



Planning & Zoning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

October 26, 2009 Meeting

SUBJECT: Consider recommending approval of PZ Case 09-21, a Final Plat for Windy Hill Plat 2. The subject property is located east of NW 94th Street and north of Woodland Drive.

SYNOPSIS:

The applicant, Teresa Holmgren, is proposing to subdivide a 4.261 acre parcel (Outlot "Y" of Windy Hill Plat 1) into three parcels ('a', 'b', 'c') to facilitate property transfer of the Seibert Family Trust. The proposed parcels cannot be developed without further platting action to accommodate necessary public improvements.

RECOMMENDATION
:

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

The Planning & Zoning Commission recommends approval of PZ Case No. 09-21, the Final Plat for Windy Hill Plat 2, subject to the following conditions:

1. The project shall conform to the requirements, standards and regulations of the City of Johnston.
2. All final plat documentation shall be fully executed and delivered to City Staff (originals) and the City Attorney (copy) for review and approval at least six (6) working days prior to the City Council meeting at which the final plat will be considered for approval.
3. Parcels 'A', 'B' and 'C' are unbuildable until further platting has occurred and public infrastructure is in place.
4. A fifty-foot wide perpetual easement shall be granted which allows unencumbered ingress and egress and details maintenance responsibilities of each of the three lots.
5. The shared access drive shall be constructed of a paved dustless surface from the roadway surface to a minimum of 5 feet beyond the property/right of way line; this shall be completed prior to the issuance of a Certificate of Occupancy for the residential units proposed for Lot 2.a certificate of occupancy for the residential units.

Attachments:

Final Plat prepared by Civil Engineering Consultants, dated 10-07-09;
Petition and Waiver.

APPLICANT:	Teresa Holmgren 9304 NW 62 nd Avenue Johnston, IA 50131
REPRESENTATIVE:	Civil Engineering Consultants 2400 86 th Street #12 Urbandale, IA 50322
BACKGROUND & PRIOR APPROVALS:	<p>The subject property is part of a 14-acre parcel that was subdivided previously from the original 40-acre parcel via plat of survey.</p> <p>In 1999 and 2002, the owner initiated subdivision of the 14-acre parcel under the City's Subdivision Ordinance. In both cases the plat was reviewed by the Planning and Zoning Commission but never submitted to, or approved by, the City Council.</p> <p>The City Council approved a Preliminary Plat (Resolution 04-181) on August 16, 2004 and a Final Plat (Resolution 04-227) on October 4, 2004 (PZ Case 04-31) for the aforementioned 14 acres; however, thereafter the applicant took actions to stop recordation of the plat.</p> <p>In 2005, the applicants submitted an amended preliminary plat seeking approval without showing water or sanitary sewer mains serving the plat. This amendment was denied by the Planning and Zoning Commission and did not proceed to the City Council for review.</p> <p>On August 7th, 2006 the City Council approved PZ Case 06-34 a Preliminary and Final Plat for Windy Hill Plat 1 subdividing 14.00 acres into three single-family residential lots and two outlots; Resolution 06-200.</p>
COMPREHENSIVE PLAN:	This property is within the Northwest Area plan of the Comprehensive Plan which was approved by the City Council on February 6, 2006. This area was designated as Medium Density Residential (up to 2 units per acre) and High Density Residential (up to 8 units per acre) in the plan.
ZONING DISTRICT & BULK REGULATIONS:	<p>The property is zoned R-1(150), Single Family Residential. The Bulk requirements are as follows:</p> <p style="padding-left: 40px;">Front yard = 40' Rear Yard = 50' Side Yard = 12' Minimum – 30' Total</p>
TRAFFIC ACCESS & CIRCULATION:	Parcels A, B, and C of Plat 2 and Outlot 'Z' of Plat 1 will have future access via the easterly extension of Woodland Drive, to be constructed when the area is re-platted to accommodate development of the parcels.

The subdivision ordinance requires that all lots have a minimum of 40 feet of frontage on a public street; in lieu of this requirement a 50-foot ingress/egress easement can serve two or more lots if certain conditions are met. The Subdivision Regulations state, "A lot served by a common easement of access shall not be created until the City Council can make a determination that a) the easement is a reasonable means of access in lieu of a public street, b) assurance exists that the improvements will be maintained in perpetuity, and c) that the common driveway or private drive improvements are adequate for their intended use."

Based upon this requirement staff recommends that a perpetual easement be granted which allows unencumbered access and details maintenance responsibilities of each lot. In addition, staff recommends that the shared driveway be constructed of a paved dustless surface.

PETITION AND
WAIVER:

Prior to city council approval of a final plat the applicant must provide a petition and waiver agreeing to future assessments for improvements to Woodland Drive (see accompanying petition and waiver document).

PUBLIC UTILITIES:

With the reconstruction of NW 62nd Avenue water main and sanitary sewer improvements were completed which provided those utilities to the south side of NW 62nd Avenue adjacent to the subject property.

The applicants are proposing to extend a private water main and sanitary sewer main along the proposed shared drive extending to the northerly boundary of Lot 3 to serve the three lots as required by the Subdivision Regulations. The extension of the water main includes the installation of a fire hydrant near the northern boundary of Lot 3 to provide fire protection to the proposed lots.

NW 100TH STREET
WATER DISTRICT:

This area is within the NW 100th Street water district. Any future platting action which requires connection to the NW 100th Street water facilities. This property would not connect to those facilities will require a payment of \$425 per acre.

BEAVER CREEK
TRUNK SEWER
CONNECTION FEE:

This site is within the Beaver Creek Trunk Sewer Fee District. As the proposed platting action creates unbuildable parcels to facilitate transfer of ownership only, district connection fees must be paid at a future date prior to council approval of any platting action to create buildable lots. The connection fee will be based upon the applicable district fee per acre.

DRAINAGE:

Any future platting action to create buildable lots must address drainage for the subject property. Windy Hill Plat 1 identifies an overland flowage easement draining easterly across the adjacent properties to the north before crosses underneath NW 62nd Avenue.

PARKS AND
RECREATION:

As only three lots are being created, this plat is exempt from the Parkland Dedication Requirements.

FLOODPLAIN:

This area is not within a 100 year or 500 year floodplain as designated by the Flood Insurance Rate Map.

SIDEWALKS:

Staff recommends a condition for approval to defer the installation of sidewalks adjacent to the future extension of Woodland Drive until such time as improvements are made to said road surface.

PLAT SUMMARY:

Lots:	N/A
Area:	10.43 Acres
Area of Streets:	N/A
Other Area Dedicated:	N/A
Outlot Area:	10.43 Acres
Net Area in Lots	N/A
Net Average Lot Area:	N/A
Length of Street:	N/A
Length of Water Main:	N/A
Length of Sanitary Sewer:	N/A
Length of Storm Sewer:	N/A

FINAL
DOCUMENTATION:

Attorney's Title Opinion
Consent to Plat (Owner)
Consent to Plat (Lender if applicable)
Polk County Treasurer's Certificate
Warranty Deed Lot A
Groundwater Hazard Statement Lot A
Partial Release of Real Estate Mortgage (Lots A if applicable)
Overland Flowage Easements
Public Water Main Easement
Ingress/Egress and Utility Easement
Notice of Potential Assessment Covenant for future improvements to NW
62nd Avenue
Four Year Maintenance Bond for Public Water Main
Performance Bond for Public Water Main and Sewer Main that is not
completed at the time of City Council approval of the Final Plat.