



Date December 12, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING MINOR PRELIMINARY PLAT "SCHMIDT'S ACRES" FOR SUBDIVISION OF PROPERTY IN THE VICINITY OF 1150 NORTHEAST 52ND AVENUE IN SAYLOR TOWNSHIP (UNINCORPORATED POLK COUNTY)

WHEREAS, on November 17, 2022, the City of Des Moines Plan and Zoning Commission voted 13-0 for APPROVAL of a Minor Preliminary Plat "Schmidt's Acres", submitted by Jean M. Schmidt (owner), represented by Janet L. Freel (officer), in form on file in the Development Services Department, for property located in the vicinity of 1150 Northeast 52nd Avenue in Saylor Township (Unincorporated Polk County) and within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow undeveloped property to be divided into one new residential lot and one outlot subject to compliance with all administrative review comments; and

WHEREAS, the Development Services Department recommends that the City waive its right to review the Final Plat "Schmidt's Acres" 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 the City hereby waives its right to review the Final Plat "Schmidt's Acres".

Moved by _____ to adopt. Second by _____

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr. _____

Gary D. Goudelock Jr.

Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED.

CERTIFICATE

I, LAURA BAUMGARTNER, 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

Date 12/12/22
 Agenda Item 17
 Roll Call # _____

December 6, 2022

Communication from the City Plan and Zoning Commission advising that at their November 17, 2022 meeting, the following action was taken regarding a request from Jean M. Schmidt (owner), represented by Janet L. Freel (officer), for review and approval of a Minor Preliminary Plat “Schmidt’s Acres,” for property located at 1150 Northeast 52nd Avenue in Saylor Township (unincorporated Polk County), and 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 1 new residential lot and 1 outlot.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar				X
Justyn Lewis				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			
Katie Gillette	X			

APPROVAL of the requested Preliminary Plat “Schmidt’s Acres,” subject to compliance with all administrative review comments and City Council waive its right to review the Final Plat “Schmidt’s Acres,” as allowed by Iowa Code Section 354.8(2).

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Preliminary Plat “Schmidt’s Acres,” subject to compliance with all administrative review comments.

Staff also recommends that the City Council waive its right to review the Final Plat "Schmidt's Acres," 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 in unincorporated Polk County into 1 parcel for residential development and 1 outlot. 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:** 6.856 acres.
- 3. Existing Zoning (site):** "LDR" Low-Density 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" Low Density Residential District (Polk County), Use is an undeveloped parcel.

South – "LDR" Low Density Residential District (Polk County), Uses are NE 52nd Avenue and one-household dwelling units.

East – "GC" General Commercial District District and "LDR" Low Density Residential District (Polk County), Uses are a hotel and a one-household dwelling unit.

West – "LDR" Low Density Residential District (Polk County), Uses are one-household dwelling units.

- 6. General Neighborhood/Area Land Uses:** The subject property is located in an unincorporated area of Polk County (Saylor Township) north of Des Moines, north of the 80/35 Interstate, and just west of Northeast 14th Street. The immediately-surrounding area is characterized by one-household dwellings situated on deep lots. A diverse mix of commercial uses defines the adjacent Northeast 14th Street corridor.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in an unincorporated area of Polk County (Saylor Township). Notifications of the hearing for this specific item were mailed on November 7, 2022 (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, 2022.

8. **Relevant Zoning History:** N/A.
9. **PlanDSM Land Use Plan Designation:** N/A. Polk County's Comprehensive Plan 2050 Land Use map designates the property as Low-Density 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. **Layout:** Approximately 61% of the land area of the subject property is proposed to be designated as an outlot, where no development would occur. An access drive from Northeast 52nd Avenue would lead into the developable portion of this platted area.
2. **Natural Site Features:** The subject property is currently a mostly-wooded area.
3. **Drainage/Grading:** The subject property generally drains from the southeast to the northwest. A surface water flowage easement is identified in the northwest corner of the plat. 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.
4. **Utilities:** No changes to public utilities have been noted.
5. **Traffic/Street System:** The subject property contains frontage along Northeast 52nd Avenue. The proposed subdivision demonstrates an ingress/egress easement that would contain a vehicular access drive leading from the developable area of the plat to the existing public street.

SUMMARY OF DISCUSSION

Nick Tarpey presented staff report and recommendation.

Chris Draper asked if the commission has the right to take action if they don't agree with staff recommendation.

Gary Goudelock stated Polk County will have the final decision as this is outside the commission's jurisdiction.

Nick Tarpey stated the recommendation from the Plan and Zoning Commission will be forwarded to Polk County.

Jeff Willie, 2706 NW 5th Street stated the purpose of this request is to preserve the woodland area and have access to a single-family lot they plan to develop.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Dory Briles made a motion for approval of the requested Preliminary Plat "Schmidt's Acres," subject to compliance with all administrative review comments and City Council waive its right to review the Final Plat "Schmidt's Acres," as allowed by Iowa Code Section 354.8(2).

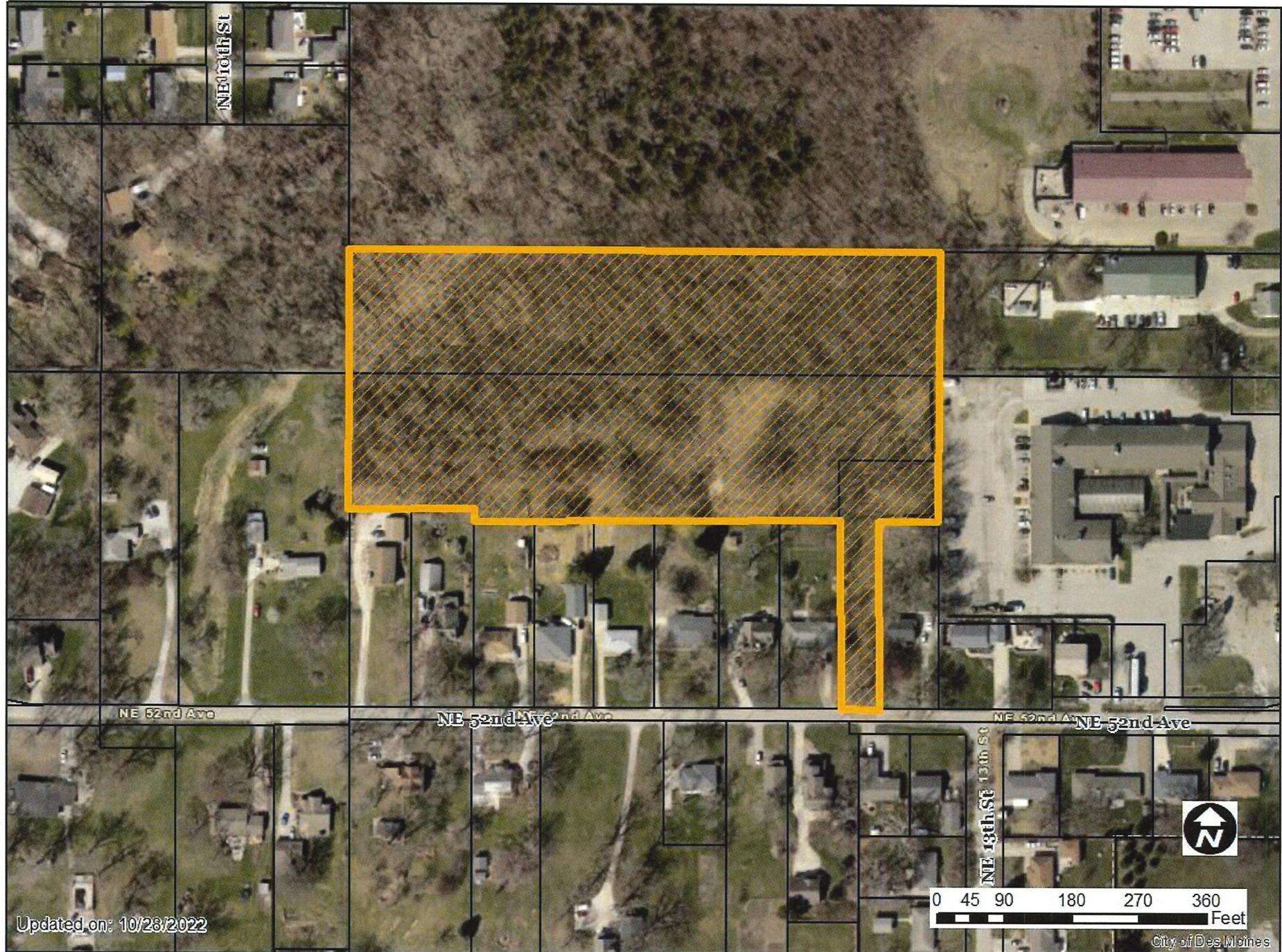
Motion passed: 13-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



PRELIMINARY PLAT APPROVAL:
 APPROVED APPROVED WITH CONDITIONS
 IN ACCORDANCE WITH CHAPTER 106, DES MOINES MUNICIPAL CODE, AS AMENDED
 DATE: _____ DEVELOPMENT SERVICES DIRECTOR: _____

NOTES

1. ANY NEW ENTRANCES WILL REQUIRE A POLK COUNTY ENTRANCE PERMIT.
2. MAILBOXES WITHIN THE ROAD RIGHT-OF-WAY SHALL BE OF A BREAKAWAY DESIGN.
3. ANY SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED SHALL BE RESTORED OR REQUIRED BY THE PROPERTY OWNER.
4. POST DEVELOPMENT RUNOFF WILL NOT ADVERSELY AFFECT DOWNSIDE FACILITIES OR PROPERTY OWNERS.
5. DUE TO SOIL TYPES, LIMITATIONS AND DISTURBANCE, ALTERNATE SPETEC SYSTEMS MAY BE REQUIRED. INDIVIDUAL WASTEWATER TREATMENT SYSTEMS SHALL BE DESIGNED BY AN ENGINEER.

FLOOD HAZARD INFORMATION

MAP #191530215F DATE: FEBRUARY 1, 2019

THIS AREA SHOWN ON FLOOD INSURANCE RATE MAP LABELED AS ZONE 'X' (AREAS OF MINIMAL FLOOD HAZARD).

UTILITY CONTACTS

MIDAMERICAN ENERGY
 GAS - 888-427-5632
 ELECTRIC - 888-427-5632

CENTURYLINK
 800-244-1111

POLK COUNTY PUBLIC WORKS
 AARON PUTNAM
 515-286-3705

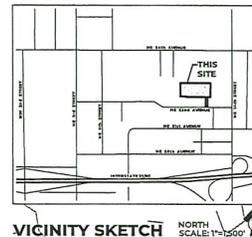
WATER
 DES MOINES WATER WORKS
 515-283-8700
 customerservice@dmww.com

SURVEYOR'S NOTES

1. ALL LOT CORNERS SHALL BE SET WITHIN ONE YEAR OF RECORDING.
2. THIS PLAT BOUNDARY HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 10,000.
3. EACH LOT IN THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 5,000.
4. BEARINGS BASED ON AN ASSUMED BEARING.

NOTES

1. NO IMPROVEMENTS ARE PROPOSED AT THIS TIME.
2. SERVICE TO ALL UTILITIES LOCATED ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE OWNER'S EXPENSE.
3. THE INTENT OF THE WOODLAND PROTECTION EASEMENT IS TO COVER THE REQUIRED 4.60 ACRES OF MATURE WOODLANDS PROTECTION AREA.
4. DES MOINES PLAN & ZONING COMMISSION MEETING HELD ON NOVEMBER 17, 2022.
5. POLK COUNTY TO ASSIGN ADDRESS.
6. THE INTENT OF THE PLAT IS TO CREATE A BUILDABLE LOT AND MEET ALL THE REQUIREMENTS OF THE POLK COUNTY ZONING & SUBDIVISION ORDINANCES.



MAJOR PRELIMINARY PLAT

SCHMIDT'S ACRES
 OWNER/APPLICANT
 JANET FREEL (TRUSTEE)
 15750 NW 5TH COURT
 DES MOINES, IA 50313
 515-371-3890 jfreel@dmci.com

ZONING
 LDR - LOW DENSITY RESIDENTIAL DISTRICT

UTILITIES
 WATER - DES MOINES WATER WORKS
 WASTEWATER - SEPTIC

BULK REGULATIONS
 MIN. LOT SIZE: 12,000 SQ FT
 MIN. LOT WIDTH: 75'
 PRINCIPAL BUILDING SETBACKS
 FRONT - 35'
 REAR - 35'
 SIDE - 10'
 MAX BUILDING COVERAGE - 30%

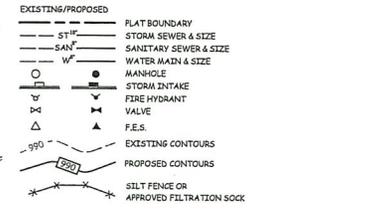
LEGAL DESCRIPTION
 PARCEL 79 OF THE PLAT OF SURVEY OF THE SOUTH 10.00 ROOFS OF LOT 7 OF THE OFFICIAL PLAT OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA RECORDED AT BOOK 8367 PAGE 71 IN THE OFFICE OF THE POLK COUNTY, IOWA RECORDER'S OFFICE

AND
 A TRACT OF LAND BEING A PART OF LOT 10 OF THE OFFICIAL PLAT OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 10 OF THE OFFICIAL PLAT OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, THENCE S00°32'27"W, 198.24 FEET ALONG THE EAST LINE OF SAID LOT 10, THENCE N89°47'40"W, 84.62 FEET, THENCE S00°07'17"E, 28.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NE 28th AVENUE AS IT IS PRESENTLY ESTABLISHED, THENCE N89°47'40"W, 49.85 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE, THENCE N00°13'06"W, 14.00 FEET, THENCE N89°47'40"W, 183.97 FEET, TO THE WEST LINE OF SAID LOT 10, THENCE N00°13'06"W, 14.00 FEET ALONG SAID WEST LINE, TO THE NORTHWEST CORNER OF SAID LOT 10, THENCE S89°58'24"E, 79.85 FEET ALONG NORTH LINE OF SAID LOT 10, TO THE NORTHEAST CORNER OF SAID LOT 10 AND TO THE POINT OF BEGINNING.

SAID TRACTS OF LAND CONTAIN 858 ACRES MORE OR LESS.
 SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.

LEGEND



CERTIFICATION

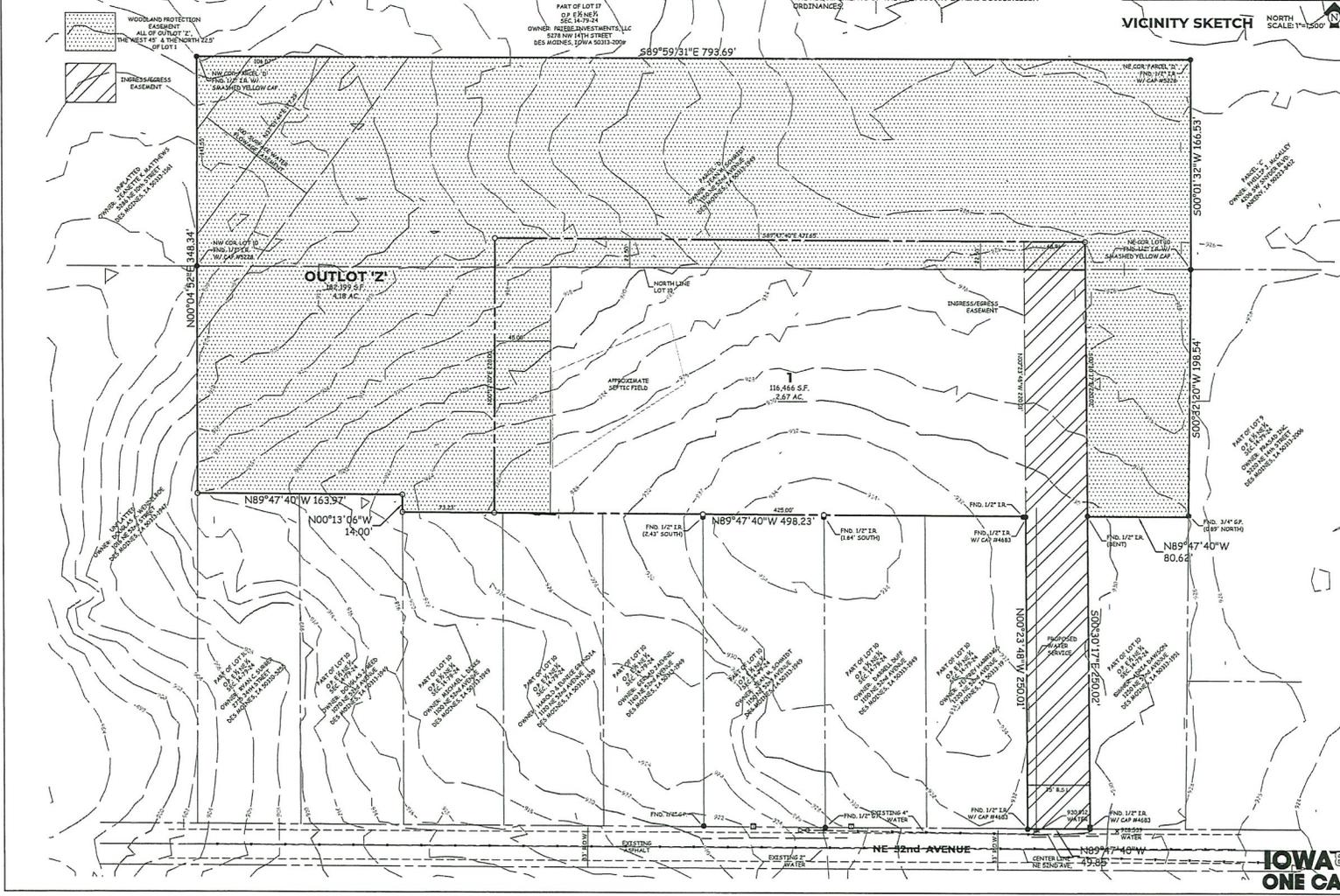
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

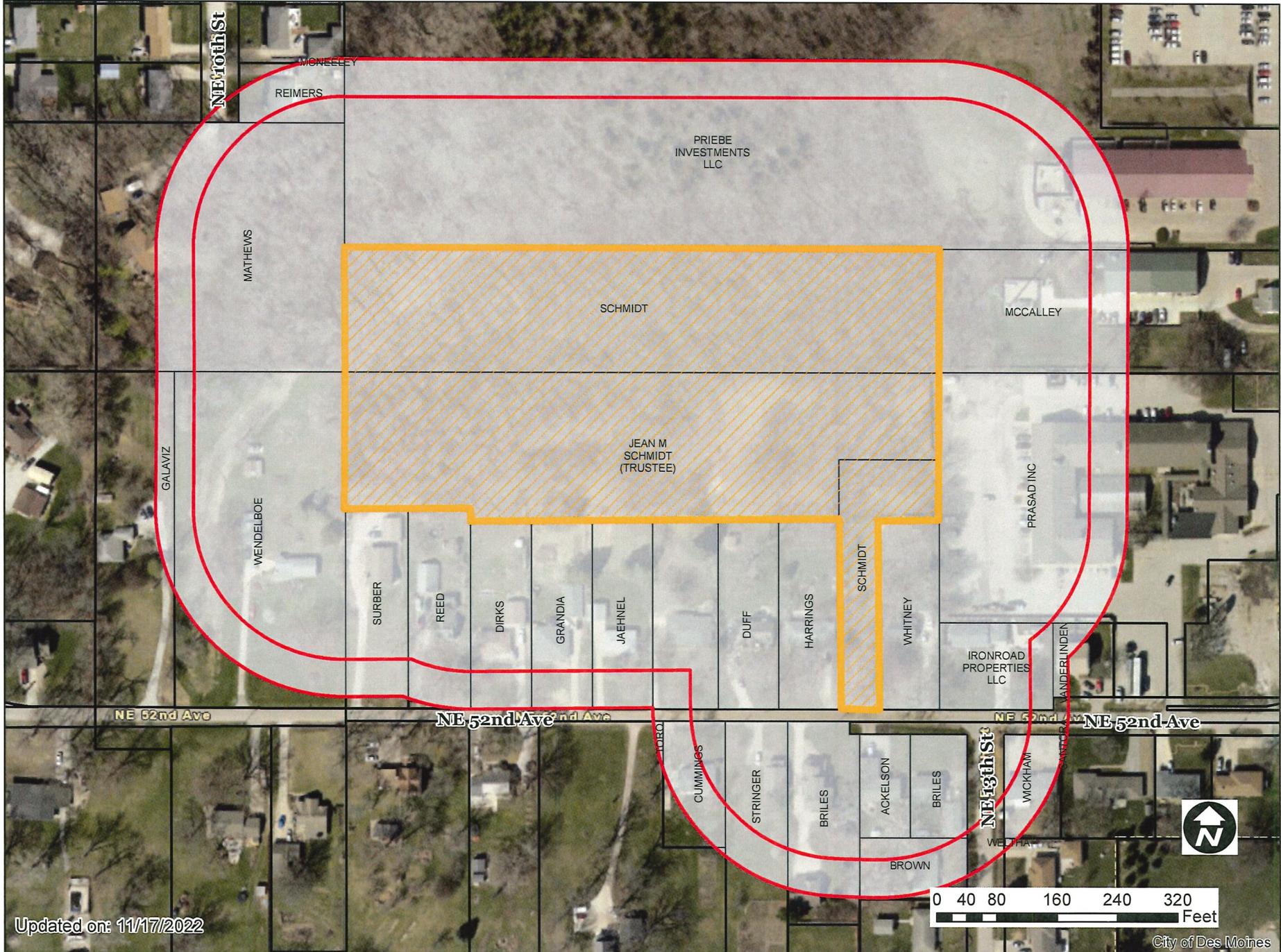
KEVEN J. CRAWFORD, P.E.
 IOWA LICENSE NO. 13185
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022
 PAGES OR SHEETS COVERED BY THIS SEAL: _____
 This sheet only.

COOPER CRAWFORD & Associates
 Civil Engineers & Land Surveyors
 475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
 PHONE: (515) 224-1344 FAX: (515) 224-1345

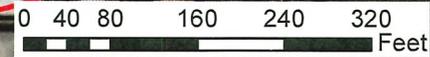
DATE: 7-27-2022
 REVISIONS:
 SCALE: 1"=40'
 JOB NUMBER: CC 2616

MAJOR PRELIMINARY PLAT
 SCHMIDT'S ACRES
 SHEET 1 OF 1





Updated on: 11/17/2022



City of Des Moines

1 inch = 169 feet