



Planning & Zoning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

April 13, 2009 Meeting

SUBJECT: Consider recommending approval of PZ Case 09-10 an extraterritorial review of the Preliminary Plat for Schultz Acres Plat 2. The subject property is located north of Interstate 35 and south of NW 54th Avenue in unincorporated Polk County.

SYNOPSIS:

Schultz Acres Plat 2 is located south of NW 54th Avenue and north of Interstate 35 in an unincorporated area of Polk County. This subdivision separates Lot 1 of Schulz Acres Plat 2 from Lot 10 of the original Shultz Acres and creates three additional lots, two of which (Lots A and B) will be deeded to Polk County for the future extension of NW 77th Drive (currently an unimproved road surface). The City of Johnston is exercising extraterritorial review of this proposed subdivision per section 354.9 of the Code of Iowa.

RECOMMENDATION:

Staff recommends approval and provides the following motion for the commission's consideration:

The Planning & Zoning Commission recommends approval of PZ Case No. 09-10 an Preliminary Plat for Shultz Acres Plat 2 subject to the following conditions:

1. At the time of construction of a primary structure on Lot 1, this structure shall be required to connect to the City of Johnston water main currently under construction along NW 77th Drive.
2. To avoid the non-conforming use of the land (accessory structure without primary structure). A primary structure shall be required to be constructed on Lot 1 within a specified timeframe as required by Polk County.
3. The Preliminary Plat shall be amended to depict the anticipated location of the water main along NW 77th Drive and the connection to Lot 1.

Motion by _____, seconded by _____ to recommend approval of PZ Case 09-10; the Preliminary Plat for Schultz Acres Plat 2 with noted Conditions.

Attachments: Preliminary Plat prepared by Civil Engineering Consultants, Inc. dated March 3, 2009; Comment Letters from Bob Veenstra, Veenstra and Kimm dated April 1, 2009.

APPLICANT:	Shirley Skeels Heatherington 5353 NW 78 th Court Johnston, IA 50131
REPRESENTATIVE:	Civil Engineering Consultants 2400 86 th Street, Suite 12 Urbandale, IA 50322
BACKGROUND & PRIOR APPROVALS:	The subject property is located in unincorporated Polk County. The area comprising Lot 1 is a previously unplatted parcel of land under common ownership with Lot 10 of original Schultz Acres. The two land parcels were combined as one tax parcel by the Assessor's office. The proposed platting action again separates the two parcels to create Lot 1 of Schultz Acres Plat 2, leaving intact Lot 10 of original Schultz Acres.
ZONING DISTRICT & BULK REGULATIONS:	Polk County's zoning classification for the property is low density residential.
TRAFFIC ACCESS & CIRCULATION:	<p>Currently Lot 2 abuts public right-of-way for NW 77th Drive and Lot 1 has access to NW 77th Drive via a driveway across Lot 3 of neighboring Schultz Acres. Per provision of the county, Lot 1 must have forty feet of frontage on public right-of-way. To accommodate such Lots A and B will be deeded to Polk County to provide public access to Lot 1 and accommodate future roadway construction.</p> <p>This is a unique situation because had this lot been within the City of Johnston a plat would not have been required. This is because there are already two lots existing; they have just been tied for taxation purposes. Thus, all the City would require to issue a building permit for the proposed Lot 1 is proof of an easement from public right of way to the property. Since the County requires public street frontage, the platting is required.</p> <p>As noted, NW 77th Drive is an unimproved right of way which essentially contains only a gravel driveway. The County currently does not maintain this right of way or driveway since it is unimproved. According to Polk County staff they are not going to require NW 77th Drive to be paved. The City's subdivision regulations requires that all newly created lots must have access to all city services, included paved streets, however, staff does not feel this provision would apply in this situation since the platting process would not be required within the City limits.</p>
EXISTING STRUCTURES:	There is an existing accessory structure located on proposed Lot 1. Per Polk County and City of Johnston Code of Ordinances, accessory buildings are not allowed on a lot without a primary structure. To mitigate the creation of a non-conforming condition, Polk County is requiring

	<p>construction of a primary structure to commence within twelve months of plat recordation of the plat.</p>																
PUBLIC UTILITIES:	<p>Sanitary sewer service is not available to the plat area.</p> <p>The Schultz Acres area is currently served by a shared well that is failing. Thus, the properties have requested to connect to the City of Johnston water system. As such, they have all submitted irrevocable annexation agreements and petition and waivers agreeing to annex into the City and pay an assessment for to connect to the City Water. The City recently awarded the contract for this water main and all properties should be connected within the next few months. With this project a water main will be extended along the NW 77th Drive right of way. Staff is recommendation a condition requiring connection to this main for any proposed development on Lot 1. Lot 2 is included in the water main project and will be connected as part of that project. This water main and the connection to Lot 1 shall be shown on the Preliminary Plat.</p>																
ANNEXATION:	<p>Staff is currently reviewing the annexation of this area, which is an unincorporated island completely surrounded by the City of Johnston and Urbandale as shown on the attached vicinity map. State law currently does not allow annexations to create islands. Thus, since this area is in the middle of the island, annexation would only be allowed to reduce the size of this island and not create a new island. It is anticipated the annexation would include all properties from Schultz Acres east to NW 72nd Street. Staff anticipates proceeding with this annexation within the next few months.</p>																
DRAINAGE:	<p>Staff agrees with comments provided by Bob Veenstra in his letter dated April 1, 2009 wherein Mr. Veenstra recommends waiving required stormwater analysis on account of limited changes to the area from the proposed subdivision.</p>																
FLOODPLAIN:	<p>This site is located outside of the 100 year floodplain.</p>																
VEENSTA & KIMM	<p>Bob Veenstra, with Veenstra & Kimm has reviewed the preliminary plat and offers comments in his April 1, 2009 letter.</p>																
PLAT'S SUMMARY:	<table> <tr> <td>Lots:</td> <td>2</td> </tr> <tr> <td>Area:</td> <td>9.315 Acres</td> </tr> <tr> <td>Area of Streets:</td> <td>0.159 Acres</td> </tr> <tr> <td>Other Area Dedicated:</td> <td>NA</td> </tr> <tr> <td>Outlot Area:</td> <td>NA</td> </tr> <tr> <td>Net Area in Lots:</td> <td>9.156 Acres</td> </tr> <tr> <td>Net Average Lot Area:</td> <td>4.578 Acres</td> </tr> <tr> <td>Length of Street:</td> <td>NA</td> </tr> </table>	Lots:	2	Area:	9.315 Acres	Area of Streets:	0.159 Acres	Other Area Dedicated:	NA	Outlot Area:	NA	Net Area in Lots:	9.156 Acres	Net Average Lot Area:	4.578 Acres	Length of Street:	NA
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VEENSTRA & KIMM, INC.

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515-225-8000 • 515-225-7848(FAX) • 800-241-8000(WATS)

April 1, 2009

RECEIVED

APR 02 2009

David Wilwerding
Community Development Director
City of Johnston
6221 Merle Hay Road
P.O. Box 410
Johnston, Iowa 50131-0410

JOHNSTON, IOWA
SCHULTZ ACRES PLAT 2
PRELIMINARY PLAT REVIEW

Veenstra & Kimm, Inc. has completed a review of the preliminary plat of Schultz Acres Plat 2. Based on review the following comments are offered:

1. As noted on the preliminary plat, water will be available to the site following the construction of the City of Johnston's Schultz Acres Water Main project.
2. The Schultz Acres Water Main project will provide a water service to the residence on Lot 2. The Schultz Acres Water Main project does not include provisions for a water service to Lot 1. A water service can be extended to Lot 1 by tapping the new main that will extend to the south end of the NW 77th Drive right-of-way.
3. There is no sanitary sewer service associated with the plat. Although the City may consider sanitary sewer service to this area at a future date, sanitary sewer service is not readily available to this area at the present time.
4. No stormwater drainage analysis was provided with the preliminary plat. The runoff from both Lot 1 and Lot 2 is to the natural drainage course flowing northeasterly through the northern part of the plat area. Given the limited change in the area as a result of the division of property into two lots, it would appear appropriate for the City to consider waiving the normal requirement for stormwater analysis.

David Wilwerding
April 1, 2009
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5. Both Lot 1 and Lot 2 access the right-of-way of NW 77th Drive. Although NW 77th Drive is a street right-of-way there is no street developed in the right-of-way. The house on Lot 2 is served by a driveway extending from NW 54th Avenue southerly through the right-of-way. It is anticipated NW 77th Drive will be annexed into the City of Johnston in the near future. Because access may be by a joint driveway located within an undeveloped street right-of-way, it may be appropriate for the City to determine if there is a need for any special provisions relative to the joint access drive within the street right-of-way.

If you have any questions or comments concerning the project, please contact the writer at 225-8000.

VEENSTRA & KIMM, INC.



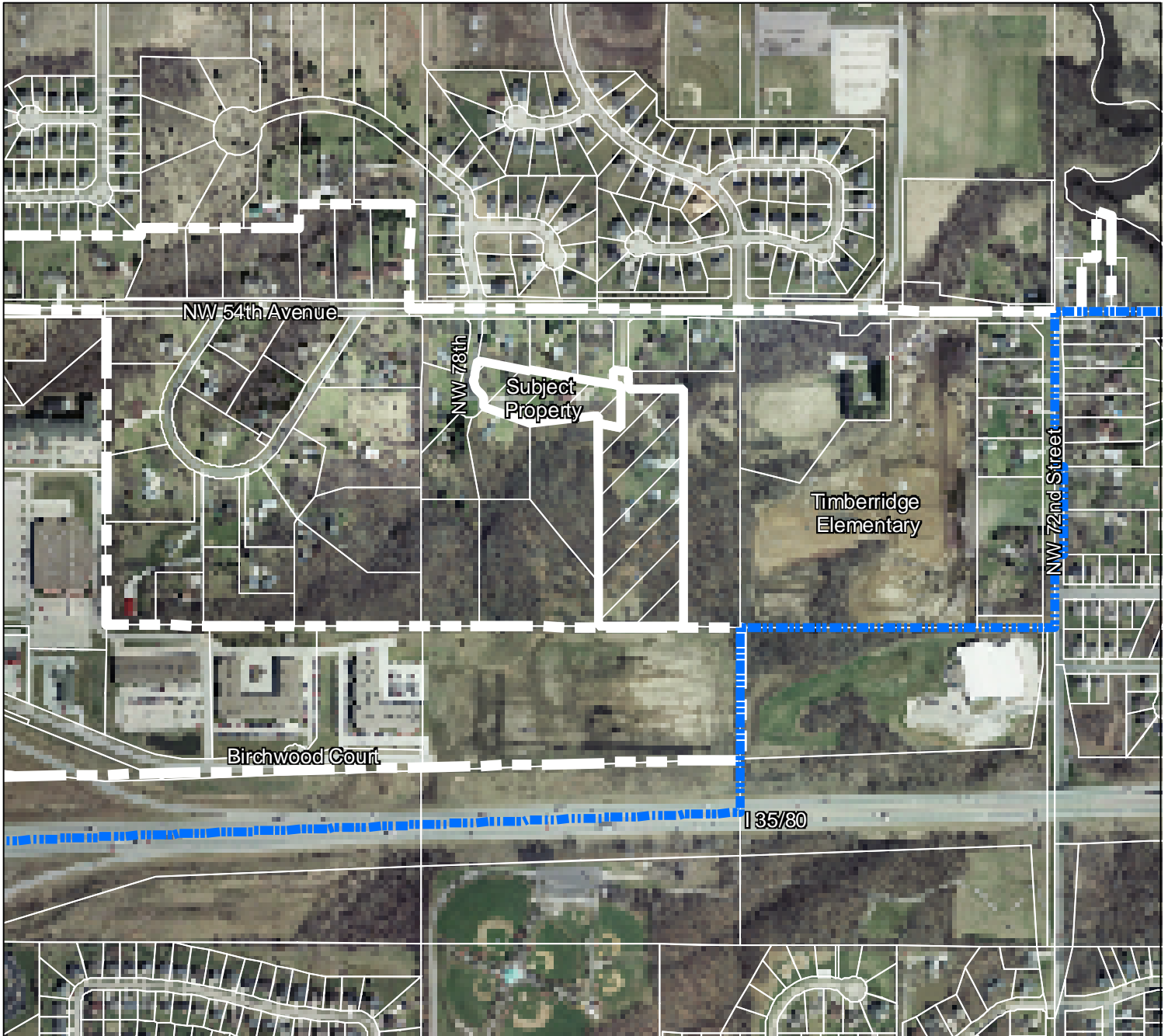
H. R. Veenstra Jr.

16849-924

Enclosure

cc: Civil Engineering Consultants

Vicinity Map



Legend

-  Urbandale Corp. Limits
-  Corporate Limits
-  Parcels

