CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: September 7, 2021

ITEM: Della Vita Plat 3, Northwest corner of 88th Street and EP True Parkway – Approve Final Plat to create 29 lots for Single-Family development, 1 outlot and 3 street lots – Della Vita, LLC – FP-005180-2021

RESOLUTION: Acceptance of Public Improvements and Acceptance of Surety and Approval and Release of Final Plat

Background: Emily Harding with Civil Design Advantage, on behalf of the applicant and property owner, Della Vita, LLC, requests approval of a Final Plat for the approximately 13-acre property generally located at the northwest corner of 88th Street and EP True Parkway. The applicant proposes to subdivide the property into 29 lots for Single-Family development, 1 outlot for storm water detention, and 3 street lots for dedication to the City.

Staff Review & Comment:

- *Financial Impact:* No City funds were used for this development; however, the City did acquire the property at the southwest corner of 88th St and EP True Parkway to allow the alignment of EP True Parkway on the west side of 88th Street to align with EP True Parkway already constructed on the east side of 88th Street.
- *History*: The associated Preliminary Plat was approved by the Plan and Zoning Commission on February 13, 2017 and the City Council on February 21, 2017. The City's typical practice has been if at least one Final Plat for ground that was contained within the area included on the associated Preliminary Plat, then the Preliminary Plat is vested. Della Vita Final Plat 1 was approved in November 2017 and Della Vita Final Plat 2 was approved in September 2020, thus vesting the Preliminary Plat. This Final Plat has been determined to be consistent with the associated Preliminary Plat.
- *EP True Parkway & 88th Street:* EP True Parkway will be extended west from its existing terminus at 88th Street to Napoli Avenue that goes north into the Della Vita site. This portion of the street will be constructed by the applicant and the applicant has provided surety to the City for this construction. The segment of 88th Street adjacent to the plat boundary was constructed with Della Vita Plat 1.
- *Parkland Dedication:* A Parkland Dedication Agreement was previously provided with Della Vita Plat 1. To provide for their parkland dedication requirements, the developer has chosen to construct improvements to recreational facilities that serve this development. More specifically, the improvements include paving of a section of trail along EP True Parkway adjacent to this development and a future improvement to Whisper Point Park which is located approximately a quarter of a mile to the south. Once the final number of lots/dwellings within the entire Della Vita site is known, if necessary, in conjunction with the last final plat associated with the development the Parkland Dedication Agreement will be updated.

- *Traffic Analysis Findings:* Traffic Impact Studies are not conducted for Final Plats but instead are completed at the time of the associated Preliminary Plat. Recommendations of the traffic study completed at the time of Preliminary Plat have been included with the design of streets within this final plat.

Outstanding Issues: There are no outstanding issues.

Staff would note that as part of this approval, the Council is approving and accepting the following:

- Public improvements associated with the construction of 91st Street, Terni Road, Dolce Court, public sanitary sewer and public storm sewer within the plat boundaries;
- Surety in lieu of public improvements associated with the construction of EP True Parkway from 88th Street to Napoli Avenue and public storm sewer including all appurtenances associated with said improvements;
- Surety for the construction of public sidewalks within the plat;
- Surety for the installation of landscape buffers required of the development;
- A deed for Lots A, B, and C to be dedicated as public street right-of-way;
- Legal documents to establish public easements for public utility easements (PUE), storm sewer and overland flowage, sanitary sewer, overland flowage, and landscape buffer; and
- Storm Water Management Maintenance Facility Covenant and Permanent Easement Agreement for this property.

Recommendation: Approve the Final Plat, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	September 7, 2021

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☒ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	June 7, 2021
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

DELLA VITA PLAT 3

FINAL PLAT

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

INDEX LEGEND

LOCATION: SEC 10–78–26, PT. SE1/4 NE1/4

REQUESTOR: DELLA VITA, LLC

PROPRIETOR: DELLA VITA, LLC
6900 WESTOWN PARKWAY
WEST DES MOINES, IA 50266

SURVEYOR: MICHAEL A. BROONER

SURVEYOR COMPANY: CIVIL DESIGN ADVANTAGE

RETURN TO: CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: 515–369–4400

OWNER / DEVELOPER

DELLA VITA, LLC
CONTACT: STEVE MOSELEY
6900 WESTOWN PARKWAY
WEST DES MOINES, IA 50266
PH. (515) 283–5190

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111

ZONING

SINGLE FAMILY RESIDENTIAL (R–1)

BULK REGULATIONS

ZONING: DELLA VITA PUD WITH AN UNDERLYING ZONING OF SINGLE FAMILY RESIDENTIAL (R–1)

SETBACKS:

FRONT:	30'
REAR (LOTS 7, 8 AND 21–29):	65'
REAR (LOTS 1–6 AND 9–20):	35'
SIDE:	7'MIN/14' TOTAL

COMPREHENSIVE LAND USE

SF – SINGLE FAMILY RESIDENTIAL

DATE OF SURVEY

APRIL 24, 2020

PLAT DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 10; THENCE SOUTH 82°56'46" WEST ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, 859.37 FEET; THENCE NORTH 07°03'14" WEST, 60.00 FEET; THENCE NORTH 05°45'11" WEST, 215.16 FEET; THENCE NORTH 84°14'49" EAST, 22.80 FEET; THENCE NORTH 05°45'11" WEST, 130.00 FEET; THENCE NORTH 84°14'49" EAST, 39.22 FEET; THENCE NORTH 00°51'59" WEST, 222.20 FEET TO THE SOUTHERLY LINE OF DELLA VITA PLAT 1, AN OFFICIAL PLAT; THENCE NORTH 82°51'12" EAST ALONG SAID SOUTHERLY LINE, 211.09 FEET; THENCE SOUTH 88°40'02" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 60.00 FEET; THENCE NORTHERLY CONTINUING ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 630.00 FEET, WHOSE ARC LENGTH IS 49.26 FEET AND WHOSE CHORD BEARS NORTH 00°54'25" WEST, 49.25 FEET; THENCE NORTH 86°51'11" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 148.05 FEET; THENCE NORTH 00°28'16" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 22.99 FEET; THENCE SOUTH 89°31'44" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 205.00 FEET; THENCE NORTH 00°28'16" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 27.57 FEET; THENCE SOUTH 89°31'44" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 220.00 FEET TO THE SOUTHEAST CORNER OF SAID DELLA VITA PLAT 1, ALSO BEING THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 00°28'16" WEST ALONG SAID EASTERLY LINE, 655.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.91 ACRES (562,181 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD INCLUDING ROADWAY EASEMENT ALONG THE EASTERLY SIDE THEREOF; SAID EASEMENT CONTAINS 0.50 ACRES (21,691 SQUARE FEET).

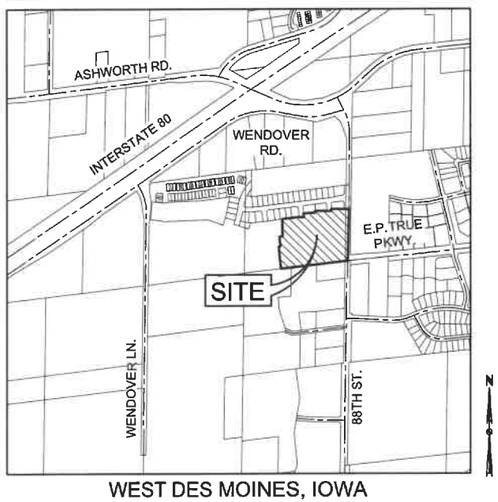
NOTES

1. INDIVIDUAL PROPERTY OWNERS MAY BE RESPONSIBLE FOR THE CONSTRUCTION OF SIDEWALKS ON THEIR PROPERTY. PRIOR TO CONSTRUCTION OF ANY SIDEWALKS REFER TO THE PROJECT CONSTRUCTION DRAWINGS AND CONFIRM WITH CITY THE LOCATION, WIDTH AND ELEVATION OF SIDEWALKS.
2. ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
3. THE ERROR OF CLOSURE IS WITHIN THE ALLOWABLE LIMITS (1:10,000 FOR BOUNDARY, 1:5,000 FOR INDIVIDUAL LOTS).
4. ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES.
5. REFER TO ELEVATION EXHIBIT FOR ELEVATION INFORMATION INCLUDING MINIMUM PROTECTED OPENING ELEVATION (MPO).
6. ALL OUTLOTS ARE UNBUILDABLE.
7. ALL EASEMENTS ARE PROPOSED AND PUBLIC UNLESS OTHERWISE NOTED.
8. NO DRIVEWAY ACCESS PERMITTED DIRECTLY TO EP TRUE PARKWAY OR 88TH STREET.

CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	4°28'47"	630.00'	49.26'	N0°54'25"W	49.25'
C2	8°56'58"	550.00'	85.91'	S4°56'45"W	85.82'
C3	9°19'29"	350.00'	56.96'	S88°54'34"W	56.90'
C4	11°12'44"	600.00'	117.41'	N1°26'52"W	117.23'
C5	15°52'14"	600.00'	166.20'	N12°05'37"E	165.66'
C6	18°41'45"	600.00'	195.78'	N10°40'51"E	194.92'
C7	10°34'00"	570.00'	105.12'	N6°36'58"E	104.97'
C8	8°07'45"	570.00'	80.87'	N15°57'51"E	80.80'
C9	1°44'09"	630.00'	19.09'	N19°09'39"E	19.09'
C10	9°22'41"	630.00'	103.12'	N13°36'14"E	103.00'
C11	83°06'15"	25.00'	36.26'	N50°28'01"E	33.17'
C12	7°46'19"	380.00'	51.54'	N88°07'59"E	51.51'
C13	6°59'52"	320.00'	39.08'	S87°44'45"W	39.06'
C14	88°01'40"	25.00'	38.41'	N44°44'29"W	34.74'
C15	6°19'35"	630.00'	69.56'	N3°53'26"W	69.53'
C16	90°00'00"	30.00'	47.12'	N37°56'46"E	42.43'
C17	90°00'00"	30.00'	47.12'	S52°03'14"E	42.43'
C18	11°43'41"	570.00'	116.67'	S1°11'24"E	116.47'
C19	4°48'59"	570.00'	47.91'	S2°15'57"W	47.90'
C20	8°57'42"	570.00'	89.15'	S9°09'18"W	89.06'
C21	6°23'35"	570.00'	63.60'	S16°49'56"W	63.57'
C22	2°53'47"	630.00'	31.85'	S18°34'50"W	31.84'
C23	7°08'29"	630.00'	78.52'	S13°33'42"W	78.47'
C24	6°37'25"	630.00'	72.83'	S6°40'45"W	72.79'
C25	2°02'05"	630.00'	22.37'	S2°21'01"W	22.37'
C26	5°22'24"	520.00'	48.77'	N3°09'28"E	48.75'
C27	3°34'34"	520.00'	32.46'	N7°37'57"E	32.45'
C28	40°22'03"	50.00'	35.23'	N29°36'16"E	34.50'
C29	21°23'23"	55.00'	20.53'	N39°05'36"E	20.41'
C30	50°45'05"	55.00'	48.72'	N3°01'22"E	47.14'
C31	43°35'44"	55.00'	41.85'	N44°09'03"W	40.85'
C32	43°35'44"	55.00'	41.85'	N87°44'47"W	40.85'
C33	41°50'56"	55.00'	40.17'	S49°31'53"W	39.29'
C34	58°31'02"	55.00'	56.17'	S0°39'06"E	53.76'
C35	1°02'12"	55.00'	1.00'	S30°25'43"E	1.00'
C36	40°22'03"	50.00'	35.23'	S10°45'47"E	34.50'
C37	2°28'40"	580.00'	25.08'	S8°10'54"W	25.08'
C38	6°06'29"	580.00'	61.83'	S3°53'19"W	61.80'
C39	0°21'49"	580.00'	3.68'	S0°39'10"W	3.68'
C40	82°28'30"	50.00'	71.97'	N41°42'31"E	65.92'
C41	36°52'12"	50.00'	32.18'	S9°00'52"E	31.62'
C42	2°28'40"	590.00'	25.52'	N8°10'54"E	25.51'

VICINITY MAP



WEST DES MOINES, IOWA

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 STATE OF IOWA.

LICENSED PROFESSIONAL LAND SURVEYOR MICHAEL A. BROONER 15980 IOWA

MICHAEL A. BROONER, P.L.S. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEETS 1 AND 2

REVISIONS	DATE
THIRD SUBMITTAL	7/27/21
SECOND SUBMITTAL	6/14/21
FIRST SUBMITTAL	5/20/21

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: TECH: REVIEW:
CIVIL DESIGN ADVANTAGE
WEST DES MOINES, IOWA

DELLA VITA PLAT 3
FINAL PLAT

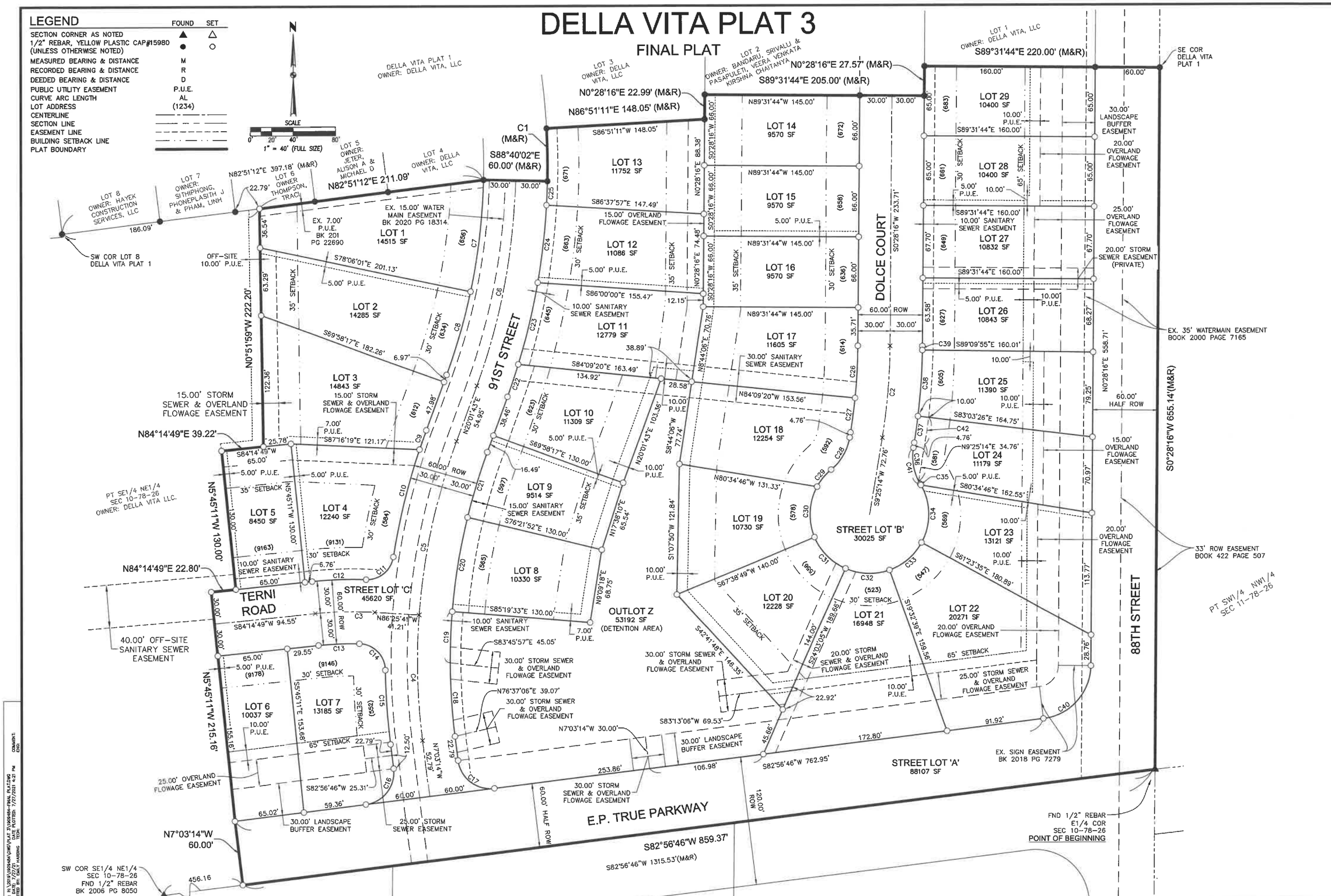
1/2

1909.484

FILE: H:\2019\1909484\DWG\PLAT 3\1909484-FINAL PLAT.DWG
PLOT SCALE: 1:1 PLOT DATE: 7/27/2021 4:21 PM
PLOTTED BY: DALY HARDING
COMMENT:
END:

DELLA VITA PLAT 3

FINAL PLAT



REVISIONS	DATE
THIRD SUBMITTAL	7/27/21
SECOND SUBMITTAL	6/14/21
FIRST SUBMITTAL	5/20/21

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
CIVIL DESIGN ADVANTAGE
ENGINEER: TECH: REVIEW:

DELLA VITA PLAT 3
FINAL PLAT
WEST DES MOINES, IOWA

2/2
1909.484

FILE: H:\2019\1909484\DWG\PLAT 3\1909484-FINAL PLAT.DWG
FILE DATE: 7/27/21 DATE PLOTTED: 7/27/2021 4:21 PM COMMENTS:
PLOTTED BY: CBAT HANDING: TEDPL

Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION #

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, ACCEPTING PUBLIC IMPROVMENTS AND ACCEPTING SURETY AND APPROVING AND RELEASING THE DELLA VITA PLAT 3 FINAL PLAT FOR THE PURPOSE OF CREATING 29 LOTS FOR SINGLE-FAMILY DEVELOPMENT, 1 OUTLOT AND 3 STREET LOTS

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, of the West Des Moines Municipal Code, the applicant and property owner, Della Vita, LLC, request approval of a Final Plat for the approximately 13-acre property generally located at the northwest corner of 88th Street and EP True Parkway and legally described in attached Exhibit 'B'. The applicant proposes to subdivide the property into 29 lots for Single-Family development, 1 outlot for storm water detention, and 3 street lots for dedication to the City; and

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, this Final Plat complies with Iowa Code Chapters 354 and 414, the Comprehensive Plan and City Code; and

WHEREAS, the West Des Moines Plan and Zoning Commission reviewed the associated Preliminary Plat and recommended approval on February 13, 2017; and

WHEREAS, this Final Plat has been reviewed and determined to be generally consistent with the associated Preliminary Plat that was approved by the City Council on February 21, 2017; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the Final Plat application; and

WHEREAS, the City Council is accepting public improvements associated with the construction of 91st Street, Terni Road, Dolce Court, public sanitary sewer, and public storm sewer within the plat boundaries; and

WHEREAS, the City Council is accepting surety in lieu of constructing public improvements associated with the construction of EP True Parkway from 88th Street to Napoli Avenue and public storm sewer including all appurtenances associated with said improvements; and

WHEREAS, the necessary easements have been established for public utility easements (PUE), storm sewer and overland flowage, sanitary sewer, overland flowage, and landscape buffer; and

WHEREAS, the City Council is accepting surety for the construction of sidewalks within the plat; and

WHEREAS, the applicant has supplied a warranty deed to the City of West Des Moines for Street Lots A, B, and C to be dedicated as public street right-of-way; and

WHEREAS, the City Council is accepting surety for landscape buffers required as a part of this plat; and

WHEREAS, the City Council is accepting the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement for this property; and

WHEREAS, the City Council approves of the following address assignments;

Lot 1 = 656 91st Street
Lot 2 = 634 91st Street
Lot 3 = 612 91st Street
Lot 4 = 584 91st Street or 9131 Terni Road
Lot 5 = 9163 Terni Road
Lot 6 = 9178 Terni Road
Lot 7 = 9146 Terni Road or 552 91st Street
Lot 8 = 565 91st Street
Lot 9 = 597 91st Street
Lot 10 = 623 91st Street
Lot 11 = 645 91st Street
Lot 12 = 663 91st Street
Lot 13 = 671 91st Street
Lot 14 = 672 Dolce Court
Lot 15 = 658 Dolce Court
Lot 16 = 636 Dolce Court
Lot 17 = 614 Dolce Court
Lot 18 = 592 Dolce Court
Lot 19 = 578 Dolce Court
Lot 20 = 556 Dolce Court
Lot 21 = 523 Dolce Court
Lot 22 = 547 Dolce Court
Lot 23 = 569 Dolce Court
Lot 24 = 581 Dolce Court
Lot 25 = 605 Dolce Court
Lot 26 = 627 Dolce Court
Lot 27 = 649 Dolce Court
Lot 28 = 661 Dolce Court
Lot 29 = 683 Dolce Court

WHEREAS, property subject of this action is zoned Single Family Residential (R-1) and meets all requirements of the Della Vita Planned Unit Development and the City's Zoning Code.

NOW, THEREFORE, the City Council does approve the Della Vita Plat 3 Final Plat (FP-005180-2021), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". 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. This resolution does release the Final Plat for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said document for recordation.

PASSED AND ADOPTED on September 7, 2021.

_____

Steven K. Gaer, Mayor

ATTEST:

_____

Ryan 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 September 7, 2021, by the following vote.

Exhibit A: Conditions of Approval

1. No conditions of approval

Exhibit B: Legal Description

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 10; THENCE SOUTH 82°56'46" WEST ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, 859.37 FEET; THENCE NORTH 07°03'14" WEST, 60.00 FEET; THENCE NORTH 05°45'11" WEST, 215.16 FEET; THENCE NORTH 84°14'49" EAST, 22.80 FEET; THENCE NORTH 05°45'11" WEST, 130.00 FEET; THENCE NORTH 84°14'49" EAST, 39.22 FEET; THENCE NORTH 00°51'59" WEST, 222.20 FEET TO THE SOUTHERLY LINE OF DELLA VITA PLAT 1, AN OFFICIAL PLAT; THENCE NORTH 82°51'12" EAST ALONG SAID SOUTHERLY LINE, 211.09 FEET; THENCE SOUTH 88°40'02" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 60.00 FEET; THENCE NORTHERLY CONTINUING ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 630.00 FEET, WHOSE ARC LENGTH IS 49.26 FEET AND WHOSE CHORD BEARS NORTH 00°54'25" WEST, 49.25 FEET; THENCE NORTH 86°51'11" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 148.05 FEET; THENCE NORTH 00°28'16" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 22.99 FEET; THENCE SOUTH 89°31'44" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 205.00 FEET; THENCE NORTH 00°28'16" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 27.57 FEET; THENCE SOUTH 89°31'44" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 220.00 FEET TO THE SOUTHEAST CORNER OF SAID DELLA VITA PLAT 1, ALSO BEING THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 00°28'16" WEST ALONG SAID EASTERLY LINE, 655.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.91 ACRES (562,181 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD INCLUDING ROADWAY EASEMENT ALONG THE EASTERLY SIDE THEREOF; SAID EASEMENT CONTAINS 0.50 ACRES (21,691 SQUARE FEET).