



Roll Call Number

Agenda Item Number

19

Date February 24, 2025

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "DELANY ACRES PLAT 1" ON 15.49 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 4789 NE 33RD COURT IN UNINCORPORATED POLK COUNTY

WHEREAS, on February 6, 2025, the City of Des Moines Plan and Zoning Commission voted 13-0 to APPROVE a request from Pamela Delaney (Owner) for Preliminary Plat "Delaney Acres Plat 1" on 15.49 acres of property in the vicinity of 4789 NE 33rd Court in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be subdivided into two (2) buildable lots and two (2) outlots.

WHEREAS, the Development Services Department recommends that the City waive its right to review the Final Plat "Delaney Acres Plat 1" as allowed by Iowa Code 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 "Delaney Acres Plat 1".

MOVED BY _____ to receive and file.

Second by _____.

FORM APPROVED:

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

(PLAT-2024-000077)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, COLEMAN, GATTO, MANDELBAUM, SIMONSON, VOSS, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

Date 2/24/25

Agenda Item 19

Roll Call # _____

February 10, 2025

Communication from the City Plan and Zoning Commission advising that at their February 6, 2025 meeting, the following action was taken on a request from Pamela Delaney (owner) for review and approval of a Preliminary Plat "Delaney Acres Plat 1" on 15.49 acres of property in the vicinity of 4789 NE 33rd Court in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be subdivided into two (2) buildable lots and two (2) outlots.

COMMISSION RECOMMENDATION: 13-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel					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				
Rick Trower	X				
Jane Rongerude	X				

Approval of the proposed Preliminary Plat, subject to compliance with all administrative review comments.

Also recommends that the City Council waive its right to review the Final Plat "Delaney Acres Plat 1," as allowed by Iowa Code Section 354.8(2).

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Preliminary Plat, subject to compliance with all administrative review comments.

Staff also recommends that the City Council waive its right to review the Final Plat "Delaney Acres Plat 1," 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 proposing to subdivide the subject property to allow for development of a second buildable lot for a one-household residential use. The property is within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines.

2. **Size of Site:** 15.49 acres.

3. **Existing Zoning (site):** N/A.

4. **Existing Land Use (site):** The property contains a one-household residence.

5. **Adjacent Land Use and Zoning:**

North – Use is one-household residential.

South – Use is one-household residential.

East – Use is open space.

West – Use is one-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located outside of Des Moines' corporate limits in unincorporated Polk County at the intersection of Northeast 33rd Court and Northeast 48th Avenue. The surrounding area consists of one-household residential, agriculture, and open space.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of a recognized neighborhood. All neighborhood associations were notified of the public hearing by emailing the Preliminary Agenda on December 27, 2024, and of the Final Agenda on January 10, 2024.

A 10-day notice of this specific item was mailed on January 27, 2025 to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject site. All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department.

8. **Relevant Zoning History:** N/A.

9. **PlanDSM Future Land Use Plan Designation:** N/A.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code 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 Center 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.

II. ADDITIONAL APPLICABLE INFORMATION

The preliminary plat proposes to divide the existing property into two (2) lots, including one (1) lot for the existing one-household residence and accessory building, and one (1) lot for a future one-household residence. Additionally, two (2) outlots would be created on the east portion of the site where the Four Mile Creek flood zone encroaches on the property.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION

Carolyn Jenison made a motion for approval of the proposed Preliminary Plat, subject to compliance with all administrative review comments.

Also recommends that the City Council waive its right to review the Final Plat "Delaney Acres Plat 1," as allowed by Iowa Code Section 354.8(2).

THE VOTE: 13-0

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw



NE 18th Ave

NE 33rd Ct



Updated on: 1/13/2025

City of Des Moines



View of the existing one-household residence at 4789 NE 33rd Court.



View of 4789 NE 33rd Court. Looking northeast from NE 33rd Court.

DELANEY ACRES PLAT 1

MAJOR PRELIMINARY PLAT

OWNER / DEVELOPER

PAMELA GAY DELANEY
SARAH MARIE HENT
4789 NE 33RD CT
DES MOINES, IA 50317
PHONE: 515-971-6412

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
4121 NW URBANDALE DRIVE
URBANDALE, IA 50312
CONTACT: EMILY HARRING
PHONE: 515-268-4400

ZONING

LIR - LOW DENSITY RESIDENTIAL DISTRICT

BULK REGULATIONS

LIR SINGLE FAMILY
MIN LOT SIZE: 12000 SF
MIN LOT WIDTH: 75 FEET
FRONT SETBACK: 35 FEET
SIDE SETBACK: 10 FEET
REAR SETBACK: 35 FEET
MAX BUILDING COVERAGE: 30%

EXISTING SITE ADDRESS

4789 NE 33RD COURT

EXISTING TAX PARCEL

79231745001

AREA

15.14 ACRES (359,371 SQUARE FEET)

DATE OF SURVEY

MAY 15, 2024

PLAT DESCRIPTION

THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 29 NORTH, RANGE 13 WEST OF THE 5TH P.M., EXCEPT THE SOUTH 810 FEET THEREOF, AND EXCEPT ROADWAY OVER THE WEST 33 FEET THEREOF, IN POLK COUNTY, IOWA.

UTILITY CONTACTS

IDA/AMERICAN
CONTACT: JANE NEER
PHONE: 5152528972
EMAIL: MCCORMACKS@LOCATES@IDA/AMERICAN.COM

DES MOINES WATER WORKS
CONTACT: ED CLARK
PHONE: 5152528244
EMAIL: ONECALLMAPS@DMWW.COM

POLK COUNTY SANITARY SEWER
POLK COUNTY PUBLIC WORKS
PHONE: 515-288-3705

NOTES

- ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
- LOTS MAY BE SUBJECT TO MINIMUM PROTECTION ELEVATIONS AND OTHER ELEVATION RESTRICTIONS NOT SHOWN ON THIS PLAT. REFER TO THE APPROVED PROJECT ENGINEERING DOCUMENTS FOR ANY ELEVATION RESTRICTIONS.
- MAINTAIN THE ROAD RIGHT-OF-WAY SHALL BE AT A BREAKAWAY DESIGN.
- THE EXISTING BUILDINGS NOTED TO BE REMOVED SHALL BE DEMED 50 FEET TO FINAL PLAT APPROVAL.
- FUTURE DEVELOPMENT OF THE PROPERTY IS SUBJECT TO ARTICLE 7, SECTION 4, "NATURAL RESOURCE, PROTECTIVE WOODLANDS" OF THE POLK COUNTY ZONING CODE, WHICH PRESERVES WOODED AREAS OF THE PROPERTY.
- ANY SUBSURFACE DRAINAGE FACILITIES THAT ARE OBSERVED MUST BE RESTORED OR REINSTATED BY THE PROPERTY OWNER.
- SERVICES TO ALL UTILITIES LOCATED ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE LOT OWNER'S EXPENSE.
- MAINTENANCE OF ALL DRAINAGE EASEMENTS TO BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- CULVERTS TO BE USED FOR CROSSING DRAINAGE EASEMENTS MUST BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
- POST DEVELOPMENT RUNOFF WILL NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
- IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO APPLY FOR AND OBTAIN ANY STORM WATER DISCHARGE PERMITS FROM THE IOWA DEPARTMENT OF NATURAL RESOURCES.
- POLK COUNTY DOES NOT REQUIRE OR ISSUE PERMITS FOR SIDEWALKS AND DOES NOT ACCEPT THE LIABILITY AND/OR RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE, REPAIR, OR MAINTENANCE THEREOF OF ANY STREET SIDEWALKS INSTALLED IN THE PLAT BY ANY HOME OWNER.
- ONE TO SOIL TYPES, LIMITATIONS, AND DISTURBANCE, ALTERNATIVE SEPTIC SYSTEMS MAY BE REQUIRED. INDIVIDUAL WASTEWATER TREATMENT SYSTEMS SHALL BE DESIGNED BY AN ENGINEER.
- CRACKING CONTRACTORS SHALL BE REQUIRED TO PROVIDE 4" YEAR MAINTENANCE BOND FOR EROSION CONTROL. THE SOIL STORM WATER DISCHARGE PERMIT SHALL BE REQUIRED PRIOR TO GRADING OPERATIONS.
- ACCESS TO EACH LOT IS RESTRICTED TO NE 33RD COURT.
- THE PURPOSE OF THE OUTLOTS IS TO SEPARATELY CAPTURE THE FLOODPLAIN AREAS FOR FINANCING/ FLOOD INSURANCE ADVANTAGE PURPOSES. OUTLOTS ARE REQUIRED TO BE TIED TO THE ADJACENT BUILDING LOTS 1 AND 2 AT THE TIME OF FINAL PLAT. OUTLOT "Y" WILL HAVE THE SAME OWNER AS LOT 1.
- ANY NEW ENTRANCE WILL REQUIRE A POLK COUNTY ENTRANCE PERMIT.
- FUTURE SANITARY SEWER WILL BE EXTENDED BY POLK COUNTY AS PART OF THE NORTHWOODVILLE URBAN RENOVATION PLAN. EXISTING SELLING ON LOT 2 IS ALREADY CONNECTED TO SEWER. LOT 1 IS ALLOWED TO INSTALL A PRIVATE SEPTIC AT THIS TIME. HOWEVER, AT THE TIME PUBLIC SEWER IS EXTENDED, LOT 1 WILL BE REQUIRED TO CONNECT TO SANITARY SEWER.

LEGEND

FOUND	SET
SECTION CORNER AS NOTED	▲ ▲
1/2" REBAR, YELLOW PLASTIC CAP #15980 (UNLESS OTHERWISE NOTED)	● ○
MEASURED BEARING & DISTANCE	M
RECORDED BEARING & DISTANCE	R
DESIGN BEARING & DISTANCE	D
PUBLIC UTILITY EASEMENT	P.U.E.
CURVE ARC LENGTH	AL
LOT ADDRESS	(1234)
SECTION LINE	---
EASEMENT LINE	---
BUILDING SETBACK LINE	---
PLAT BOUNDARY	---

VICINITY MAP

SCALE: 1" = 200'



POLK COUNTY, IOWA

FLOOD ZONE CLASSIFICATION

SUBJECT PROPERTY IS LOCATED IN ZONE "X", SHADDED ZONE "AE" AND UNSHADDED ZONE "AE" (AREAS DETERMINED TO BE WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FOR POLK COUNTY, IOWA, MAP NUMBER 191530222F WITH A REVISION DATE OF FEBRUARY 1, 2018.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY BOUND BILLS FORWARDED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A QUALY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

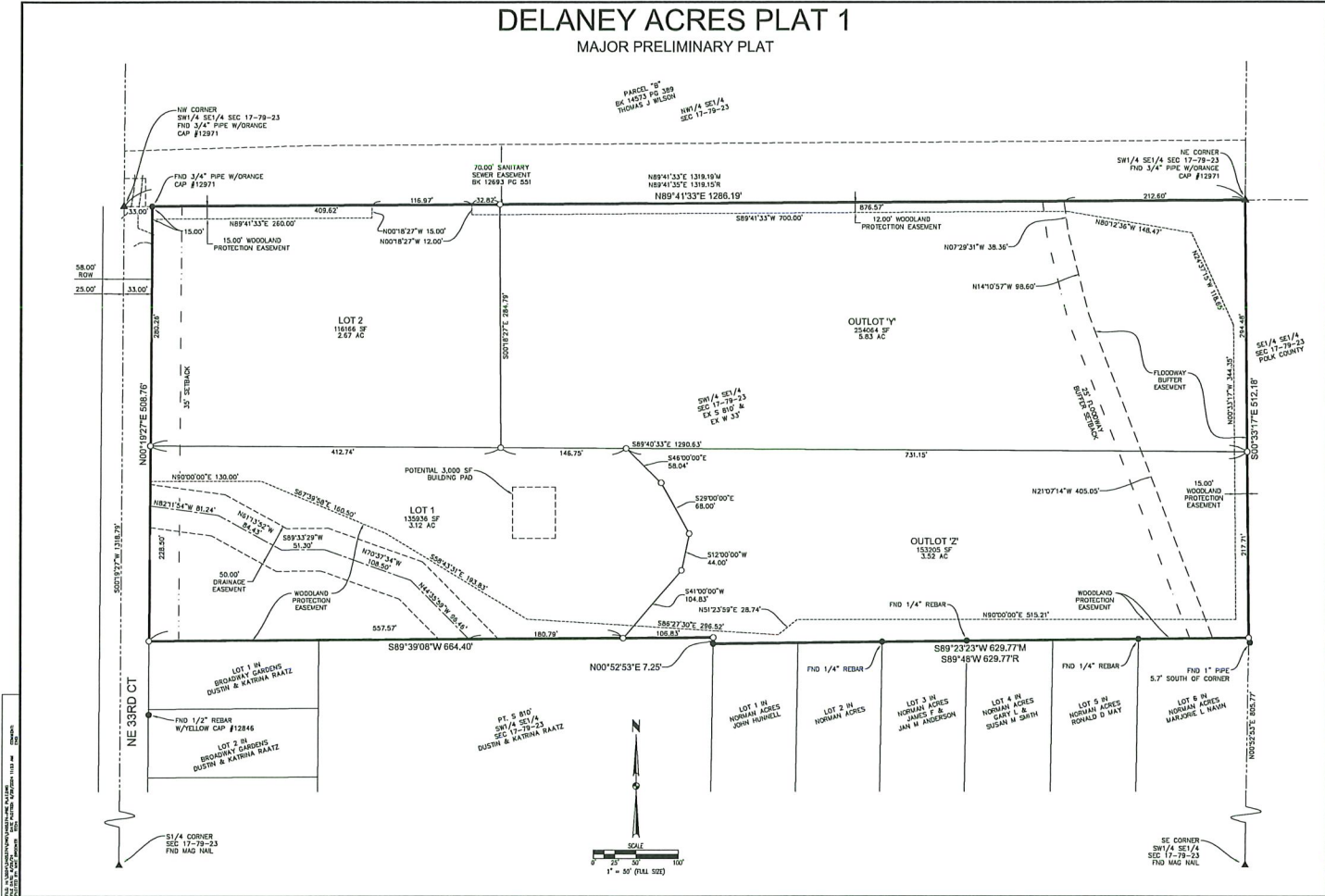
Michael A. Brooker DATE: 6-28-2024
MICHAEL A. BROOKER, P.L.S. DATE: _____
LICENSE NUMBER 15900 BY IOWA REG. DATE IS DECEMBER 31, 2024
PAGES OR SHEETS COVERED BY THIS SEAL: _____
SHEETS: 1 - 3

DELANEY ACRES PLAT 1
MAJOR PRELIMINARY PLAT
 POLK COUNTY, IOWA
 CIVIL DESIGN ADVANTAGE

DATE: _____	REVISION: _____
DRAWN BY: _____	REVIEW: _____
CHECKED BY: _____	TECH: _____
DESIGNED BY: _____	ENGINEER: _____

DELANEY ACRES PLAT 1

MAJOR PRELIMINARY PLAT



DATE	11/15/24	REVISION	1	DRAWN	J. WILSON
REVISION		REVISION		REVISION	
REVISION		REVISION		REVISION	
REVISION		REVISION		REVISION	

4121 NW URBANDALE DRIVE
URBANDALE, IA 50222
PHONE: (515) 389-4400

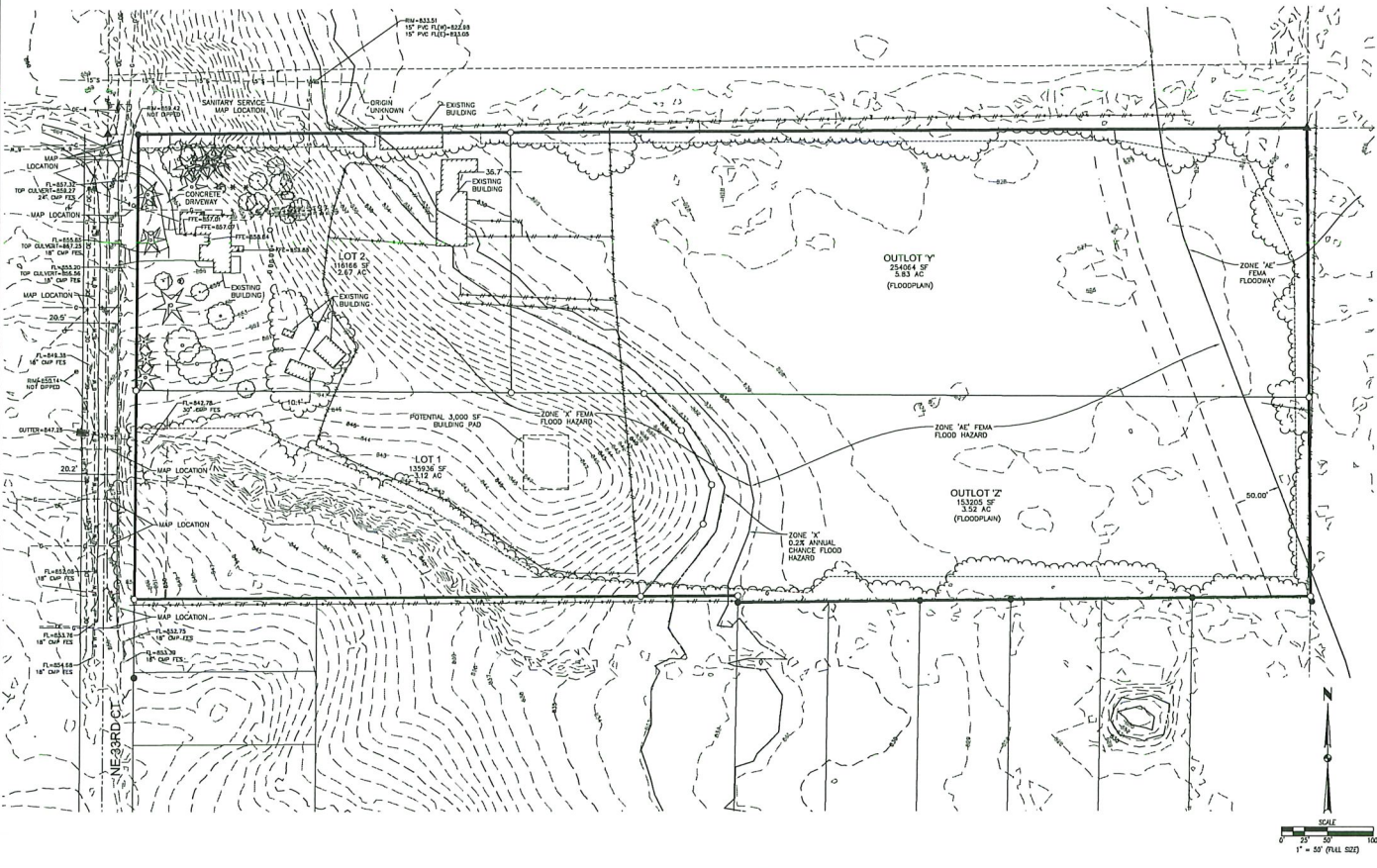
DELANEY ACRES PLAT 1
MAJOR PRELIMINARY PLAT

CIVIL DESIGN ADVANTAGE
POLK COUNTY, IOWA

2
3
2405-324

DELANEY ACRES PLAT 1

MAJOR PRELIMINARY PLAT



DATE		REVISIONS		PROJECT	
DESIGNED		REVISION 1		4121 NW URBANDALE DRIVE	
DRAWN		REVISION 2		URBANDALE, IA 50322	
CHECKED		REVISION 3		PHONE: (515) 389-4400	
APPROVED		REVISION 4		ENGINEER	
		REVISION 5		TECH	
		REVISION 6		REVIEW	
		REVISION 7		ENGINEER	
		REVISION 8		TECH	
		REVISION 9		REVIEW	
		REVISION 10		ENGINEER	



CIVIL DESIGN ADVANTAGE, INC.
POLK COUNTY, IOWA

DELANEY ACRES PLAT 1
MAJOR PRELIMINARY PLAT

3
3

2405.374

Hiemer, Tanner J.

From: kpclark@dwx.com
Sent: Wednesday, February 5, 2025 7:08 PM
To: Hiemer, Tanner J.
Subject: RE: 4789 NE33rd Court

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.

No don't need another house on the property just to listen to her complain that they aren't living up to what she wants. She has done nothing but complaining about people since her father died

----- Original Message -----

From : Hiemer, Tanner J.[mailto:TJHiemer@dmgov.org]
Sent : 2/5/2025 4:30:10 PM
To : kpclark@dwx.com
Cc :
Subject : RE: 4789 NE33rd Court

Hello,

I believe the current property owner plans to have a single-family home built on the lot, similar to what currently exists in the neighborhood.

I'm happy to help with any other questions you may have.

Thank you,
Tanner

TANNER HIEMER | CITY OF DES MOINES
Urban Planner I | Development Services
(515) 283-4066

DSM.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309 -----Original Message-----

From: kpclark@dwx.com <kpclark@dwx.com>
Sent: Wednesday, February 5, 2025 4:10 PM
To: Hiemer, Tanner J. <TJHiemer@dmgov.org>
Subject: 4789 NE33rd Court

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.

Was wondering what are you planning on putting in this lot? We have quite a few kids in the neighborhood and don't want them hurt because of whatever is built.



Pamela Delaney Vicinity of 4789 NE 33rd Court

PLAT-2024-000077

