Roll Call Number	Agenda Item Number
Date December 6, 2021	

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST OF ARD PROPERTIES LLC FOR REVIEW AND APPROVAL OF A MAJOR PRELIMINARY PLAT "BAUER HEIGHTS PLAT 4" ON PROPERTY LOCATED IN THE VICINITY OF 5591 NORTHEAST 36<sup>TH</sup> COURT

WHEREAS, on November 18, 2021, the City of Des Moines Plan and Zoning Commission voted 11-0 for APPROVAL on a Request from ARD Properties, LLC (Owner), represented by Russ Downing (officer) for Review and Approval of a Major Preliminary Plat "Bauer Heights Plat 4" on property located in the vicinity of 5591 Northeast 36<sup>th</sup> Court (Parcel 7923-08-477-033) in Delaware Township (in unincorporated Polk County) within the two mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property to create two (2) residential lots and one (1) outlot, subject to the following:

- 1. Compliance with all comments of the administrative review by the Permit and Development Center; and
- 2. Provision of a note on the approved preliminary plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4 and 5 Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."

WHEREAS, the Community Development Department recommends that the City waive its right to review of the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 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 that the City hereby waives its right to review the Final Plat "Bauer Heights Plat 4".

Moved by	to adopt.
APPROVED AS TO FORM:	
Judy K. Parks-Kruse Assistant City Attorney	(PLAT -2021-000008)

Mayor

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

#### 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 Clerl



November 29, 2021

Communication from the City Plan and Zoning Commission advising that at their November 18, 2021 meeting, the following action was taken regarding a request from ARD Properties, LLC (owner), represented by Russ Downing (officer), for review and approval of a major Preliminary Plat "Bauer Heights Plat 4", for property in the vicinity of 5591 Northeast 36<sup>th</sup> Court (Parcel 7923-08-477-033) in Delaware Township (in unincorporated Polk County) within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property to create two (2) residential lots and one (1) outlot.

### **COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

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

**APPROVAL** of the requested Preliminary Plat for "Bauer Heights Plat 4," subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.

- Provision of a note on the plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."
- 3. Recommends that the City Council waive its right to review the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 354.8(2). (PLAT-2021-000008)

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

Staff recommends approval of the requested Preliminary Plat for "Bauer Heights Plat 4," subject to the following conditions:

- 1. Compliance with all comments of the administrative review by the Permit and Development Center.
- 2. Provision of a note on the plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."

Staff also recommends that the City Council waive its right to review the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 354.8(2).

### STAFF REPORT TO THE PLANNING COMMISSION

# I. GENERAL INFORMATION

1. Purpose of Request: The developer is seeking to subdivide the property into 2 parcels for residential development and 1 outlot in unincorporated Polk County. Polk County is requiring the subdivision to go through their Preliminary Plat 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 closer to the property than the City of Ankeny.

- 2. Size of Site: 13.44 acres.
- 3. Existing Zoning (site): "ER" Estate Residential District (Polk County).
- **4. Existing Land Use (site):** The property is currently a heavily wooded, undeveloped parcel.

# 5. Adjacent Land Use and Zoning:

**North** – "LDR" and "MDR" Low Density and Medium Density Residential Districts (Polk County), Uses are one-household dwelling units and undeveloped parcels.

**South** – "ER" Estate Residential District (Polk County), Uses are one-household dwelling units.

**East** – "ER" Estate Residential District (Polk County), Uses are one-household dwelling units.

**West** – "ER" Estate Residential District (Polk County), Uses are one-household residential units and an undeveloped parcel.

- **6. General Neighborhood/Area Land Uses:** The subject property is located in an unincorporated area of Polk County (Delaware Township) north of Des Moines, in between Ankeny and Altoona. The surrounding area is characterized by parcels devoted to agricultural uses, as well as one-household dwellings situated on large lots.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in an unincorporated area of Polk County (Delaware Township). Notifications of the hearing for this specific item were mailed on November 8, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the Preliminary Plat amendment boundary. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations in the City of Des Moines on November 10, 2021.
- 8. Relevant Zoning History: N/A.
- **9. PlanDSM Land Use Plan Designation:** N/A. Polk County's Comprehensive Plan 2030 Land Use map designates the property as Estate Residential.
- 10. Applicable Regulations: In consideration of the criteria set forth in Chapter 18B of the lowa Code, the Commission shall determine if the Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the lowa 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. Natural Site Features: The subject property contains a mix of open space, forested areas, and water features, such as a pond and a wetland area. A portion of the property is also designated as part of the 100-year floodplain.

Any future development is subject to enforcement of Polk County's ordinance for tree preservation, which is contained in Article 7, Division 4, Section 4 of the Polk County Zoning Code. Polk County has different methodology for preservation of existing woodlands and requires protection of different percentages of woodland areas depending on the maturity of the canopy.

Additionally, any future development must conform to the requirements of Article 7, Division 4, Sections 1 and 5 of the Polk County Zoning Code, which govern development in relation to floodplains and wetlands, respectively.

Staff is recommending that a notation be included on the plat documenting that "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."

- 2. Drainage/Grading: The subject property generally drains to the western portion of the site. 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.
- **3. Utilities:** No changes to utilities have been noted. The applicant is proposing a private conservation easement to protect existing mature woodlands on the property.
- **4. Traffic/Street System:** The subject property borders a southern terminus of Northeast 36<sup>th</sup> Court. The proposed subdivision includes access improvements namely a shared driveway (providing access to each of the 2 new lots) that would connect to the existing terminus of Northeast 36<sup>th</sup> Court.

# **SUMMARY OF DISCUSSION**

<u>Sreyoshi Chakraborty</u> presented staff report and recommendation.

<u>Chris Draper</u> asked if the Article 7 conformance would be sufficient in ensuring no negative impact if development was to occure.

<u>Jason Van Essen</u> stated yes, this plat is under the purview of Polk County. The City of Des Moines has the opportunity to review the plat and make sure it wouldn't impede future development.

<u>Jason Ledden</u>, representing Snyder and Associates, stated the reason for the outlots would be to out lot the 100-year floodplain so no development can happen. The intent here is to provide two single family lots that will sit higher than the floodplain and the two out lots that will plat out the floodplain for street extension.

# CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

### CHAIRPERSON CLOSED THE PUBLIC HEARING

# **COMMISSION ACTION:**

<u>Emily Webb</u> made a motion for approval of the requested Preliminary Plat for "Bauer Heights Plat 4," subject to the following conditions:

- 1. Compliance with all comments of the administrative review by the Permit and Development Center.
- 2. Provision of a note on the plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."
- 3. Recommends that the City Council waive its right to review the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 354.8(2).

Motion passed: 11-0

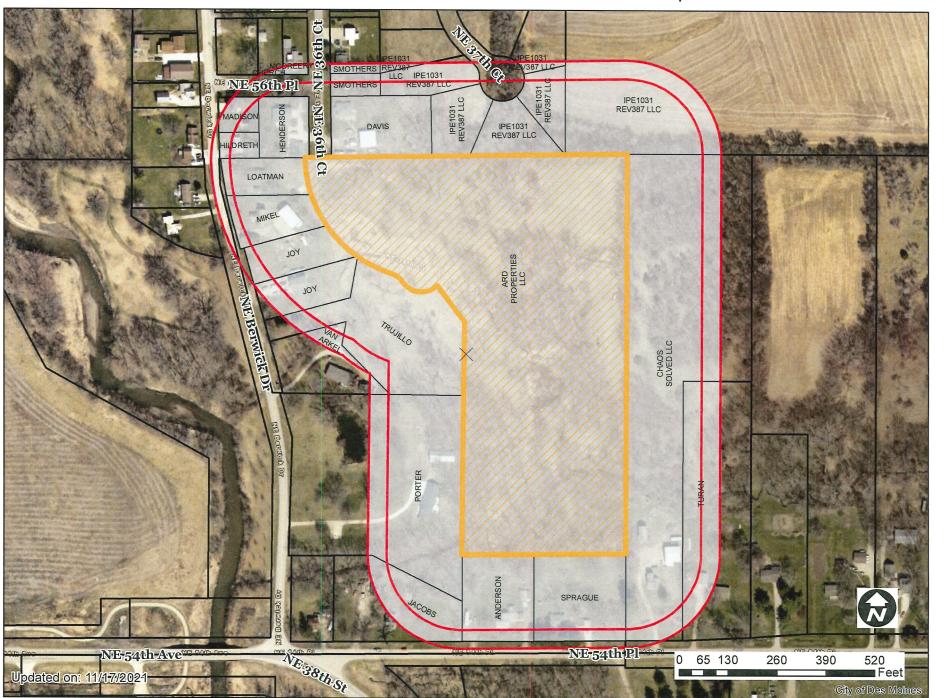
Respectfully submitted,

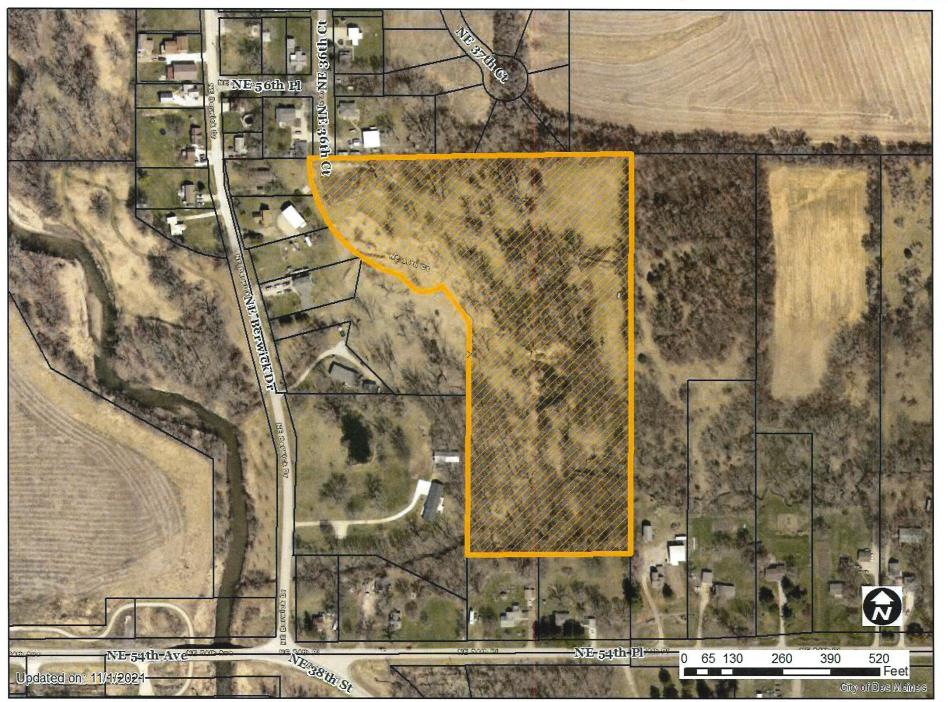
Bert Drost, AICP

Btnt

Planning & Urban Design Deputy Administrator

BAD:tjh





From:

Rasima Turan <rasimaturan@hotmail.com>

Sent:

Thursday, November 18, 2021 7:48 AM

To:

Tarpey, Nicholas O.

Subject:

**PUBLIC HEARING** 

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

# Good morning,

For public hearing today at 6:00pm for property 5591 NE 36th parcel 7923-08-477-033 in Delaware Township:

Do I have to be present or can I cast my vote?

I vote NO to allow subdivision of existing property.

Thanks,

Rasima,

Jo.

Sheet

RMB

POLK COUNTY,

2727 S.W. SNYDER BLVD. ANKENY, IOWA 50023 4-2020 | www.snyder-associat

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ELIMINA

MAJOR

# **BAUER HEIGHTS PLAT 4** Proposed **MAJOR PRELIMINARY PLAT - 2021** ~~~

# PROJECT LOCATION 3. GRADING AND EROSION CONTROL PLAN HWY 1-80

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UTILITY QUALITY SERVICE LEVELS QUALITY LEVELS OF UTILITIES ARE SHOWN IN THE PARENTHESES WITH THE UTILITY TYPE AND WHEN APPLICABLE, SIZE, THE QUALITY LEVELS ARE BASED ON THE CI/ ASCE 38-02 STANDARD. QUALITY LEVEL (D) INFORMATION IS DERIVED FROM EXISTING UTILITY RECORDS OR ORAL RECOLLECTIONS. QUALITY LEVEL (C) INFORMATION IS OBTAINED BY SURVEYING AND PLOTTING VISIBLE ABOVE-GROUND UTILITY FEATURES AND USING PROFESSIONAL JUDGMENT IN CORRELATING THIS INFORMATION WITH QUALITY D INFORMATION.

<u>QUALITY\_LEVEL (B)</u> INFORMATION IS OBTAINED THROUGH THE APPLICATION OF APPROPRIATE SURFACE GEOPHYSICAL METHODS TO DETERMINE THE EXISTENCE AND APPROXIMATE HORIZONTAL POSITION OF SUBSURFACE UTILITIES.

QUALITY LEVEL (A) IS HORIZONTAL AND VERTICAL POSITION OF UNDERGROUND UTILITIES OBTAINED BY ACTUAL EXPOSURE OR VERHICATION OF PREVIOUSLY EXPOSED SUBSURFACE UTILITIES, AS WELL AS THE TYPE, SIZE, CONDITION, MATERIAL, AND OTHER CHARACTERISTICS

#### **UTILITY WARNING**

THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND/OR RECORDS OBTAMED. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA HETHER IN SERVICE OR ADMODIACION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED.

PROPERTY DESCRIPTION

**OWNER** 

ARD PROPERTIES LLC CONTACT: RUSS DOWNING 6810 COBURN LANE JOHNSTON, IA 50131 RUSSPALLDAYHOMES.COM PH:515-531-2274 DEVELOPER

RUSS DOWNING 6810 COBURN LANE JOHNSTON, IA 50131 RUSSQALLDAYHOMES.COM PH:515-531-2274 **ENGINEER** 

SNYDER AND ASSOCIATES, INC. 2727 SNYDER BLVD ANKENY, IOWA 50023 JASON LEDDEN, P.E. (515) 964-2020

**BULK REGULATIONS** MINIMUM LOT SIZE -MINIMUM LOT WIDTH -YARD SETBACKS -

IOWA STATE PLANE SOUTH COORDINATE SYSTEM NADB3(2011)(EPOCH 2010.00) IARTN DERIVED - US SURVEY FEET NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88 - GEOID12A) IARTH DERIVED - US SURVEY FEET

CP50 N=622192.83 E=1580928.62 ELEV=585.16 CUT "X" IN CONCRETE AT WATER VALVE NORTH OF HYDRANT, NORTHWEST CORNER OF SITE.

ZONE AE - DETERMINED TO BE IN 100-YR FLOODPLAIN. FLOODPLAIN PANEL #19153C0220F

NOTES

PRELIMINIARY PLAT APPROVAL:

City of Des Moines, Iowa

☐ APPROVED

SOURCE OF WATER SUPPLY - DES MOINES WATER WORKS ON-SITE SEWAGE DISPOSAL - INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEM

- IF THIS AREA IS ANNEXED BY THE CITY OF ANKENY OR DES MOINES, THE DWNERS OF THE LOTS ARE HEREBY NOTIFED THAT THEY WILL BE RESPONSIBLE FOR SIDEWALK AND STREET LIGHT INSTALLATION AS PER MUNICIPAL STANDARDS.
- 2. POLK COUNTY DOES NOT REQUIRE OR ISSUE PERMITS FOR SIDEWALKS AND DOES NOT ACCEPT THE LIMBLITY AND/OR RESPONSIBILITY FOR CONSTRUCTION, PLACEMENT, REPAIR, OR MAINTENANCE THEREOF OF ANY STREET SIDEWALK INSTALLED IN THE PLAT BY ANY OWNER.
- 3. MAINTENANCE OF ALL DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER. 4. SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED MUST BE RESTORED OR REPOUTED BY THE INDIVIDUAL LOT OWNER.
- RELOCATION OF ANY ENTRANCE OR UTILITY TO CONFORM TO THE REQUIREMENTS OF THIS PLAT WILL BE AT THE DEVELOPERS EXPENSE.
- 6.IT SHALL BE THE DEVELOPERS RESPONSIBILITY TO APPLY FOR AND OBTAIN ANY STORM WATER DISCHARGE PERMITS FROM THE IOWA DEPARTMENT OF NATURAL RESOURCES AS REQUIRED FOR THIS PROJECT.
- 7. ALL MAILBOXES LOCATED IN POLK COUNTY ROAD RIGHT-OF-WAY MUST BE OF BREAKAWAY DESIGN
- 8. WATER SERVICE TO THE SUBDIVISION SHALL BE PROVIDED BY DES MOINES WATER WORKS AND BERWICK WATER ASSOCATION WATER MAINS. ALL WATER INSTALLATION TO BE IN ACCORDANCE WITH WATER SERVICE RULES AND REGULATIONS.
- 9. DUE TO SOIL TYPES, LIMITATIONS, AND DISTURBANCE, ALTERNATIVE SEPTIC SYSTEMS MAY BE REQUIRED 10. ALL WATER MAINS AND WATER SERVICE STUBS MUST BE INSTALLED PRIOR TO PAVING.
- 11. STREET LOT A SHALL BE DEDICATED TO POLK COUNTY FOR ROADWAY PURPOSES.
- THE PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE STATEWIDE URBAN DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS. (SUDAS)
- 13. POST DEVELOPMENT RUNOFF WILL NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
- 14. ALL SERVICES TO UTILITIES LOCATED ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE LOT OWNER'S EXPENSE.
- 15. CULVERTS TO BE USED FOR CROSSING DRAINAGE EASEMENTS MUST BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER.
- 16. GRADING CONTRACTOR WILL BE REQUIRED TO PROVIDE A 4-YEAR MAINTENANCE BOND FOR EROSION CONTROL. THE IDAR STORM WATER DISCHARGE PERMIT WILL BE REQUIRED PRIOR TO GRADING OPERATIONS.
- 17. FUTURE DEVELOPMENT OF THE PROPERTY IS SUBJECT TO ARTICLE 7, SECTION 4 OF THE POLK COUNTY ZONING CODE.
- OWNER OF LOT 1 MUST KEEP DRIVEWAY ENTRANCE WITHIN THE ROAD RIGHT-OF-WAY FREE OF OBSTRUCTIONS (SUCH AS VEHICLES, REFUSE CONTAINERS, LANDSCAPING, ETC.)
- 19. NO ACCESS WILL BE PERMITTED TO THE NEW ROADWAY OTHER THAN OFF OF THE EAST END OF THE TURN-AROUND LEG OF THE ROADWAY.
- 20. F ANEXED BY THE CITY OF ALTOMA NOWDUAL LOT OWNERS MAY BE REQUIRED TO COMPLY WITH THE RULES MAD REQULATIONS, AS SET FORTH BY THE SUBOVISION AND ZONNO DRIBMACE ADDITED BY THE CITY OF A CURSON, A PRODUCTE'S WATER MAN (18), MAY THE PROTECTION (1450).

  APPROACHES, WATER MAN (18), MAY THE PROTECTION (1450).

  SEWERS AND STREET LIGHTING AS DEEDED APPROPRIATE BY THE CITY IN ACCORDANCE WITH THE URBAN DESIGN STAUDARDS FOR PUBLIC IMPROVINCENTS.
- 21. ANY NEW ENTRANCES WILL REQUIRE A POLK COUNTY ENTRANCE PERMIT.

☐ APPROVED WITH CONDITIONS

SEE EXHIBIT "A"

- 22. ANY WORK IN THE ROW OTHER THAN FOR AN ENTRANCE WILL REQUIRE A POLK COUNTY ROW GRANT PERMIT.
- 23. OTS 1.ND 2 WILL SHARE A DRIVEWAY ENTRANCE TO BE LOCATED WITHIN THE PROPOSED INCRESS/ECRESS EXECUTIVE CLASS. THEN IN THE SENSITIVE CLASS. THEN ANY DRIVEWAY FOR BUILDING PORTION OF THE CLAST CHAIR DRIVEWAY FOR BUILDING PORTION OF THE CLAST CHAIRDING PORTION DEVELOPMENT LEVIATION TO A MINIMAL OF THE OTHER CHAIRDING PORTION CHAIRDING PORTION DEVELOPMENT LEVIATION TO A MINIMAL OF THE OTHER CHAIRDING PORTION CHAIRDING PORTION THE PROPERTY HOW MORPHOTE THE LIST ALLOWED.
- 24 GRADING IN THE FEMA MAPPED FLOODPLAIN WILL REQUIRE A FLOODPLAIN PERMIT FROM POLK COLINTY



I hereby certify that this engineering document was prepared by me or under my direct person supervision and that I am a duly licensed Professional Engineer under the laws of the State of Lowa.

Jason A. Ledden, P.E. My License Renewal Date is December 31, 2022

Pages or sheets covered by this seal: SHEETS 3-4



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the

Erin D. Griffin, PLS License Number 19710 My License Renewal Date is Dec Pages or sheets covered by this seal: SHEETS 1-2

SNYDER & ASSOCIATES Project No: 121,0660

Sheet 1 of 4

Single Storm Sewer Intoke Fire Hydrant on Building Water Man Veryarant on Building Water W Sign Satellite Dish Mailbox Soil Boring Survey Found Set Section Corner 1/2" Rebor, 19710 (Unless Otherwise Noted) ROW Marker ROW Rail ROW Roll
Control Point
Bench Mark
Plotted Distance
Measured Bearing & Distance
Recorded &
Deed Distance
Calculated Distance
Minimum Protection Elevation O CP Section Line
1/4 Section Line
1/4 1/4 Section Line
Easement Line

LEGEND

Spot Elevation

Deciduous Tree or Shrub Coniferous Tree or Shrub

Sanitary Manhole

Storm Sewer with Size Storm Manhole Single Storm Sewer Intake Double Storm Sewer Intake

MAPPED UTILITIES
CIDD - Century Link
Services
GID: Consumers Energy
G2(D) - Mid American Energy
WI(D) - Des Moines Water Works
DE - Mid American Energy Overhead Electric
ED - Mid American Energy Overhead Electric
ED - Mid American Energy Underground Electric

(x) Denotes the survey quality service level for utilities

**INDEX OF SHEETS** 

1. TITLE SHEET

2. DIMENSION PLAN

4. UTILITY PLAN

VICINITY MAP 1"=1000"

#### CONTROL POINTS

N=622093.15 E=1581316.89 ELEV=867.24 CUT "X" IN CONCRETE GENERATOR FOUNDATION EAST OF BUILDING M-7, CENTER OF SITE.

N\*622241.31 E\*1581582.34 ELEV\*890.03 PK NAL 1'SOUTH OF NORTH EDGE OF ASPHALT SOUTH OF HYDRANT, NORTH SIDE OF SITE.

N-622309.78 E-1581207.69 ELEV-869.25 PK NAIL IN ASPHALT 1'EAST OF WEST EDGE OF DES MOINES AVENUE, EAST SIDE OF SITE.

ZONING CLASSIFICATION ESTATE RESIDENTIAL DISTRICT

FEMA FIRM DESIGNATION

