CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: May 15, 2017

ITEM: Glen Oaks Buffer Vacation, 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane – Vacate 30 foot rear yard buffer park easement – Glen Oaks Owners Association – VAC-003429-2017

Resolution: Approval of Vacation Requests

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Glen Oaks Owners Association, represented by James McClarnon is requesting approval of the vacation of a 30 foot buffer park easement along the rear (west) lot lines of 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane. With the recent reconstruction of S. 60th Street and planned addition of a public trail along the east side of the road (adjacent to the applicant's rear lot line), the property owner at 5968 Dogwood Lane desired to place a fence along the top of a boulder wall to prevent errant bicycles from going over the wall and to provide privacy from the trail and street. These improvements would be located within the area currently covered by the no-build buffer area.

Plan and Zoning Commission Action:
Vote: 4-0 approval. Commissioners Brown, Crowley, and Erickson absent
Date: May 8, 2017
Motion: Adopt a resolution recommending the City Council approve the vacation request.

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee – *May 1, 2017*
- Staff Review and Comments
  - Buffer Easement
- Comprehensive Plan Consistency
- Staff Recommendations and Conditions of Approval
- Noticing Information
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Vacation Requests to vacate a 30 foot buffer park easement along the rear (west) lot lines of 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane, subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford

STAFF REVIEWS:

Department Director	LS
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	April 28, 2017	
Letter sent to surrounding property owners		April 25, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	May 1, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Communication
- Attachment A – Plan & Zoning Commission Resolution
  - Exhibit A – Conditions of Approval (None)
- Attachment B – Location Map
- Attachment C – Buffer Vacation Easement

Exhibit II City Council Resolution
- Attachment A - Conditions of Approval (none)

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: May 8, 2017

Item: Glen Oaks Buffer Vacation Plat 8, 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane – Vacate 30 foot rear yard buffer park easement – Glen Oaks Owners Association – VAC-003429-2017

Requested Action: Approval of a Vacation Requests

Case Advisor: J. Bradley Munford

Applicant's Request: Glen Oaks Owners Association, represented by James McClarnon is requesting approval of the vacation of a 30 foot buffer park easement along the rear (west) lot lines of 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane.

History: The Glen Oaks Planned Unit Development was approved by the City Council in May of 1992. The final plat for Glen Oaks Plat 8, (5968, 5946, 5924, and 5965 Dogwood Lane, and 1365 Tulip Tree Lane) was approved by the City Council on November 20, 1995. The subject buffer easement was a part of Glen Oaks Plat 8 in 1995 and put in place to satisfy the requirement that double frontage lots (lots having a public street on the front and rear yards) have a buffer installed to mitigate the street impacts on the rear of the property. A condition of approval was placed on the plat that required the installation of the buffer vegetation at such time as S. 60th Street was reconstructed; however, no surety was placed for the installation. The original developer is no longer viable.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on May 1, 2017. The Subcommittee expressed support of the proposed vacation due to the limited number of lots involved and unlikelihood of additional subdivision of adjacent ground.

Staff Review and Comment: There are no outstanding issues. Staff would note the following:

Buffer Easement: The subject buffer easement was put in place to satisfy the requirement that double frontage lots (lots having a public street on the front and rear yards) have a no-build buffer installed to mitigate the street impacts on the rear of the property. With the recent reconstruction of S. 60th Street and planned addition of a public trail along the east side of the road (adjacent to the applicant's rear lot line), the property owner at 5968 Dogwood Lane desired to place a fence along the top of a boulder wall to prevent errant bicycles from going over the wall and to provide privacy from the trail and street. These improvements would be located within the area currently covered by the no-build buffer area. The limited depth of this lot and placement of the house has resulted in essentially no usable rear yard that is located outside of the buffer. The other properties noted in the staff report also would like the buffer vacated to be able to place fences along the property line. The residents have indicated that with the reconstruction of South 60th Street, the street is at a higher elevation than the lots and they believe that a fence in this area is better solution for privacy than landscaping.

The interior line of the buffer serves as the beginning point for measuring the rear year setback for the lot. In the case of this property, the house was constructed at the rear yard setback line as measured from the property line and not the buffer line. The house is considered legal non-conforming. Elimination of the buffer would also make the home at 5968 Dogwood Lane conforming with code in respect to the measuring of rear yard setbacks.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Vacation Requests to vacate a 30 foot buffer park easement along the rear (west) lot lines of 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane, subject to the applicant meeting all City Code requirements.

Noticing Information: On April 28, 2017, notice for the May 8, 2017, Plan and Zoning Commission and May 15, 2017, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to those property owners adjacent to the areas subject to vacation on April 25, 2017.

Property Owner/Applicant:

Todd Sanftner
5968 Dogwood Lane
West Des Moines, IA 50266

Eric Galinsky
5946 Dogwood Lane
West Des Moines, IA 50266

Carl Drautz
5924 Dogwood Lane
West Des Moines, IA 50266

Xiaohong Zhang
5965 Dogwood Lane
West Des Moines, IA 50266

Don Pearson
1365 Tulip Tree Lane
West Des Moines, IA 50266

Applicant's Representatives:

James McClarnon
Glen Oaks Owners Association,
1880 Glen Oaks Drive
West Des Moines, Iowa 50266
JamesMcclarnon@aol.com

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Buffer Vacation Exhibit

ATTACHMENT A

RESOLUTION NO. PZC -17-30

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE VACATION REQUEST (VAC-003429-2017) FOR THE PURPOSE OF VACATING A 30 FOOT BUFFER PARK EASEMENT ALONG THE REAR (WEST) LOT LINES OF 5968, 5946, 5924, AND 5965 DOGWOOD LANE AND 1365 TULIP TREE LANE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Glen Oaks Owners Association, has requested approval of a Vacation Request (VAC-003429-2017) for a 30 foot buffer park easement along the rear (west) lot lines of Lots 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane and as legally described as follows:

Lots 25 thru 28 Glen Oaks Plat 8 and Lot 1 Tulip Tree Point Plat 5 now in and forming a part of the City of West Des Moines, Polk County, Iowa.

WHEREAS, pursuant to City code, vacation of the buffer park easement will provide that the required rear yard setback be measured from the west property line of each lot and allow the placement of fencing along the rear lot line;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on May 8, 2017, this Commission held a duly-noticed hearing to consider the Vacation Requests;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated May 8, 2017, or as amended orally at the Plan and Zoning Commission hearing of May 8, 2017, are adopted.

SECTION 2. The VACATION REQUESTS are recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 8, 2017, including conditions added at the Hearing. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 8, 2017.

Chris Costa

Chris Costa, Vice-Chair
Plan and Zoning Commission

ATTEST: Michelle Rieseberg
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on May 8, 2017 by the following vote:

AYES: Andersen, Costa, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Brown, Crowley, Erickson

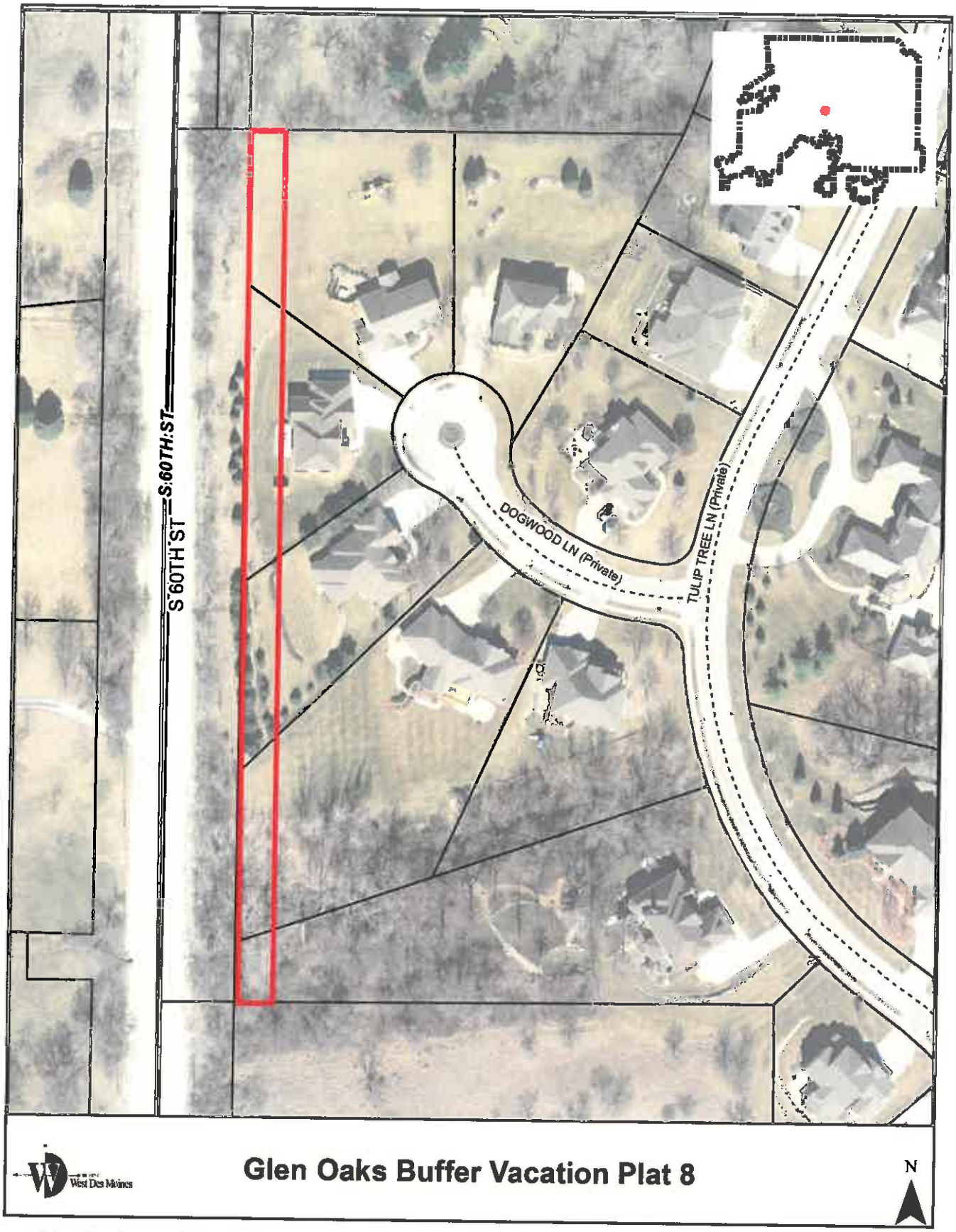
ATTEST: Michelle Rieseberg
Recording Secretary

S:___Development Projects\Glen Oaks\Glen Oaks Plat 8\Buffer Vacation\ VAC-003429-2017_SR_Glen Oaks Plat 8 and Tulip Tree Plat 5 Buffer Vacation_PZ_05-08-2017.docx

Exhibit A
Conditions of Approval

1. None.

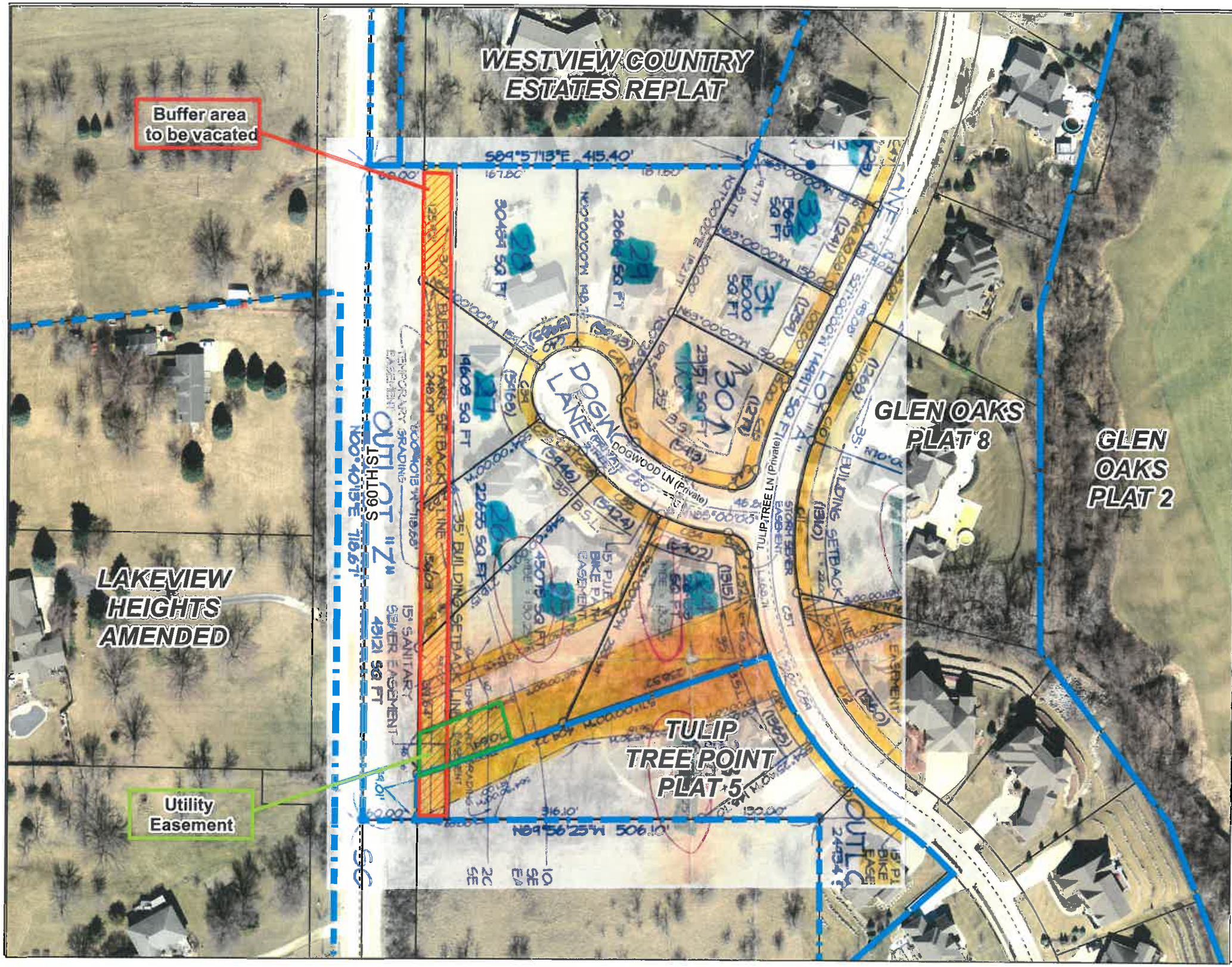
ATTACHMENT B



S:___Development Projects\Glen Oaks\Glen Oaks Plat 8\Buffer Vacation\ VAC-003429-2017_SR_Glen Oaks Plat 8 and Tulip Tree Plat 5 Buffer Vacation_PZ_05-08-2017.docx

ATTACHMENT C

Glen Oaks Plat 8 & Tulip Tree Plat 5 Buffer Vacation



Legal Descriptions

The west 30 feet of Lots 25 thru 28 Glen Oaks Plat 8 and the west 30 feet of Lot 1 Tulip Tree Point Plat 5, Lot 1, and area is 21,560.70 sf

List of Joint Applicants

Todd Sanftner
5968 Dogwood Lane
West Des Moines, IA 50266
515-770-7462

Eric Galinsky
5946 Dogwood Lane
West Des Moines, IA 50266
515-202-5263

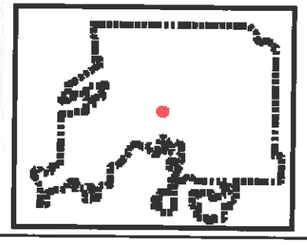
Carl Drautz
5924 Dogwood Lane
West Des Moines, IA 50266
515-988-5697

Xiaohong Zhang
5965 Dogwood Lane
West Des Moines, IA 50266
515-528-7839

Don Pearson
1365 Tulip Tree Lane
West Des Moines, IA 50266
760-525-6130

Note:

The 30 foot buffer park is the only easement being vacated. The 15 foot sanitary sewer easment on Lots 24 and 25, Glen Oaks Plat 8 and Lot 1 Tulip Tree Point Plat 5, shall remain in place and be clear of any structure.



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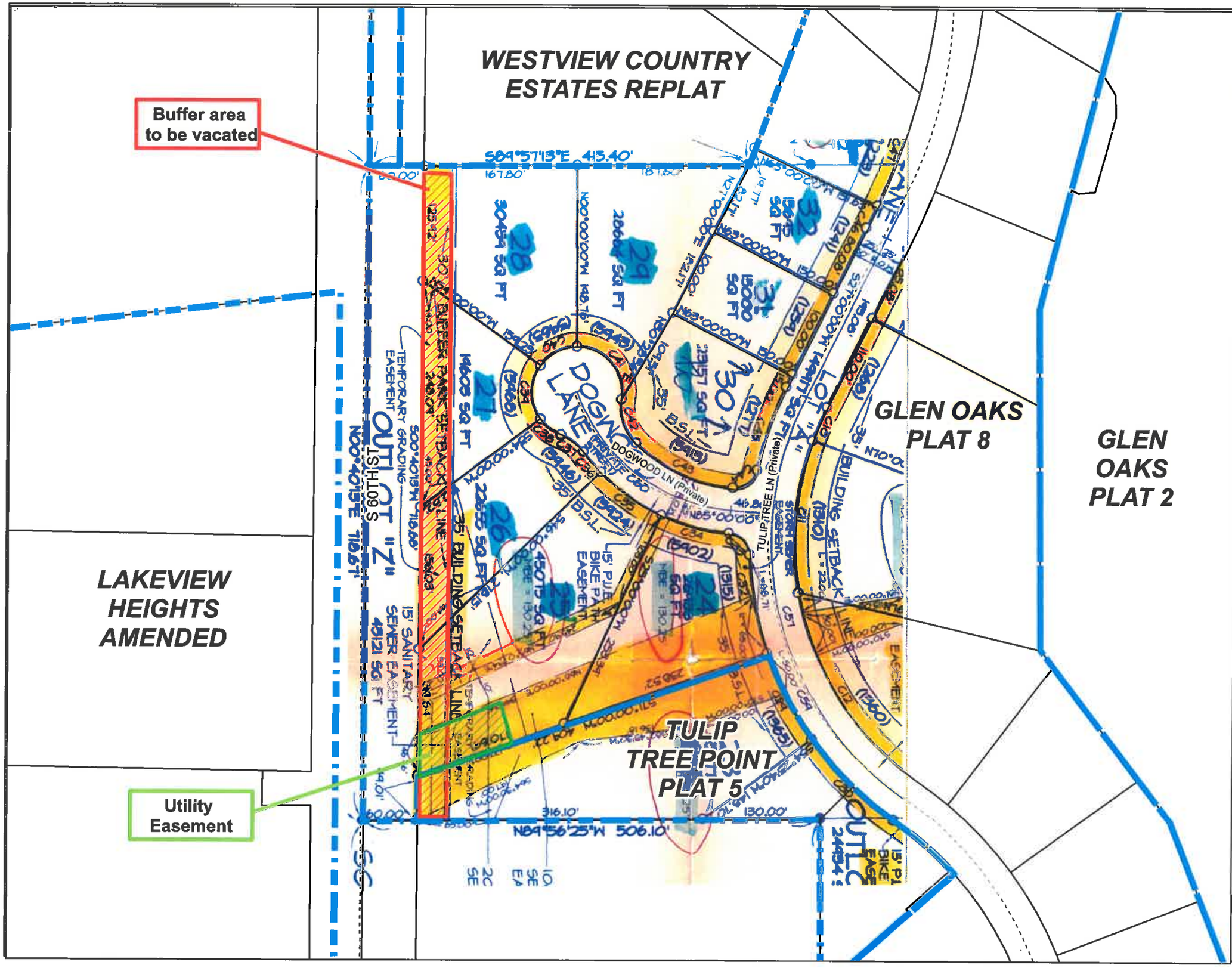

Glen Oaks Plat 8 & Tulip Tree Plat 5 Buffer Vacation

Legal Descriptions

The west 30 feet of Lots 25 thru 28 Glen Oaks Plat 8 and the west 30 feet of Lot 1 Tulip Tree Point Plat 5, Lot 1, and area is 21,560.70 sf

List of Joint Applicants

Todd Sanftner
5968 Dogwood Lane
West Des Moines, IA 50266
515-770-7462

Eric Galinsky
5946 Dogwood Lane
West Des Moines, IA 50266
515-202-5263

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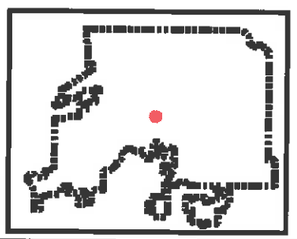

N

1:10

EXHIBIT II

Prepared by: J.B. Munford, Development Services, P.O. Box 65320 West Des Moines, IA 50265-0320, (515)222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING THE VACATION REQUEST (VAC-003429-2017) FOR THE PURPOSE OF VACATING AN EXISTING BUFFER PARK EASEMENT

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, property owners, Todd Sanfner (5968 Dogwood Lane), Eric Galinsky (5946 Dogwood Lane), Carl Drautz (5924 Dogwood Lane), Xiaohong Zhang (5965 Dogwood Lane) and Don Pearson (1365 Tulip Tree Lane) have requested approval of a Vacation Request (VAC-003429-2017) for 5968, 5946, 5924, and 5965 Dogwood Lane and 1365 Tulip Tree Lane for the purpose of vacating the 30' buffer park easement located along the western boundary of lots 25, 26, 27 and 28 of Glen Oaks Plat 8 and Lot 1 of Tulip Tree Point Plat 5;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on May 8, 2015, the Plan and Zoning Commission did recommend to the City Council approval of the Vacation Request (VAC-003429-2017);

WHEREAS, on May 15, 2015 this City Council held a duly-noticed public hearing to consider the application for Vacation Request (VAC-003429-2017);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report dated May 15, 2017, or as amended orally at the City Council hearing of May 15, 2017, are adopted.

SECTION 2. VACATION REQUEST (VAC-003429-2017) to vacate the 30 foot buffer park easement located adjacent to the western boundary of Lots 25, 26, 27 and 28, Glen Oaks Plat 8 and Lot 1, Tulip tree Point Plat 5, is approved subject to compliance with all the conditions in the staff report, dated May 15, 2017, including conditions added at the Hearing. Violation of any such conditions shall be grounds for any remedy, legal or equitable, which is available to the City. The legal description of the buffer park easement to be vacated is as follows:

The western thirty feet of Lots 25, 26, 27, and 28, Glen Oaks Plat 8 and Lot 1, Tulip Tree Point Plat 5, Official Plats now in and forming a part of the City of West Des Moines, Polk County, Iowa.

PASSED AND ADOPTED on May 15, 2017.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on May 15, 2017 by the following vote:

ATTEST:

_____
Ryan T. Jacobson
City Clerk

Exhibit A
Conditions of Approval

1. No conditions of approval.