Polk County Zoning Commission Monday, November 22, 2021 Staff Report



Bauer Heights Plat 4 – Major Preliminary Plat

Applicants:

ARD Properties, LLC represented by Russ Downing (Property Owner / Developer) Jason Ledden, Snyder & Associates (Plat Engineer)

Request:

Preliminary Plat Approval of a Major Subdivision Plat

Legal Description:

Approximately 13.44 acres, being Lots 7 thru 11 and Lot B of Bauer Heights Plat 3, Section 8, Township 79 North, Range 23 West of the 5th P.M. (Delaware Township).

General Location:

The subject property is located at the southern terminus of NE 36th Court in Berwick, being northeast of the intersection of NE 54th Avenue and NE Berwick Drive (*Attachment 'A'*).

Existing Zoning:

"ER" Estate Residential District

Surrounding Zoning:

North: "MDR" Medium Density Residential District & "LDR" Low Density Residential District

South: "ER" Estate Residential District **East:** "ER" Estate Residential District **West:** "ER" Estate 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 two (2) single-family residential lots, two (2) outlots and one (1) street lot on approximately 13.44 acres zoned "ER" Estate Residential District. The subject property was previously platted as a portion of Bauer Heights Plat 3, including five

(5) single family lots and a cul-de-sac street lot. The roadway and associated public improvements were never completed for the prior subdivision, and therefore these existing platted lots do not have legal access and are considered unbuildable. This proposal would create a short public street extension of NE 36th Court to provide legal access and frontage into the subject property for the proposed two (2) buildable lots, including a new hammerhead turnaround for emergency vehicle access. The proposal also requires a short extension of the existing two-inch (2") water main within the existing and proposed right-of-way for NE 36th Court to provide access to public water for the new lots.

The subject property is currently vacant and utilized as open space, containing areas of woodlands, floodplain and wetlands. Proposed Lot 1 and Lot 2 would each create a new development right for a single-family residence. Both are flag lots with Lot 1 being approximately 6.53 acres in size and Lot 2 at approximately 3.96 acres. The development also contains a proposed Street Lot 'A' which captures the new public street extension and turnaround for NE 36th Court. There are also two (2) proposed outlots (Outlot 'X' and Outlot 'Y'), intended to capture the areas of mapped floodplain separately from the buildable lots. Lots 1 and 2 are configured as flag lots to allow driveway access and future buildable areas to be located outside the designated floodplain on the site. Surrounding properties are zoned a combination of "ER" Estate Residential District, "LDR" Low Density Residential District and "MDR" Medium Density Residential District and developed with existing single-family residences.

Utilities/Natural Resources

A portion of the western and southern area of the subject property are located within a designated Zone A, areas located within the 1% Annual Chance Floodplain with Base Flood Elevations determined, as identified on FEMA FIRM Map #19153C0220F. The floodplain is connected to the drainage area of Fourmile Creek located west of the property, lying on the west side of NE Berwick Drive. The approximate Base Flood Elevation for this area is 839 feet. The topography of the property varies greatly with a low elevation of approximately 836 feet along the northwesterly property line in the area of the mapped floodplain. There is a high elevation in the northeast corner of approximately 886 feet. The southerly half of the site contains varying topography ranging from 840 feet around an existing pond and wetland as well as a tributary/drainageway which drains westerly to Fourmile Creek. The site contains approximately 7.25 acres of mature woodlands, primarily located in the southern half of the property. Proposed conservation easements cover the required 75% protection area for mature woodlands of 5.44 acres. There is also a proposed stormwater easement capturing an existing pond located on Lot 2, as well as a stream buffer easement along the tributary in the southern portion of the property.

The site will be served by an existing two-inch (2") water main, which will be extended to the property along NE 36th Court. The water main is part of the Berwick Water Association system that is managed by Des Moines Water Works. Des Moines Water Works has reviewed the plat and concurred with Polk County that the water main extension is required in order to provide legal access for future water services. They have also commented there is adequate capacity for two (2) additional services for Lots 1 and 2. The proposed lots will be served by future private on-site wastewater treatment systems to be installed by the future lot owners. MidAmerican Energy has commented there is existing electric and gas service in the area to serve the proposed lots.

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 and Lot 2).

Flag lots shall have a maximum flagpole length of 400 feet (Lot 2).

The Applicant has 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. The plat is considered a major subdivision due to the number of existing splits within this aliquot part, as well as due to the requested waivers and required public roadway and water main improvements. Lot density, dimensions, frontage, access and potential waivers have been reviewed. Pending the Zoning Commission's recommendation, staff will continue to work with the applicant and their representative on remaining comments. Once all comments have been addressed the preliminary plat may be forwarded to the Board of Supervisors for their approval. Following preliminary plat approval, construction plans are required to detail the public roadway and water main improvements. These improvements shall be completed or surety provided prior to final plat approval and recording. At this stage, the Commission's action would affirm, deny, or amend the overall plat layout.

The property lies within the two-mile review jurisdiction of Ankeny, Altoona and Des Moines. All jurisdictions have been notified of the request. The applicant's representative will need to work with these jurisdictions regarding their review of the Preliminary Plat. Certified resolutions from each city, either approving or waiving their review authority, shall be provided at time of final plat and recording.

RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Bauer Heights Plat 4, as well as the requested waivers to the flag lot requirements. Staff is supportive of the flag lot waivers due to the site topography, floodplain and other natural resources on the property. The proposed lot configuration and requested waivers serve to protect these natural features while providing adequate buildable areas for each lot.



Bauer Heights Plat 4 Major Preliminary Plat

PLAT INFORMATION: This subdivision plat proposes two (2) single-family residential lots, two (2) outlots and one (1) street lot on approximately 13.44 acres zoned "ER" Estate Residential District.

SEWER: Individual Septic Systems **WATER:** Des Moines Water Works

TOWNSHIP: Delaware OWNER & DEVELOPER: Russ Downing, ARD

Properties, LLC (owner/developer)

Vicinity Map:



--DUCT(*)--

Duct Bank

C2(D) - Iowa Network Services G1(D) - Consumers Energy G2(D) - Mid American Energy W1(D) - Des Moines Water Works OE - Mid American Energy Overhead Electric E1(D) - Mid American Energy Underground Electric

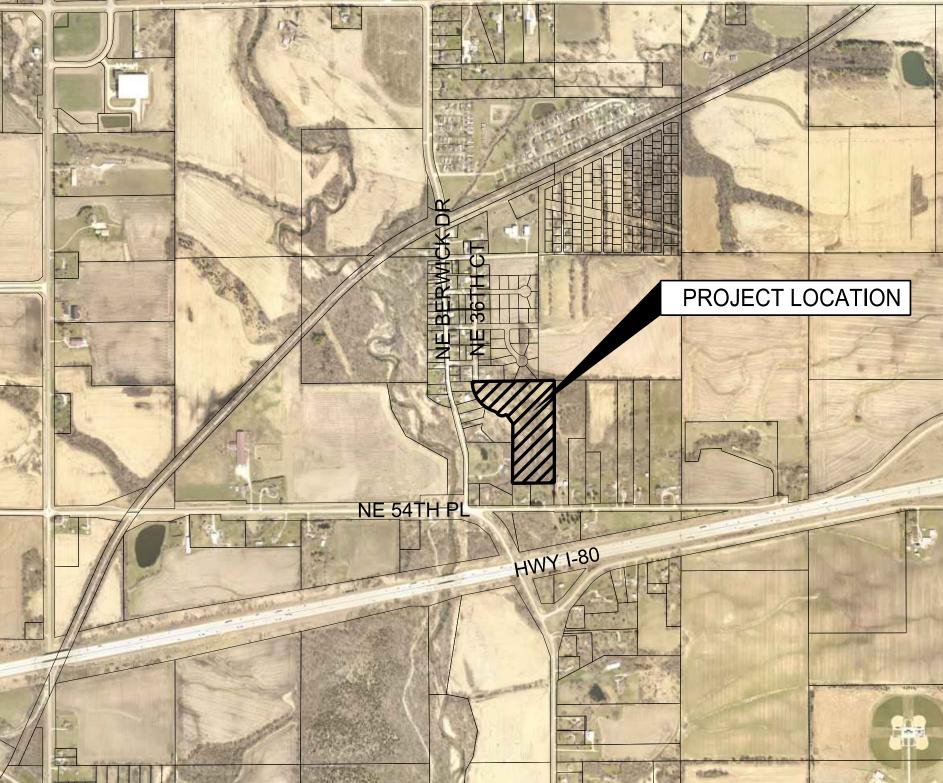
(*) Denotes the survey quality service level for utilities Sanitary Manhole Storm Sewer with Size Storm Manhole Single Storm Sewer Intake Double Storm Sewer Intake Fire Hydrant Fire Hydrant on Building Water Main Valve Water Service Valve Utility Pole Guy Anchor Utility Pole with Light Utility Pole with Transformer Street Light Yard Light Electric Box Electric Transformer Traffic Sign Communication Pedestal Communication Manhole Communication Handhole Fiber Optic Manhole Fiber Optic Handhole Gas Valve Gas Manhole Gas Apparatus Fence Post or Guard Post Underground Storage Tank Above Ground Storage Tank Satellite Dish Mailbox Soil Boring Survey Section Corner 1/2" Rebar, 19710 (Unless Otherwise Noted) ROW Marker ROW Rail Control Point Bench Mark Platted Distance Measured Bearing & Distance

1. TITLE SHEET

INDEX OF SHEETS

2. DIMENSION PLAN

3. GRADING AND EROSION CONTROL PLAN 4. UTILITY PLAN



BAUER HEIGHTS PLAT 4

MAJOR PRELIMINARY PLAT - 2021

VICINITY MAP 1"=1000'

PROPERTY DESCRIPTION

LOTS 7, 8, 9, 10, 11 AND LOT B OF BAUER HEIGHTS PLAT 3, AN OFFICIAL PLAT IN POLK COUNTY, IOWA

OWNER

ARD PROPERTIES LLC CONTACT: RUSS DOWNING 6810 COBURN LANE JOHNSTON, IA 50131 RUSS@ALLDAYHOMES.COM PH:515-531-2274

DEVELOPER

RUSS DOWNING 6810 COBURN LANE JOHNSTON, IA 50131 RUSS@ALLDAYHOMES.COM PH:515-531-2274

ENGINEER

SNYDER AND ASSOCIATES, INC. 2727 SNYDER BLVD ANKENY, IOWA 50023 JASON LEDDEN, P.E. (515) 964-2020

BULK REGULATIONS

MINIMUM LOT SIZE MINIMUM LOT WIDTH YARD SETBACKS -FRONT 75' SIDE 25' REAR 75"

CONTROL POINTS

IOWA STATE PLANE SOUTH COORDINATE SYSTEM NAD83(2011)(EPOCH 2010.00) IARTN DERIVED - US SURVEY FEET NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88 - GEOID12A) IARTN DERIVED - US SURVEY FEET

- CP50 N=622192.83 E=1580928.62 ELEV=585.16 CUT "X" IN CONCRETE AT WATER VALVE NORTH OF HYDRANT, NORTHWEST CORNER OF SITE.
- CP51 N=622093.15 E=1581316.89 ELEV=867.24 CUT "X" IN CONCRETE GENERATOR FOUNDATION EAST OF BUILDING M-7, CENTER OF SITE.
- CP112 N=622241.31 E=1581582.34 ELEV=890.03 PK NAIL 1' SOUTH OF NORTH EDGE OF ASPHALT SOUTH OF HYDRANT, NORTH SIDE OF SITE
- CP130 N=622309.78 E=1581207.69 ELEV=869.25 PK NAIL IN ASPHALT 1'EAST OF WEST EDGE OF DES MOINES AVENUE, EAST SIDE OF SITE.

ZONING CLASSIFICATION

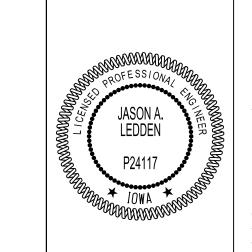
ESTATE RESIDENTIAL DISTRICT

FEMA FIRM DESIGNATION

ZONE AE - DETERMINED TO BE IN 100-YR FLOODPLAIN. FLOODPLAIN PANEL #19153C0220F

SOURCE OF WATER SUPPLY - DES MOINES WATER WORKS ON-SITE SEWAGE DISPOSAL - INDIVIDUAL ON-SITE SEWAGE DISPOSAL SYSTEM

- 1. IF THIS AREA IS ANNEXED BY THE CITY OF ANKENY OR DES MOINES, THE OWNERS OF THE LOTS ARE HEREBY NOTIFIED THAT THEY WILL BE RESPONSIBLE FOR SIDEWALK AND STREET LIGHT INSTALLATION AS PER MUNICIPAL
- 2. 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 OWNER.
- 3. MAINTENANCE OF ALL DRAINAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNER.
- 4. SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED MUST BE RESTORED OR REROUTED BY THE INDIVIDUAL LOT
- 5. RELOCATION OF ANY ENTRANCE OR UTILITY TO CONFORM TO THE REQUIREMENTS OF THIS PLAT WILL BE AT THE
- 6. IT SHALL BE THE DEVELOPERS RESPONSIBILITY TO APPLY FOR AND OBTAIN ANY STORM WATER DISCHARGE PERMITS FROM THE IOWA DEPARTMENT OF NATURAL RESOURCES AS REQUIRED FOR THIS PROJECT.
- 7. ALL MAILBOXES LOCATED IN POLK COUNTY ROAD RIGHT-OF-WAY MUST BE OF BREAKAWAY DESIGN.
- 8. WATER SERVICE TO THE SUBDIVISION SHALL BE PROVIDED BY DES MOINES WATER WORKS AND BERWICK WATER ASSOCATION WATER MAINS. ALL WATER INSTALLATION TO BE IN ACCORDANCE WITH WATER SERVICE RULES AND REGULATIONS. REQUIRED WATER MAIN EXTENSION SHALL BE COMPLETED FOLLOWING PRELIMINARY PLAT APPROVAL AND PRIOR TO APPROVAL OF THE FINAL PLAT, OR SURETY PROVIDED TO POLK COUNTY. PRIOR TO CONSTRUCTION, WATER MAIN CONSTRUCTION PLANS SHALL BE APPROVED BY DES MOINES WATER WORKS, A RIGHT-OF-WAY GRANT PERMIT SHALL BE OBTAINED FROM POLK COUNTY, AND A WATER SUPPLY CONSTRUCTION PERMIT SHALL BE OBTAINED FROM
- 9. DUE TO SOIL TYPES, LIMITATIONS, AND DISTURBANCE, ALTERNATIVE SEPTIC SYSTEMS MAY BE REQUIRED.
- 10. ALL WATER MAINS AND WATER SERVICE STUBS MUST BE INSTALLED PRIOR TO PAVING.
- 11. STREET LOT A SHALL BE DEDICATED TO POLK COUNTY FOR ROADWAY PURPOSES AT SUCH TIME THE ROADWAY HAS BEEN IMPROVED AND ACCEPTED INTO THE POLK COUNTY SECONDARY ROAD SYSTEM BY THE POLK COUNTY BOARD
- 12. THE PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE STATEWIDE URBAN DESIGN STANDARDS FOR PUBLIC
- 13. POST DEVELOPMENT RUNOFF WILL NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY
- 14. ALL SERVICES TO UTILITIES LOCATED ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE LOT OWNER'S EXPENSE.
- 15. CULVERTS TO BE USED FOR CROSSING DRAINAGE EASEMENTS MUST BE DESIGNED BY A REGISTERED PROFESSIONAL
- 16. THE INTENT OF OUTLOTS X AND Y IS TO CAPTURE THE MAPPED FLOODPLAIN AREAS SEPARATELY FROM THE BUILDABLE LOTS 1 AND 2.
- 17. FUTURE DEVELOPMENT OF THE PROPERTY IS SUBJECT TO ARTICLE 7, SECTION 4, "NATURAL RESOURCE PROTECTION WOODLAND" OF THE POLK COUNTY ZONING CODE, WHICH PRESERVES WOODED AREAS OF THE PROPERTY. THERE ARE 7.25 ACRED OF MATURE WOODLANDS REQUIRING A MINIMUM PROTECTION OF 5.44 ACRES. A PROPOSED PRIVATE CONSERVATION EASEMENT THAT PROTECTS THE 5.44 ACRES IS SHOWN.
- 18. OWNER OF LOT 1 MUST KEEP DRIVEWAY ENTRANCE WITHIN THE ROAD RIGHT-OF-WAY FREE OF OBSTRUCTIONS (SUCH AS VEHICLES, REFUSE CONTAINERS, LANDSCAPING, ETC.)
- 19. NO ACCESS WILL BE PERMITTED TO THE NEW ROADWAY OTHER THAN OFF OF THE EAST END OF THE TURN-AROUND LEG OF THE ROADWAY.
- 20. IF ANNEXED BY THE CITY OF ALTOONA INDIVIDUAL LOT OWNERS MAY BE REQUIRED TO COMPLY WITH THE RULES AND REGULATIONS AS SET FORTH BY THE SUBDIVISION AND ZONING ORDINANCE ADOPTED BY THE CITY OF ALTOONA MORE SPECIFICALLY PERTAINING TO BUT NOT LIMITED TO REQUIREMENTS REGARDING SIDEWALKS, PAVED DRIVEWAY APPROACHES, WATER MAIN (8 $\frac{9}{12}$ MIN.) FIRE PROTECTION (450 $\frac{5}{12}$ MAX. SEPARATION), SUMP PUMPS, SECONDARY STORM SEWERS AND STREET LIGHTING AS DEEMED APPROPRIATE BY THE CITY IN ACCORDANCE WITH THE URBAN DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS.
- 21. ANY NEW ENTRANCES WILL REQUIRE A POLK COUNTY ENTRANCE PERMIT.
- 22. ANY WORK IN THE ROW OTHER THAN FOR AN ENTRANCE WILL REQUIRE A POLK COUNTY ROW GRANT PERMIT
- 23. LOTS 1 AND 2 WILL SHARE A DRIVEWAY ENTRANCE TO BE LOCATED WITHIN THE PROPOSED INGRESS/EGRESS EASEMENT ACROSS LOT 1 AND OUTSIDE OF THE FLOODPLAIN. IF FUTURE OWNER/DEVELOPER DECIDES NOT TO USE THE SHARED DRIVEWAY AND EASEMENT AS INDICATED ABOVE AND/OR PLANS TO CONSTRUCT ANY PORTION OF THEIR DRIVEWAY WITHIN THE DESIGNATED FLOODPLAIN THE FOLLOWING ITEMS ARE REQUIRED TO ELEVATE THE DRIVEWAY A MINIMUM OF 1 FOOT ABOVE THE BASE FLOOD ELEVATION: 1) GRADING PLAN PREPARED BY A LICENSED PROFESSIONAL ENGINEER, 2) POLK COUNTY GRADING PERMIT ELEVATION, 3) POLK COUNTY FLOODPLAIN DEVELOPMENT PERMIT AND DETERMINATION OF THE BASE FLOOD ELEVATION AND 4) COMPLIANCE WITH COMPENSATORY STORAGE REQUIREMENTS (FILL TO RAISE DRIVEWAT MUST ORIGINATE FROM THE FLOODPLAIN ON LOT 2; NO IMPORTED FILL IS ALLOWED.)
- 24. GRADING IN THE FEMA MAPPED FLOODPLAIN WILL REQUIRE A FLOODPLAIN PERMIT FROM POLK COUNTY.
- 25. REQUIRED PUBLIC ROADWAY IMPROVEMENTS TO NE 36TH COURT SHALL BE COMPLETED FOLLOWING PRELIMINARY PLAT APPROVAL AND PRIOR TO APPROVAL OF THE FINAL PLAT OR SURETY PROVIDED TO POLK COUNTY. FOLLOWING PRELIMINARY PLAT APPROVAL, CONSTRUCTION DRAWINGS FOR THE ROAFWAY SHALL BE SUBMITTED TO POLK COUNTY FOR REVIEW AND APPROVAL PRIOR TO ANY FINAL PLAT SUBMITTAL OR COMMENCEMENT OF CONSTRUCTION.



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa

Date

Jason A. Ledden, P.E.

License Number P24117 My License Renewal Date is December 31, 2022

Pages or sheets covered by this seal: SHEETS 3-4



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

Erin D. Griffin, PLS License Number 19710 My License Renewal Date is December 31, 2021 Pages or sheets covered by this seal:

Project No: 121.0660

& ASSOCIATES

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QUALITY LEVEL (B) INFORMATION IS OBTAINED THROUGH THE APPLICATION OF APPROPRIATE SURFACE GEOPHYSICAL METHODS TO DETERMINE THE EXISTENCE AND APPROXIMATE HORIZONTAL POSITION OF SUBSURFACE UTILITIES. QUALITY LEVEL (A) IS HORIZONTAL AND VERTICAL POSITION OF UNDERGROUND UTILITIES OBTAINED ACTUAL EXPOSURE OR VERIFICATION OF PREVIOUSLY EXPOSED SUBSURFACE UTILITIES, AS WELL AS THE TYPE, SIZE, CONDITION, MATERIAL, AND OTHER CHARACTERISTICS.

Recorded As

Centerline

Section Line

Easement Line

1/4 Section Line

1/4 1/4 Section Line

Deed Distance Calculated Distance

Minimum Protection Elevation

UTILITY QUALITY SERVICE LEVELS

UTILITY WARNING

QUALITY D INFORMATION.

THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND/OR RECORDS OBTAINED. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE

APPLICABLE, SIZE. THE QUALITY LEVELS ARE BASED ON THE CI/ ASCE 38-02 STANDARD.

QUALITY LEVELS OF UTILITIES ARE SHOWN IN THE PARENTHESES WITH THE UTILITY TYPE AND WHEN

QUALITY LEVEL (C) INFORMATION IS OBTAINED BY SURVEYING AND PLOTTING VISIBLE ABOVE-GROUND UTILITY FEATURES AND USING PROFESSIONAL JUDGMENT IN CORRELATING THIS INFORMATION WITH

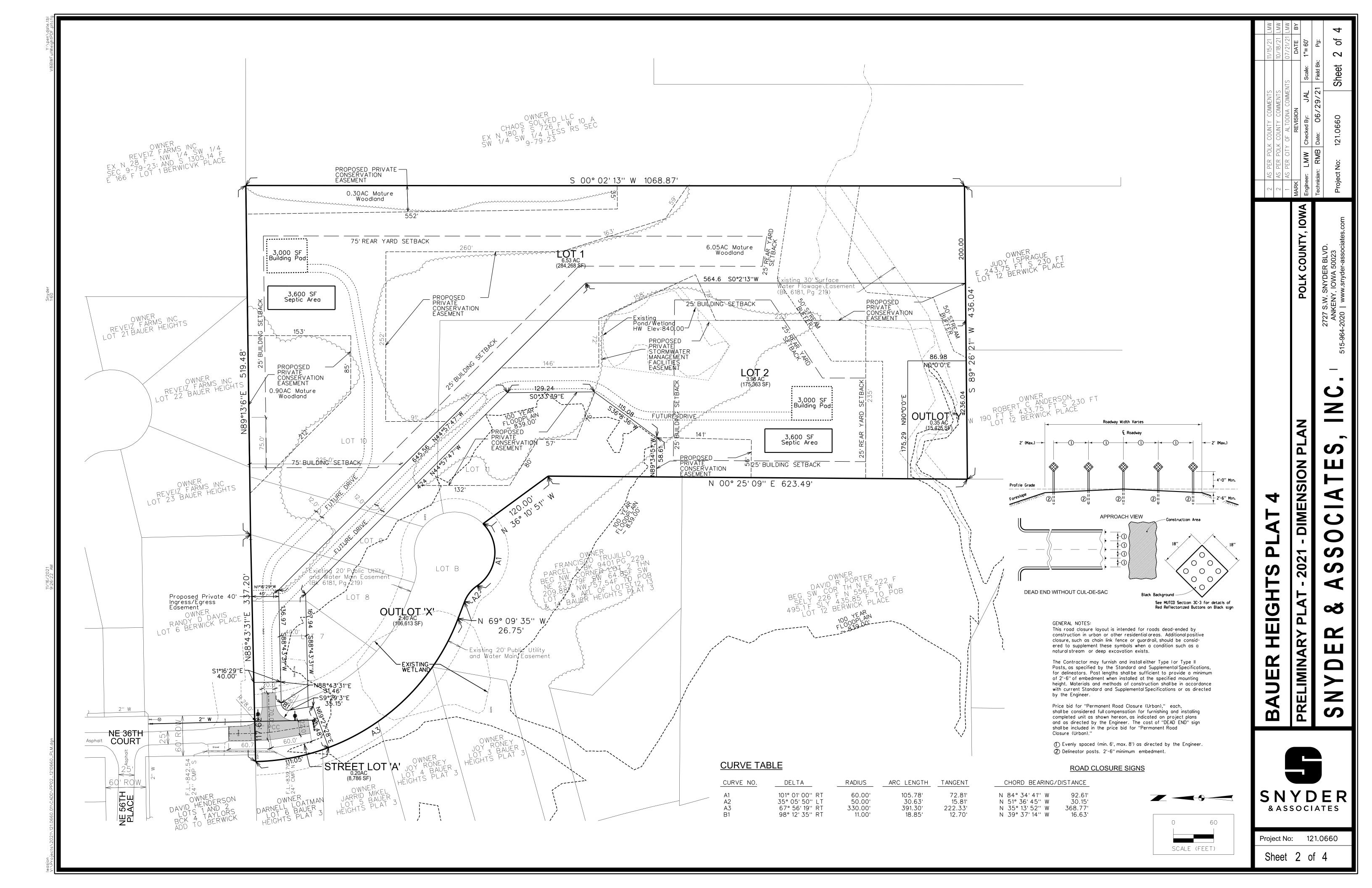
QUALITY LEVEL (D) INFORMATION IS DERIVED FROM EXISTING UTILITY RECORDS OR ORAL RECOLLECTIONS.

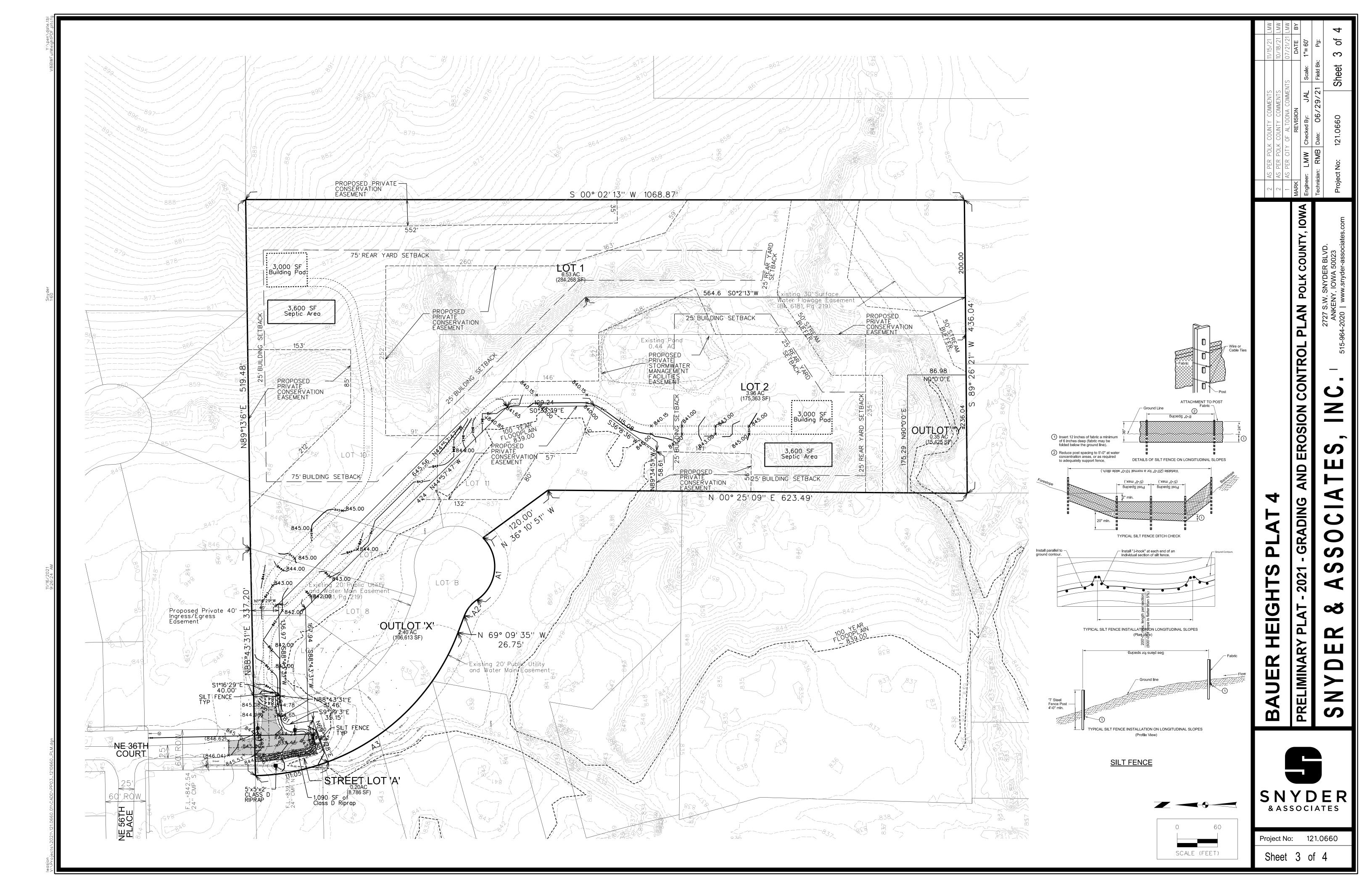
<u>Preliminary plat approval:</u>

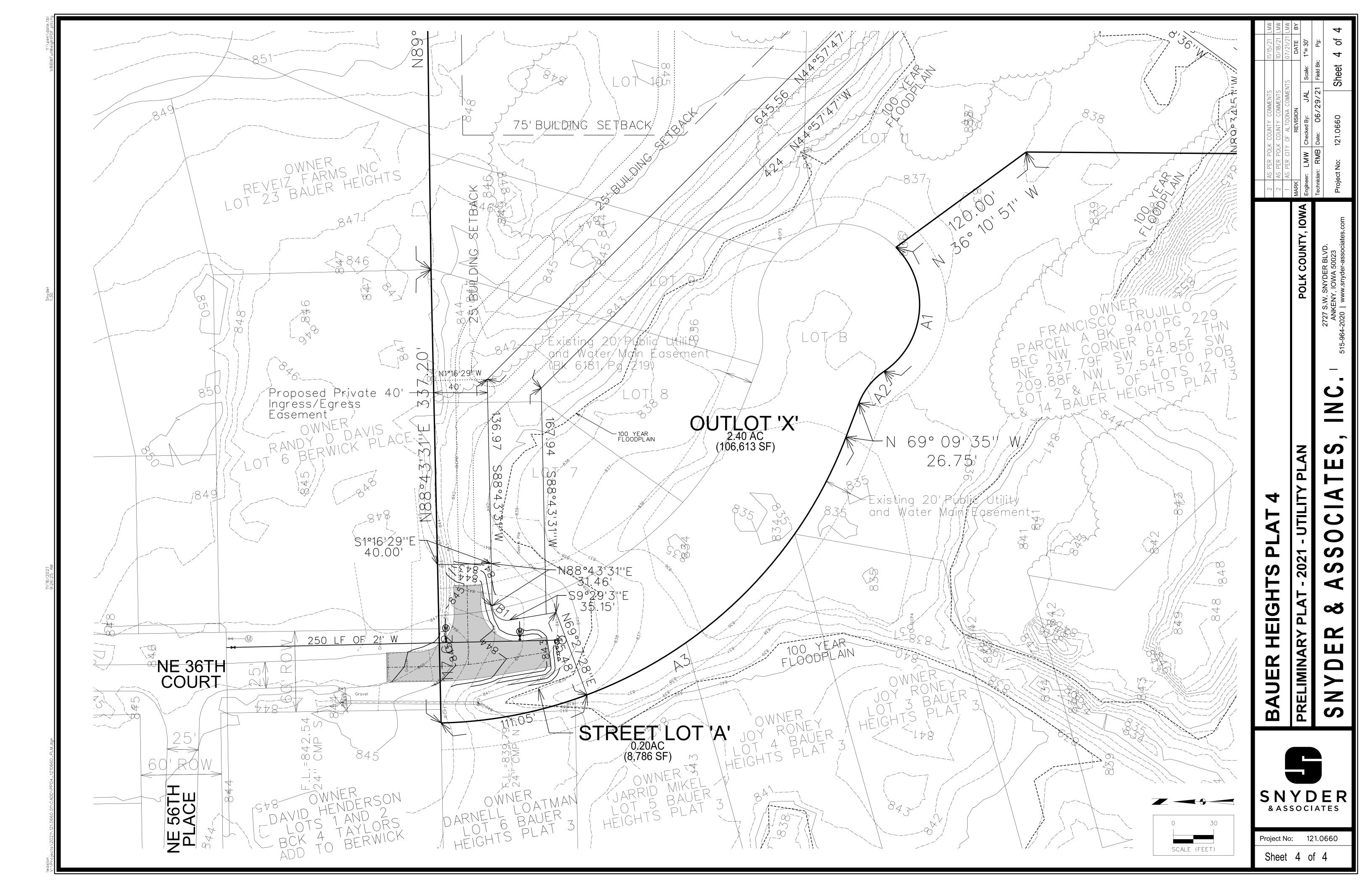
☐ APPROVED ☐ APPROVED WITH CONDITIONS SEE EXHIBIT "A"

P & Z APPROVAL DATE:

City of Des Moines, Iowa







IOWA | MISSOURI | NEBRASKA | SOUTH DAKOTA | WISCONSIN

October 18, 2021

Mr. Bret Vandelune Planning and Development Manager Polk County Public Works 5885 NE 14th Street Des Moines, IA 50313

RE: WAIVER REQUESTS

BAUER HEIGHTS PLAT 4 – PRELIMINARY PLAT 2021 LOTS 7, 8, 9, 10, 11 AND LOT B OF BAUER HEIGHTS PLAT 3

S&A Project No. 121.0660.01

Dear Bret:

On behalf of Russ Downing with ARD Properties, LLC, as applicant and developer, please find this letter as the formal waiver request for the following two items for Forest Bauer Heights Plat 4: (1) to allow flag lots to exceed 3 acres in size, and (2) to allow lot 2 to have a flagpole stem in excess of 400 feet in length.

Polk County Subdivision Ordinance, Article 5, Section 19 (J.3) states that "flag lots shall not exceed three (3) acres in size in areas without public sanitary sewer. Given the whole property only has access available from NW 36th Street and because of topographic constraints, geographic barriers, and dense woodland characteristics while keeping the lots out of the existing floodplain, two lots (lots 1 and 2) are created that are larger than 3 acres. Considering the amount of mature woodlands on this site, having these lots larger than 3 acres should create lots desirable to future home owners while trying to minimize tree removal on the development.

Polk County Subdivision Ordinance, Article 5, Section 19 (J), states that "flagpole stem shall not exceed 400 feet in length". Given the shape, topography, mature woodlands and floodplain on the parcel, the developer would like to provide a second developable lot on the site. The flagpole stem will allow for the proposed driveway to remain outside of the 100-year floodplain while minimizing impacts to the mature woodlands and existing pond on site. This would also allow for a second building pad site that would otherwise not be possible.

If you have any questions or require additional information, please contact this office at your convenience. Thank you.

Sincerely,

SNYDER & ASSOCIATES, INC.

Jason A. Ledden, PE

Goar L. Jable

Enclosure

cc: Russ Downing, ARD Properties, LLC (w/enclosures emailed)

File