



Timber View Acres Plat 1 – Major Preliminary Plat

Applicants:

Donald A. Beneventi Revocable Trust & Alec Marshall (Property Owners / Developers)
Matt Thomas, Civil Design Advantage (Surveyor)

Request:

Preliminary Plat Approval of a Major Subdivision Plat creating one (1) single-family residential lot, one (1) outlot and three (3) street lots.

Legal Description:

Approximately 118.60 acres, being located within the SE ¼ of Section 5, Township 80 North, Range 25 West of the 5th P.M. (Jefferson Township).

General Location:

The subject property is located on the east side of NW 121st Street approximately one and one-half (1 ½) miles north of the intersection of NW 121st Street and Highway 141. (*Attachment 'A'*).

Existing Zoning:

"RR" Rural Residential District

Surrounding Zoning:

North: "RR" Rural Residential District

South: "RR" Rural Residential District

East: "RR" Rural Residential District

West: "AG" Agricultural District / "RR" Rural Residential District

Waiver Request (See *Attachment 'C'*):

Flag lots shall not exceed three (3) acres in size in areas without public sanitary sewer.

Flag lots shall have a maximum flagpole length of 400 feet

GENERAL COMMENTS:

This preliminary plat (*Attachment 'B'*) proposes one (1) single-family residential lot, one (1) outlot and three (3) street lots on approximately 118.60 acres zoned "RR" Rural Residential District. The

subject property comprises the majority of the SE ¼ of Section 5 in Jefferson Township, except the approximately 40-acre SE ¼ SE ¼ of the Section that is separately owned and used agriculturally, as well as an approximately 1.85-acre parcel that was previously surveyed off from the NE ¼ of the SE ¼ of the Section that is also separately held and contains an existing single-family residence. The subject property is entirely zoned “RR” Rural Residential District and primarily dedicated to row crop production with some areas of natural resources. The property contains no existing structures or dwelling units. Ground adjacent to the south is zoned “RR” Rural Residential and utilized in row crop production. Ground adjacent to the east is zoned “RR” Rural Residential District and “OS” Open Space District and includes existing woodlands and drainage area flowing into Saylorville Reservoir. This ground includes parcels held in private ownership as well as some held in public ownership for natural resource preservation. Ground adjacent to the west, located on the west side of NW 121st Street, includes existing row crop land zoned “AG” Agricultural District, as well as the existing single-family development known as Jester Lake Estates zoned “RR” Rural Residential District. Adjacent to the north of the subject property are lots within the existing single-family development of Jester Glen Estates zoned “RR” Rural Residential District.

The proposed subdivision would create a single flag lot in the northwest portion of the subject property for future construction of a single-family residence, and would plat the remainder of the parcel as an outlot, which would remain unbuildable until future subdivision. The proposed flag lot is approximately 10.02 acres in size with frontage onto NW 121st Street. This flag lot was recently created by deed, and transferred from the Donald A. Beneventi Revocable Trust to their family member, Alec Marshall. The Beneventi Trust retains ownership over the remaining ground proposed as Outlot Z. Staff made the owners aware that the flag lot was created illegally outside of the County’s subdivision requirements. This Major Subdivision Plat, including waivers from the maximum flag lot size and maximum flagpole length, is being requested in order to legally create the flag lot and allow for the issuance of future building permits.

Utilities/Natural Resources

The subject property is primarily used in row crop production. There are areas of existing woodlands and drainage in the northeast portion of the property, and a small area in the southern portion of the site. Proposed Lot 1 would contain a small area of woodlands and drainage in the far eastern portion of the lot, and the rest would be contained on the proposed outlot. The areas of woodlands and drainage on Lot 1 have been identified with appropriate protection easements. The outlot also contains a small area of Zone A Floodplain (1% Annual Chance Floodplain without Base Flood Elevations determined) located along a drainageway which meanders through the property and eventually drains easterly into Saylorville Reservoir. The proposed buildable Lot 1 is located at a substantially higher elevation than the floodplain and would not be impacted. The site topography is relatively flat over the majority of the property ranging between 940 and 960 feet. The areas along the drainageways in the southern and northeastern portion of the property contain steeper elevation changes and elevations as low as 900 to 890 feet. Available wetlands mapping indicates there is a small freshwater emergent wetland located along the drainageway in the northeast portion of the site. This area would be located within the proposed Outlot Z and remain undisturbed from any development on Lot 1.

Public water is available through Xenia Rural Water District. Current mapping indicates there is an eight-inch (8") water main located on the west side of NW 121st Street. The owners/developers are responsible for coordinating with Xenia to install future service line for Lot 1. Sanitary sewer service is not available in this area of Polk County. Wastewater treatment needs for Lot 1 will need to be met with a private septic system to be designed and installed at the expense of the lot owner at time of future home construction. MidAmerican Energy provides electrical service in the area. They have been notified of the submittal, and did not have any comments or concerns. NW 121st Street is a paved, two-lane major collector roadway maintained by Polk County. Staff has requested the surveyor confirm there is adequate sight distance for a future driveway access to Lot 1. The road grade is relatively flat along the proposed frontage, so it is not anticipated this will be an issue.

Waivers

The proposed subdivision plat will require a waiver from the following requirements:

Flag lots shall not exceed three (3) acres in size in areas without public sanitary sewer (Lot 1).

Flag lots shall have a maximum flagpole length of 400 feet (Lot 1).

The Applicants have requested waivers from these standards. Please see *Attachment 'C'* for the submitted waiver request. Lot 1 is proposed at 10.02 acres in size and has a flagpole that is approximately 810 feet in length.

STAFF REVIEW:

Staff has reviewed this plat for compliance with the Polk County Zoning and Subdivision Ordinances as a major subdivision plat submittal. The plat is considered a major subdivision due to the requested waivers for flag lot size and flagpole length. If no waivers were required for Lot 1, it could be created through a minor plat process without requiring review and recommendation from the Zoning Commission. Following the Zoning Commission's recommendation, and addressing remaining staff comments, the applicants may forward the preliminary plat and recommendation to the Board of Supervisors for their consideration and approval. If approved by the Board of Supervisors a final plat and required legal documents may be prepared and submitted for the County's review, final approval and recording. At this stage, the Commission's recommendation would affirm, deny, or amend the overall plat layout.

The property lies within the two-mile review jurisdiction of Johnston and Granger. Both entities have been notified of the request. Granger has not responded, while Johnston has provided detailed review comments back to the applicants. Certified resolutions from each city, either approving or waiving their review authority, shall be provided at time of final plat and recording.

RECOMMENDATION:

Staff is not typically supportive of flag lot waivers unless they are necessary to allow development of a particular property due to unique circumstances, such as topography, preservation of natural resources, limited frontage/access, etc. In communication with staff, the applicants have

expressed they do not intend to further subdivide or develop the property beyond Lot 1 until annexation and/or provision of adequate water and sanitary sewer service occurs. As outlined in the waiver request (*Attachment 'C'*), the owner of Lot 1, Alec Marshall, understands the private financial costs associated with development of Lot 1, including driveway and utility service extensions. Additionally, staff has requested a future street layout, as identified on the preliminary plat (*Attachment 'B'*), which shows how the remaining ground on Outlot Z may be developed in the future, including incorporation of Lot 1. Furthermore, Polk County will require the owners file a deed restriction at time of final plat that requires any future owner of Lot 1 to reconfigure the lot, driveway and utilities into a future development on the adjacent outlot. The City of Johnston has also indicated they would will allow the creation of Lot 1 as proposed with the restriction that no further development or subdivision of the remaining ground be permitted until such time that the property is served by adequate water and sanitary sewer utilities.

Given the circumstances outlined above, staff is supportive of this request and recommends approval of the Preliminary Plat of Timber View Acres Plat 1, including the requested waivers to the flag lot requirements. Staff is supportive of the flag lot waivers due to the unique circumstances regarding the owners' willingness to provide a deed restriction for Lot 1 to be incorporated into future development. In addition, the configuration of Lot 1 serves to preserve adjacent agricultural ground that would otherwise be impacted by a wider, more traditional lot layout in this instance. Approval is subject to the following condition:

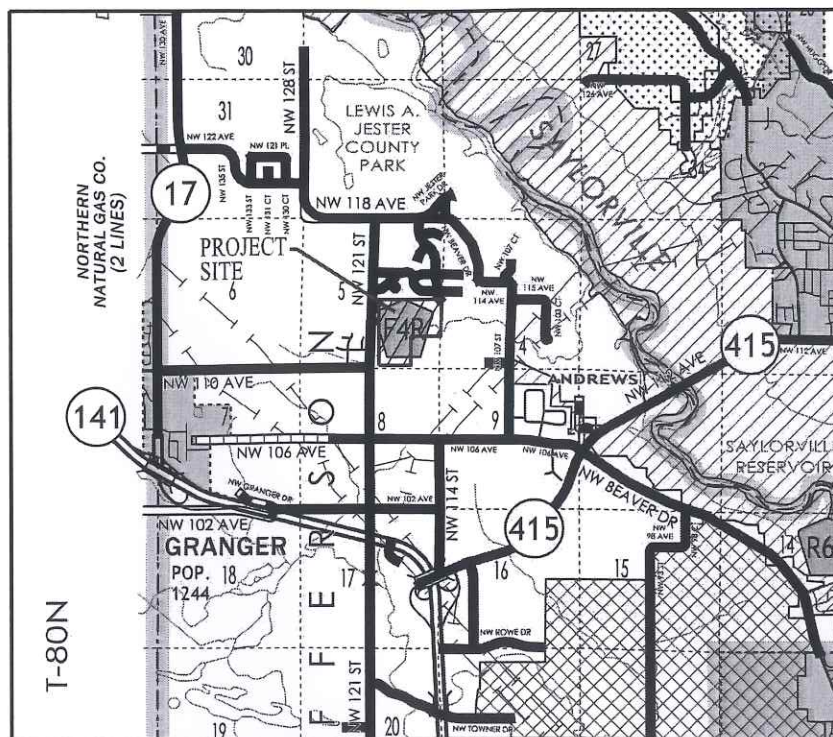
1. The owners shall coordinate with Polk County and file a deed restriction at time of final plat that requires any future owner of Lot 1 to reconfigure the lot, driveway and utilities into a future development of Outlot Z.

Attachment 'B'

NOTES

1. PROPOSED FLAG POLE PORTION OF LOT 1 TO BE DIVIDED AMONGST FUTURE ADJACENT DEVELOPMENT LOTS PER CITY AND COUNTY AT THE TIME OF FUTURE DEVELOPMENT OF OUTLOT 'Z' OF TIMBER VIEW ACRES PLAT 1 WHEN ADJACENT TO LOT 1. PROPOSED DRIVEWAY ACCESS TO BE RELOCATED TO NEAREST FUTURE PUBLIC ROAD RIGHT-OF-WAY IN THE NW 1/4 SE 1/4 AT THE TIME OF DEVELOPMENT OF LAND ADJACENT TO THE SOUTH LINE OF LOT 1. A DEED RESTRICTION SHALL BE FILED WITH THE FINAL PLAT FOR LOT 1 PERTAINING TO THE ABOVE REQUIREMENT.
2. THE CITY OF JOHNSTON THRIVE 2040 COMPREHENSIVE PLAN INDICATES THE NEED FOR A THROUGH ROAD CONNECTION OVER AND THROUGH OUTLOT 'Z' FOR CONNECTING NW 115TH STREET TO NW 121ST STREET. THIS WILL IMPACT FUTURE LOT LAYOUTS WITHIN OUTLOT 'Z'.
3. MAILBOXES WITHIN THE ROAD RIGHT-OF-WAY SHALL BE A BREAKAWAY DESIGN.
4. FUTURE DEVELOPMENT OF THE PROPERTY IS SUBJECT TO ARTICLE 7, SECTION 4, "NATURAL RESOURCE PROTECTION, WOODLANDS" OF THE POLK COUNTY ZONING CODE, WHICH PRESERVES WOODED AREAS OF THE PROPERTY.
5. ANY SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED MUST BE RESTORED OR REROUTED BY THE PROPERTY OWNER.
6. SERVICES TO ALL UTILITIES LOCATED ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE LOT OWNER'S EXPENSE.
7. MAINTENANCE OF ALL CONSERVATION AND DRAINAGE EASEMENTS TO BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
8. CULVERTS TO BE USED FOR CROSSING DRAINAGE EASEMENTS MUST BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
9. POST DEVELOPMENT RUNOFF WILL NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
10. IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO APPLY FOR AND OBTAIN ANY STORM WATER DISCHARGE PERMITS FROM THE IOWA DEPARTMENT OF NATURAL RESOURCES.
11. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE 2021 SUDAS, POLK COUNTY STANDARDS AND CITY OF JOHNSTON SUPPLEMENTAL SPECIFICATIONS.
12. A PORTLAND CEMENT CONCRETE APPROACH IS REQUIRED FOR THE ACCESS OFF OF NW 121ST STREET FOR LOT 1 TO THE ESTABLISHED EAST RIGHT-OF-WAY LINE AT A MINIMUM.
13. OUTLOT 'Z' CONTAINS AREAS OF MAPPED ZONE A (1% ANNUAL CHANCE FLOODPLAIN NO BASE FLOOD ELEVATION (BFE) DETERMINED. BASE FLOOD ELEVATION FOR FLOOD ZONE A PROVIDE BY FEMA FLOOD INSURANCE PROGRAM MAP NUMBER 19153C0025F, EFFECTIVE DATE FEBRUARY 1, 2019.
14. POLK COUNTY DOES NOT REQUIRE OR ISSUE PERMITS FOR SIDEWALKS AND DOES NOT ACCEPT THE LIABILITY AND/OR RESPONSIBILITY FOR CONSTRUCTION PLACEMENT, REPAIR, OR MAINTENANCE THEREOF OF ANY STREET SIDEWALK INSTALLED IN THE PLAT BY ANY HOME OWNER.
15. NO GRADING WILL OCCUR ON LOT 1 WITHIN THE CONSERVATION AND DRAINAGE EASEMENT AREA IN ORDER TO MAINTAIN STABILIZATION OF THE SOILS BY UTILIZING EXISTING VEGETATION.
16. LOT 'A', LOT 'B' AND LOT 'C' SHALL BE DEDICATED TO POLK COUNTY AT THE TIME OF RECORDING THE FINAL PLAT.
17. WATER SERVICE TO BE PROVIDED BY XENIA RURAL WATER DISTRICT AND SHALL BE INSTALLED AT THE OWNER'S EXPENSE AT THE TIME OF CONSTRUCTION OF RESIDENCE.
18. DUE TO SOIL TYPES, LIMITATIONS, AND DISTURBANCE, ALTERNATIVE SEPTIC SYSTEMS MAY BE REQUIRED. INDIVIDUAL WASTEWATER TREATMENT SYSTEMS SHALL BE DESIGNED BY AN ENGINEER.
19. NO SANITARY SEWER IS AVAILABLE FOR THIS UNINCORPORATED AREA OF POLK COUNTY AND WILL BE SERVED BY A SEPTIC SYSTEM.
20. THE OWNER OF LOT 1 SHALL HAVE THE SEPTIC CONNECTED TO A PUBLIC SANITARY SEWER WHEN IT IS WITHIN 300 FEET OF LOT 1 AT THE OWNER'S EXPENSE.
21. ANY FUTURE CONNECTIONS TO CITY OF JOHNSTON WATER AND/OR PUBLIC SANITARY SEWER ARE SUBJECT TO DISTRICT CONNECTION FEES.
22. ALL SET MONUMENTS SHOWN ON THIS PLAT OF SURVEY WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
23. ALL BEARINGS ARE BASED ON A LOCAL LOW DISTORTION PROJECT GPS DATUM WITH A MAPPING ACCURACY OF 1:40,000.
24. THE ALLOWABLE ERROR OF CLOSURE FOR THE BOUNDARY IS 1:10,000 AND THE ALLOWABLE ERROR OF CLOSURE FOR EACH LOT IS 1:5,000.
25. UTILITY SERVICE PROVIDERS:
 - A) MIDAMERICAN ENERGY COMPANIES
JAIME NEER - ELECTRIC OPERATIONS SPECIALIST
JAIME.NEER@MIDAMERICAN.COM
 - B) BLACK HILLS ENERGY
CHUCK WOODS - UTILITY CONSTRUCTION PLANNER
CHUCK.WOODS@BLACKHILLSCORP.COM
 - C) LUMEN
SADIE HULL - SUPERVISOR OF CABLE PROTECTION
SADIE.HULL@LUMEN.COM
 - D) XENIA RURAL WATER DISTRICT
LAIRD VAN DEE
LVANDEE@XENIAWATER.ORG
 - E) MEDIACOM
KEVIN COLLINS
KCOLLINS1@MEDIACOMCC.COM

TIMBER VIEW ACRES PLAT 1 MAJOR PRELIMINARY PLAT



VICINITY MAP

0' 1 Mi.
SCALE: 1" = 1 MILE

PROPERTY DESCRIPTION: As recorded in Book 18402, Page 743 of the Office of the Polk County Recorder for Donald A. Beneventi Revocable Living Trust.

An undivided one-half interest in:

The North 1/2 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 5 (except a strip one rod wide off of the South end of said Southwest Quarter of the Southeast Quarter in Township 80 North, Range 25, West of the 5th P.M., Polk County, Iowa,

EXCEPT

Parcel "F" of the Plat of Survey filed in the Office of the Recorder of Polk County, Iowa on September 14, 1998, and recorded in Book 8007 Page 664, being a part of the North 1/2 of the Southeast 1/4 of Section 5, Township 80 North, Range 25 West of the 5th P.M., Polk County, Iowa

AND EXCEPT

A parcel of land in the North 1/2 of the Southeast 1/4 of Section 5, Township 80 North, Range 25 West of the 5th P.M., Polk County, Iowa, described as follows: Beginning at a point 1650 feet N 00°00'W of the SW corner of said SE 1/4, on the West line thereof; thence N 88°17'E 350.1 feet; thence N 00°00'W 159.5 feet; thence N 86°54'W 350.5 feet to said West line, SE 1/4; thence S 00°00'E 189.0 feet to the point of beginning

DATE OF SURVEY

08/24/2021 THRU 09/01/2021

OWNER/DEVELOPER OF OUTLOT 'Z'

DONALD A. BENEVENTI REVOCABLE LIVING TRUST
ATTN: DONALD A. BENEVENTI
P.O. BOX 86, GRANGER, IA 50109-0086
C: (515) 360-3773

OWNER/DEVELOPER OF LOT 1

ALEC J. MARSHALL
4530 51st STREET
DES MOINES, IA 50310-2938
C: (515) 240-0660

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
MATTHEW J. THOMAS
4121 NW URBANDALE DR
URBANDALE, IA 50322
(515) 369-4400

COMPREHENSIVE PLAN

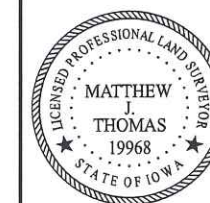
LAND USE

RURAL RESIDENTIAL - POLK COUNTY
RURAL ESTATE - R-E - CITY OF JOHNSTON

FRONT YARD SETBACK = 50'
SIDE YARD SETBACK = 15'
REAR YARD SETBACK = 15'
MINIMUM LOT SIZE = 40,000 Sq.Ft.

ZONING

EXISTING: RR - RURAL RESIDENTIAL DISTRICT



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.

Matthew J. Thomas
MATTHEW J. THOMAS, P.L.S. DATE 09/21/2022

LICENSE NUMBER 19968
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023
PAGES OR SHEETS COVERED BY THIS SEAL:

1 - 2

DATE	REVISIONS
09/21/22 <td>SECOND SUBMITTAL</td>	SECOND SUBMITTAL
08/22/22 <td>FIRST SUBMITTAL</td>	FIRST SUBMITTAL

4121 NW URBANDALE DRIVE
URBANDALE, IOWA 50322
PHONE: (515) 369-4400

TECH: REVIEW:
ENGINEER:



CIVIL DESIGN ADVANTAGE
POLK COUNTY, IA

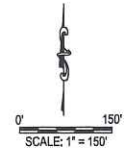
TIMBER VIEW ACRES PLAT 1
MAJOR PRELIMINARY PLAT
Part of the SE 1/4 in SECTION 5-T80N-R25W

1 / 2
2101.026



TOPOGRAPHY LEGEND

▲ FOUND SECTION CORNER	- - - - - EXISTING CONTOUR
△ SET 1/4" W/ WIRE CAP #19988	- - - - - PROPERTY LINE
● FOUND 1/4" W/ YELLOW CAP #6889	- - - - - SECTION LINE
● FOUND 1/4" W/ YELLOW CAP #11982	- - - - - CENTERLINE
● FOUND "MAG" NAIL IN ASPHALT	- - - - - EASEMENT LINE
○ FOUND "MAG" NAIL IN PAVEMENT	- - - - - FENCE LINE
○ UTILITY POLE	- - - - - ELECTRIC LINE
○ GRADE FLOW ARROW	- - - - - TELEPHONE LINE
→ PIPE FLOW ARROW	- - - - - GAS MAIN
S.W.F.E. SURFACE WATER FLOWAGE EASEMENT	- - - - - WATER MAIN
P.U.E. PUBLIC UTILITY EASEMENT	- - - - - SANITARY SEWER
	- - - - - TREE LINE
	- - - - - PLAT BOUNDARY LINE



TIMBER VIEW ACRES PLAT 1
MAJOR PRELIMINARY PLAT
 Part of the SE 1/4 in SECTION 5-T80N-R25W

4121 NW URBANDALE DRIVE
 URBANDALE, IOWA 50322
 PHONE: (515) 369-4400

ENGINEER: _____

TECH: _____

REVIEW: _____

DATE: _____

REVISIONS: _____

SECOND SUBMITTAL: 09/21/22

FIRST SUBMITTAL: 08/22/22

2
2
2101.026

CIVIL DESIGN ADVANTAGE
 POLK COUNTY, IA

Attachment 'C'



CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,
PLANNERS & SURVEYORS

Polk County Public Works
Brian McDonough
Land Use Planning Coordinator
5885 NE 14th Street
Des Moines, Iowa 50313

Re: TIMBER VIEW ACRES PLAT 1 – Preliminary Plat

Brian,

Alec Marshall (Property Owner) requests a waiver of the following Polk County Subdivision Ordinance's items in:

Article 5 Section 19 Paragraph J Item (2) – maximum flag lot flagpole length of 400 feet.

Article 5 Section 19 Paragraph J Item (3) – Not exceed 3 acres in size in areas without public sanitary sewer.

Alec has received by deed from his grandfather, Don Beneventi (adjacent property owner), a 10 acre parcel of land to build a residential dwelling lot that is partially occupied by the existing wooded area lying in the east half of the Southeast Quarter of Section 5-T80N-R25W line. By doing so, this has made the flagpole length 800 feet, of which, Alec is willing to bear the burden of cost and maintenance of the driveway access through the flagpole area of LOT 1. Alec requests a waiver to allow the extended 400 feet of flagpole length and the additional 7 acres of lot area.

Upon future development to the south of LOT 1 of TIMBER VIEW ACRES PLAT 1, Alec would consent to relocate his driveway access to a future Public Right-of-Way that is adjacent to or closer to the larger portion of LOT 1. He would then vacate and dedicate the flagpole area of LOT 1 (1.2 acres) to be a part of future adjacent lots. I have provided a conceptual layout of a future Public Right-of-Way on the provided Preliminary Plat of TIMBER VIEW ACRES PLAT 1 to illustrate how to achieve a shorter driveway access when adjacent future lots develop to the south.

Electric and telecommunication utilities within the flagpole area of LOT 1 would become public for access to adjacent future lots developed to the south, except for the private water service. The water service to LOT 1 would need to be relocated to a future water main in the vicinity of the future Public Right-of-Way for ease of access for maintenance by Des Moines Water Works.

Thank you for your consideration,

Matthew J. Thomas, PLS
Senior Land Surveyor

08/30/2022