



Roll Call Number

Agenda Item Number

22

Date April 24, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING MAJOR PRELIMINARY PLAT "DEER MEADOWS FORMERLY KNOWN AS NYBECK ACRES," FOR PROPERTY LOCATED IN VICINITY OF 3502 113th AVENUE (UNINCORPORATED WARREN COUNTY)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2023, its members voted 9-0 to recommend **APPROVAL** of a Major Preliminary Plat "Deer Meadows formerly known as Nybeck Acres," for property located in vicinity of 3502 113th Avenue (unincorporated Warren County), and within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow for the creation of six (6) parcels on 24.35 acres of property; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 6, 2023, its members voted 9-0 to recommend that the City waive its right to review the Major Final Plat "Deer Meadows formerly known as Nybeck Acres" as allowed by Iowa Code 354.8(2), and the Development Services Department also recommends that the City waive its right to review the Major Final Plat.

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 Major Final Plat "Deer Meadows formerly known as Nybeck Acres".

MOVED BY _____ TO ADOPT. SECOND BY _____.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(PLAT-2023-000004)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ City Clerk

April 18, 2023

Communication from the City Plan and Zoning Commission advising that at their April 6, 2023 meeting, the following action was taken regarding a request from Eric/Jessica Nybeck, (owner), represented by Eric/Jessica Nybeck (officer), for review and approval of the Major Preliminary Plat “Deer Meadows formerly known as Nybeck Acres” to create six (6) parcels on 24.35 acres of property located in vicinity of 3502 113th Avenue in Unincorporated Warren County, which is within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Dan Drendel					X
Leah Rudolphi	X				
Carol Maher	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 “Deer Meadows formerly known as Nybeck Acres,” subject to compliance with all administrative review comments and recommends that the City Council waive its right to review the Final Plat “Deer Meadows formerly known as Nybeck 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 “Deer Meadows formerly known as Nybeck Acres,” subject to compliance with all administrative review comments.

Staff also recommends that the City Council waive its right to review the Final Plat “Deer Meadows formerly known as Nybeck Acres,” as allowed by Iowa Code Section 354.8(2).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to subdivide the property in unincorporated Warren County into six (6) parcels for one-household residential lots. Warren County is requiring the subdivision to go through their Preliminary Platting procedure, as well.

Section 354.9 of the Iowa Code provides for review of land subdivisions 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 closest.

2. **Size of Site:** 24.53 acres.
3. **Existing Zoning (site):** “RR-1” Rural Residential District (Warren County).
4. **Existing Land Use (site):** The property currently is undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – “A-1” Agricultural District (Warren County), Use is agricultural.
 - South** – “A-1” Agricultural District (Warren County), Use is one-household dwelling units.
 - East** – “A-1” Agricultural District (Warren County), Use is undeveloped land.
 - West** – “R-1” Suburban Residential District (Warren County), Use is undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an unincorporated area of Warren County (Greenfield Township) 1.3 miles south of the Des Moines city limits. This site is adjacent to 113th Avenue located south of Carpenter Street and north of Dakota Street. The surrounding area is mostly a mix of agricultural land, one-household dwellings, and undeveloped parcels.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in an unincorporated area of Warren County (Greenfield Township) and not within a recognized neighborhood. All neighborhood associations were notified of the Commission Meeting by email of the Preliminary Agenda on March 17, 2023 and by

email of the Final Agenda on March 31, 2023. Notifications of the hearing for this specific item were mailed on March 27, 2023 (10 days prior to the hearing) to all neighborhood associations and primary titleholder on file with the Warren County Assessor for each property within 250 feet of the Preliminary Plat boundary.

8. Relevant Zoning History: N/A.

9. PlanDSM Land Use Plan Designation: N/A. Warren County's 2002 Future Land Use map designates the property as Agriculture/Conservation.

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 Warren County Board of Supervisors.

II. ADDITIONAL APPLICABLE INFORMATION

1. Layout: This preliminary plat would subdivide the existing two (2) parcels into six (6) one-household residential lots with a private street bisecting the three parcels to the north and south.

2. Utilities: The applicant is proposing to provide a private water main extension served by Warren Water District and electrical easements for electrical service provided by MidAmerican Energy.

3. Traffic/Street System: The applicant is proposing to construct a private street off of 113th Avenue with a cul-de-sac turnaround.

SUMMARY OF DISCUSSION

Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Emily Webb made a motion for approval of the requested Preliminary Plat "Deer Meadows formerly known as Nybeck Acres," subject to compliance with all administrative review comments and recommends that the City Council waive its right to review the Final Plat "Deer Meadows formerly known as Nybeck Acres," as allowed by Iowa Code Section 354.8(2).

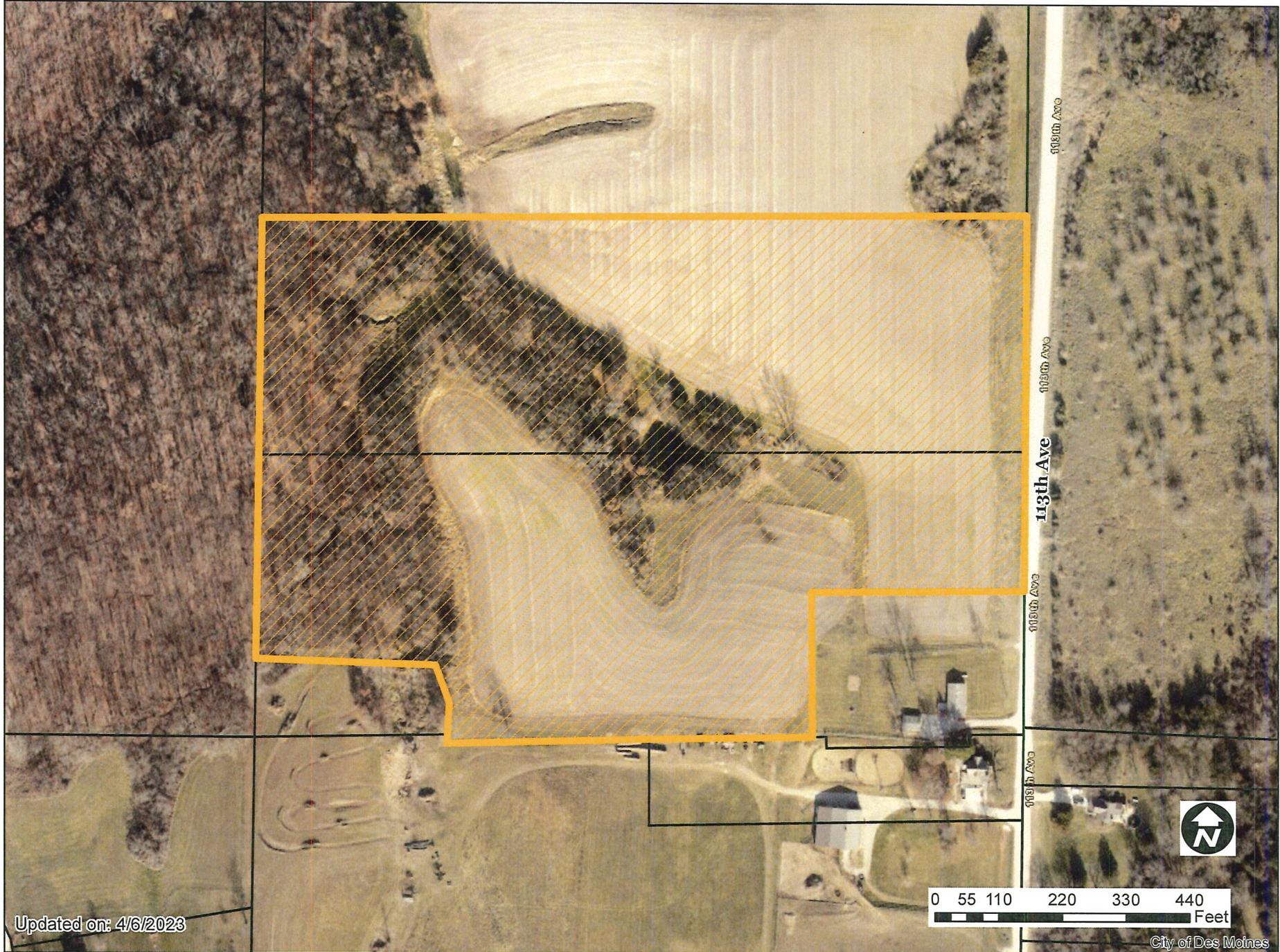
Motion passed: 9-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 4/6/2023

0 55 110 220 330 440 Feet



City of Des Moines

1 inch = 220 feet

PRELIMINARY PLAT DEER MEADOWS WARREN COUNTY

OWNER / DEVELOPER

ERIC & JESSICA NYBECK
1814 3RD AVE SE
ALTONNA, IA 50009
PH. (563)-663-0996

ZONING

RS-1

BULK REGULATIONS

LOT AREA - 7.0 AC MIN.
LOT WIDTH - 150 FEET MIN.
SETBACKS
FRONT - 50'
REAR - 50'
SIDE - 15'

ACCESSORY BUILDING SETBACKS

FRONT - 50'
REAR - 50'
SIDE - 25'

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 14 WEST OF THE 5th P.M., WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 'AD' & 'AE' OF THE PLAT OF SURVEY RECORDED IN BOOK 2021 PAGE 10794, WARREN COUNTY, IOWA.

S410 TRACT OF LAND CONTAINS 24.530 ACRES MORE OR LESS, INCLUDING 0.499 AC. OF ROADWAY EASEMENT

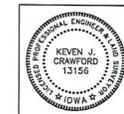
S410 TRACT OF LAND BEING SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

NOTES

1. WATER SUPPLIED BY WARREN COUNTY WATER DISTRICT.
2. EACH LOT WILL HAVE SEPTIC.

LEGEND

- EXISTING/PROPOSED
- PLAT BOUNDARY
 - ST™ STORM SEWER & SIZE
 - SAN™ SANITARY SEWER & SIZE
 - W™ WATER MAIN & SIZE
 - MAN-HOLE
 - STORM INTAKE
 - ▽ FIRE HYDRANT
 - ▽ VALVE
 - △ F.E.S.
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - SILT FENCE OR APPROVED FILTRATION SOCK

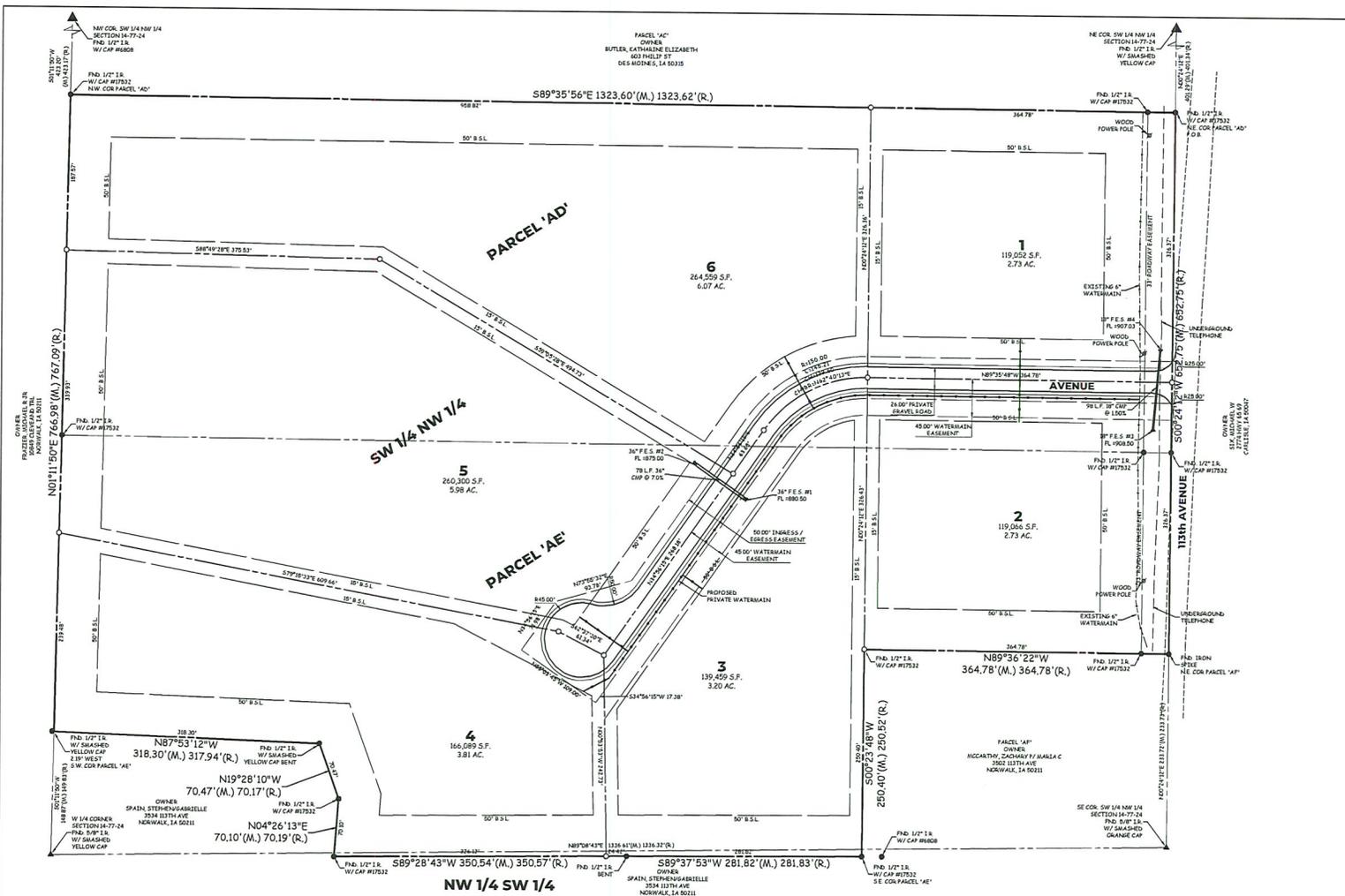


I HEREBY CERTIFY THAT THIS ENGINEERING OR LAND SURVEYING DOCUMENT AND THE RELATED SURVEY WORK WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A SOLE LICENSED PROFESSIONAL ENGINEER & LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

KVEN J. CRAWFORD, P.E., P.L.S. IOWA LICENSE NO. 13156
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024
PAGE(S) OR SHEET(S) COVERED BY THIS SEAL:
SHEETS 1-2

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: 2-7-2023 JOB NUMBER
REVISIONS: 3-3-2023
CC 2702
AS-BUILT: PRELIMINARY PLAT DEER MEADOWS SHEET 1 OF 2

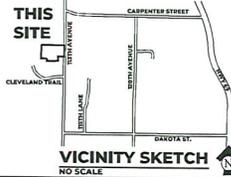


CITY OF DES MOINES NOTES
PLAN AND ZONING COMMISSION
DATE: 4-6-2023
COMMISSION ACTION: (member) MADE MOTION FOR APPROVAL OF THE REQUESTED PRELIMINARY PLAT "NYBECK ACRES", SUBJECT TO THE FOLLOWING CONDITIONS:
1. COMPLIANCE WITH ALL ADMINISTRATIVE REVIEW COMMENTS
2. RECOMMENDS THAT THE CITY COUNCIL WAIVE ITS RIGHT TO REVIEW THE FINAL PLAT "NYBECK ACRES" AS ALLOWED BY IOWA CODE SECTION 354.8(2)
THE VOTE: 13-0

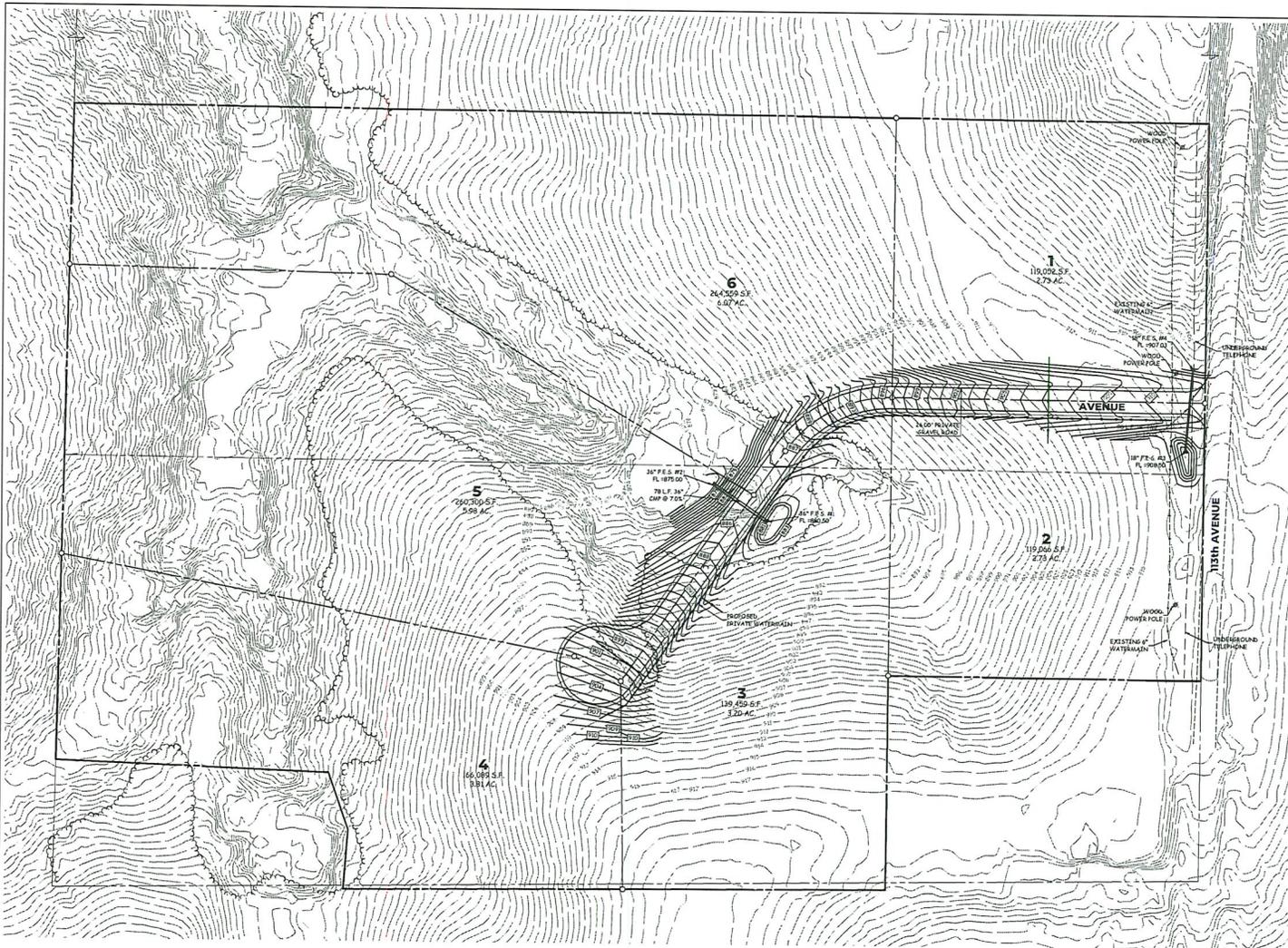
PRELIMINARY PLAT APPROVAL:

APPROVED APPROVED WITH CONDITIONS
IN ACCORDANCE WITH CHAPTER 106, DES MOINES MUNICIPAL CODE, AS AMENDED

DATE: _____ DEVELOPMENT SERVICES DIRECTOR



PRELIMINARY PLAT
DEER
MEADOWS
WARREN COUNTY



LEGEND

- | | |
|-----|--|
| --- | FLAT BOUNDARY |
| --- | STP |
| --- | W |
| ○ | MANHOLE |
| ○ | STORM INTAKE |
| ▽ | FIRE HYDRANT |
| ▽ | VALVE |
| △ | F.E.S. |
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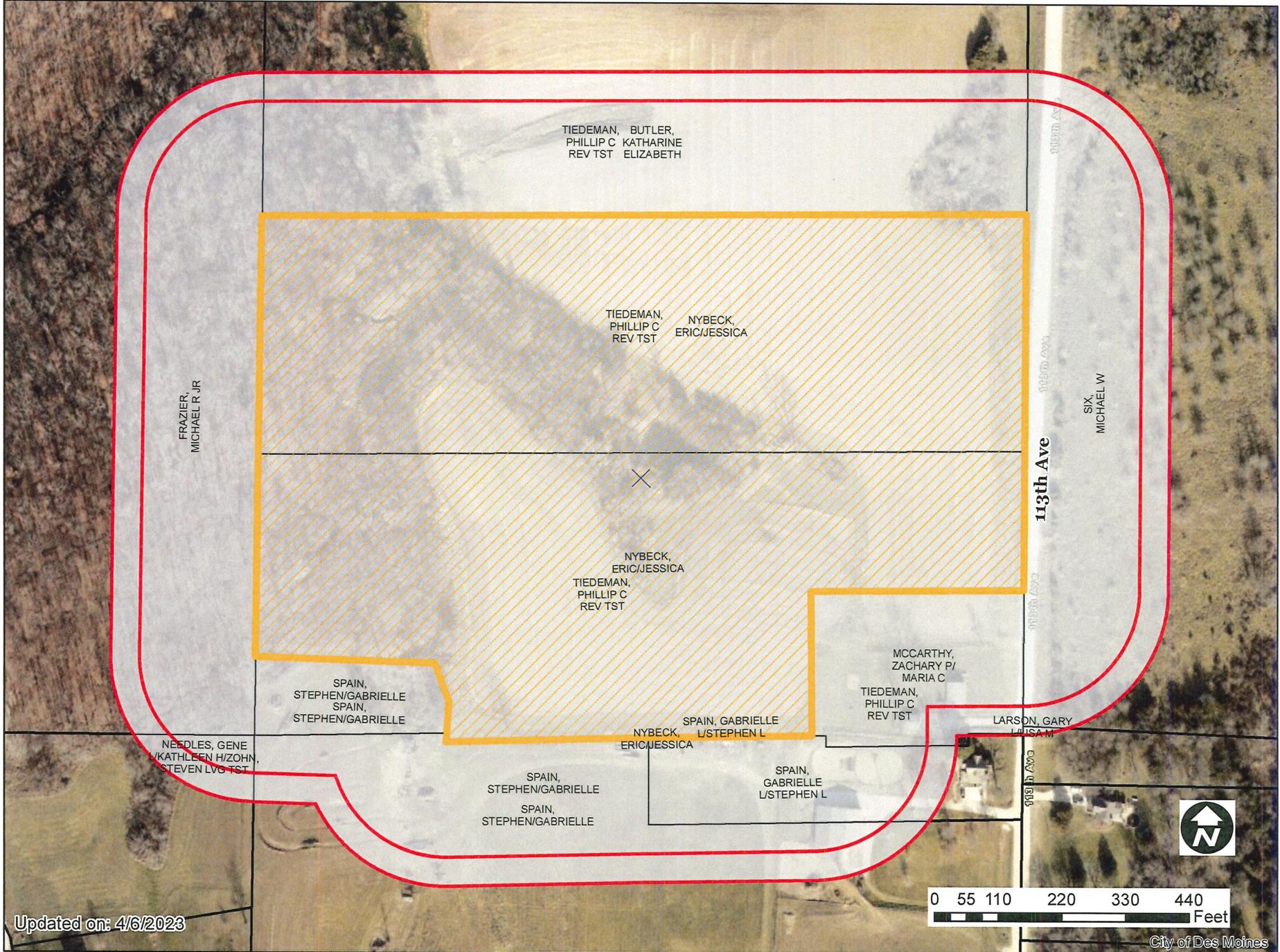
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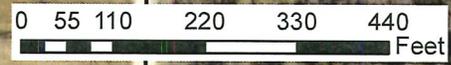
AS-BUILT:
 PRELIMINARY PLAT
 DEER MEADOWS
 SHEET
 2 OF 2



Eric & Jessica Nybeck, Vicinity of 3502 113th Avenue in Unincorporated Warren County PLAT-2023-000004



Updated on: 4/6/2023



City of Des Moines

1 inch = 220 feet