Timber View Acres Plat 1 – Major Preliminary Plat

Applicants:
Donald A. Beneventi Revocable Trust & Alec Marshall (Property Owners / Developers)
Matt Thomas, Civil Design Advantage (Surveyor)

Request:
Preliminary Plat Approval of a Major Subdivision Plat creating one (1) single-family residential lot, one (1) outlot and three (3) street lots.

Legal Description:
Approximately 118.60 acres, being located within the SE ¼ of Section 5, Township 80 North, Range 25 West of the 5th P.M. (Jefferson Township).

General Location:
The subject property is located on the east side of NW 121st Street approximately one and one-half (1 ½) miles north of the intersection of NW 121st Street and Highway 141. (Attachment ‘A’).

Existing Zoning:
“RR” Rural Residential District

Surrounding Zoning:
North: “RR” Rural Residential District
South: “RR” Rural Residential District
East: “RR” Rural Residential District
West: “AG” Agricultural District / “RR” Rural 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 one (1) single-family residential lot, one (1) outlot and three (3) street lots on approximately 118.60 acres zoned “RR” Rural Residential District. The
subject property comprises the majority of the SE ¼ of Section 5 in Jefferson Township, except the approximately 40-acre SE ¼ SE ¼ of the Section that is separately owned and used agriculturally, as well as an approximately 1.85-acre parcel that was previously surveyed off from the NE ¼ of the SE ¼ of the Section that is also separately held and contains an existing single-family residence. The subject property is entirely zoned “RR” Rural Residential District and primarily dedicated to row crop production with some areas of natural resources. The property contains no existing structures or dwelling units. Ground adjacent to the south is zoned “RR” Rural Residential and utilized in row crop production. Ground adjacent to the east is zoned “RR” Rural Residential District and “OS” Open Space District and includes existing woodlands and drainage area flowing into Saylorville Reservoir. This ground includes parcels held in private ownership as well as some held in public ownership for natural resource preservation. Ground adjacent to the west, located on the west side of NW 121st Street, includes existing row crop land zoned “AG” Agricultural District, as well as the existing single-family development known as Jester Lake Estates zoned “RR” Rural Residential District. Adjacent to the north of the subject property are lots within the existing single-family development of Jester Glen Estates zoned “RR” Rural Residential District.

The proposed subdivision would create a single flag lot in the northwest portion of the subject property for future construction of a single-family residence, and would plat the remainder of the parcel as an outlot, which would remain unbuildable until future subdivision. The proposed flag lot is approximately 10.02 acres in size with frontage onto NW 121st Street. This flag lot was recently created by deed, and transferred from the Donald A. Beneventi Revocable Trust to their family member, Alec Marshall. The Beneventi Trust retains ownership over the remaining ground proposed as Outlot Z. Staff made the owners aware that the flag lot was created illegally outside of the County’s subdivision requirements. This Major Subdivision Plat, including waivers from the maximum flag lot size and maximum flagpole length, is being requested in order to legally create the flag lot and allow for the issuance of future building permits.

Utilities/Natural Resources
The subject property is primarily used in row crop production. There are areas of existing woodlands and drainage in the northeast portion of the property, and a small area in the southern portion of the site. Proposed Lot 1 would contain a small area of woodlands and drainage in the far eastern portion of the lot, and the rest would be contained on the proposed outlot. The areas of woodlands and drainage on Lot 1 have been identified with appropriate protection easements. The outlot also contains a small area of Zone A Floodplain (1% Annual Chance Floodplain without Base Flood Elevations determined) located along a drainageway which meanders through the property and eventually drains easterly into Saylorville Reservoir. The proposed buildable Lot 1 is located at a substantially higher elevation than the floodplain and would not be impacted. The site topography is relatively flat over the majority of the property ranging between 940 and 960 feet. The areas along the drainageways in the southern and northeastern portion of the property contain steeper elevation changes and elevations as low as 900 to 890 feet. Available wetlands mapping indicates there is a small freshwater emergent wetland located along the drainageway in the northeast portion of the site. This area would be located within the proposed Outlot Z and remain undisturbed from any development on Lot 1.
Public water is available through Xenia Rural Water District. Current mapping indicates there is an eight-inch (8”) water main located on the west side of NW 121st Street. The owners/developers are responsible for coordinating with Xenia to install future service line for Lot 1. Sanitary sewer service is not available in this area of Polk County. Wastewater treatment needs for Lot 1 will need to be met with a private septic system to be designed and installed at the expense of the lot owner at time of future home construction. MidAmerican Energy provides electrical service in the area. They have been notified of the submittal, and did not have any comments or concerns. NW 121st Street is a paved, two-lane major collector roadway maintained by Polk County. Staff has requested the surveyor confirm there is adequate sight distance for a future driveway access to Lot 1. The road grade is relatively flat along the proposed frontage, so it is not anticipated this will be an issue.

**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).*

*Flag lots shall have a maximum flagpole length of 400 feet (Lot 1).*

The Applicants have requested waivers from these standards. Please see Attachment ‘C’ for the submitted waiver request. Lot 1 is proposed at 10.02 acres in size and has a flagpole that is approximately 810 feet in length.

**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 requested waivers for flag lot size and flagpole length. If no waivers were required for Lot 1, it could be created through a minor plat process without requiring review and recommendation from the Zoning Commission. 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 lies within the two-mile review jurisdiction of Johnston and Granger. Both entities have been notified of the request. Granger has not responded, while Johnston has provided detailed review comments back to the applicants. Certified resolutions from each city, either approving or waiving their review authority, shall be provided at time of final plat and recording.

**RECOMMENDATION:**

Staff is not typically supportive of flag lot waivers unless they are necessary to allow development of a particular property due to unique circumstances, such as topography, preservation of natural resources, limited frontage/access, etc. In communication with staff, the applicants have
expressed they do not intend to further subdivide or develop the property beyond Lot 1 until annexation and/or provision of adequate water and sanitary sewer service occurs. As outlined in the waiver request (Attachment ‘C’), the owner of Lot 1, Alec Marshall, understands the private financial costs associated with development of Lot 1, including driveway and utility service extensions. Additionally, staff has requested a future street layout, as identified on the preliminary plat (Attachment ‘B’), which shows how the remaining ground on Outlot Z may be developed in the future, including incorporation of Lot 1. Furthermore, Polk County will require the owners file a deed restriction at time of final plat that requires any future owner of Lot 1 to reconfigure the lot, driveway and utilities into a future development on the adjacent outlot. The City of Johnston has also indicated they would allow the creation of Lot 1 as proposed with the restriction that no further development or subdivision of the remaining ground be permitted until such time that the property is served by adequate water and sanitary sewer utilities.

Given the circumstances outlined above, staff is supportive of this request and recommends approval of the Preliminary Plat of Timber View Acres Plat 1, including the requested waivers to the flag lot requirements. Staff is supportive of the flag lot waivers due to the unique circumstances regarding the owners’ willingness to provide a deed restriction for Lot 1 to be incorporated into future development. In addition, the configuration of Lot 1 serves to preserve adjacent agricultural ground that would otherwise be impacted by a wider, more traditional lot layout in this instance. Approval is subject to the following condition:

1. The owners shall coordinate with Polk County and file a deed restriction at time of final plat that requires any future owner of Lot 1 to reconfigure the lot, driveway and utilities into a future development of Outlot Z.
Timber View Acres Plat 1
Major Preliminary Plat

PLAT INFORMATION: This subdivision plat proposes one (1) single-family residential lot, one (1) outlot and three (3) street lots on approximately 118.60 acres zoned “RR” Rural Residential District.

SEWER: Individual Septic Systems
WATER: Xenia Rural Water

TOWNSHIP: Jefferson
OWNER & DEVELOPER: Donald A. Beneventi, Trustee of the Donald A. Beneventi Revocable Trust & Alec Marshall (owners/developers)

Vicinity Map:
Polk County Public Works
Brian McDonough
Land Use Planning Coordinator
5885 NE 14th Street
Des Moines, Iowa 50313

Re: TIMBER VIEW ACRES PLAT 1 – Preliminary Plat

Brian,

Alec Marshall (Property Owner) requests a waiver of the following Polk County Subdivision Ordinance’s items in:

Article 5 Section 19 Paragraph J Item (2) – maximum flag lot flagpole length of 400 feet.

Article 5 Section 19 Paragraph J Item (3) – Not exceed 3 acres in size in areas without public sanitary sewer.

Alec has received by deed from his grandfather, Don Beneventi (adjacent property owner), a 10 acre parcel of land to build a residential dwelling lot that is partially occupied by the existing wooded area lying in the east half of the Southeast Quarter of Section 5-T80N-R25W line. By doing so, this has made the flagpole length 800 feet, of which, Alec is willing to bear the burden of cost and maintenance of the driveway access through the flagpole area of LOT 1. Alec requests a waiver to allow the extended 400 feet of flagpole length and the additional 7 acres of lot area.

Upon future development to the south of LOT 1 of TIMBER VIEW ACRES PLAT 1, Alec would consent to relocate his driveway access to a future Public Right-of-Way that is adjacent to or closer to the larger portion of LOT 1. He would then vacate and dedicate the flagpole area of LOT 1 (1.2 acres) to be a part of future adjacent lots. I have provided a conceptual layout of a future Public Right-of-Way on the provided Preliminary Plat of TIMBER VIEW ACRES PLAT 1 to illustrate how to achieve a shorter driveway access when adjacent future lots develop to the south.

Electric and telecommunication utilities within the flagpole area of LOT 1 would become public for access to adjacent future lots developed to the south, except for the private water service. The water service to LOT 1 would need to be relocated to a future water main in the vicinity of the future Public Right-of-Way for ease of access for maintenance by Des Moines Water Works.

Thank you for your consideration,

Matthew J. Thomas, PLS
Senior Land Surveyor
08/30/2022