

# Polk County Zoning Commission

Monday, January 27, 2020

## Staff Report



### Thomsen Estates – Preliminary Plat

#### Applicant:

Matteson A. Thomsen (Owner), represented by Tharen Helgerson with Nilles Associates, Inc.

#### Request:

Preliminary plat approval of a major subdivision plat

#### Legal Description:

The subject property is located in the Part of the NE ¼ NW ¼ of Section 27, of Elkhart Township. Said parcel contains 28.15 acres±.

#### General Location:

The property is located approximately ¼ mile east of the NE 46<sup>th</sup> Street and NE 134<sup>th</sup> Avenue intersection. The property has the following Geoparcels# of 8123-27-126-001. (*Attachment 'A'*)

**Existing Zoning:** "ER" Estate Residential District

#### Surrounding Zoning:

**North:** "AG" Agricultural District  
**East:** "ER" Estate Residential District  
**South:** "AG" Agricultural District  
**West:** "ER" Estate Residential District

#### Waiver Request:

- *Access for more than one (1) building lot shall not access on a gravel roadway.*
- *Allowance of a residential block longer than 1,320-feet.*

See *Attachment 'B'* for submitted waiver requests.

#### **GENERAL COMMENTS:**

This preliminary plat (*Attachment 'C'*) proposes two (2) single-family residential lots and one (1) outlot on approximately 28.15-acres. The property is zoned "ER" Estate Residential District and is being developed utilizing the Standard Development Option. The subject property has approximately 933 feet of frontage along NE 134<sup>th</sup> Avenue that is a local two-lane gravel road maintained by Polk County. NE 134<sup>th</sup> Avenue terminates approximately ¼ mile east of the subject properties eastern boundary. The property extends to the south approximately 1,318-

feet. Lot 1 of the proposed subdivision plat has an approximately 623-foot frontage along NE 134<sup>th</sup> Avenue and a 20.48-acre lot size. Lot 2 has a 310-foot frontage along NE 134<sup>th</sup> Avenue creating a 3.89-acre rectangular parcel. Adjacent to the south of Lot 2 is a proposed Outlot 2A that the developer intends to retain with Lot 2.

A waiver is being requested from the ***Polk County Subdivision Ordinance, Subdivision Plat Design Standards, Section 2 Access, (A) (3)***. This requirement states the following:

*Access for more than one (1) building lot shall not access on a gravel roadway. If development for more than one (1) lot is proposed on existing gravel roadway, improvements across the frontage of the development to make the road hard surfaced shall be provided by the developer.*

The waiver is to the limitation of one (1) access onto a gravel road. Both of the proposed lots are planned to have access onto NE 134<sup>th</sup> Avenue. The waiver is also being requested for the block length. A layout of the proposed development is included as Attachment 'C'. The subject property is located adjacent to the southeast of the City of Elkhart Corporate Limits.

The topography of the site varies significantly with a high point of 947-feet identified throughout the southwestern portions of the property. The low point is 895-feet located along the defined floodplain boundary of the drainageway that meanders through the property. The subject property is located within the Zone A Special Flood Hazard Area. Significant tree cover exists along the floodplain and generally throughout the property. Future improvements to the property is subject to Article 7, Section 4, "Natural Resource Protection, Woodlands" of the Polk County Zoning Ordinance, which would require a maximum of 75 percent of the existing mature woodlands to be preserved and 50 percent of existing young woodlands to be preserved or mitigation on the property. Water service is provided by Des Moines Water Works. Sewer service is not available and individual wastewater systems will be required.

**STAFF REVIEW:**

Staff has reviewed this plat for compliance with the Polk County Zoning and Subdivision Ordinances as a major subdivision plat submittal. The current Zoning Ordinance allows one single family home to have access onto a gravel road. The addition of a second lot and two single family homes would trigger the requirement for an existing gravel roadway to be improved by the developer therefore making the road hard surfaced. Polk County does not plan to improve this roadway in the future. The plat is proposing two lots that will take access onto NE 134<sup>th</sup> Avenue and would appear to have minimal impact on the roadway. The surrounding properties to the north of the subject property are zoned "AG" Agricultural District and have limited development potential in the future within Unincorporated Polk County. Six (6) single-family homes currently take access onto NE 134<sup>th</sup> Avenue between the intersection of NE 46<sup>th</sup> Street and NE 134<sup>th</sup> Avenue and the terminus of NE 134<sup>th</sup> Avenue. The limited future use of the gravel road due to the termination of the street and that Polk County does not plan to improve or extend support the requested waiver. The topography of the subject property and adjacent properties, along with the drainageways in this area, would restrict the extension of connecting residential streets to meet the block length requirement.

Lot density, dimensions, frontage, access, and waivers have been reviewed. Pending approval, re-submittals will be needed in order to address staff comments. At this stage, the Commission's action would affirm, deny, or amend the overall plat layout.

This plat is within the two-mile extraterritorial review jurisdiction of the City of Elkhart, and the jurisdiction may choose to waive their review or review this subdivision through their processes. Staff notified the City of Elkhart of the preliminary plat submittal, but have not received comments to date.

**RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat of Thomsen Estates as well as the requested waiver from the requirement to construct hard surface improvements to a gravel road if a development of more than one (1) lot is proposed on an existing gravel roadway and the waiver from the block length requirement.

## Thomsen Estates Preliminary Plat

**PLAT INFORMATION:** This major preliminary subdivision plat proposes two (2) single-family residential lots, one (1) outlot, and one (1) street lot on 28.15 acres of land zoned “ER” Estate Residential District.

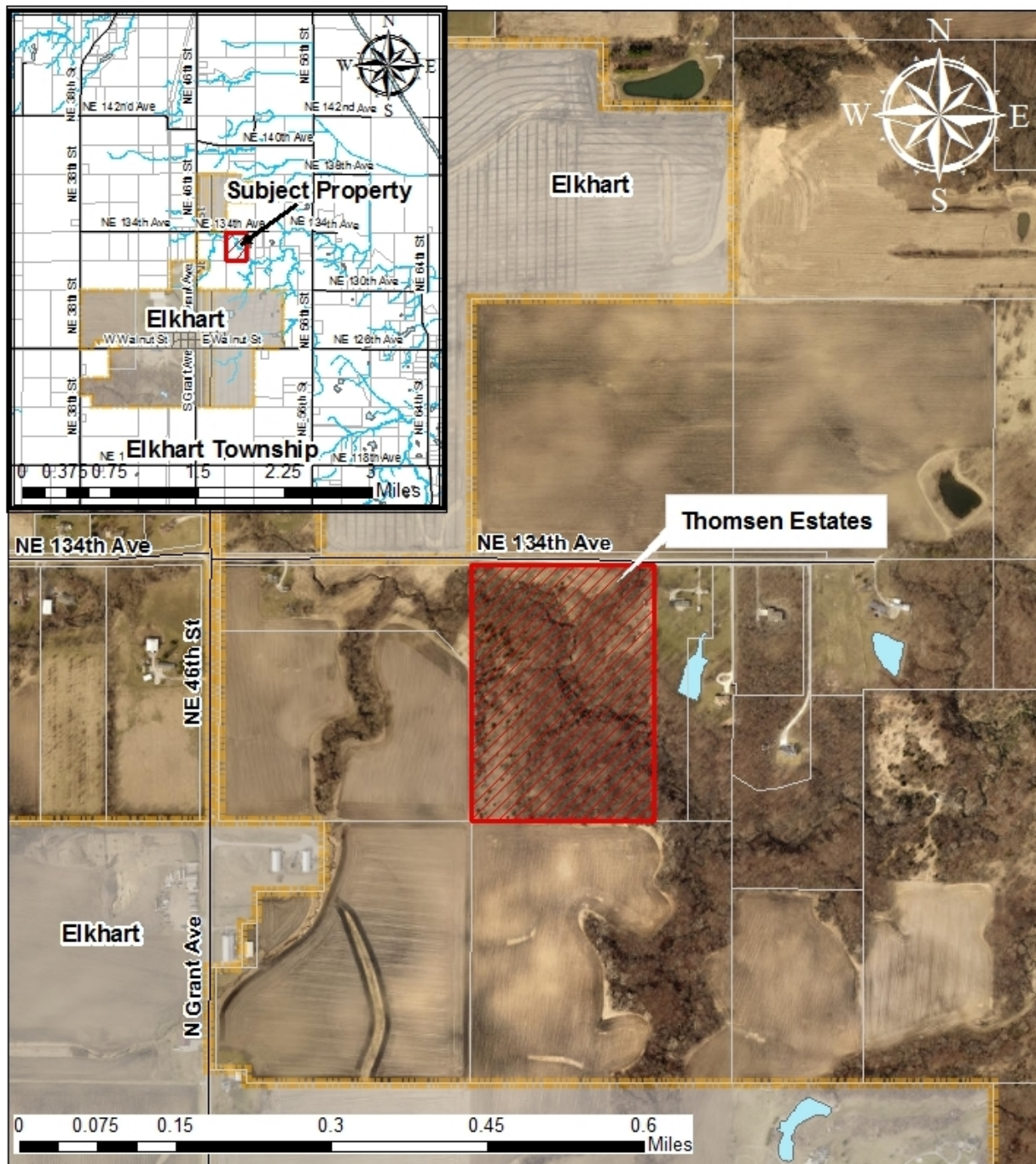
**SEWER:** Individual septic systems

**WATER:** Des Moines Water Works

**TOWNSHIP:** Elkhart

**OWNER/DEVELOPER:** Matteson A. Thomsen

### Vicinity Map:



1250 SW State Street, Suite A  
Ankeny, IA 50023-2555  
(515) 965-0123 – (515) 965-3322 fax  
nillesinc.com



Civil Engineering – Land Surveying – Landscape Architecture

November 26, 2019

Polk County Zoning Commission  
Polk County Planning Division  
5885 NE 14<sup>th</sup> Street  
Des Moines, Iowa 50313

**RE: Thomsen Estates – Preliminary Plat Submittal**

Honorable Members of the Zoning Commission:

On behalf of Ms. Thomsen, we are requesting the Zoning Commission to waive the following requirement for a major subdivision:

***Polk County Subdivision Ordinance, Article 5 Subdivision Plat Design Standards, Section 18. Blocks (A):***

*No residential block shall be longer than one thousand three hundred and twenty (1320) feet or twelve (12) times the minimum lot width for the district, whichever is less, unless the Zoning Commission approves a longer distance in a Neighborhood Access Plan.*

The purpose of this subdivision is to create 2 buildable lots that will have adequate existing street frontage. We feel that the block length requirement is not necessary given the location of the property on a dead-end road, the existing terrain of the property and the lack of future development potential in the area.

If you should have any questions or require any additional information, please feel free to contact me to discuss such items further. Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tharen J. Helgerson'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**Tharen J. Helgerson, PLS**

**NILLES ASSOCIATES, INC.**

Phone: 515-418-7250  
Email: tharen@nillesinc.com



1250 SW State Street, Suite A  
Ankeny, IA 50023-2555  
(515) 965-0123 – (515) 965-3322 fax  
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**Tharen J. Helgerson, PLS**

**NILLES ASSOCIATES, INC.**

Phone: 515-418-7250  
Email: tharen@nillesinc.com

# THOMSEN ESTATES

## PRELIMINARY PLAT

### INDEX LEGEND

COUNTY: POLK COUNTY, IOWA CITY: ELKHART  
 LOCATION: SEC 27 - TWP 81 NORTH - RGE 23 WEST, NE 1/4 OF NW 1/4  
 REQUESTED BY: MATTESON A THOMSEN & PROPRIETOR: 1717 WINDWOOD TRAIL PROLE, IA 50229  
 SURVEYOR: THAREN J. HELGERSON, PLS #18530  
 SURVEY COMPANY: NILLES ASSOCIATES, INC.  
 RETURN TO: THAREN J. HELGERSON, NILLES ASSOCIATES, INC. 1250 SW STATE STREET, SUITE A ANKENY, IOWA 50023 PH: (515) 965-0123

LEGEND	
Existing / Proposed	Existing / Proposed
IR Round iron rebar	● Found monument 5/8" IR with yellow cap #15960 unless otherwise noted
IP Portland cement concrete	▲ Found monument 5/8" IR with red cap #18530 unless otherwise noted
PCC Asphaltic cement concrete	○ Found monument 5/8" IR with red cap #18530 unless otherwise noted
ACC Pipe flowline elevation	□ Address
FL Reinforced concrete pipe	□ Spot elevation
RCP Corrugated metal pipe	○ Sanitary sewer manhole
CMP Corrugated plastic pipe	○ Cleanout
CPP Polyvinyl chloride pipe	○ Storm sewer manhole
PVC Cast iron pipe	○ Storm sewer intake
P.U.E. Public utility easement	○ Storm sewer beehive
D.E. Drainage easement	○ Flared end section
M.A.E.C. MidAmerican Energy Company electric line easement	○ Water hydrant
S.W.F.E. Surface water flowage easement	○ Water valve
P.W.E. Public water main easement	○ Water service shut-off
P.S.S.E. Private sanitary sewer easement	○ Water main manhole
B/B Back of curb to back of curb	○ Monitoring well
Subject boundary line	○ Yard hydrant
Section line	○ Well
Proposed boundary line	○ Gas meter
Existing boundary line	○ Gas valve
Future boundary line	○ Air conditioning unit
Underlying boundary line	○ Electric manhole
Proposed easement line	○ Electric meter
Existing easement line	○ Electric pedestal
Setback line	○ Electric transformer
Barbed wire fence line	○ Utility hand hole
Chain-link fence line	○ Utility pole
Straw Wattle	○ Utility pole with light
Silt fence	○ Light pole
Sanitary sewer & size	○ Guy wire
Storm sewer and size	○ Traffic signal
Water main and size	○ Traffic signal with light
Gas main & size	○ Traffic manhole
Overhead electric & wires	○ Communication pedestal
Overhead communication	○ Telephone booth
Underground electric	○ TV pedestal
Underground television	○ Billboard sign
Underground communication	○ Street sign
Contour elevation	○ Down spout
Swale flowline	○ Tree stub
Edge of water	○ Deciduous tree and trunk diameter
Existing FEMA flood zone line	○ Coniferous tree and trunk diameter
100 year High Water Level	
Edge of tree dripline	

### BENCHMARK

- Northwest corner of Lot 1, THOMSEN ESTATES  
 Found 3/4" IP with orange cap #12971  
 Elevation = 916.96 feet (NAVD88)

### SURVEY NOTES

- Land area : 28.15 acres
- Zoning : ER - ESTATE RESIDENTIAL DISTRICT  
 Restrictions (I.E., building setbacks, height and bulk regulations, etc.) shown hereon are based on information provided and are subject to interpretation. We cannot certify to a restriction on the basis of an interpretation or the opinion of another party.
- Bulk Regulations
  - Minimum lot size - 3 acres
  - Minimum lot width - 225 feet
  - Front setback - 75 feet
  - Rear setback - 75 feet
  - Side setback - 25 feet
- Addresses:  
 Lot 1 - XXX NE 134th Avenue  
 Lot 2 - XXX NE 134th Avenue
- The north line of the Northeast Quarter of the Northwest Quarter of Section 27, Township 81 North, Range 23 West, is assumed to bear South 89 degrees 30 minutes 13 seconds East.
- The property is within FEMA Zone A and X, as shown on Flood Insurance Rate Map Community Panel Number, 19153C 0070 F, with an effective date of February 1, 2019. Zone A is considered a special flood hazard area without base flood elevations. Zone X is considered a 0.2% annual chance flood hazard area, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile.
- The existing water main easement on the property will be vacated and replaced with the proposed water main easement shown on the plat.
- Water service to the proposed subdivision is provided by Des Moines Water Works.
- The owners of Lot 1 and Lot 2 shall hire a licensed professional engineer to design and inspect the installation of any culvert and erosion control measures to be placed within any drainage easements located on Lots 1 and 2.
- Driveway entrances onto NE 134th Avenue for Lots 1 and 2 should be located outside the Drainage Easements. The driveways themselves may cross a drainage easement.
- All services to utilities located on the opposite side of the roadway must be bored under the roadway at the lot owner's expense.
- Outlot 2A is not a buildable lot and shall be consolidated with Lot 2.
- A drainage easement shall encompass all of Outlot 2A.
- Mailboxes within the road right-of-way shall be of a breakaway design.
- Any subsurface drainage facilities that are disturbed must be restored or rerouted by the property owner.
- Maintenance of all drainage easements to be the responsibility of the property owner.
- Street Lot A shall be dedicated to Polk County for roadway purposes.
- Post development runoff will not adversely affect downstream drainage facilities or property owners.
- It shall be the Developer's responsibility to apply for and obtain any storm water discharge permits from the Iowa Department of Natural Resources.
- Sewer service will be provided by onsite wastewater treatment systems located on individual lots. Due to soil types, limitations, and disturbance, alternative septic systems may be required. Individual wastewater treatment systems shall be designed by an Engineer.
- Subdivision is subject to Article 7, Section 4 of the Polk County Zoning Ordinance, Natural Resource Protection - Woodlands, requiring protection levels for young and mature woodlands.
- Utility service providers:

(CEE) CONSUMERS ENERGY  
 Contact Name : Jim Kidd  
 Contact Phone: 6417541642  
 Contact Email: [jkidd@consumersenergy.coop](mailto:jkidd@consumersenergy.coop)

(M57E) MIDAMER-ELEC  
 Contact Name : Craig Ranfeld  
 Contact Phone: 5152526632  
 Contact Email: [MECDSDesignLocates@midamerican.com](mailto:MECDSDesignLocates@midamerican.com)

(M57G) MIDAMER-GAS  
 Contact Name : Craig Ranfeld  
 Contact Phone: 5152526632  
 Contact Email: [MECDSDesignLocates@midamerican.com](mailto:MECDSDesignLocates@midamerican.com)

(DMWW) DES MOINES WATER WORKS  
 Contact Name : Chris Mlynarik or Jana Hodges  
 Contact Phone: 5152838729  
 Contact Email: [Mlynarik@dmww.com](mailto:Mlynarik@dmww.com) or [hodges@dmww.com](mailto:hodges@dmww.com)

(WINIA) WINDSTREAM COMMUNICATIONS  
 Contact Name : LOCATE DESK  
 Contact Phone: 8002891901  
 Contact Email: [LOCATE.DESK@WINDSTREAM.COM](mailto:LOCATE.DESK@WINDSTREAM.COM)

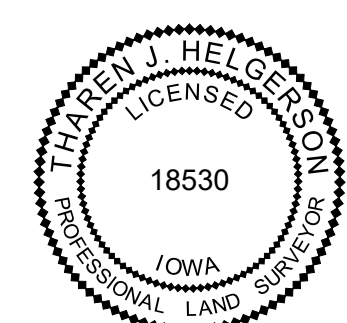
### THOMSEN ESTATES LEGAL DESCRIPTION

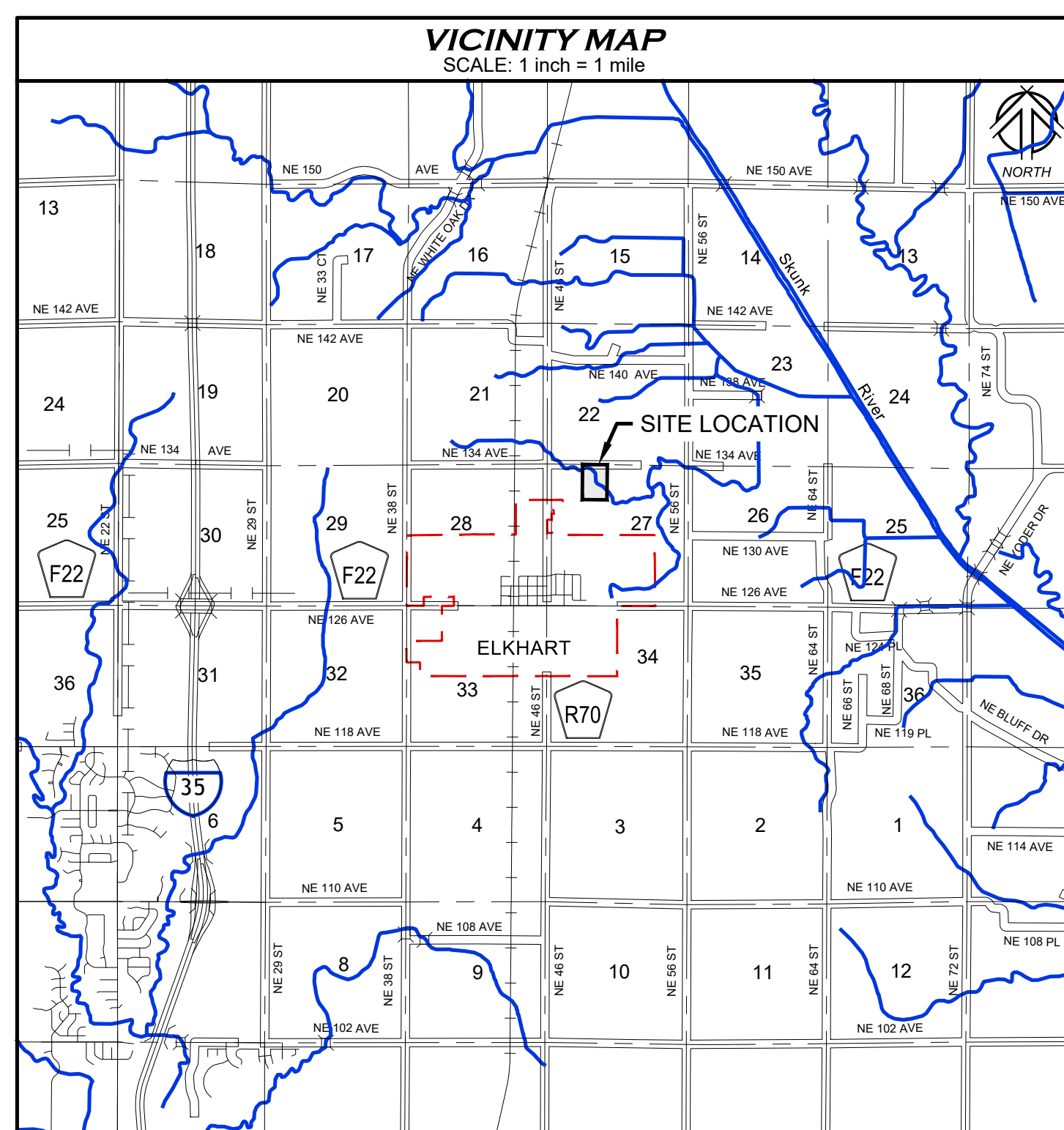
The Northeast Quarter of the Northwest Quarter EXCEPT the East 12 Acres thereof, of Section 27, Township 81 North, Range 23 West of the 5th Principal Meridian, located in Polk County, Iowa, being more particularly described as follows:  
 Beginning at the Northwest corner of said Northeast Quarter of the Northwest Quarter of Section 27; thence South 89 degrees 30 minutes 13 seconds East, along the north line of said Northeast Quarter of the Northwest Quarter of Section 27, a distance of 933.88 feet, to the west line of said East 12 Acres of the Northeast Quarter of the Northwest Quarter of Section 27; thence South 00 degrees 13 minutes 06 seconds West, along said west line of the East 12 Acres of the Northeast Quarter of the Northwest Quarter of Section 27, a distance of 1318.23 feet, to the south line of said Northeast Quarter of the Northwest Quarter of Section 27; thence North 89 degrees 36 minutes 22 seconds West, a distance of 925.04 feet, along said south line of the Northeast Quarter of the Northwest Quarter of Section 27, to the west line of said Northeast Quarter of the Northwest Quarter of Section 27; thence North 00 degrees 09 minutes 54 seconds West, along said west line of the Northeast Quarter of the Northwest Quarter of Section 27, a distance of 1319.96 feet, to the Point of Beginning.

Containing 28.15 acres more or less.

Said parcel is subject to any and all restrictions, covenants and easements of record.

### CERTIFICATION

	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 LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.	
	SIGNATURE THAREN J. HELGERSON, L.S. NO. 18530	DATE MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020



1250 SW STATE STREET, SUITE A ANKENY, IOWA 50023-2555 (515) 965-0123 phone - (515) 965-3322 fax  
 Civil Engineering - Land Surveying Landscape Architecture



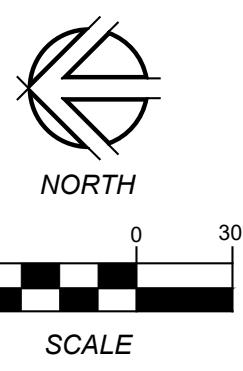
REVISIONS:  
 1) 12/18/19 - POLK COUNTY REVIEW COMMENTS  
 2) 12/18/19 - UPDATE DMWW WATER LINE LOCATION  
 3) 12/18/19 - UPDATE DMWW WATER LINE LOCATION  
 4) 12/18/19 - UPDATE DMWW WATER LINE LOCATION  
 5) 12/18/19 - UPDATE DMWW WATER LINE LOCATION  
 6) 12/18/19 - UPDATE DMWW WATER LINE LOCATION  
 7) 12/18/19 - UPDATE DMWW WATER LINE LOCATION

NOTE: NILLES ASSOCIATES, INC. WAIVES ANY AND ALL LIABILITY FOR ANY AND ALL DAMAGES WHICH MAY BE INCURRED BY ANY PERSONS WHOSE PROPERTY IS AFFECTED BY THIS SURVEYING DOCUMENT. THE ENGINEERING INTENT OF THIS SURVEYING DOCUMENT IS TO OBTAIN AND TO FOLLOW THE ENGINEERING INTENT OF THE ENGINEERING INTENT OF THIS SURVEYING DOCUMENT. INCONSISTENCIES AMONG THE DRAWINGS SHALL BE RESOLVED BY THE ENGINEER OR ARCHITECT. NO CONFLICTS WHICH ARE ALLEGED.

THOMSEN ESTATES  
 ELKHART, POLK COUNTY, IOWA  
 PRELIMINARY PLAT

PROJECT NAME	THOMSEN ESTATES
DATE	11/12/19
DRAWN BY	TJH
CHECKED BY	JHP
SCALE	AS NOTED
SHEET TITLE	PP-1
SHEET NO.	1/2



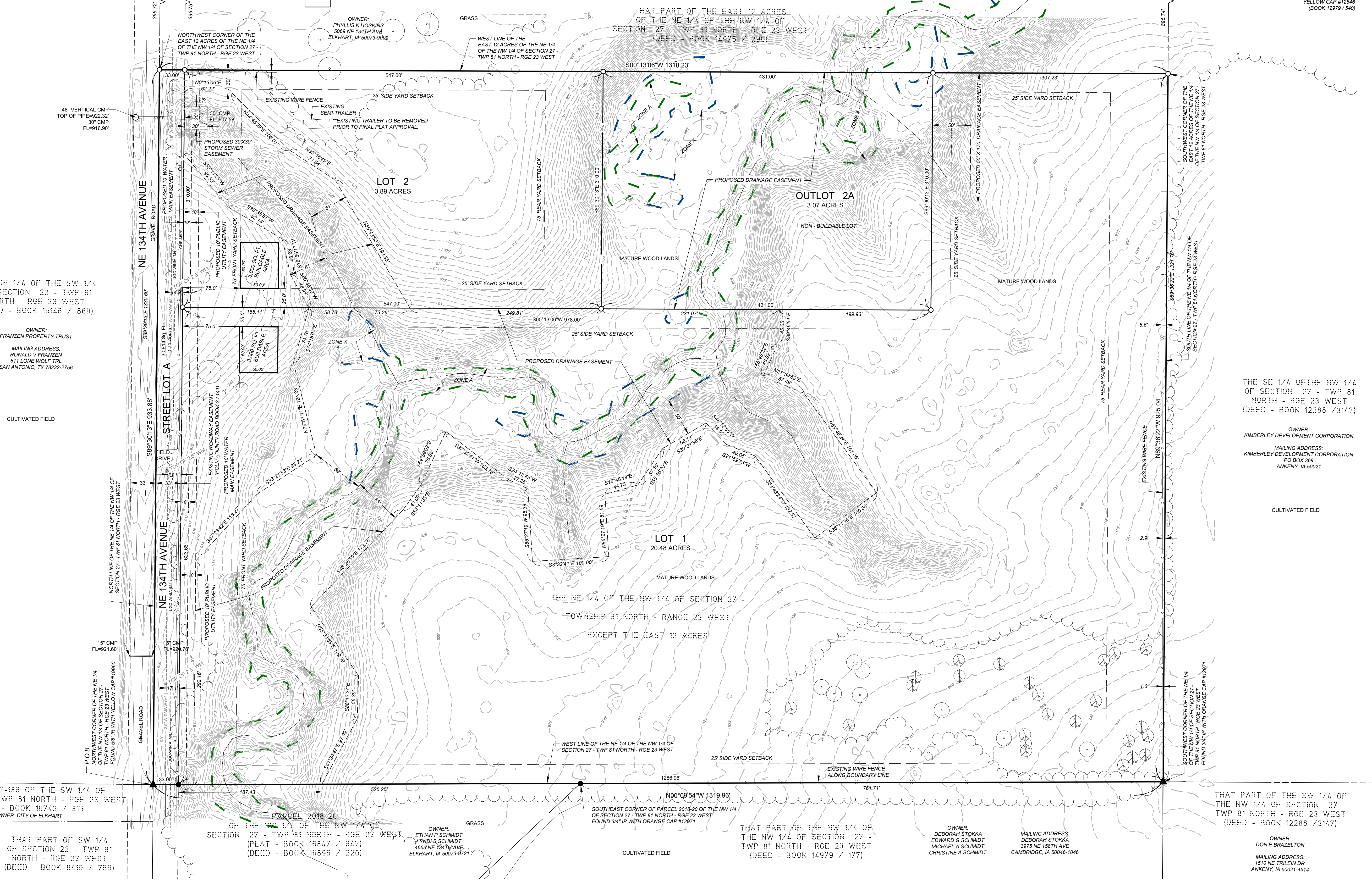


NORTH QUARTER CORNER OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST FOUND RAILROAD SPIKE IN GRAVEL ROAD, DOWN 6" (BOOK 11646 / 81)

EAST LINE OF THE NORTHWEST QUARTER OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST  
S0°13'06"W 1317.52'  
1284.52'

SOUTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST CALCULATED POSITION AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16847, PAGE 847

CENTER OF SECTION 27 - TWP 81 NORTH - RANGE 23 WEST FOUND 1/2" IR WITH YELLOW CAP #12846 (BOOK 12979 / 540)



THE SE 1/4 OF THE SW 1/4 OF SECTION 22 - TWP 81 NORTH - RGE 23 WEST (DEED - BOOK 15145 / 869)

OWNER: FRANZEN PROPERTY TRUST  
MAILING ADDRESS: RONALD V FRANZEN 811 LONE WOLF TRL SAN ANTONIO, TX 78232-2756

CULTIVATED FIELD

THE SE 1/4 OF THE NW 1/4 OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST (DEED - BOOK 12288 / 3147)

OWNER: KIMBERLEY DEVELOPMENT CORPORATION  
MAILING ADDRESS: KIMBERLEY DEVELOPMENT CORPORATION PO BOX 369 ANKENY, IA 50021

CULTIVATED FIELD

PARCEL 2017-186 OF THE SW 1/4 OF SECTION 22 - TWP 81 NORTH - RGE 23 WEST (PLAT - BOOK 16742 / 87)  
OWNER: CITY OF ELKHART

OWNER: RANDY R MILLER CAROL J MILLER  
MAILING ADDRESS: 12023 NE 22ND ST ANKENY, IA 50021-9193

THAT PART OF SW 1/4 OF SECTION 22 - TWP 81 NORTH - RGE 23 WEST (DEED - BOOK 8419 / 759)

PARCEL 2018-20 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST (PLAT - BOOK 16847 / 847)  
(DEED - BOOK 16695 / 220)

OWNER: ETHAN P SCHMIDT LYNDI SCHMIDT 4653 NE 134TH AVE ELKHART, IA 50073-9721

WEST LINE OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST  
25' SIDE YARD SETBACK  
1286.96'

SOUTHEAST CORNER OF PARCEL 2018-20 OF THE NW 1/4 OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST FOUND 3/4" IP WITH ORANGE CAP #12871

CULTIVATED FIELD

THAT PART OF THE NW 1/4 OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST (DEED - BOOK 14979 / 177)

OWNER: DEBORAH STOKKA EDWARD G SCHMIDT MICHAEL A SCHMIDT CHRISTINE A SCHMIDT  
MAILING ADDRESS: DEBORAH STOKKA 3975 NE 158TH AVE CAMBRIDGE, IA 50046-1046

THAT PART OF THE SW 1/4 OF SECTION 27 - TWP 81 NORTH - RGE 23 WEST (DEED - BOOK 12288 / 3147)

OWNER: DON E BRAZZELTON  
MAILING ADDRESS: 1510 NE TRILEIN DR ANKENY, IA 50021-4514

REVISIONS:  
1) 12/18/19 - UPDATE DRAINAGE WATER LINE LOCATION  
2) 12/18/19 - UPDATE DRAINAGE WATER LINE LOCATION  
3) 12/18/19 - UPDATE DRAINAGE WATER LINE LOCATION  
4) 12/18/19 - UPDATE DRAINAGE WATER LINE LOCATION  
5) 12/18/19 - UPDATE DRAINAGE WATER LINE LOCATION  
6) 12/18/19 - UPDATE DRAINAGE WATER LINE LOCATION  
7) 12/18/19 - UPDATE DRAINAGE WATER LINE LOCATION

NOTES:  
1) THE ENGINEER HAS REVIEWED THE PLAT AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA SURVEYING AND MAPPING ACT AND THE IOWA ZONING ACT.  
2) THE ENGINEER HAS REVIEWED THE PLAT AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA SURVEYING AND MAPPING ACT AND THE IOWA ZONING ACT.  
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THOMSEN ESTATES  
ELKHART, POLK COUNTY, IOWA  
PRELIMINARY PLAT

PROJECT NAME:	THOMSEN ESTATES
DESCRIPTION:	PRELIMINARY PLAT
DATE:	11/12/19
DRAWN BY:	TJH
CHECKED BY:	JHP
SCALE:	AS NOTED
SHEET TITLE:	PP-2
SHEET NO.:	2/2
NAI NO.:	18144