



**BUSINESS OF THE CITY COUNCIL
AGENDA STATEMENT**

Item No. 13
For Meeting of 5.19.2016

- REQUEST:** Request from Locust Center, LTD to approve the Preliminary Plat of the *Twin Lakes Plat 4*
- STAFF CONTACT:** Luke Parris, AICP
City Planner
- APPLICANT(S):** Locust Center, LTD Veenstra & Kimm, INC.
303 Locust St, Suite 150 3000 Westown PKWY
Des Moines, Iowa 50309 West Des Moines, Iowa 50266
- GENERAL DESCRIPTION:** This request would create 8 lots east of 80th Avenue that are outside Norwalk city limits.
- Under Norwalk's subdivision regulation section 16.05(8) the division of land within unincorporated areas within two (2) miles of the corporate limits of the City shall be reviewed in accordance with an established by agreement with Warren County pursuant to Chapter 28E of the Code of Iowa. The Subdivision Regulations state that proposed plats within two miles shall be reviewed under the City's normal plat review procedure.
- IMPACT ON NEIGHBORHOOD:** This is an extension of a private cul-de-sac street with undeveloped ground to the north and east and an existing rural subdivision to the south. The street is an 18' wide private road, similar to the existing private streets in the development
- VEHICULAR & PEDESTRIAN TRAFFIC:** The plat shows the extension of a private cul-de-sac, Boston Trail.
- TRAIL PLAN:** N/A
- ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY:** The Preliminary Plat for Twin Lakes Plat 4 is located outside of Norwalk City limits and is not currently zoned. If the city of Norwalk were to annex this land, the future land use plan identifies the area as medium density residential and any future zoning of this area would likely be RE-1.

BUFFERS REQUIRED/ NEEDED:	No buffers are required since this is outside Norwalk city limits.
DRAINAGE:	The County handles drainage requirements and does not require detention for small, low impact developments.
DEVELOPMENT HISTORY:	This Preliminary Plat is a replat of lots 9-14 of Twin Lakes Plat 3 which will go from 6 to 8 lots, the pond originally to be located in the northern part of Plat 3 is to be removed and realignment of the street farther to the south.
FLOODPLAIN:	None of the proposed lots are located within a floodplain.
PARKLAND:	No parkland dedication is required.
UTILITIES: WATER, SANITARY SEWER, STORM SEWER.	<ul style="list-style-type: none"> • An 8" water main is provided under Boston Trail. • Each lot will have their own septic tank for sanitary sewer usage. • One Hydrant is shown on Boston Trail at the end of the cul-de-sac, additional hydrants will be needed on lots as they develop to ensure adequate lot coverage.
RELATIONSHIP TO COMPREHENSIVE LAND USE PLAN:	The future annex land use plan for the majority of this area will be RE-1.
STAFF ANALYSIS– ZONING ORDINANCE:	The Preliminary Plat consists of a replating of 6 residential lots to 8 residential lots. The plat consists of 13.60 acres of land east of 80 th Avenue. The preliminary plat is outside of Norwalk's city limits and is not currently zoned. If the city of Norwalk were to annex this land, future land use planning would zone this area as RE-1.
STAFF ANALYSIS– SUBDIVISION ORDINANCE:	The Subdivision Ordinance requires that Preliminary Plat submissions details on lot design, street layout, sanitary sewer layout, water main layout, grading, and storm water management. All information has been submitted by the applicant.
STAFF RECOMMENDATION:	<p>Therefore, staff recommend that the request for the Preliminary Plat of Twin Lakes Plat 4 be approved for the following conditions:</p> <ul style="list-style-type: none"> • That the applicant provides all supporting documentation required within the Norwalk Subdivision Regulations. • That any significant modifications to the final plat be reviewed and approved by the Planning & Zoning Commission and City Council.
ATTACHMENTS:	Attachment "A" – Twin Lakes Plat 4 Preliminary Plat Attachment "B" – Twin Lakes Plat 4 Vicinity Map

<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Contract	<input type="checkbox"/> Other (Specify)
Funding Source:	NA		
APPROVED FOR SUBMITTAL:			
	Planning & Economic Development Director		

RESOLUTION NO. _

A RESOLUTION APPROVING THE TWIN LAKES PLAT 4 PRELIMINARY PLAT

WHEREAS, the Planning & Zoning Commission reviewed this request at their regular meeting on May 9, 2016 and recommends approval of the Preliminary Plat; and

WHEREAS, that the applicant provides all supporting documentation required within the Norwalk Subdivision Regulations; and

WHEREAS, that any significant modifications to the plat be reviewed and approved by the Planning & Zoning Commission and City Council; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve the Preliminary Plat for the Twin Lakes Plat 4 as described and shown in Attachment "A" attached hereto and made a part thereof by reference.

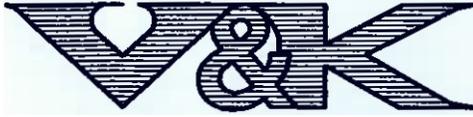
PASSED AND APPROVED this 19th day of May, 2016.

Tom Phillips-Mayor

ATTEST:

JODI EDDLEMAN, CITY CLERK

<u>ROLL CALL VOTE:</u>	<u>Aye</u>	<u>Nay</u>
Kuhl	—	—
Lester	—	—
Isley	—	—
Riva	—	—
Livingston	—	—



April 29, 2016

Luke Parris, AICP
City Planner
City of Norwalk
705 North Avenue
Norwalk, Iowa 50211

TWIN LAKES PLAT 4
PRELIMINARY PLAT SUBMITTAL

Enclosed is a copy of the preliminary plat of Twin Lakes Plat 4. Twin Lakes Plat 4 is a replat of the northeast portion of the already platted Twin Lakes Plat 3. The property owner Bruce Gerleman is proposing to replat a portion of the undeveloped area of Plat 3 to better utilize the area.

Under the proposed Plat 4 the six lots on the easterly side of the creek in Plat 3 will be replatted to eight lots. The pond originally to be located in the northern part of Plat 3 is being deleted and the street is being realigned to shift the street farther to the south. With this change there will be eight lots of a more regular shape compared to the original seven lots.

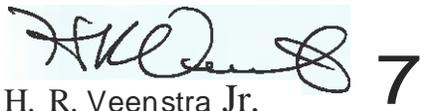
Water service is provided by the Des Moines Water Works as a continuation of the water service in the existing Twin Lakes Plat 1, 2 and 3. The roadway will be an 18-foot HMA pavement. The road is a continuation of the road design. The road would be a rural design with no storm sewer system provided in the plat. The plat would be developed with minimal lot grading. Sanitary sewer service would be provided by onsite treatment systems as a continuation of the design in the existing Twin Lakes.

Twin Lakes Plat 4 involves no additional area not included in Twin Lakes Plat 3. The only change is the alignment of the road to delete the pond and to increase the number of lots from six to eight. In all other respects the design for the existing Twin Lakes development is continued in Twin Lakes Plat 4.

Luke Parris
April 29, 2016
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If you have any questions or comments concerning the project, please contact the writer at 225-8000.

VEENSTRA & KIMM, INC.

A handwritten signature in black ink, appearing to read "H. R. Veenstra Jr.", is written over a light blue rectangular background. To the right of the signature is a large, bold, black number "7".

H. R. Veenstra Jr.

HRVjr:pjh
234689
Enclosure
cc: Bruce Gerleman

HOLLYDR
HOLLYDR
MAIN ST
MAIN ST
MAIN ST
LAURELPL
SUNNINGDALE DR
GORDON AVE
CEDAR ST
EDGEMONT PL
CHERRY PKWY
TURNBERRYDR
SUNSETDR
MASTELLER RD

E 19TH ST

E 20TH ST

HUNTER DR

SWITCHGRASS TR

E 27TH ST

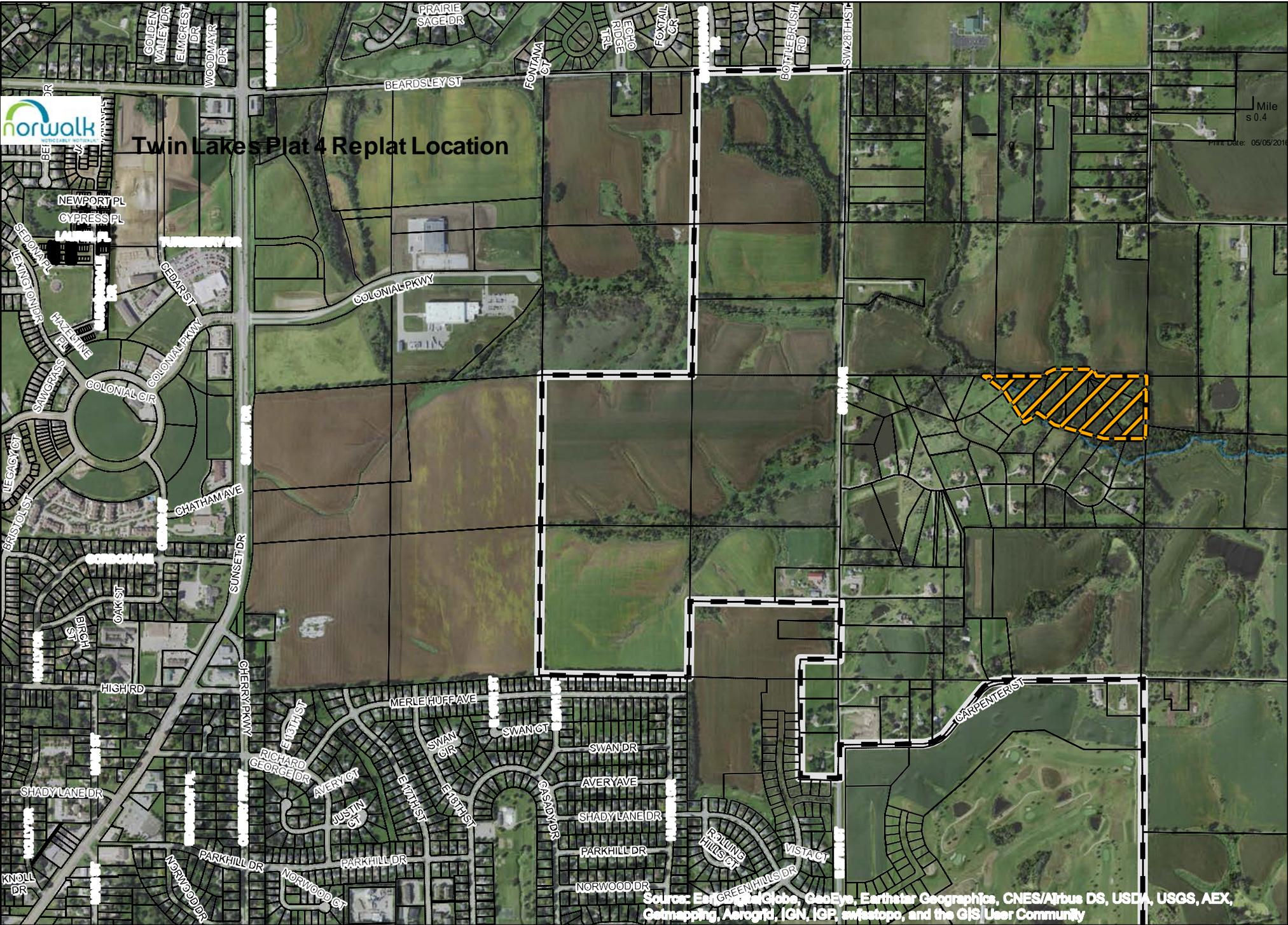
80TH AVE



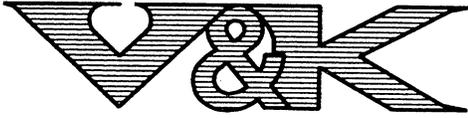
Twin Lakes Plat 4 Replat Location

Mile s 0.4

Print Date: 05/05/2016



Source: Esri, DeLorme, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



May 12, 2016

Luke Parris, AICP
City Planner
City of Norwalk
705 North Avenue
Norwalk, Iowa 50211

TWIN LAKES PLAT 4
STREET WIDTH

This letter is a follow up to the recommendation by the Norwalk Plan & Zoning Commission to require Twin Lakes Plat 4 to construct the street in Plat 4 to a 24-foot width. The writer has discussed the Plan & Zoning Commissions recommendation with the developer, Bruce Gerleman.

Bruce Gerleman has a significant concern regarding the requirement for a 24-foot width street in Plat 4 given the other streets in the plat are constructed of an 18-foot wide pavement. The street in Plat 4 will be one of the least heavily traveled streets within the Twin Lakes development.

At the meeting there was discussion about the steepness of the streets and accessibility for emergency vehicles and others during winter conditions. There was discussion about the implications of widening the street at a future date if the area were to be annexed into the City of Norwalk and the streets converted to public streets.

As discussed at the Plan & Zoning Commission meeting, the street within Plat 4 has a relatively modest slope. The steepest part of the street is located in Plat 3 and is not covered by the preliminary plat of Plat 4.

Bruce Gerleman requested the writer to discuss with the City of Norwalk a possible compromise to address some of the concerns regarding the street width and the steepness of the street. The proposed compromise would be as follows:

1. The street in Plat 4 would be graded to allow for a 26-foot rural top section. The initial pavement would be 18-foot wide and the street would be designed in a manner that would allow for a 4-foot widening on each side of the street.

2. In the steep area of the street on Boston Circle located in Plat 3 the design would be modified to widen the street pavement to 24 feet and to steepen the slope of the street to a maximum of 14%. With this steeper slope the roadway would nearly follow the existing ground slope. This would eliminate the elevated fill area for the roadway. This change would provide a wider street for vehicle travel in adverse weather conditions. By matching the street grade the large fill area along the edge of the road would be eliminated.

With the original design there were areas where a vehicle sliding off the paved surface would traverse a several foot high fill section, potentially resulting in overturning of the vehicle. With the new profile the roadway would approximately match the adjoining area. If a vehicle were to slide off the road it would not have the potential to overturn and could be pulled back on the road surface.

The writer recognizes this compromise does not provide a 24-foot initial paving in Plat 4. However, the compromise actually improves the street pavement in Plat 3 to address some of the Plan & Zoning Commission members concerns and return allows the 18-foot pavement in Plat 4 to match the existing street pavement and provides an easy method to widen the pavement in Plat 4 if the area were to be annexed and the streets converted to public streets.

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

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

HRVJr:pjh
234689

cc: Bruce Gerleman



MEMO

TO: Jean Furler
FROM: Wade Wagoner
DATE: May 18, 2016
RE: Extraterritorial review of plats

Dear Jean: Below are the code sections pertaining to extraterritorial review of plats. Our review for this started in 2002. In 2004 we passed another ordinance allowing for the administrative waiver without going to council or P&Z. It's important to note that the council can impose our standards (it's not merely a suggestion)

354.8 Review and approval by governing bodies.

1. A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

2. If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. **The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.**

3. As used in this section, the term "*subdivision improvements*" means any fixture, structure, or other improvement to land required to be constructed or installed by the proprietor as a condition of the governing body's approval of a subdivision plat.

4. a. For a city with a population equal to or greater than fifty thousand, if the proprietor or the contractor for the construction of subdivision improvements has provided the name and facsimile number or electronic mail address of the contractor, the city shall notify the contractor, either by facsimile or electronic mail, not less than forty-eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor.

b. For a city with a population equal to or greater than twenty-five thousand but less than fifty thousand, a proprietor or the contractor for the construction of subdivision improvements may request that the city notify the contractor, either by facsimile or electronic mail, not less than forty-eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor. Upon the receipt of such a request to notify the contractor, the city shall provide such notice.

c. A city's failure to provide notice pursuant to paragraph "a" or "b" shall not impose any responsibility on the city for the payment of any amounts owed by a proprietor to a contractor.

5. A city may establish jurisdiction to review subdivisions or plats of survey outside its boundaries pursuant to the provisions of section 354.9. In the case of a city, the provisions of this section apply to the review by the city of both subdivision plats and plats of survey.

354.9 Review of plats within two miles of a city.

1. If a city, which has adopted ordinances regulating the division of land, desires to review subdivision plats or plats of survey for divisions or subdivisions outside the city's boundaries, then the city shall establish by ordinance specifically referring to the authority of this section, the area subject to the city's review and approval. The area of review may be identified by individual tracts, by describing the boundaries of the area, or by including all land within a certain distance of the city's boundaries, which shall not extend more than two miles distance from the city's boundaries. The ordinance establishing the area of review or modifying the area of review by a city, shall be recorded in the office of the recorder and filed with the county auditor.

2. If a subdivision lies in a county, which has adopted ordinances regulating the division of land, and also lies within the area of review established by a city pursuant to this section, then the subdivision plat or plat of survey for the division or subdivision shall be submitted to both the city and county for approval. The standards and conditions applied by a city or county for review and approval of the subdivision shall be the same standards and conditions used for review and approval of subdivisions within the city limits or shall be the standards and conditions for review and approval established by agreement of the city and county pursuant to chapter 28E. **Either the city or county may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat.**

3. If cities establish overlapping areas of review outside their boundaries, then the cities shall establish by agreement pursuant to chapter 28E reasonable standards and conditions for review of subdivisions within the overlapping area. If no agreement is recorded pursuant to chapter 28E, then the city which is closest to the boundary of the subdivision shall have authority to review the subdivision.

4. For purposes of this section, "*subdivision*" also includes a declaration for the establishment of a horizontal property regime under chapter 499B. A declaration of a horizontal property regime that is proposed to be located within the area of review established by a city pursuant to this section shall be subject to review and approval in the same manner as a subdivision.

90 Acts, ch 1236, §23

2002 Acts, ch 1132, §3, 11

; 2010 Acts, ch 1051, §1

; 2013 Acts, ch 30, §79



MEMO

TO: Jean Furler
FROM: Wade Wagoner
DATE: May 18, 2016
RE: Minutes excerpt from last P&Z meeting on May 9, 2016

Dear Jean: Attached are the not yet approved minutes excerpt from the last P&Z meeting regarding the Twin Lake Plat.

Request from Locust Center LTD to approve the Preliminary Plat of Twin Lakes Plat 4 (a subdivision outside of City limits within 2 miles) – 16-26 Parris gave the staff report and explained that it had been awhile since the Commission dealt with a similar request. The City has a 28E agreement with the County to allow City review of plats within two miles. If you recall, we waived one south of town on the old Rolling Hills golf course because it's outside of our planned growth area. This plat however is within a likely annexation area. It does not have City Zoning, but if brought into the City it would likely be RE-1, which allows rural cross sections.

Bob Veenstra spoke on behalf of the applicant. Veenstra was asked many questions about the 18 foot wide street. Wagoner indicated that if this were a City development, the minimum private street width would be 24' wide.

Veenstra was asked if the 28E agreement the City has with the county would allow the City to impose our standard or if this is just a suggestion. Veenstra thought the City could impose, but said there is already a portion of the street out there that is developed at 18' wide and that widening to 24' on the last phase of the development would be of little value. McConnell expressed concerns about the street width not meeting our minimums. She and Grant were also specifically concerned about public safety vehicles being able to navigate the streets since it would be very narrow for fire trucks, has steep slopes, only one way in - one way out on a long cul-de-sac.

McConnell asked about draining indicating that the Commission has been burned on drainage matters far too often. Veenstra responded to McConnell that there wouldn't be a problem given the size of the lots and a house would add relatively little impervious surface and plenty of ground left to handle runoff. Also variable topography would make it hard to have onsite detention.

Motion by Grant, seconded by McConnell to approve the plat as submitted, but to offer the suggestion (not mandate) that the streets be 24' wide. Approved 6-0.