Nehring Estates Plat 1 – Preliminary Plat

**Applicants:**
Bret Nehring (Property Owner/Developer);
Snyder & Associates, Inc. (Project Engineer/Surveyor)

**Request:**
Preliminary plat approval of a major subdivision plat creating five (5) single-family lots

**Legal Description:**
Approximately 90.85 acres located within part of the SE¼ and part of the NE¼ of Section 21, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa (Franklin Township).

**General Location:**
8991 and 9265 NE Hubbell Road; being located southwest of the intersection of NE Hubbell Road (Hwy 65) and NE Santiago Drive / NE 94th Avenue, and approximately one-half (½) mile north of the City of Bondurant.

**Existing Zoning:**
“ER” Estate Residential District

**Surrounding Zoning:**
- **North** “ER” Estate Residential District
- **South** “ER” Estate Residential District / “AG” Agricultural District
- **East** “ER” Estate Residential District
- **West** “AG” Agricultural District

**GENERAL COMMENTS:**
This preliminary plat proposes five (5) single-family residential lots on approximately 90.85 acres zoned “ER” Estate Residential District. The property consists of six (6) existing tax parcels, including two (2) single-family dwellings and accessory structures located at 8991 and 9265 NE Hubbell Road. Two (2) of the proposed lots will contain these existing residences, while the remaining three (3) lots will each create a new development right for a single-family dwelling. The subject property is located approximately one-half (½) mile north of the corporate limits of Bondurant where they extend north along NE Hubbell Road (Hwy 65). The subject property lies southwest of the intersection of NE Hubbell Road (Hwy 65) and NE Santiago Drive / NE 94th Avenue. See *Attachment A* for a vicinity map of the subject property and surrounding area. Surrounding properties to the north and east are zoned “ER” Estate Residential District and primarily developed with single-family residences. Properties to the south are primarily agricultural in use and zoning within unincorporated Polk County as well as the City of Bondurant. There are three (3) existing residences located directly southwest of the subject property along
NE Hubbell Road within unincorporated Polk County. Properties to the west, located on the west side of NE Hubbell Road, are zoned and utilized agriculturally within unincorporated Polk County, including a few residences.

Lot Configuration/Plat Layout
Attachment B at the end of this report contains a copy of the current version of the preliminary plat of Nehring Estates Plat 1. Proposed Lot 1 (~6.89 acres) will contain the existing residence at 8991 NE Hubbell Road, and proposed Lot 4 (~12.78 acres) will contain the existing residence and accessory structure at 9265 NE Hubbell Road. An existing accessory structure located on the current 8991 NE Hubbell Road property will be located on the new Lot 2 under the current layout. Staff has requested a plat note to indicate that this accessory structure cannot be utilized for any purpose until a future primary dwelling is constructed on Lot 2. Lots 2, 3, and 5 will each create a new development right for a single-family dwelling.

Lot 2 is the largest proposed lot at approximately 59.61 acres. It fronts NE Hubbell Road at the south end of the plat and wraps around east of the other proposed lots and extends north near the northern plat boundary adjacent to Lot 5. Lot 2 contains an existing pond, a large area of mature woodlands, as well as multiple drainage ways. The plat identifies ponding, drainage and woodland easements to protect these environmental resources per County standards. All five (5) proposed lots have frontage and access onto NE Hubbell Road to the west. Lots 1 and 2 will share the existing entrance for the 8991 NE Hubbell Road residence to be located along their shared property line. Similarly, Lots 3 and 4 will share the existing entrance for the 9265 property. Access to Lot 5 is proposed from the adjacent property and driveway to the north at 9537 NE Hubbell Road. All shared entrances will require the establishment of private access easements. Approval of the Iowa Department of Transportation would be required for any new access points onto NE Hubbell Road (Hwy 65).

Roads/Utilities
NE Hubbell Road (Hwy 65) is a four-lane major arterial State highway maintained by the Iowa Department of Transportation. There is an existing two and one-half inch (2½”) water main located along the frontage of the subdivision on the southeast side of NE Hubbell Road. This water utility is owned and operated by Des Moines Water Works. There is currently not capacity for any additional water services, including the three (3) additional development rights proposed by this subdivision. However, Des Moines Water Works is currently coordinating with the City of Bondurant on a water infrastructure improvement project to increase capacity within this line. The project would create additional capacity for approximately 30 additional residential taps within this broader service area, including the subject property. The developer is aware that the final plat cannot move forward until this project has been completed and adequate water capacity verified by Des Moines Water Works. Wastewater treatment needs will be met by private onsite systems.

STAFF REVIEW:
Staff has reviewed this plat for compliance with the Polk County Zoning and Subdivision Ordinances. The plat is considered a major subdivision due to the creation of five (5) or more lots.
within the larger aliquot part, as well as the requested waivers to the Subdivision Ordinance. The developer and consultant are requesting waivers to the residential block length standard as well as the maximum width to depth standard for Lot 2. The waiver requests can be found at the end of this report as Attachment C. 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 exceeding this block length are required to provide a public street extension(s) to serve new lots and future development. The subdivision of Nehring Estates Plat 1 has an approximate frontage of 2,348 feet onto NE Hubbell Road, with the nearest street extensions located to the north at NE 94th Avenue / NE Santiago Drive as well as nearly a mile to the southwest where NE Hubbell Road intersects with NE 88th Street. Staff supports the requested waiver to this standard for the reasons given in Attachment C. Requiring additional public access to Highway 65 is challenging given it is under Iowa DOT jurisdiction. Furthermore, the terrain and developed nature of the subject property and surrounding area renders a future street extension impractical and ineffective relative to broader neighborhood access.

Staff also supports the requested waiver to the width to depth ratio for Lot 2. The Subdivision Ordinance also stipulates that no lot shall have a depth greater than four (4) times its width. Proposed Lot 2 has a width of approximately 300 feet at the front building line and a depth of approximately 1,586 feet, or greater than four (4) times its width. Staff supports the requested waiver to this standard for Lot 2 for the reasons given in Attachment C. The existing parcels are irregularly shaped, and therefore the only other option would be to plat large portions of Lot 2 as outlots, which provides no additional benefit. Also, staff and the surveyor explored the option of reconfiguring the common lot line between Lots 1 and 2 to meet this standard, but this was not possible due to the existing water meter location for the residence on Lot 1.

Staff will continue to work with the owner and project engineer/surveyor in resolving remaining comments. Once all comments have been addressed, the preliminary plat may be forwarded to the Board of Supervisors for their approval. Any significant changes to the preliminary plat would require re-approval by the Zoning Commission. Once the preliminary plat has been approved, the final plat may be submitted for staff review. The final plat will not come before the Zoning Commission. The Plat falls within the two-mile extraterritorial review jurisdiction of Bondurant. The City has commented that they have no concerns with the current layout and will not formally review the preliminary plat. They will have to approve the final plat prior to final approval and recording by Polk County.

**RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat of Nehring Estates Plat 1, including the requested waivers from the residential block length, and the width to depth ratio (Lot 2), standards.
June 26, 2020

Polk County Zoning Commission
5885 NE 14th Street
Des Moines, IA 50313

RE: Nehring Estates Plat 1
POLK COUNTY, IOWA
S&A PROJECT NO. 120.0207

Dear Polk County Zoning Commission;

On behalf of LMO Investments, LLC (Owner) we are requesting that the Commission grant a 1320 foot Block waiver for Nehring Estates Plat 1. The current subdivision ordinance states that "No residential block shall be longer than one thousand three hundred and twenty (1,320) 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". On behalf of the property owner we are requesting that 1,320 feet block requirements be waived for this subdivision plat for the following reasons.

1. This development has an approximate 2,348 feet frontage along NE Hubbell Road. The owner has acquired 6 existing irregular large shaped parcels and consolidating them into 5 parcels making it difficult to meet the block length requirement.
2. The property east of this development consists of the Chichaqua Bottoms and existing developments making this requirement for the residential block at an unlikely location for a future east to west street.

We are requesting that the Commission grant a waiver for the current subdivision ordinance which state that "No lot shall have a depth greater than 4 times the width at the minimum building line". On behalf of the LMO Investments, LLC, we are requesting that 4:1 lot ratio requirement be waived for Lot 2 of this subdivision plat for the following reasons.

1. This development consists of 6 existing irregular large shaped parcels. Through the subdivision process Nehring Estates Plat 1 will be consolidating them into 5 parcels making it difficult to meet the 4:1 lot ratio requirement on Lot 2.
2. Moving the common property line of Lot 1 and Lot 2 northeasterly, therefore meeting this requirement, will put the existing water meter for the existing homestead on Lot 2 being the wrong lot. This is not allowed by Des Moines Water Works therefore putting a restriction on the location of this common property line.

Thank you for your consideration of this request.

Sincerely,
SNYDER & ASSOCIATES, INC.

Terry Coady, PLS
Enclosure
cc: Bret Nehring, Owner
File