



Date December 6, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST OF ARD PROPERTIES LLC FOR REVIEW AND APPROVAL OF A MAJOR PRELIMINARY PLAT "BAUER HEIGHTS PLAT 4" ON PROPERTY LOCATED IN THE VICINITY OF 5591 NORTHEAST 36TH COURT

WHEREAS, on November 18, 2021, the City of Des Moines Plan and Zoning Commission voted 11-0 for APPROVAL on a Request from ARD Properties, LLC (Owner), represented by Russ Downing (officer) for Review and Approval of a Major Preliminary Plat "Bauer Heights Plat 4" on property located in the vicinity of 5591 Northeast 36th Court (Parcel 7923-08-477-033) in Delaware Township (in unincorporated Polk County) within the two mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property to create two (2) residential lots and one (1) outlot, subject to the following:

- 1. Compliance with all comments of the administrative review by the Permit and Development Center; and
2. Provision of a note on the approved preliminary plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4 and 5 - Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."

WHEREAS, the Community Development Department recommends that the City waive its right to review of the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 354.8(2).

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the attached communication from the City Plan and Zoning Commission is hereby received and filed, and that the City hereby waives its right to review the Final Plat "Bauer Heights Plat 4".

Moved by _____ to adopt.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Assistant City Attorney

(PLAT -2021-000008)

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, TOTAL. Includes MOTION CARRIED and APPROVED status.

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City, hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

November 29, 2021

Communication from the City Plan and Zoning Commission advising that at their November 18, 2021 meeting, the following action was taken regarding a request from ARD Properties, LLC (owner), represented by Russ Downing (officer), for review and approval of a major Preliminary Plat "Bauer Heights Plat 4", for property in the vicinity of 5591 Northeast 36th Court (Parcel 7923-08-477-033) in Delaware Township (in unincorporated Polk County) within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the existing property to create two (2) residential lots and one (1) outlot.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar				X
Lisa Howard				X
Carolyn Jenison	X			
William Page				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of the requested Preliminary Plat for "Bauer Heights Plat 4," subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.

2. Provision of a note on the plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."
3. Recommends that the City Council waive its right to review the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 354.8(2). (PLAT-2021-000008)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Preliminary Plat for "Bauer Heights Plat 4," subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.
2. Provision of a note on the plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."

Staff also recommends that the City Council waive its right to review the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 354.8(2).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The developer is seeking to subdivide the property into 2 parcels for residential development and 1 outlot in unincorporated Polk County. Polk County is requiring the subdivision to go through their Preliminary Plat procedure.

Section 354.9 of the Iowa Code provides for review of land subdivision by a municipality within 2 miles of its corporate limit. When the territory overlaps with another municipal jurisdiction, the closer jurisdiction has right of review unless there is a separate intergovernmental agreement pursuant to Chapter 28E of the Iowa Code. In this instance, the City of Des Moines is closer to the property than the City of Ankeny.

2. **Size of Site:** 13.44 acres.
3. **Existing Zoning (site):** "ER" Estate Residential District (Polk County).
4. **Existing Land Use (site):** The property is currently a heavily wooded, undeveloped parcel.
5. **Adjacent Land Use and Zoning:**

North – "LDR" and "MDR" Low Density and Medium Density Residential Districts (Polk County), Uses are one-household dwelling units and undeveloped parcels.

South – “ER” Estate Residential District (Polk County), Uses are one-household dwelling units.

East – “ER” Estate Residential District (Polk County), Uses are one-household dwelling units.

West – “ER” Estate Residential District (Polk County), Uses are one-household residential units and an undeveloped parcel.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an unincorporated area of Polk County (Delaware Township) north of Des Moines, in between Ankeny and Altoona. The surrounding area is characterized by parcels devoted to agricultural uses, as well as one-household dwellings situated on large lots.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in an unincorporated area of Polk County (Delaware Township). Notifications of the hearing for this specific item were mailed on November 8, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the Preliminary Plat amendment boundary. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations in the City of Des Moines on November 10, 2021.
8. **Relevant Zoning History:** N/A.
9. **PlanDSM Land Use Plan Designation:** N/A. Polk County’s Comprehensive Plan 2030 Land Use map designates the property as Estate Residential.
10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if the Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code. The Commission shall also determine if it conforms to the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission’s action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

The Preliminary Plat is concurrently reviewed and would be given final approval by Polk County Board of Supervisors.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property contains a mix of open space, forested areas, and water features, such as a pond and a wetland area. A portion of the property is also designated as part of the 100-year floodplain.

Any future development is subject to enforcement of Polk County's ordinance for tree preservation, which is contained in Article 7, Division 4, Section 4 of the Polk County Zoning Code. Polk County has different methodology for preservation of existing woodlands and requires protection of different percentages of woodland areas depending on the maturity of the canopy.

Additionally, any future development must conform to the requirements of Article 7, Division 4, Sections 1 and 5 of the Polk County Zoning Code, which govern development in relation to floodplains and wetlands, respectively.

Staff is recommending that a notation be included on the plat documenting that "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."

2. **Drainage/Grading:** The subject property generally drains to the western portion of the site. With any future development, Polk County will have enforcement of drainage and storm water management under site plan development requirements within their adopted ordinances and standards.
3. **Utilities:** No changes to utilities have been noted. The applicant is proposing a private conservation easement to protect existing mature woodlands on the property.
4. **Traffic/Street System:** The subject property borders a southern terminus of Northeast 36th Court. The proposed subdivision includes access improvements – namely a shared driveway (providing access to each of the 2 new lots) that would connect to the existing terminus of Northeast 36th Court.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Chris Draper asked if the Article 7 conformance would be sufficient in ensuring no negative impact if development was to occur.

Jason Van Essen stated yes, this plat is under the purview of Polk County. The City of Des Moines has the opportunity to review the plat and make sure it wouldn't impede future development.

Jason Ledden, representing Snyder and Associates, stated the reason for the outlots would be to out lot the 100-year floodplain so no development can happen. The intent here is to provide two single family lots that will sit higher than the floodplain and the two out lots that will plat out the floodplain for street extension.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Emily Webb made a motion for approval of the requested Preliminary Plat for "Bauer Heights Plat 4," subject to the following conditions:

1. Compliance with all comments of the administrative review by the Permit and Development Center.
2. Provision of a note on the plat document: "future development is subject to 'Article 7, Division 4, Sections 1,4, and 5 – Natural Resources Protection: Floodplains, Woodlands, and Wetlands' of the Polk County Zoning Code."
3. Recommends that the City Council waive its right to review the Final Plat "Bauer Heights Plat 4" as allowed by Iowa Code Section 354.8(2).

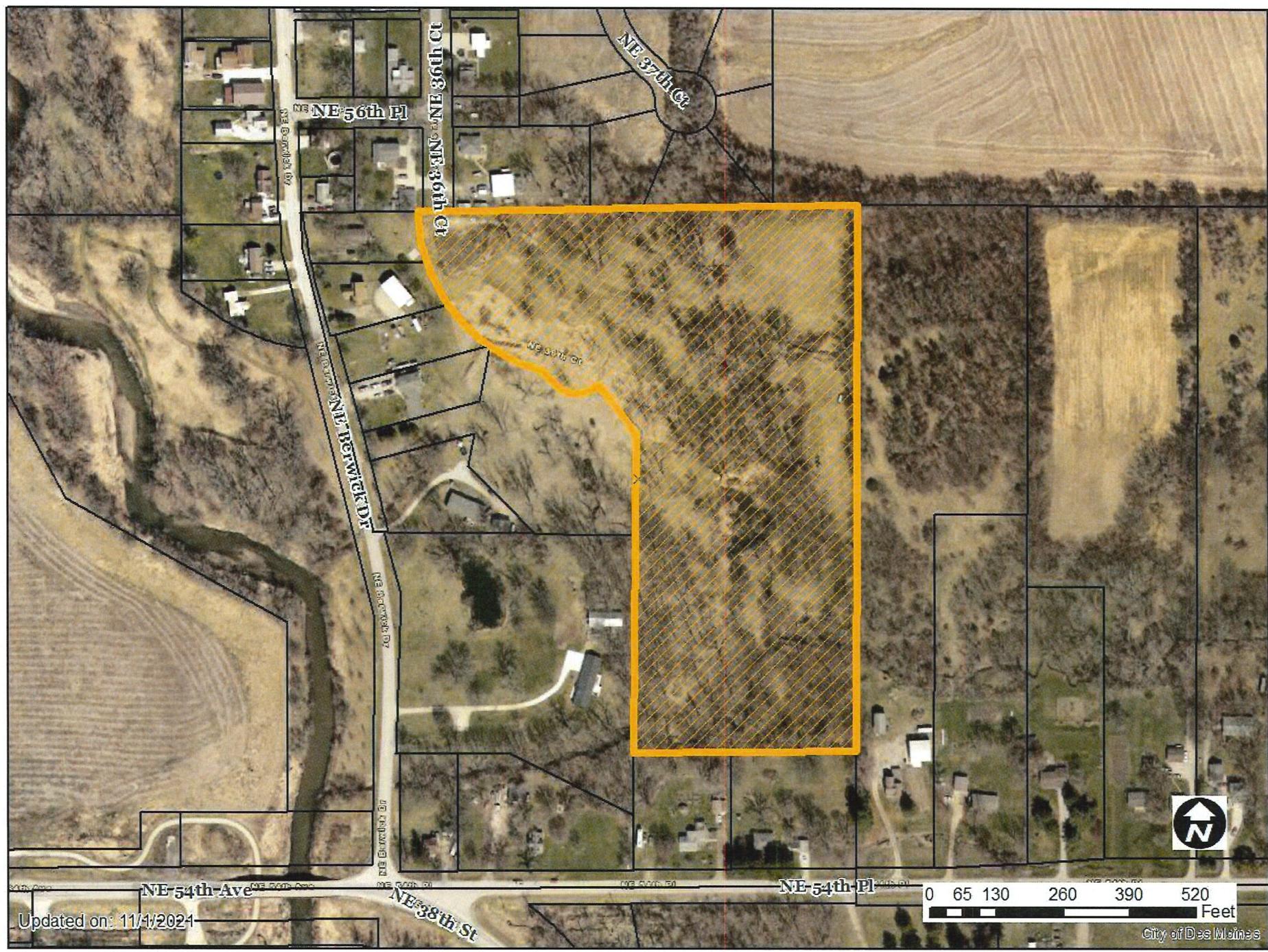
Motion passed: 11-0

Respectfully submitted,

Bt nt

Bert Drost, AICP
Planning & Urban Design Deputy Administrator

BAD:tjh



Updated on: 11/4/2021

1 inch = 246 feet

From: Rasima Turan <rasimaturan@hotmail.com>
Sent: Thursday, November 18, 2021 7:48 AM
To: Tarpey, Nicholas O.
Subject: PUBLIC HEARING

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

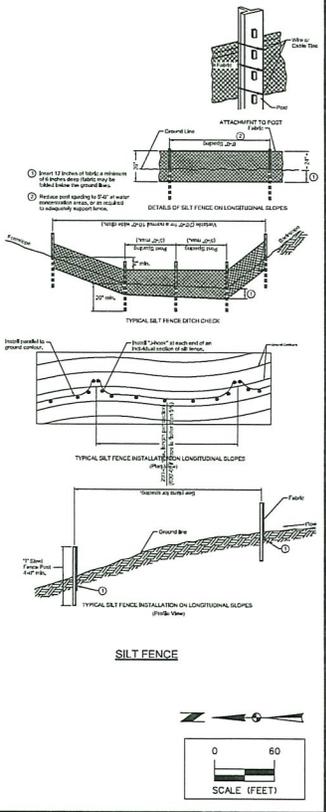
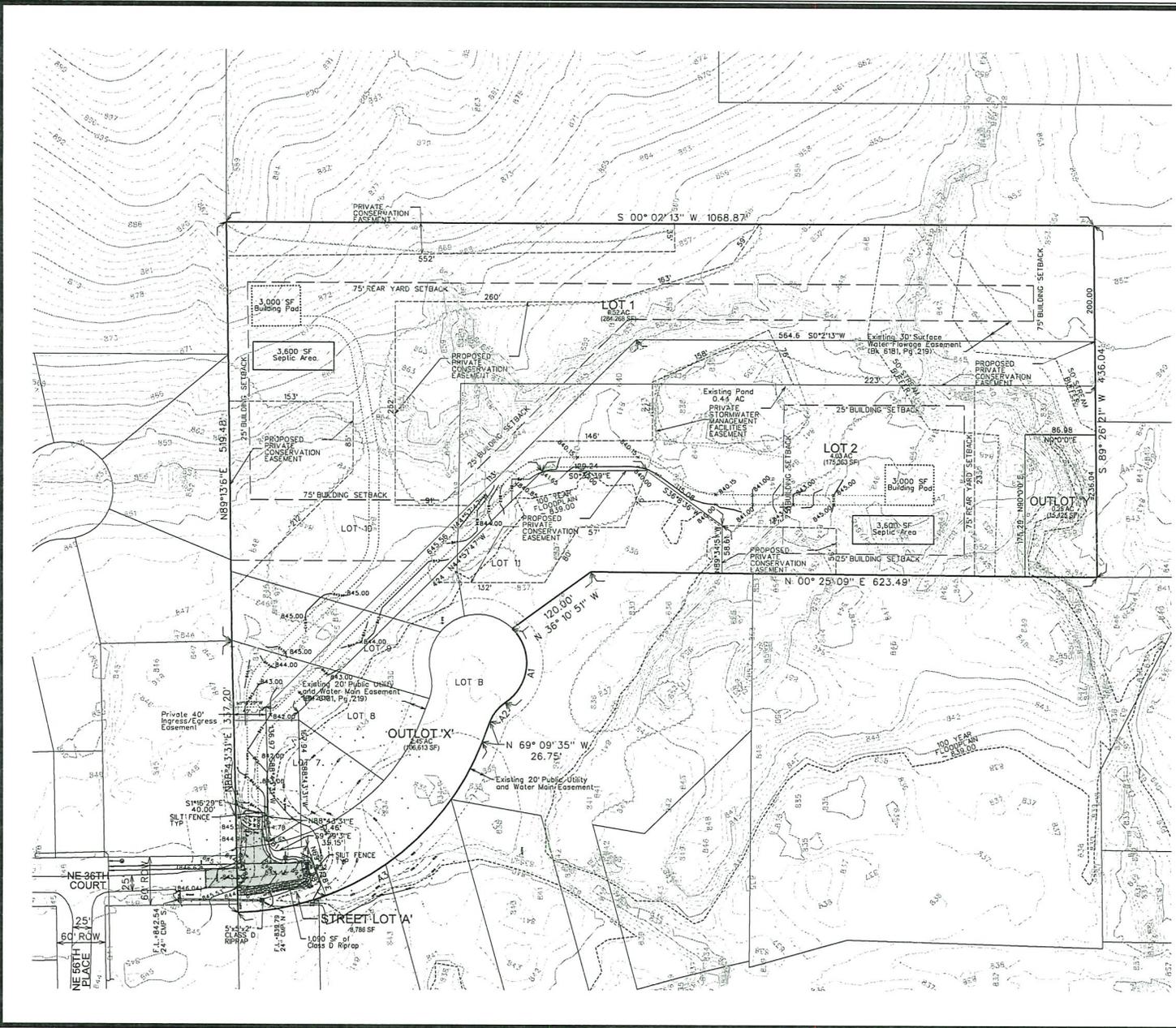
Good morning,

For public hearing today at 6:00pm for property 5591 NE 36th parcel 7923-08-477-033 in Delaware Township:
Do I have to be present or can I cast my vote?

I vote **NO** to allow subdivision of existing property.

Thanks,
Rasima,

WWW.ASSESSORS.IA.GOV
 2024 JUL 11 10:58 AM
 2024 JUL 11 10:58 AM
 2024 JUL 11 10:58 AM

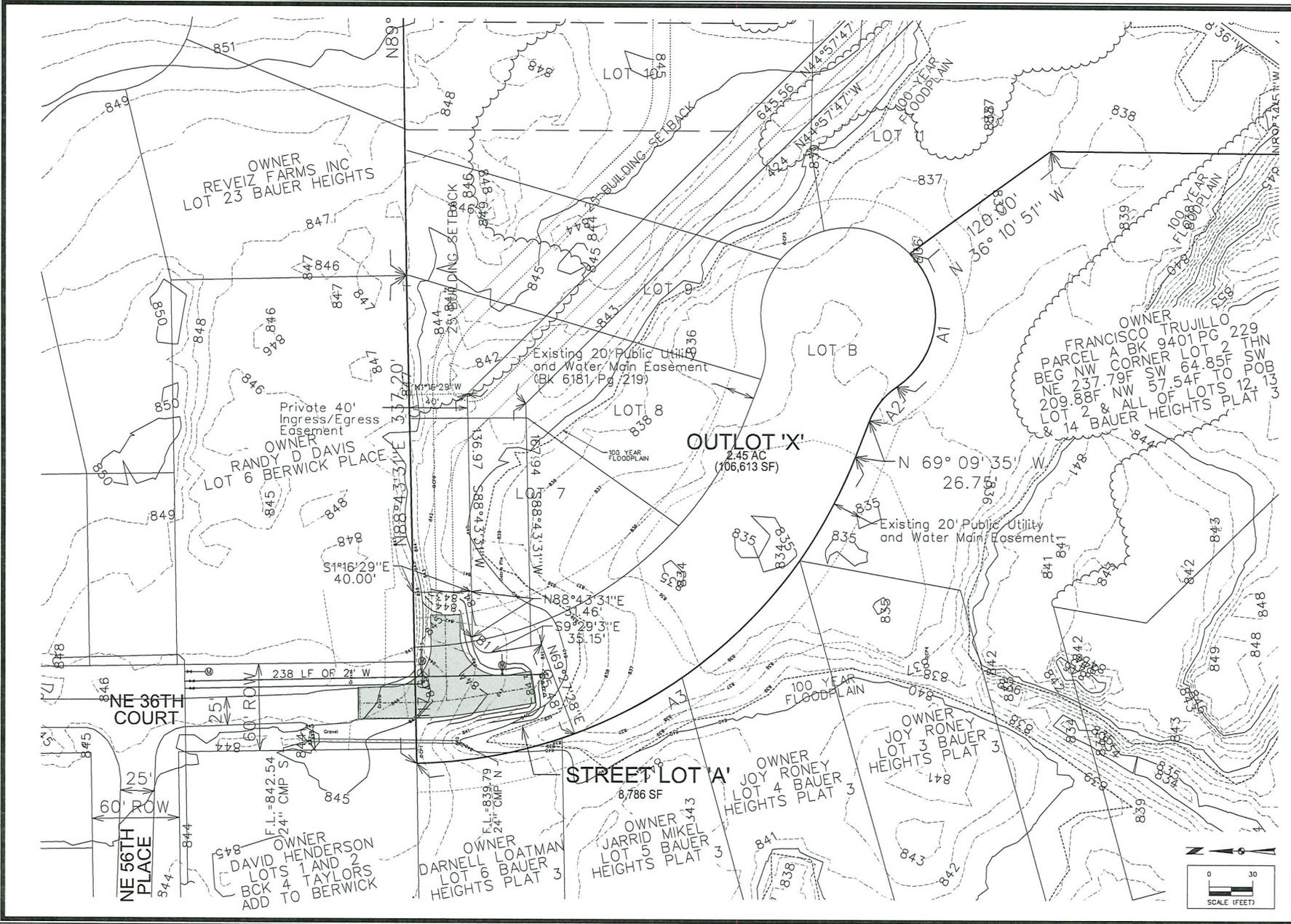


2	AS PER POLK COUNTY COMMENTS	10/9/21	LHW
2	AS PER OUT OF ALLOW COMMENTS	07/27/21	LHW
1	REVISION	07/27/21	LHW
1	PREPARED	07/27/21	LHW
1	DATE	07/27/21	LHW
1	CHECKED BY	JAL	Scale: 1"=100'
1	DATE	06/29/21	18x18x18
1	PROJECT NO.	121.0660	Sheet 3 of 4

BAUER HEIGHTS PLAT 4
PRELIMINARY PLAT - 2021 - GRADING AND EROSION CONTROL PLAN POLK COUNTY, IOWA
SNYDER & ASSOCIATES, INC.
 2727 S.W. SNYDER BLVD.
 ANKENY, IOWA 50023
 515-964-2020 | www.snyder-associates.com

SNYDER & ASSOCIATES
 Project No: 121.0660
 Sheet 3 of 4

DATE PLOTTED: 06/29/21 11:54 AM
PROJECT: BAUER HEIGHTS PLAT 4
DRAWN BY: JMM
CHECKED BY: JMM
SCALE: 1" = 30'



1	DATE PLOTTED	06/29/21
2	AS PER ONLY COUNTY COMMENTS	07/27/21
3	AS PER CITY OF ALTON COMMENTS	07/27/21
4	DATE	07/27/21
5	BY	BT
6	SCALE	1" = 30'
7	ENGINEER	LWM
8	CHECKED BY	JMM
9	DATE	06/29/21
10	PROJECT NO.	121.0650
11	SHEET NO.	4 of 4

BAUER HEIGHTS PLAT 4
PRELIMINARY PLAT - 2021 - UTILITY PLAN
SNYDER & ASSOCIATES, INC.
277 SW SNYDER BLVD.
ANNENY, IOWA 50025
515-964-2520 | www.snyder-associates.com

SNYDER & ASSOCIATES
POLK COUNTY, IOWA

OWNER REVEIZ FARMS INC
LOT 23 BAUER HEIGHTS

OWNER RANDY D DAVIS
LOT 6 BERWICK PLACE

OWNER FRANCISCO TRUJILLO
PARCEL A BK 9401 PG 229
NE 237.79F SW 64.85F SW
209.88F NW 57.54F TO POB
LOT 2 & ALL OF LOTS 12, 13
& 14 BAUER HEIGHTS PLAT 3

OWNER JOY RONEY
LOT 3 BAUER HEIGHTS PLAT 3

OWNER JARRID MIKEL
LOT 5 BAUER HEIGHTS PLAT 3

OWNER DARNELL LOATMAN
LOT 6 BAUER HEIGHTS PLAT 3

OWNER DAVID HENDERSON
LOTS 1 AND 2
BCK 4 TAYLORS
ADD TO BERWICK

OWNER JARRID MIKEL
LOT 5 BAUER HEIGHTS PLAT 3

OWNER JOY RONEY
LOT 3 BAUER HEIGHTS PLAT 3

OWNER DARNELL LOATMAN
LOT 6 BAUER HEIGHTS PLAT 3

OWNER DAVID HENDERSON
LOTS 1 AND 2
BCK 4 TAYLORS
ADD TO BERWICK