

★ **Roll Call Number**

Agenda Item Number

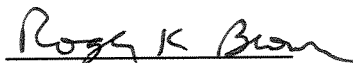
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Date May 22, 2006

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held May 4, 2006, the members voted 12-0 in support of a motion to **APPROVE** the request from Norman Forget (owner) for approval of a preliminary subdivision plat for "Forget Properties" located at 4411 SE 14th Street to allow division of the property into three (3) commercial lots and an outlot at the southern terminus of SE 15th Street intended for a future single-family residential subdivision subject to compliance with all comments outlined in the attached letter from the Permit and Development Administrator.

MOVED by _____ to receive and file.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

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

(13-2006-1.63)

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

May 22, 2006

Date _____

Agenda Item 21

Roll Call # _____

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 May 4, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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			

APPROVAL of the request from Norman Forget (owner) for approval of a preliminary subdivision plat for "Forget Properties" located at 4411 SE 14th Street to allow division of the property into three (3) commercial lots and an outlot south of the dead end of SE 15th Street for future single-family residential subdivision subject to compliance with all comments outlined in the attached letter from the Permit and Development Administrator. (13-2006-1.63)

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested preliminary subdivision plat subject to compliance with all comments outlined in the attached letter from the Permit and Development Administrator.



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

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The owner is seeking to divide the site into three lots designated for commercial use and one outlot designated for future single-family residential use. "Lot 1" and "Lot 2" would have frontage along SE 14th Street and "Lot 3" would be located to the rear (east) of "Lot 1" and "Lot 2". "Outlot X" would be designated for future residential development served by an extension of SE 15th Court from the north. Future development of "Lots 1, 2, and 3" would be subject to site plan review by the Permit and Development Center staff. "Outlot X" could not be developed until such time that the Plan and Zoning Commission approves a plat for such development.
2. **Size of Site:** Total site is 7.30 acres.
 - Lot 1: 0.78 acre.
 - Lot 2: 1.07 acre
 - Lot 3: 2.80 acres.
 - Outlot X is 2.65 acres.
3. **Existing Zoning (site):** Area designated as "Lots 1, 2, and 3": The western 350' of this area is zoned "C-2" General Retail and Highway-Oriented Commercial District and the balance is zoned Limited "C-2" General Retail and Highway-Oriented Commercial District. (Conditions are listed in section on Relevant Zoning History.)
Area designated as "Outlot X": "R1-70" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The portion of the site designated as "Lot 1" contains a car wash facility constructed in 2005. The balance of the site is undeveloped.
5. **Adjacent Land Use and Zoning:**
 - North* - "C-2" & "R1-70", Uses include a mobile home court and single-family residential.
 - South* - "C-2", Use is the Schuster Supply commercial use.
 - East* - "R1-70", Use is single-family residential.
 - West* - "C-2", Uses include SE 14th Street, Donna's Lounge, and Security Locksmiths.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the SE 14th Street highway commercial corridor. Single-family residential is adjacent to the east.
7. **Applicable Recognized Neighborhood:** Bloomfield/Allen Neighborhood.
8. **Relevant Zoning History:** On April 10, 2006 by Ordinance 14,553, a portion of the subject property was rezoned from "R1-70" District to Limited "C-2" District with the following conditions:
 - A. The following uses of structures and land shall NOT be permitted upon the Property:
 1. Multiple-family residential dwellings;
 2. Adult entertainment businesses;
 3. Garages for general motor vehicle repair;
 4. Package goods stores for the sale of alcoholic beverages;
 5. Vehicle display lots, including but not limited to used car sales lots;
 6. Off-premises advertising signs; and,

7. Taverns/nightclubs.

- B. Any building upon the Property used for a commercial use shall have 75% of all non-glazed exterior wall surfaces constructed of brick, split face concrete masonry units, stone, EFIS/stucco, or other materials approved by the Community Development Director as being of similar quality and durability. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EFIS/stucco or EFIS.
- C. Any freestanding signs permitted must be ground mounted with a brick or masonry block pedestal compatible with the primary building material.

9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Small-Scale Strip Development and Low-Density Residential.

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:** The plat must address the issues as noted in the attached letter from the Permit and Development Center Administrator with regards to drainage and grading of the site.
- 2. **Utilities:** The developer would be responsible for all costs associated with extending utilities on the site. The plat must provide easements for existing and future utilities.
- 3. **Traffic/Street System:** The proposed plat does not include any public streets. "Lots 1, 2, & 3" would be accessed by two shared drive approaches from SE 14th Street. The southern driveway would also be shared with the property adjacent to the south. An access easement has been provided to allow the adjoining property access across a 40' x 60' portion of the site.

It is anticipated that "Outlot X" will be used for single-family residential in the future at such time that SE 15th Court is extended southward onto the site. Such development could not occur until such time that "Outlot X" is platted for single-family residential development.

- 4. **Access or Parking:** "Lot 3" would be served by a 24'-wide driveway across the southernmost portion of "Lot 2". The plat must be amended to also provide a sidewalk along this driveway in order to provide a pedestrian connection between SE 14th Street and "Lot 3". An access easement must be provided for both the driveway and sidewalk to ensure future access to "Lot 3".

The plat must also be amended to provide a 4'-wide sidewalk along SE 14th Street.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Fran Koontz left the meeting.

Greg Jones left the meeting.

Ed Arp, Civil Engineering Consultants: Noted 99% of the comments by staff had been addressed and indicated single-family is anticipated in the future on Outlot X.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak on this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson: Moved for approval of staff recommendation.

Motion passed 12-0.

Respectfully submitted,


Erik M. Lundy, AICP
Senior City Planner

EML:dfa

Attachment

April 27th, 2006

Ed Arp
Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12
Urbandale, IA 50322

RE: Forget Properties Minor Plat
13-06-1.63

Dear Ed:

We have reviewed the first (1st) submittal of the Minor Preliminary Plat for Forget Properties (vicinity of 4411 SE 14th Street) and have determined that the following conditions must be satisfied before final plat approval can be granted.

Engineering

1. The R.O.W. along SE 14th Street has had and will continue to have widening projects. Please note in the legal description that the west subdivision boundary is along R.O.W. currently established.
2. The current legal description recorded in the Polk County Recorder's book 9482, page 260, ties down the portions of the parcel (4411 SE 14th Street, District Parcel #120/07162-000-000) that are in the NW ¼ SW ¼ SW ¼ versus the SW ¼ NW ¼ SW ¼. Staff suggests that the legal description include a reference to the line separating these two quarter-quarter-quarter sections at the north end of the west boundary with the length of 319.61 feet.
3. Existing contours are not shown for the adjoining parcel, which has the address of 4321 SE 15th Court and District Parcel #120/07162-001-000. Indicate which City benchmark was used.
4. Proposed contours are not shown for the adjoining parcel which has the address 4321 SE 15th Court and District Parcel #120/07162-001-000.
5. The existing sewer easements across this plat will need to be updated on the final plat by fully dimensioning all easement intersections with lot lines from lot corners, by fully dimensioning all easement angle points from lot lines, by assigning lower case letter designations and including wording in the easement documents abandoning and releasing those portions of the existing easements that cross this subdivision.



PERMIT AND
DEVELOPMENT CENTER
ARMORY BUILDING
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6. Show invert elevations for all existing and proposed sanitary storm sewer structures-proposed structures may be shown to the nearest foot.
7. Indicate on the preliminary plat whether storm water detention will be handled by the site development of each lot or whether this will be done for the entire subdivision. A drainage report will be needed for the proposed storm sewers crossing lot lines and for the realignment of the storm sewers on the parcel which has the address of 4321 SE 15th Court and District Parcel #120/07162-001-000. Sanitary and storm sewers serving more than one owner may not be private sewers. With separate lots there is the potential for different owners for each of the lots. Public sewers must be constructed by a City Council approved private construction contract (3-party contract).
8. Indicate on the preliminary plat whether grading permits will be applied for on each of the separate lots or for the entire subdivision.
9. Will "Forget Properties" be the name of the official plat? If not, include the desired official plat name on the title of the plat.

Planning

10. Only existing buildings shall be shown on the plat. Remove the proposed/future addition buildings and parking stalls layer currently shown.
11. Identify all trees 6" caliper or larger on the plat.
12. All property under common ownership by Mr. Forget must be platted at this time, including the residentially zoned property to the east of the current plat boundary. It is recommended that this portion of the property be an "Outlot" subject to subdivision requirements. The legal description of the plat should be updated to show the new plat boundary.
13. Show and dimension a required sidewalk that will be along the SE 14th Street frontage of the plat. Staff is also requesting that a sidewalk be extended along the proposed private drive, to ensure pedestrian connectivity throughout all lots within the plat.
14. An access easement needs to be provided between SE 14th Street and "Lot 3" for the proposed private drive access.

15. In the General Notes section, list the conditions of the rezoning, per the Des Moines City Council. A copy of the Ordinance has been included with this letter for your reference.
16. Under the "Zoning" notes section, put the following text: C-2, General Highway Oriented Commercial, City of Des Moines, Iowa.
17. Delineate the zoning boundaries of the subject property. The following zoning classifications shall be shown: C-2, Limited C-2 & R1-70.
18. Show the zoning of surrounding properties on the site plan.
19. Sign and date the preparer's certification statement. A plat requires a land surveyor's signature and/or a mandatory professional engineer's signature

Please submit three (3) copies of the revised plat satisfying the above listed items. Failure to resubmit such amended plat within 270 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.

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

Sincerely,

A handwritten signature in black ink, consisting of a cursive name followed by the initials "RUM". The signature is enclosed in a hand-drawn oval.

Phillip Delafield
Permit and Development Administrator

Enclosure

Request from Norman Forget (owner) for review and approval of a preliminary subdivision plat for "Forget Properties" located at 4411 SE 14 th Street. Subject property is owned by Forget Properties 9A, 9L, LLC.		File # 13-2006-1.63		
Description of Action	Review and approval of a preliminary subdivision plat for "Forget Properties" to allow division of the property into three (3) commercial lots and an outlot south of the dead end of SE 15th Street for future single-family residential subdivision.			
2020 Community Character Plan	Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R1-70" One-Family Low-Density Residential and "C-2" General Retail and Highway-Oriented Commercial District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	0	0	N/A
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Forget Properties - Preliminary Plat - 4411 SE 14th Street

13-2006-1.63

