, 2006

26

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 March 2, 2006 the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVE the request from Imperial III Partnership (owner) represented by Jared Johnston (officer) for approval of a preliminary subdivision plat for "Ellis Heights Plat 2" located at 5049 Northeast 14th Street in unincorporated Polk County, all within the two-mile extraterritorial jurisdiction for subdivision review by the City, to allow division of the property into two parcels for a freestanding restaurant and for the primary commercial center. (13-2006-1.46)

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested preliminary subdivision plat subject to compliance with all comments contained in the attached letter from the Permit and Development Administrator, which includes the recommended ingress/egress easements for Lot 2.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The owner is seeking to divide off a freestanding restaurant site to a separate ownership parcel from an existing commercial center property. This requires a preliminary subdivision plat review in order to create a new original plat.

2. **Size of Site:** 12.35 acres



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

3. **Existing Zoning (site):** “GB” General Business District (Polk County).
4. **Existing Land Use (site):** Commercial retail strip center and freestanding restaurant.
5. **Adjacent Land Use and Zoning:**
 - North* – “GB” (Polk County), Uses are Municipal Supply warehouse, service and repair shop, and Sinclair gas station.
 - South* – “GB” (Polk County), Use is Interstate 80.
 - East* – “GB” (Polk County), Uses are Hawkeye Distributing, Mid-Iowa Distributors, and vacant land.
 - West* – “C-2” (City) & “LB” Light Business (Polk County), Uses are the Country Kitchen Restaurant, the Colonial Inn, used car dealership, and the Red Roof Inn,
6. **General Neighborhood/Area Land Uses:** The subject property is located at a heavy commercial/light industrial node adjoining the interchange of Interstate 80 and U.S. Highway 69.
7. **Applicable Recognized Neighborhood(s):** N/A
8. **Relevant Zoning History:** N/A
9. **2020 Community Character Land Use Plan Designation:** N/A
10. **Applicable Regulations:** 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. **Drainage/Grading:** There is no proposed grading or site drainage modification as part of the proposed subdivision.
2. **Utilities:** All necessary utilities and easements are currently in place. There are no proposed modifications to any public utilities with the proposed subdivision.
3. **Traffic/Street System:** The subject property currently has frontage on the Interstate 80, U.S. Highway 69 (NE 14th Street in Polk County), and NE 51st Avenue (in Polk County). There are no proposed changes to the surrounding transportation and street network with the proposed subdivision.
4. **Access or Parking:** The subject property currently has right-in/right-out only access from NE 14th Street and two separate two-way access points from NE 51st Avenue. The proposed Lot 2 does not contain any of these direct accesses to a public street. Therefore, staff recommends

that ingress/egress easements through Lot 1 in favor of Lot 2 be indicated on the proposed plat.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Kent Sovern moved to approve staff recommendation; motion passed 13-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

26

February 13th, 2006

Larry Hyler
Bishop Engineering Company
3501 104th Street
Urbandale, IA 50322

RE: 13-06-1.46

Dear Larry:

I have reviewed the first (1st) submittal of the preliminary plat Ellis Heights Plat 2 project and have determined that the following conditions must be satisfied before final site plan approval can be granted.

Engineering

1. Preliminary plats in Des Moines are also required to be certified by an engineer licensed in Iowa.

Planning

1. Add the building setbacks to the "Zoning" notation section of the plat. Contact Polk County Physical Planning at 286-3376 for more information.
2. Show the Ingress/Egress easements necessary to access 'Ellis Heights Plat 2'.
3. Correct the overlapping text lettering in the preparer's certification box, and in the design firm's contact information (bottom left corner).
4. A Minor Plat review fee of \$500 is due before approval can be granted.
5. The Preliminary Plat will appear before the Plan and Zoning Commission during the March 2nd, 2006 meeting date.

Please submit three (3) copies of the revised preliminary plat satisfying the above listed items before the Plan and Zoning Commission Hearing Date. Failure to resubmit such amended plan within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.



PERMIT AND
DEVELOPMENT CENTER
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1881
(515) 283-4200

ALL-AMERICA CITY
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If you have any questions contact Ryan Moffatt @ 283-4975 or email him @ rlmoffatt@dmgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Delafield", enclosed within a hand-drawn oval. The signature is stylized and cursive.

Phillip Delafield
Permit and Development Administrator