



Roll Call Number

Agenda Item Number

20

Date September 29, 2025

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING PRELIMINARY PLAT "PECAN ACRES" FOR 38.19 ACRES OF PROPERTY IN THE VICINITY OF 4635 NORTHWEST MORNINGSTAR DRIVE (UNINCORPORATED POLK COUNTY)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 18, 2025, its members voted 9- to recommend **APPROVAL** of a Preliminary Plat "Pecan Acres," for 38.19 acres of property in the vicinity of 4635 Northwest Morningstar Drive in unincorporated Polk County, and 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 one (1) buildable lot and one (1) outlot; and

WHEREAS, the Development Services Department recommends that the City waive its right to review the Final Plat "Pecan Acres" 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 "Pecan Acres".

MOVED BY TO ADOPT.

SECOND BY

APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(PLAT-2025-000043)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
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

September 22, 2025

Communication from the City Plan and Zoning Commission advising that at their September 18, 2025 meeting, the following action was taken on request from Timothy Bennett (owner) for review and approval of a Preliminary Plat "Pecan Acres" on 38.19 acres of property in the vicinity of 4635 NW Morningstar Drive 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 one (1) buildable lot and one (1) outlot.

COMMISSION RECOMMENDATION: 9-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Chris Draper	X				
Laura Kessel					X
Todd Garner	X				
Johnny Alcivar	X				
Carolyn Jenison					X
William Page	X				
Andrew Lorentzen	X				
Emily Webb					X
Katie Gillette					X
Rick Trower					X
Jane Rongerude	X				
John Erpelding	X				

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

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

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Preliminary Plat would allow the property to be divided into two (2) parcels, including one (1) lot measuring 3.87 acres that would contain an existing house and outbuildings and one (1) outlot measuring 33.88 acres that would continue to be used for agricultural production.

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 closest.

2. **Size of Site:** 37.75 acres (1,664,390 square feet).
3. **Existing Zoning (site):** "AG" Agricultural District (Polk County).
4. **Existing Land Use (site):** The subject property contains a single household residence, outbuildings, equipment, and land used for agricultural production.
5. **Adjacent Land Use and Zoning:**
 - North** – "Government" (Polk County); Use is Interstate 80/35.
 - South** – "OS" Open Space (Polk County); Use is undeveloped land.
 - East** – "AG" Agricultural District (Polk County) and "LDR" Low Density Residential (Polk County); Uses are vacant land and single-household residential.
 - West** – "OS" Open Space (Polk County) and "Government" (Polk County); Uses are recreational fields and NW Morningstar Drive.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an unincorporated area of Polk County north of the Des Moines city limits and within an existing site in the 100-year floodplain. The surrounding area contains mostly agricultural, low-density residential, and open space uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in an unincorporated area of Polk County and is not located within 250 feet of a recognized neighborhood association. All neighborhoods were notified of the public hearing by emailing of the Preliminary Agenda on August 29, 2025, and by emailing of the Final Agenda on September 12, 2025. Notifications of the hearing for this specific item were mailed on September 8, 2025 (10 days prior to the public hearing) to the primary

titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

8. Relevant Zoning History: N/A.

9. PlanDSM Future Land Use Plan Designation: N/A. Polk County's Comprehensive Plan 2050 Land Use map designates the property as parks and open space.

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 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 by Polk County and would be given final approval by Polk County Board of Supervisors.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Layout:** While no changes are proposed to the site's physical layout, the proposed preliminary plat would allow the parcel to be divided so that the residential dwelling and outbuildings would be located on a parcel and the farmland would be located on a parcel, thereby allowing for separate ownership.
- 2. Drainage/Grading:** With any future development, Polk County would have enforcement of drainage and storm water management under site plan development requirements within their adopted ordinances and standards.
- 3. Utilities:** No changes to public utilities have been proposed.
- 4. Traffic/Street System:** The subject property contains frontage along NW Morningstar Drive. The existing vehicular access for both the residential parcel and the agricultural parcel would be maintained.

III. STAFF RECOMMENDATION

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 "Pecan Acres," as allowed by Iowa Code Section 354.8(2).

SUMMARY OF DISCUSSION

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

COMMISSION ACTION

Francis Boggus made motion for approval of the proposed Preliminary Plat, subject to compliance with all administrative review comments.

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

THE VOTE: 9-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen", with a long horizontal flourish extending to the right.

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw

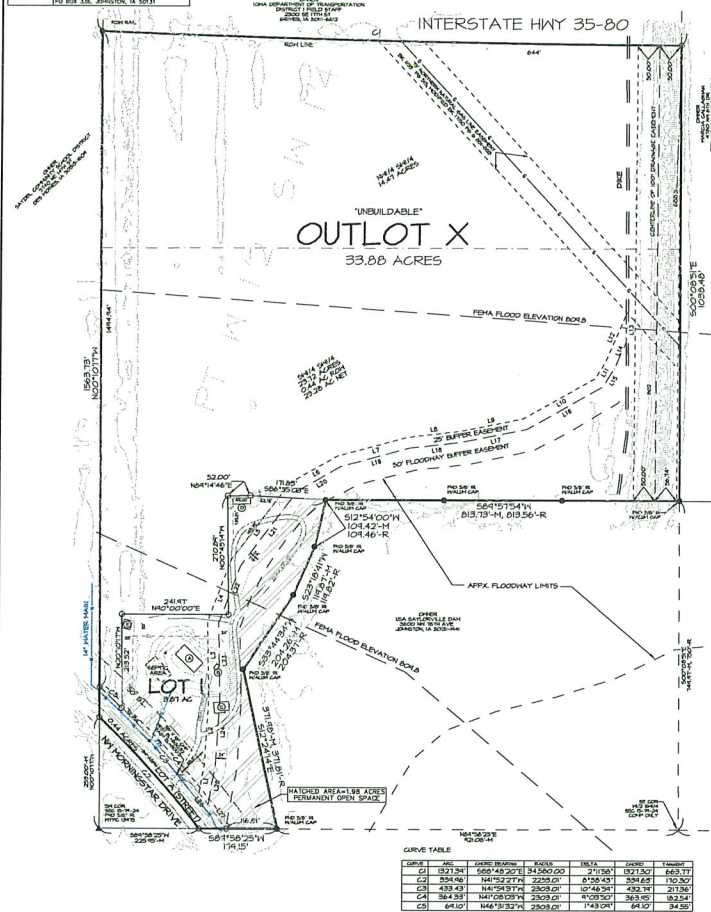
Timothy Bennett- Pecan Acres, 4635 Northwest Morningstar Drive

PLAT-2025-000043



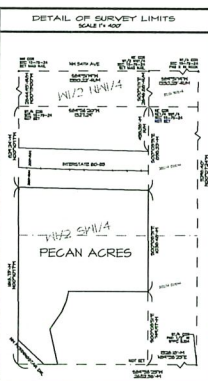


INDEX LEGEND	
LOCATION:	POLK COUNTY, IOWA SEC 15-79-24 NW/2 SW/4
REQUESTOR:	TIMOTHY BENNETT 4635 NW MORNINGSTAR DR DES MOINES, IA 50313-5105
PROPRIETOR:	TIMOTHY BENNETT 4635 NW MORNINGSTAR DR DES MOINES, IA 50313-5105
SURVEYOR:	DREW L. ROSS, IA PLS NO. 13206
COMPANY:	ROSS LAND SURVEYING, INC PO BOX 336, JOHNSTON, IA 50131
RETURN TO:	ROSS LAND SURVEYING, INC



NOTES:

- [illegible]



UTILITY PROVIDERS

Medcon
 2205 Grand Blvd.
 2205 Ingersoll Avenue
 Des Moines, Iowa 50312
 (515) 242-2350 (office)
 (515) 246-2233 (fax)
 (515) 246-2234 (toll)

**Midamericon Energy
 Electric Transmission**
 3500 North Harrison P.E.
 3500 104th Street
 Urbandale, IA 50322
 (515) 252-6500 (office)
 (515) 252-6504 (fax)
sj@transmidamericon.com

**Des Moines Horka Horka
 Taylor Andrew**
 2205 Grand Blvd.
 Des Moines, Iowa 50312
 (515) 233-6204 (office)
and@horkaandrew.com

**Midamericon Energy
 Inc. Truck Maintenance**
 200 SE 5th Street
 Des Moines, Iowa 50308
 (515) 242-2478 (office)
con@transmidamericon.com

Quest Communications
 Mr. Brent Carlson
 2103 E. University
 Des Moines, Iowa 50317
 (515) 263-7304 (office)
 (515) 252-6463 (fax)

"MINOR" PRELIMINARY PLAT
PECAN ACRES

PLAT DESCRIPTION

[illegible]

OWNER AND DEVELOPER

TIMOTHY BENNETT
4635 NW MORNINGSTAR DR
DES MOINES, IA 50313-5105
PH: 515-681-5022

ADDRESS

LOT 1
4635 NW MORNINGSTAR DR
DES MOINES, IA 50313-5125

ZONING

BULK REGULATIONS

MAX. BUILDING COVERAGE = 15%
 MAX. BUILDING HEIGHTS = 35 FEET
 FRONT YARD SETBACK = 50 FEET
 REAR YARD SETBACK = 50 FEET
 SIDE YARD SETBACK = 15 FEET (40 FEET FOR 2-STORY BUILDINGS)

LOT 1 STRUCTURES INFO

- (A) HOUSE-40'X30'
84' N. LINE, 42' E. LINE
- (B) SHED 12'X8'
102' N. LINE, 54' E. LINE
- (C) GARAGE-35'X24'
145' NORTH LINE, 48' E. LINE
- (D) LEAN-TO-40'X14'
5' N. LINE, 12' N. LINE
- (E) LEAN-TO-30'X20'
12' N. LINE, 0' N. LINE

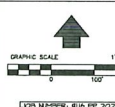
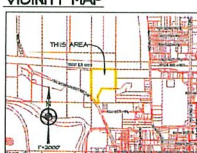
FLOOD-LINE DATA

LINE	BEARING	DISTANCE
L1	N0°31'4"E	68.05
L2	N09°21'21"E	144.27
L3	N09°16'21"E	175.85
L4	N07°13'34"E	118.83
L5	N8°10'06"E	221.68
L6	N0°10'18"E	122.10
L7	N14°48'34"E	86.62
L8	N15°15'14"E	24.38
L9	N18°44'10"E	143.31
L10	N06°48'27"E	110.84
L11	N92°50'02"E	40.84
L12	N21°24'02"E	31.30
L13	S00°00'00"E	36.71
L14	S29°34'09"E	68.84
L15	N92°50'02"E	44.07
L16	S49°48'27"E	200.86
L17	S18°44'02"E	8.24
L18	S05°51'4"E	129.40
L19	S14°48'34"E	161.76
L20	S60°10'18"E	14.94
L21	S17°06'11"E	22.86
L22	S23°31'54"E	140.36
L23	S01°46'21"E	172.05
L24	S03°21'19"E	15.18
L25	S02°13'41"E	61.30
L26	N86°43'43"E	33.57
L27	S12°13'23"E	68.80

FLOOD ZONE

ACCORDING TO FEMA'S NATIONAL FLOOD HAZARD MAPS, THIS AREA FALLS WITHIN A SPECIAL FLOOD HAZARD AREA, LABELED AS ZONE AE (AREA WITH BASE FLOOD ELEVATIONS). THESE DETERMINED BFE, ARE SHOWN ON THIS PRELIMINARY PLAT, ARE INDICATED ON MAP 19153C0045F, EFFECTIVE DATE: JANUARY 1991.

VICINITY MAE



I HEREBY CERTIFY THAT THE LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

GREGORY A. RIDD, PLS.
State of Iowa, No. 12356

My license renewal date is December 31, 20____

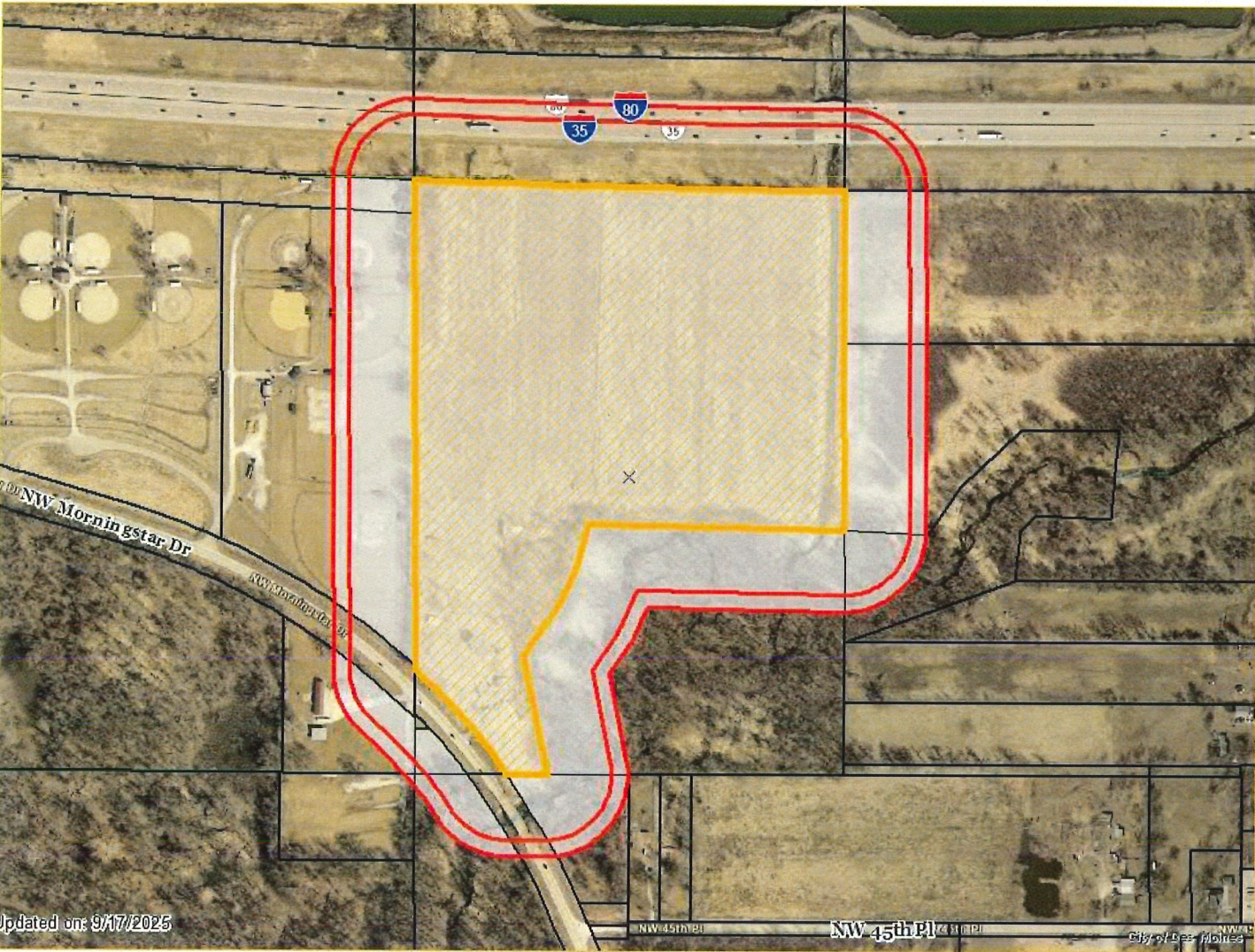
<ul style="list-style-type: none"> ● —FOLD CORNER ● —BT 1/2" X ● —Large plastic over FOLD □ —CALCULATED CORNER ONLY □ —EXT "X" ▲ —BEVEL CORNER ▲ —RIN PVC/GAG PIPE ▲ —RIN ROD ▲ —WELDED DETACHMENT ▲ —REQUIRED BATTERY 		<p>FOR A LAWYER'S EYE</p> <p>PO BOX 281 Jaffrey, New York 12111 PH 518 534 2227 www.fbi-law.com</p>
<p>REVISIONS:</p> <p>5/10/23 2ND SUBMITTAL</p> <p>5/20/23 3RD SUBMITTAL</p>		

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Timothy Bennett- Pecan Acres, 4635 Northwest Morningstar Drive

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