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.
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:
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
Enclosure
cc: Russ Downing, ARD Properties, LLC (w/enclousures emailed)
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