



## **Oceanview Acres Estates – Major Preliminary Plat**

### **Applicants:**

Oceanview Estates, LLC – represented by Zach Sherer (Property Owner / Developer)  
Nick Carter, Carter Surveying & Construction Services (Consultant / Surveyor)

### **Request:**

Preliminary Plat approval of a Major Subdivision Plat creating four (4) single-family residential lots and one (1) street lot.

### **Legal Description:**

Approximately 40.29 acres, being the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 18, Township 81 North, Range 25 West of the 5<sup>th</sup> P.M. (Union Township).

### **General Location:**

The subject property is located on the south side of NW 146<sup>th</sup> Avenue, being approximately one-half ( $\frac{1}{2}$ ) mile east of the intersection of NW 146<sup>th</sup> Avenue and NW 142<sup>nd</sup> Street (Hwy 17). (*Attachment 'A'*).

### **Existing Zoning:**

"ER" Estate Residential District

### **Surrounding Zoning:**

**North:** "AG" Agricultural District

**South:** "AG" Agricultural District / "OS" Open Space District / "ER" Estate Residential District

**East:** "ER" Estate Residential District

**West:** "AG" Agricultural District

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

*No residential block shall be longer than 1,320 feet.*

### **GENERAL COMMENTS:**

This preliminary plat (*Attachment 'B'*) proposes four (4) single-family residential lots and one (1) street lot on approximately 40.29 acres zoned "ER" Estate Residential District. The subject

property is the NW ¼ of the SE ¼ of Section 18, Township 81 North, Range 25 West of the 5<sup>th</sup> P.M. (Union Township). The site is entirely zoned “ER” Estate Residential District, and contains no existing development or structures. The current land use includes a mixture of row crops and natural resources, including drainageways, a large pond and mature woodlands. Properties adjacent to the east are also zoned “ER” Estate Residential within the existing subdivision of Hilltop View Addition, which was platted in 2000. Hilltop View Addition created nine (9) total single-family lots, which presently includes a total of eight (8) existing single-family residences. The properties adjacent to the north and west are large tracts zoned agricultural and currently used in row crop production. Ground adjacent to the south includes a mix of agricultural, open space and residential zoning. A portion of this ground is in agricultural production, including part of a larger single-family residential property, and a portion is publicly owned conservation land. See *Attachment ‘A’* for a vicinity map of the subject property and surrounding area.

The proposed subdivision (*Attachment ‘B’*) would create four (4) total single-family lots, each with frontage and access to the north onto NW 146<sup>th</sup> Avenue. Lots 1 and 2 are each 9.86 acres in size, 332 feet in width/frontage, and extend the full depth of the property north to south at approximately 1,293 feet in depth each. Lot 3 is 16.20 acres in size, contains the existing pond on the site, and is also 332 feet in width/frontage as well as extends the full depth of the property. Lot 4 is the smallest lot in the development at 3.37 acres, as it terminates north of the existing pond. The width of Lot 4 narrows moving south, including an angled and slightly jogging side property line to the west shared with Lot 3. This configuration ensures that the existing pond and proposed ponding easement is entirely contained on Lot 3, which complies with the Subdivision Ordinance standard that any bodies of water be wholly located on a single lot. There are no outlots proposed with this development, as all area within the subject property is proposed to be platted as part of a future buildable lot. There is one street lot (Lot A) required to transfer existing road easement fronting the property along NW 146<sup>th</sup> Avenue over to Polk County as deeded right-of-way at time of final plat and acceptance.

### **Utilities/Natural Resources**

The subject property is presently used in row crop production, with some areas of natural resources, including an existing pond, drainageways and mature woodlands. The plat includes several proposed drainage easements to capture the natural topography and drainage through the site, and prevent encroachment of future development in these areas. The main drainageway is located in the west and southwest portion of the development, impacting mainly Lot 1 and part of Lot 2. There is also some natural drainage into and out of the existing pond that is captured by proposed drainage easements on Lots 3 and 4. The property also contains areas of mature woodlands along the west, south and eastern portions of the site. Per the Polk County Zoning Ordinance, a minimum of 75% of these mature woodlands must be protected. The plat identifies various woodland protection easements to meet this requirement.

The site topography is gradually sloping from high to low moving north to south across the property. The high elevation is approximately 944 feet along NW 146<sup>th</sup> Avenue, and the low elevation is approximately 896 feet along the southern boundary of the main drainageway in the southwest corner of the site. There is a small area of mapped floodplain in the southwest corner along this same main drainageway. The mapped floodplain is partially located on Lots 1 and 2. It

has minimal impact as there is more than adequate area remaining on Lots 1 and 2 for future residences and accessory structures. Available wetlands mapping indicates there are existing wetlands along the drainageways as well as in the area of the existing pond. These are captured and protected by the proposed easements identified on the plat.

Public water must be supplied to the development, and is available through Xenia Rural Water District. There is an existing two-inch (2") water line that terminates west of the plat boundary. The owner/developer and their consultant have been coordinating with staff and Xenia Rural Water on the process to connect and extend this water main across the frontage of the development to provide public water access to each lot. Water main construction plans have recently been submitted to our office for review and comment. Future permitting with Polk County and the Iowa Department of Natural Resources will be required for this work. The water main extension is considered a plat improvement that must be completed, or surety provided to guarantee future completion of this work, prior to final plat approval. Wastewater treatment needs for each lot will be met with private septic systems, to be designed and installed at the expense of the lot owner at time of future home construction.

Midland Power Cooperative provides electrical service in the area. They have been notified of the submittal and have commented that service is available for the development, including outlining the options and cost to the owner/developer and their consultant. NW 146<sup>th</sup> Avenue is a paved, two-lane local roadway maintained by Polk County. Engineering staff has reviewed the preliminary plat and did not have any concerns with future driveway locations or sight distances.

### **Waivers**

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

*No residential block shall be longer than 1,320 feet.*

The Applicants have requested a waiver from this standard. Please see *Attachment 'C'* for the submitted waiver request.

### **STAFF REVIEW:**

Staff has reviewed this plat for compliance with the Polk County Zoning and Subdivision Ordinances as a major subdivision plat submittal. All four (4) lots proposed meet the dimensional requirements for the "ER" Estate Residential District, including area, width, frontage and depth to width ratio. While the property contains significant areas of natural resources (drainageways, existing pond and mature woodlands), these are accounted for and protected by proposed easements that are adequately sized. Furthermore, there is adequate buildable area on each lot for a future residence and accessory structures. Each lot has direct frontage and access to NW 146<sup>th</sup> Avenue for future driveways and utility services.

The plat is considered a major subdivision due to the requested block length waiver. The Polk County Subdivision Ordinance stipulates that no residential block shall be longer than 1,320 feet or twelve (12) times the minimum lot width, whichever is less, unless the Zoning Commission approves a longer distance in a Neighborhood Access Plan. The maximum block length of 1,320

feet would apply in this case. Proposed subdivisions in areas exceeding the required block length are required to provide a public street extension(s) to serve the new lots and future development. Both the subject property and adjacent properties are evaluated when determining the block length, which is measured along the existing public street frontage between the nearest perpendicular public streets providing access to adjacent properties on the same frontage.

The subject property has approximately 1,321 feet of frontage to the north along NW 146<sup>th</sup> Avenue. However, when considering adjacent properties and the larger street network in the neighborhood, the block length is approximately one (1) mile, as there are no existing public streets or rights-of-way between NW 142<sup>nd</sup> Street (Hwy 17) to the west and NW 128<sup>th</sup> Street to the east. No public street extension is proposed for this development, and no outlot or future street lot is proposed to be dedicated. As outlined in the attached waiver request letter (*Attachment 'C'*), adjoining properties would not benefit from a public street extension or dedication of right-of-way. Residential properties to the east are already developed and could not be benefited by a new roadway. Additionally, ground adjacent to the south, west and north is not able to further develop in which a public street would provide any benefit. Furthermore, requiring a public street to serve the proposed development would be difficult and cost-prohibitive given the site topography and natural constraints. Under a different development scenario in which greater than four (4) lots or a cluster subdivision with greater density were proposed, a public street extension to serve the subject property could be justifiable.

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 does not fall within the two-mile review jurisdiction of any cities. Therefore, none were notified of this request, and none would need to provide review or consent prior to final approval and recording.

**RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat of Oceanview Acres Estates, including the requested waiver to the block length standard. Staff is supportive of the waiver, due to the fact that a public roadway extension would provide no benefit to adjoining properties as well as the subject property given the limited density and number of lots proposed.

**Attachment 'A'**

**Oceanview Acres Estates**  
**Major Preliminary Plat**

**PLAT INFORMATION:** This subdivision plat proposes four (4) single-family residential lots and one (1) street lot on approximately 40.29 acres zoned “ER” Estate Residential District. The subject property is located on the south side of NW 146<sup>th</sup> Avenue, being approximately one-half (½) mile east of the intersection of NW 146<sup>th</sup> Avenue and NW 142<sup>nd</sup> Street (Hwy 17).

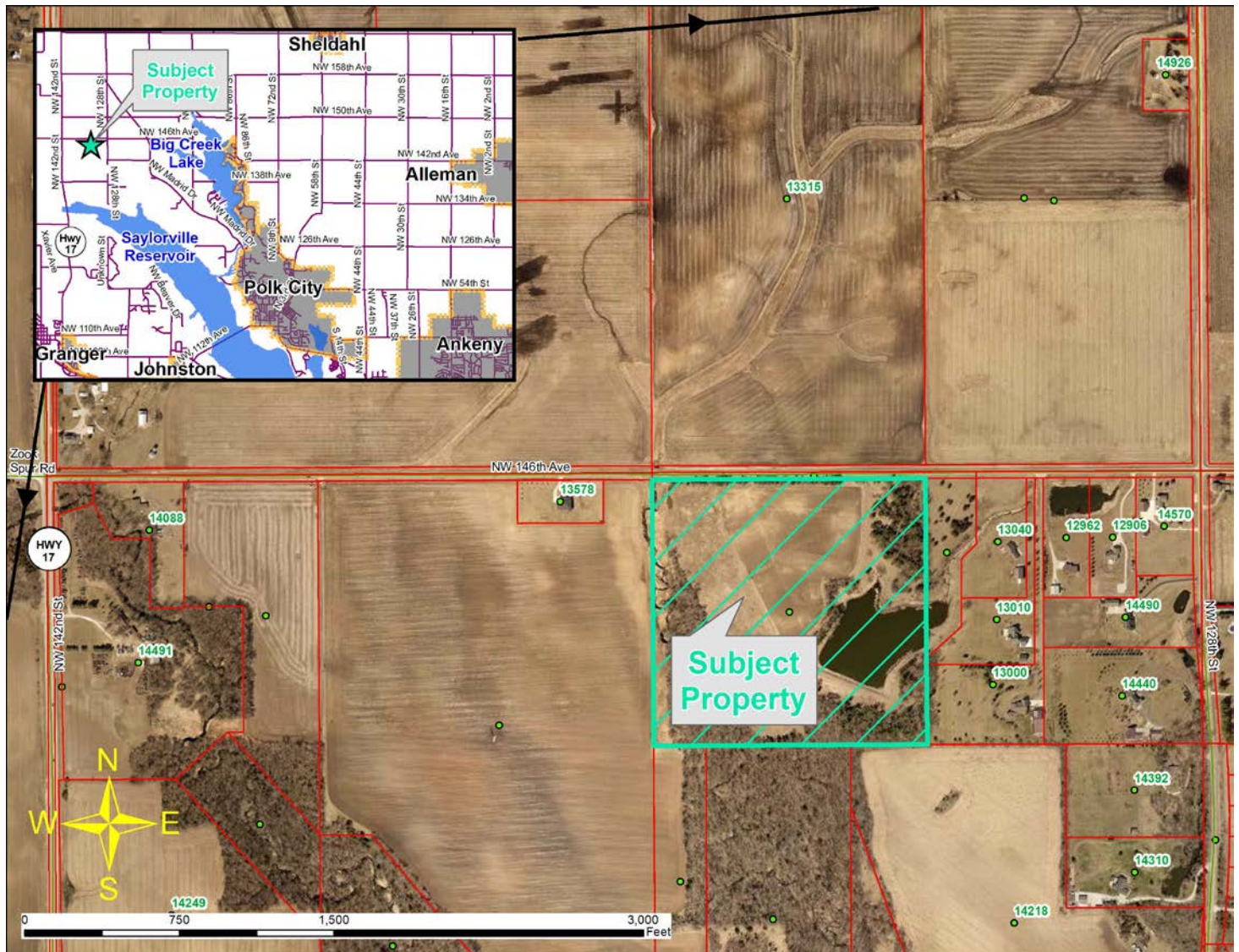
**SEWER:** Individual Septic Systems

**WATER:** Xenia Rural Water District

**TOWNSHIP:** Union

**OWNER & DEVELOPER:** Oceanview Estates, LLC,  
represented by Zach Sherer (owner/developer)

**Vicinity Map:**



# Attachment 'B'

**INDEX LEGEND**

LOCATION: NW 1/4, SE 1/4, SEC 18, T81N, R25W, POLK COUNTY, IOWA

PARCEL ID: 8125-18-400-024

REQUESTOR: ZACH SHERER

PROPRIETOR: OCEANVIEW ESTATES, LLC  
102 BALFOUR DR  
NORWALK, IA 50211

SURVEYOR COMPANY & RETURN TO: NICHOLAS F. CARTER  
CARTER SURVEYING & CONSTRUCTION SERVICES  
8755 NE 27TH AVE  
ALTOONA, IA 50009  
515-343-6756

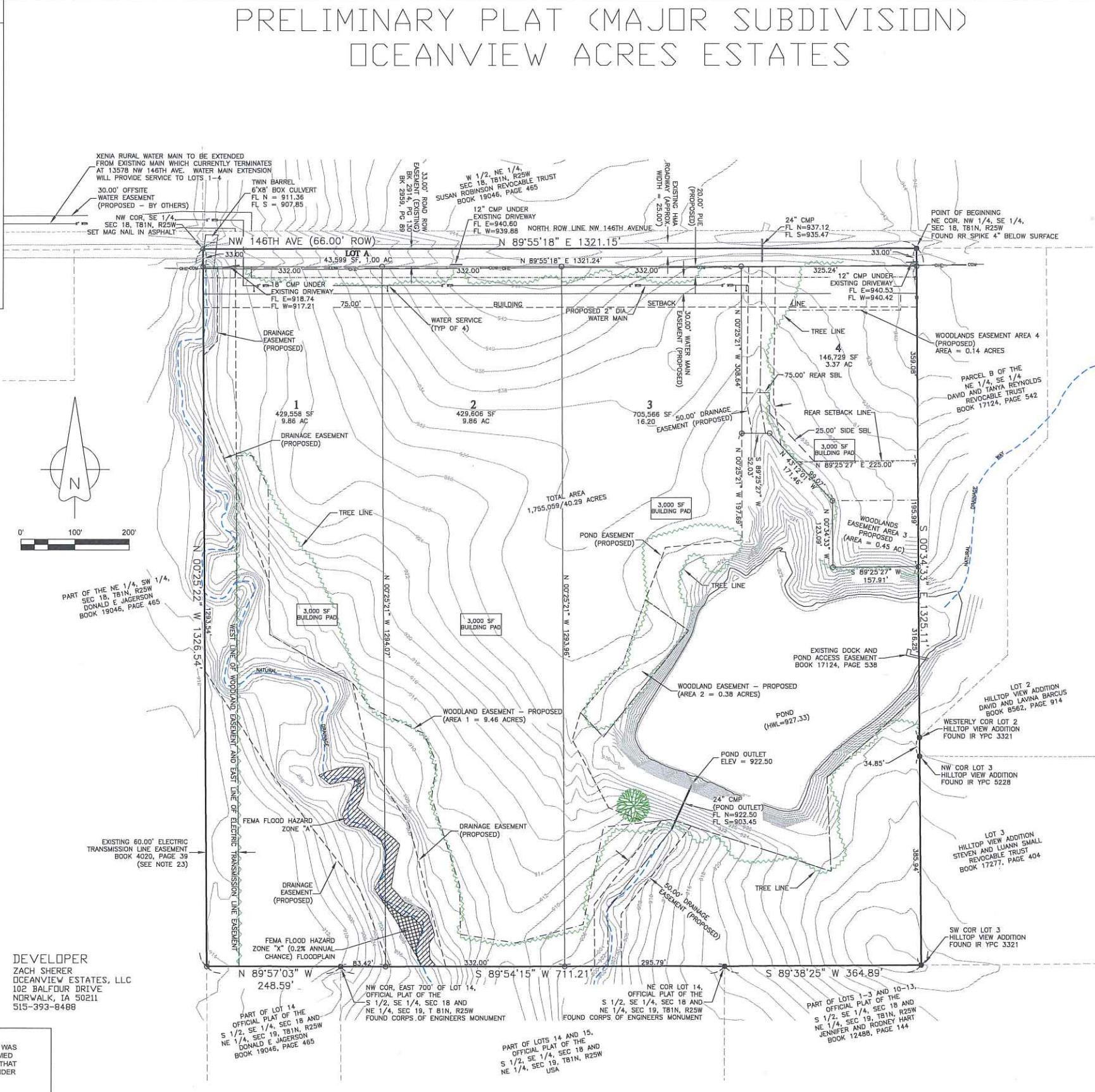
ZONING: ESTATE RESIDENTIAL DISTRICT (ER)

MINIMUM SETBACK REQUIREMENTS:  
FRONT: 75 FEET  
REAR: 75 FEET  
SIDE: 25 FEET

MAX BUILDING COVERAGE: 8%

PRINCIPAL RESIDENCE MAX BUILDING HEIGHT: 35 FEET

- SURVEY NOTES**
- SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.
  - DATE OF FIELD WORK: OCTOBER 19, 2023.
  - THE PURPOSE OF THIS SUBDIVISION PLAT IS TO DIVIDE THE PARENT PARCEL INTO FOUR NEW LOTS.
  - BASIS OF BEARING FOR THE SURVEY IS THE IOWA RTN - IDWA SOUTH STATE PLANE COORDINATE SYSTEM.
  - MINIMUM SETBACKS FOR APPLICABLE ESTATE RESIDENTIAL ZONING DISTRICT (PER POLK COUNTY ZONING ORDINANCE) SHALL APPLY.
  - ALL MONUMENTS NOTED AS "SET" WILL BE PLACED WITHIN 6 MONTHS OF THE RECORDING OF THIS PLAT.
  - THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 10,000 FEET AND EACH LOT WITHIN THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 5,000 FEET.
  - ALL MONUMENTS PLACED ARE A 1/2 INCH DIAMETER IRON ROD WITH A YELLOW PLASTIC IDENTIFICATION CAP No. 20757 UNLESS OTHERWISE NOTED.
  - RECORDED MEASUREMENTS REFER TO THOSE MEASUREMENTS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 6837, PAGE 886, THE PLAT OF SURVEY RECORDED IN BOOK 11934, PAGE 425, AND HILLTOP VIEW ADDITION, AN OFFICIAL PLAT, RECORDED IN BOOK 8430, PAGE 896, ALL IN THE RECORDS OF THE POLK COUNTY RECORDER.
  - MAJORITY OF SITE IS LOCATED IN ZONE X, AREA OF MINIMAL FLOOD HAZARD, PER FEMA PANEL #191530025F, EFFECTIVE DATE 2-1-2019. SAID FEMA PANEL ALSO DENOTES AREAS WITHIN ZONE "A" AND "ZONE X - 0.20% ANNUAL CHANCE" FLOODPLAIN. THESE AREAS ARE WITHIN THE PROPOSED DRAINAGE EASEMENT AND ARE SHOWN ON THIS PLAT.
  - MALBOXES WITHIN THE ROAD RIGHT-OF-WAY SHALL BE OF A BREAKAWAY DESIGN.
  - FUTURE DEVELOPMENT OF THE PROPERTY IS SUBJECT TO ARTICLE 7, SECTION 4, "NATURAL RESOURCES PROTECTION, WOODLANDS" OF THE POLK COUNTY ZONING CODE, WHICH PRESERVES WOODED AREAS OF THE PROPERTY. PLAT CONTAINS A TOTAL OF 13.91 ACRES OF MATURE WOODLANDS, REQUIRING A MINIMUM PROTECTION AREA OF 10.43 ACRES. NO BUILDING, GRADING, OR DISTURBANCE OF WOODLANDS IS PERMITTED WITHIN THESE EASEMENT AREAS.
  - ANY SURFACE DRAINAGE FACILITIES THAT ARE DISTURBED MUST BE RESTORED OR REROUTED BY THE PROPERTY OWNER.
  - SERVICES TO ALL UTILITIES LOCATED ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE LOT OWNER'S EXPENSE.
  - MAINTENANCE OF ALL DRAINAGE EASEMENTS TO BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
  - CULVERTS TO BE USED FOR CROSSING DRAINAGE EASEMENTS MUST BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
  - 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.
  - DUE TO SOIL TYPES, LIMITATIONS, AND DISTURBANCE, ALTERNATIVE SEPTIC SYSTEMS MAY BE REQUIRED. INDIVIDUAL WASTEWATER TREATMENT SYSTEMS SHALL BE DESIGNED BY AN ENGINEER.
  - LOT A WILL BE CONVEYED TO POLK COUNTY BY WARRANTY DEED.
  - ITC MIDWEST, LLC EASEMENT FOR ELECTRIC TRANSMISSION LINE, RECORDED IN BOOK 12501, PAGE 671, DOES NOT SPECIFY AN EXACT EASEMENT WIDTH. EASEMENT SHOWN REFLECTS EASEMENT CENTERLINE 10 FEET EAST OF THE WEST PROPERTY LINE AND A 50' BUFFER EAST OF THE EASEMENT CENTERLINE FOR TREE, LIMB AND BRUSH REMOVAL RESERVATION.
  - BUILDING PAD SIZE AND LOCATIONS SHOWN ARE APPROXIMATE. FINAL SIZE AND LOCATION OF BUILDING PADS SHALL BE APPROVED BY POLK COUNTY DURING BUILDING PERMITTING PROCESS.



**LEGAL DESCRIPTION:**

THE NORTHWEST 1/4 (NW 1/4) OF THE SOUTHWEST 1/4 (SE 1/4) OF SECTION 18, TOWNSHIP 81 NORTH, RANGE 25 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A RAILROAD SPIKE, SAID MONUMENT BEING THE NORTHEAST CORNER OF SAID NW 1/4, SE 1/4; THENCE S00°34'33\"/>



**UTILITY SERVICE PROVIDER CONTACTS:**

WATER SERVICE PROVIDED BY KENIA RURAL WATER DISTRICT  
COREY IBEN - ADMINISTRATION MANAGER  
23998 141ST STREET  
BOULTON, IA 50039  
515-676-2117

ELECTRIC SERVICE PROVIDED BY MIDLAND POWER COOPERATIVE  
JIM BYRIEL  
PO BOX 368  
BOONE, IA 50036  
1-800-833-8876

WASTEWATER PROVISION WILL BE VIA INDIVIDUAL PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

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.

NICHOLAS F. CARTER, P.L.S. IA. LIC. NO. 20757 DATE  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024

ADDITIONAL PAGES OR SHEETS COVERED BY THIS SEAL (NONE UNLESS INDICATED HERE) PAGE 1 AND PAGE 2



DEVELOPER  
ZACH SHERER  
OCEANVIEW ESTATES, LLC  
102 BALFOUR DRIVE  
NORWALK, IA 50211  
515-393-8488

CARTER SURVEYING & CONSTRUCTION SERVICES, LLC  
8755 NE 27TH AVE, ALTOONA, IA 50009  
515-343-6756

**LEGEND:**

- MONUMENT FOUND AS DESCRIBED
- SET 1/2\"/>

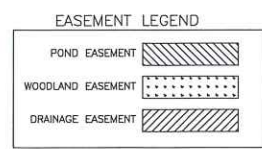
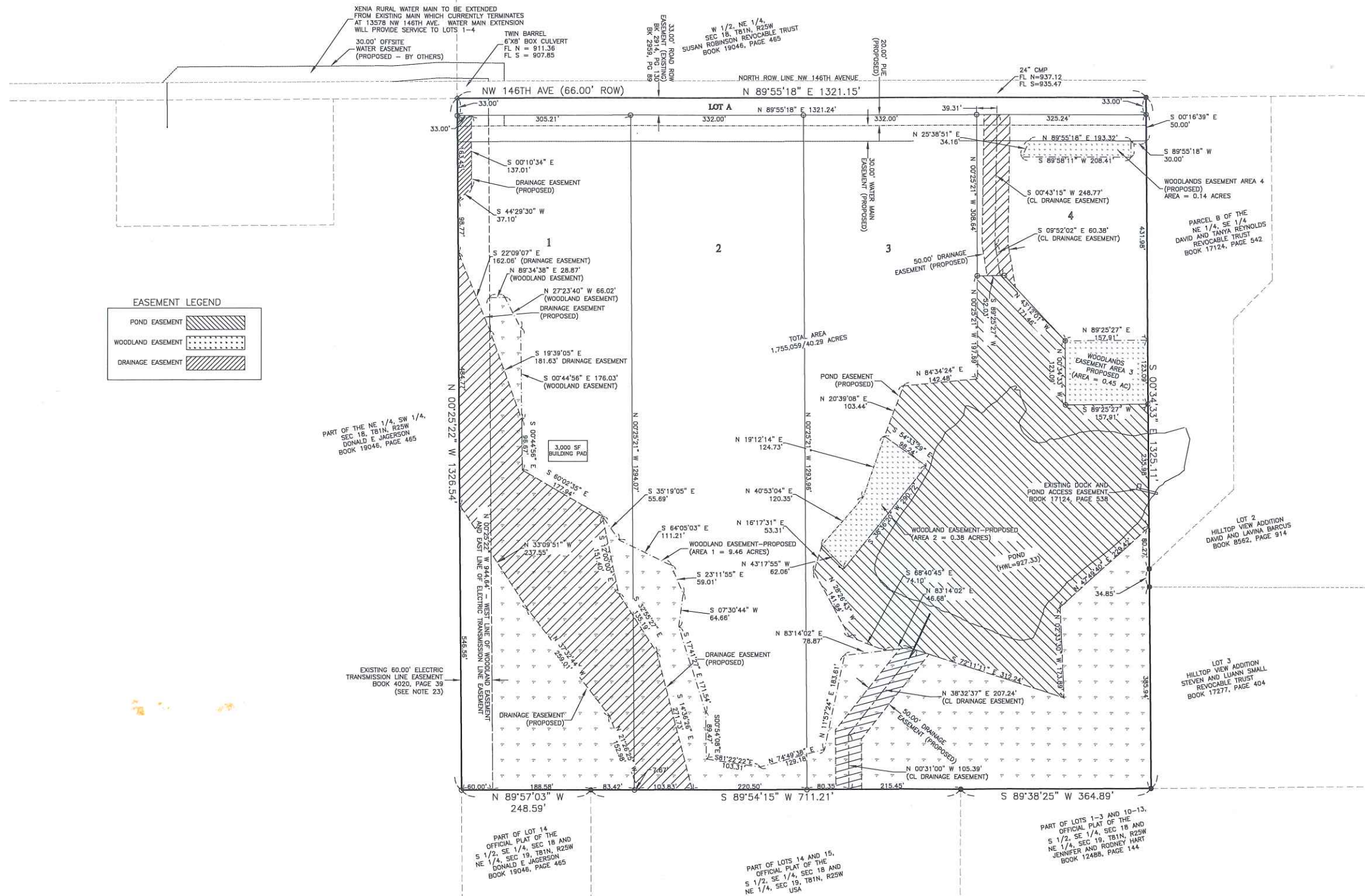
M MEASURED DISTANCE  
R RECORDED DISTANCE  
YPC YELLOW PLASTIC CAP  
IR IRON ROD  
ROW RIGHT-OF-WAY  
COM BURIED COMMUNICATION LINE

OME OVERHEAD ELECTRIC FENCE  
1234 LOT ADDRESS

PRELIMINARY PLAT FOR MAJOR SUBDIVISION  
OCEANVIEW ACRES ESTATES  
NW 146TH AVE, MADRID, IOWA

BENCHMARK: 11-28-2023  
DRAWN BY: N. Carter  
SCALE: 1\"/>

# EASEMENTS



PART OF THE NE 1/4, SW 1/4,  
SEC 18, T81N, R25W  
DONALD E. JAGERSON  
BOOK 19046, PAGE 465

EXISTING 60.00' ELECTRIC  
TRANSMISSION LINE EASEMENT  
BOOK 4020, PAGE 39  
(SEE NOTE 23)

PART OF LOT 14  
OFFICIAL PLAT OF THE  
S 1/2, SE 1/4, SEC 18 AND  
S 1/2, SEC 19, T81N, R25W  
DONALD E. JAGERSON  
BOOK 19046, PAGE 465

PART OF LOTS 14 AND 15,  
OFFICIAL PLAT OF THE  
S 1/2, SE 1/4, SEC 18 AND  
S 1/2, SEC 19, T81N, R25W  
NE 1/4, SEC 18, USA

PART OF LOTS 1-3 AND 10-13,  
OFFICIAL PLAT OF THE  
S 1/2, SE 1/4, SEC 18 AND  
NE 1/4, SEC 19, T81N, R25W  
JENNIFER AND RODNEY HART  
BOOK 12488, PAGE 144

- LEGEND:**
- MONUMENT FOUND AS DESCRIBED
  - M MEASURED DISTANCE
  - OHE OVERHEAD ELECTRIC
  - SET 1/2" IRON ROD WITH YELLOW PLASTIC CAP #20757 UNLESS OTHERWISE NOTED
  - R RECORDED DISTANCE
  - FENCE
  - SET "X" CUT IN CONCRETE
  - YPC YELLOW PLASTIC CAP
  - LOT ADDRESS
  - ◇ SET "MAG" NAIL IN ASPHALT
  - IR IRON ROD
  - ROW RIGHT-OF-WAY
  - COM BURIED COMMUNICATION LINE

CARTER SURVEYING  
& CONSTRUCTION SERVICES, LLC  
8755 NE 27TH AVE, ALTOONA, IA 50009  
515-343-6756

PRELIMINARY PLAT FOR MAJOR SUBDIVISION  
OCEANVIEW ACRES ESTATES  
NW 146TH AVE, MADRID, IOWA

BENCHMARK:		PAGE 2 OF 2		REVISIONS: 1/3/2024 - ADDRESSES POLK COUNTY COMMENTS	
DRAWN DATE: 11-28-2023	DRAWN BY: N. Carter	SCALE: 1" = 100'			



# CARTER SURVEYING & CONSTRUCTION SERVICES

## Attachment 'C'

November 28, 2023

Brian McDonough  
Land Use Planning Coordinator  
Polk County Public Works Department  
5885 NE 14<sup>th</sup> Street  
Des Moines, IA 50313

RE: Oceanview Acres Estates, Major Subdivision - Preliminary Plat Submittal – Request for Waiver of Block Length Requirement.

Mr. McDonough,

On behalf of the purchaser of the property included in Oceanview Acres Estates, Carter Surveying & Construction Services, LLC has submitted a Major Subdivision Preliminary Plat submittal for said property. As a part of this submittal, we are requesting a waiver to the Block Length Requirement as outlined in Section 18 of the Polk County Subdivision Ordinance. The Block Length Requirement would potentially create the need to allocate an area within the proposed Oceanview Acres Estates subdivision for County-owned street Right-of-Way.

In reviewing the current layout of the proposed Oceanview Acres Estates subdivision, NW 146<sup>th</sup> Avenue will provide direct street access to all proposed lots. To the East, the Hilltop View Addition subdivision is fully developed with existing access to each of the lots within that subdivision from NW 146<sup>th</sup> Avenue. Access from the Oceanview Acres Estates subdivision which would extend either West or South would require extensive drainage improvements and/or a significant bridge structure due to the existing waterway that runs along the Westerly and Southerly portion of the proposed subdivision. Constructing these improvements would be cost-prohibitive and would provide minimal benefit as most of the land to the South is public land owned by the US government where public vehicular access would not be allowed.

Given the information included herein, there does not appear to be any additional public benefit to creating additional street ROW within the proposed subdivision.

We propose this waiver to the Block Length Requirement and request that no additional public ROW be required within the proposed Oceanview Acres Estate Subdivision.

If you have any questions or comments, please do not hesitate to contact me.



Brian McDonough  
Land Use Planning Coordinator, Polk County Public Works Department  
Oceanview Acres Estates - Major Subdivision Submittal  
Request for Waiver of Block Length Requirement  
November 28, 2023  
Page 2 of 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Nick Carter".

Nicholas F. Carter, PE, PLS  
Carter Surveying & Construction Services, LLC

Attachment  
cc: File