CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 9, 2015

ITEM: Majestic Oaks, Generally located at the NW corner of Stagecoach Drive and S95th Street – Amend the Comprehensive Plan Land Use Map to change the land use designation for approximately 8 acres of property located east of Sugar Creek from Medium Density Residential (MD) to Single Family Residential (SF) and Rezone approximately 17 acres of property from 'Unzoned' to Single Family Residential (R-1) – John Wick – CPA-002591-2015/ZC-002586-2015

ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, John Wick, is requesting approval of:

- A Comprehensive Plan Amendment to change the land use designation for approximately 8 acres of property located immediately east of and adjacent to Sugar Creek from Medium Density Residential (MD) to Single Family Residential (SF).
- A Rezoning Request to rezone 17 acres of property east of Sugar Creek from 'Unzoned' to Single Family Residential (R-1).

The requests are made to accommodate a proposed 17 lot Single Family subdivision

Plan and Zoning Commission Action:
Vote: 4-0 approval, with Commissioner(s) Brown, Cownie, Hatfield absent.
Date: February 2, 2015
Motion: Adopt a resolution recommending the City Council approve an amendment to the Comprehensive Plan, Land Use Map from Medium Density Residential (MD) to Single Family Residential (SF) and a Rezoning from 'Unzoned' to Single Family Residential (R-1).

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee: *Development and Planning, January 29, 2015*
- Staff Review and Comments
  - *Land Use*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve an amendment to the Comprehensive Plan Land Use Map for approximately 8 acres of property located east of and immediately adjacent to Sugar Creek to change the land use designation from Medium Density Residential (MD) to Single Family Residential (SF), and adopt a resolution approving a Rezoning Request to change the zoning designation of 17 acres east of Sugar Creek from 'Unzoned' to Single Family Residential (R-1), subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	1/24/15	
Letter sent to surrounding property owners		1/26/15

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	1/29/15		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission Communication
  - Attachment A - Plan and Zoning Commission Resolution
    - Exhibit A – Conditions of Approval
  - Attachment B - Location Map
  - Attachment C - Comprehensive Plan Land Use Map
  - Attachment D - Proposed Zoning Map
- Exhibit II - Resolution: Approve Comprehensive Plan Land Use Map Amendment
- Exhibit III - Proposed Rezoning Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: February 2, 2015

Item: Majestic Oaks, Generally located at the NW corner of Stagecoach Drive and S95th Street – Amend the Comprehensive Plan Land Use Map to change the land use designation for approximately 8 acres of the property east of Sugar Creek from Medium Density Residential (MD) to Single Family Residential (SF) and Rezone property from 'Unzoned' to Single Family Residential (R-1) – John Wick – CPA-002591-2015 - ZC-002586-2015

Requested Action: Approval of a Comprehensive Plan Amendment and Rezoning Request

Case Advisor: J. Bradley Munford, Planner

Applicant's Request: The applicant, John Wick, is requesting approval of:

- A Comprehensive Plan Amendment to change the land use designation for approximately 8 acres of the property located immediately east of and adjacent to Sugar Creek from Medium Density Residential (MD) to Single Family Residential (SF).

- A Rezoning Request to rezone 17 acres of property east of Sugar Creek from 'Unzoned' to Single Family Residential (R-1).

The requests are made to accommodate a proposed 17 lot Single Family subdivision

History: The property was annexed into the city in 2003 as a part of the Mills Civic Parkway Annexation. In 2013 the Comprehensive Plan was amended to the present designation as a part of the development efforts for The Woods at Sugar Creek (now called Tiburon) subdivision, directly north of this project.

City Council Subcommittee: The amendment requests was presented to the Development and Planning City Council Subcommittee on January 29, 2014 as an informational item. The Subcommittee was supportive of the request.

Staff Review and Comment: There are no outstanding issues. Staff would note the following:

- *Land Use*: The current Comprehensive Plan Land Use Map divides the land uses for this property along a proposed north/south minor collector that was more centrally located in the property. Currently, the east half of the property is designated as Single Family Residential (SF) while the west half is designated as Medium Density Residential (MD). Because of topography and the development pattern of the property, the developer is proposing a roadway along the eastern boundary, with everything west of the road to be developed as single family lots

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.

Noticing Information: On January 24, 2015, a notice of the February 2, 2015, Plan and Zoning Commission and February 9, 2015, City Council public hearings was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property on January 26, 2015.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a findings of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Comprehensive Plan Land Use Map for approximately 8 acres to change the land use designation from Medium Density Residential (MD) to Single Family Residential (SF),

and adopt a resolution recommending the City Council approve a Rezoning Request to change the land use designation from 'Unzoned' to Single Family Residential (R-1), subject to the applicant meeting all City Code requirements.

Applicant:

John Wick
2615 161st Street
Clive, Iowa 50325
Jalexwick@gmail.com

Applicant Representative:

Civil Engineering Consultants
Attn: Shane Derick
2400 86th Street Suite 12
Urbandale, Iowa 50322
devick@ceclac.com

Attachments:

Attachment A - Plan and Zoning Commission Resolution
Exhibit A - Conditions
Attachment B - Location Map
Attachment C - Comprehensive Plan Land Use Map
Attachment D - Proposed Zoning Map

RESOLUTION NO. PZC-15-005

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP TO CHANGE THE DESIGNATION OF APPROXIMATELY 8 ACRES OF LAND FROM MEDIUM DENSITY RESIDENTIAL (MD) TO SINGLE FAMILY RESIDENTIAL (SF) AND TO APPROVE AN ORDINANCE TO REZONE 17 ACRES OF PROPERTY FROM 'UNZONED' TO SINGLE FAMILY RESIDENTIAL (R-1).

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, John Wick, has requested approval to amend the Comprehensive Plan Land Use Map for 8 acres located immediately east of and adjacent to Sugar Creek and north of Stagecoach Drive from Medium Density Residential (MD) to Single Family Residential (SF) and to approve an ordinance to Rezone 17 acres of property from 'Unzoned' to Single Family Residential (R-1):

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on February 2, 2015, this Commission held a duly-noticed hearing to consider the application for an amendment to the Comprehensive Plan Land Use Map (CPA-002591-2015) to change the land use designation from Medium Density Residential (MD) to Single Family (SF) and for a Rezoning Request from 'Unzoned' to Single Family Residential (R-1) (ZC-002586-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report for this meeting or as amended orally at the meeting are adopted.

SECTION 2. The amendment to the Comprehensive Plan Land Use Map to change the designation of approximately 8 acres of property located east of and adjacent to Sugar Creek as indicated in Attachment C of the staff report is recommended to the City Council for approval, subject to compliance with all conditions in the staff report, including conditions added at the hearing and attached as Exhibit A. Violations of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City;

SECTION 3. The Rezoning request for 17 acres of property from 'Unzoned' to Single Family Residential (R-1) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit A. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on February 2, 2015.

Erica Andersen, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on February 2, 2015, by the following vote:

AYES: Anderson, Costa, Crowley, Erickson
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: Brown, Cownie, Hatfield

ATTEST:

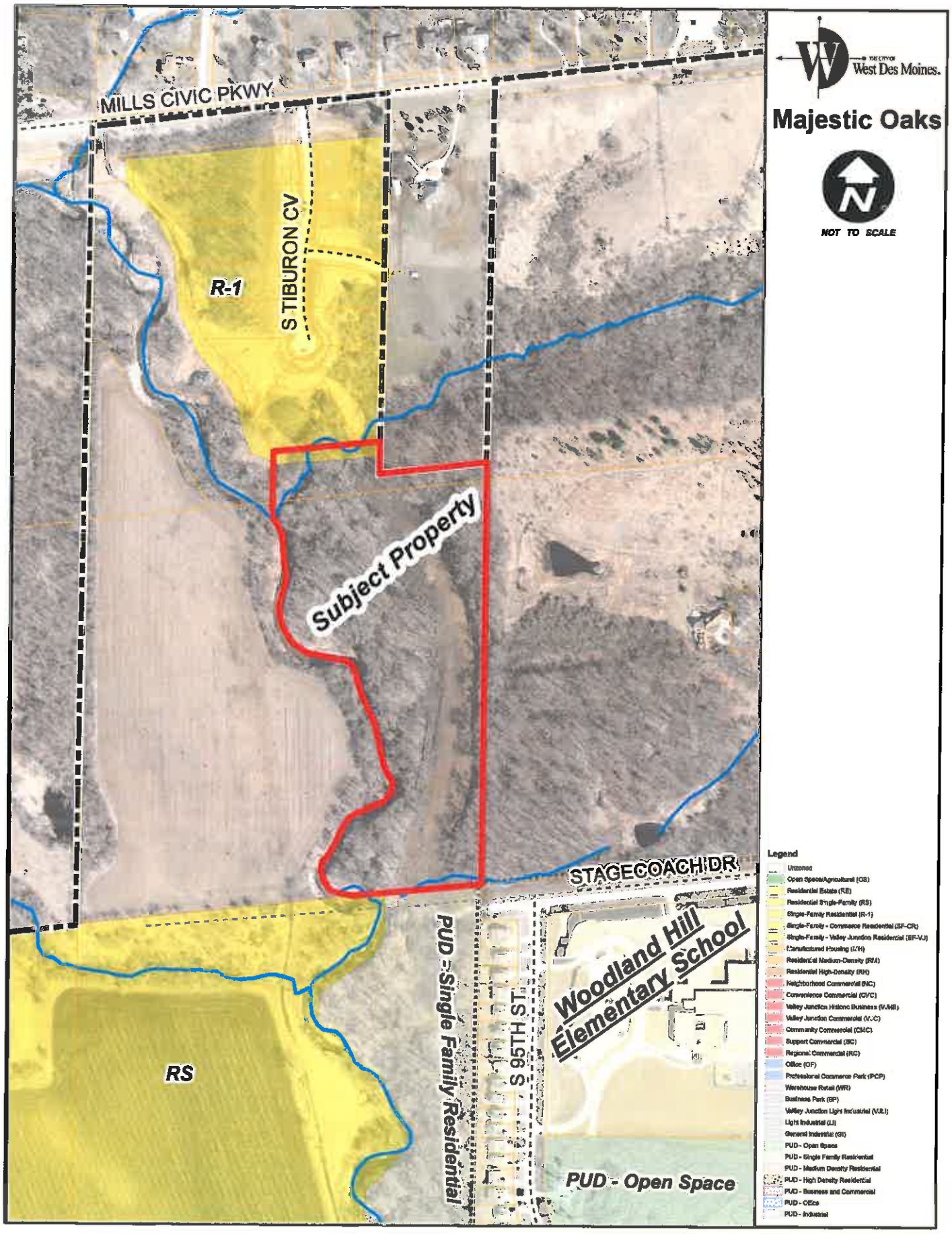
Recording Secretary

EXHIBIT A

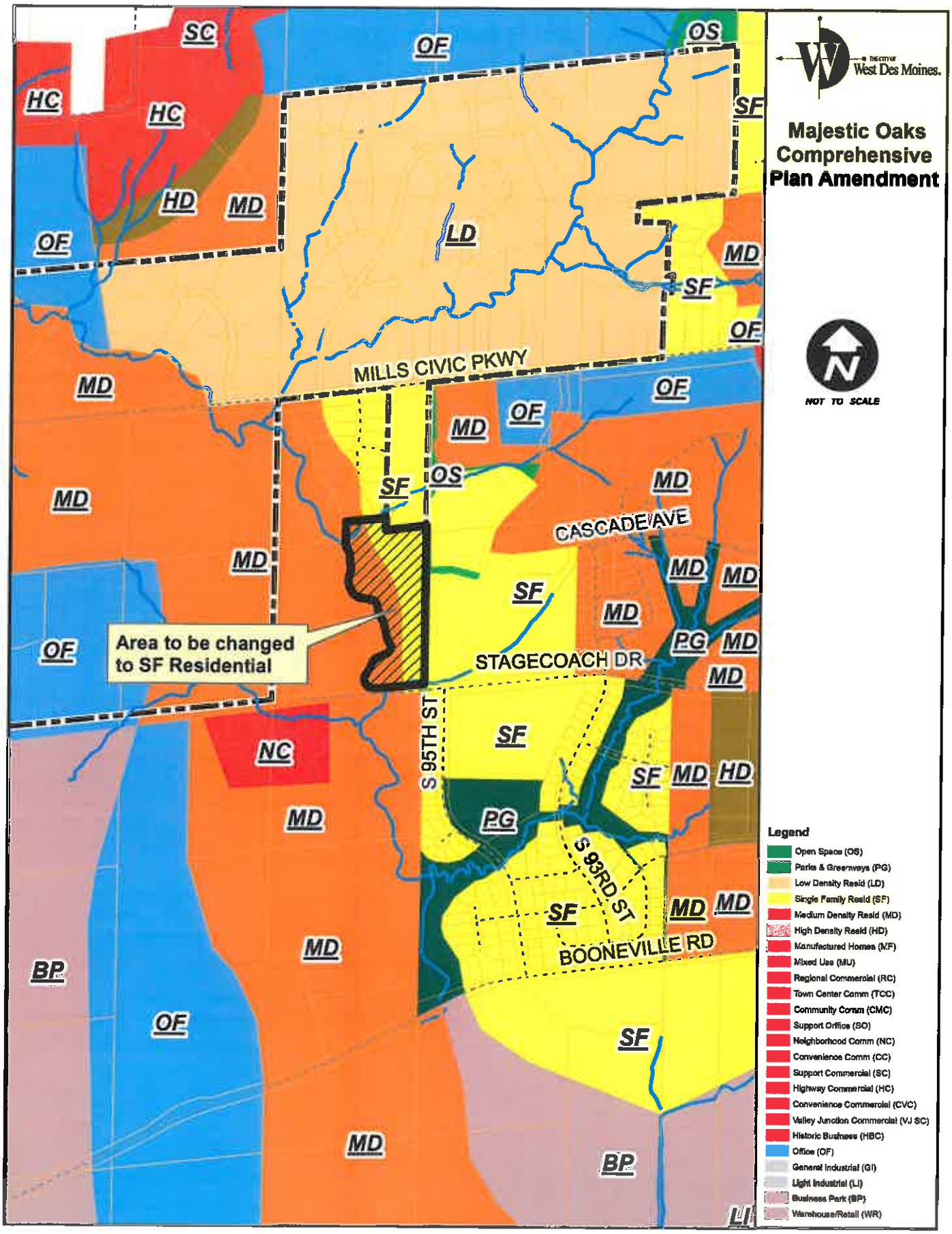
Exhibit A
CONDITIONS

No Conditions of Approval

ATTACHMENT B



ATTACHMENT C



S:___Development Projects\Majestic Oaks\Zoning\ZC-002586-2015_SR_Majestic Oaks_02-2-2015_PC.docx

ATTACHMENT D

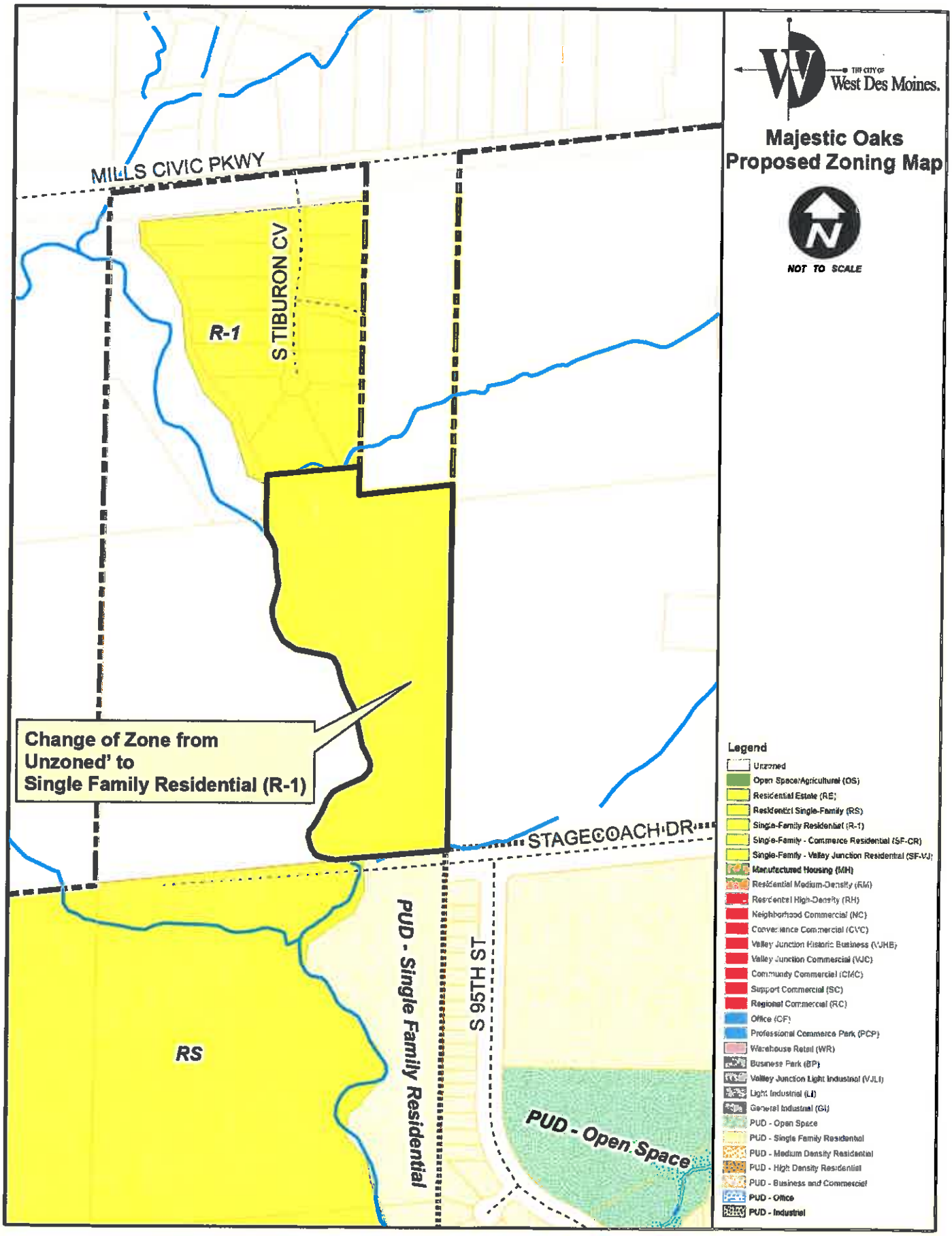


EXHIBIT II

Prepared by: JBMunford, Development Services PO Box 65320 West Des Moines IA 50265-0320 (515)222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING THE COMPREHENSIVE PLAN AMENDMENT (CPA-002591-2015) TO DESIGNATE PROPERTY FOR SINGLE FAMILY RESIDENTIAL (SF) LAND USE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner, John Wick has requested approval for a Comprehensive Plan Amendment to amend the Comprehensive Plan Land Use Plan for the approximately 8 acres located east of and immediately adjacent to Sugar Creek from Medium Density Residential (MD) to Single Family Residential (SF), said property legally described as:

Legal Description

OUTLOT 'X' OF TIBURON, AN OFFICIAL PLAT RECORDED IN BOOK 2014, PAGE 5707 AT THE DALLAS COUNTY RECORDER'S OFFICE AND A PARCEL OF LAND IN THE SW1/4 SW1/4 OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID SW1/4 SW1/4, SAID NE CORNER ALSO BEING THE SE CORNER OF SAID OUTLOT 'X'; THENCE S00°10'19"W, 1314.38 ALONG THE EAST LINE OF SAID SW1/4 SW1/4 TO THE SE CORNER OF SAID SW1/4 SW1/4; THENCE S83°59'42"W, 385.51 FEET ALONG THE SOUTH LINE OF SAID SW1/4 SW1/4 TO A POINT; THENCE N83°28'17"W, 96.67 FEET TO A POINT; THENCE N53°09'58"W, 65.27 FEET TO A POINT; THENCE N14°05'42"W, 31.75 FEET TO A POINT; THENCE N42°25'18"E, 80.78 FEET TO A POINT; THENCE N22°46'31"E, 51.52 FEET TO A POINT; THENCE N31°21'13"E, 83.02 FEET TO A POINT; THENCE N70°05'28"E, 92.77 FEET TO A POINT; THENCE N32°55'08"E, 48.01 FEET TO A POINT; THENCE N14°59'27"E, 41.77 FEET TO A POINT; THENCE N29°07'47"W, 65.31 FEET TO A POINT; THENCE N15°19'52"W, 208.81 FEET TO A POINT; THENCE N11°08'55"W, 102.56 FEET TO A POINT; THENCE N36°07'20"W, 54.54 FEET TO A POINT; THENCE N84°48'52"W, 108.64 FEET TO A POINT; THENCE N75°40'50"W, 73.63 FEET TO A POINT; THENCE N35°12'35"W, 82.79 FEET TO A POINT; THENCE N06°20'06"W, 76.12 FEET TO A POINT; THENCE N14°40'23"E, 82.44 FEET TO A POINT; THENCE N03°23'37"E, 64.09 FEET TO A POINT; THENCE N09°50'39"W, 79.55 FEET TO A POINT; THENCE N16°31'21"W, 116.49 FEET TO A POINT ON THE NORTH LINE OF SAID SW1/4 SW1/4, SAID POINT ALSO BEING THE SW CORNER OF SAID OUTLOT 'X';THENCE N00°38'03"E, 163.14 FEET ALONG THE WEST LINE OF SAID OUTLOT'X' TO THE NW CORNER OF SAID OUTLOT 'X'; THENCE N83°51'55"E, 352.46 FEET ALONG THE NORTH LINE OF SAID OUTLOT 'X' TO A POINT;THENCE S00°38'03"W, 103.20 FEET ALONG SAID NORTH LINE TO A POINT; THENCE N83°27'22"E, 350.20 FEET ALONG SAID NORTH LINE TO THE NE CORNER OF SAID OUTLOT 'X', SAID NE CORNER ALSO BEING ON THE EAST LINE OF THE NW1/4 SW1/4 OF SAID SECTION 15; THENCE S00°39'45"W, 62.23 FEET ALONG THE EAST LINE OF SAID OUTLOT 'X' AND SAID NW1/4 SW1/4 TO THE POINT OF BEGINNING AND CONTAINING 17.00 ACRES

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on February 2, 2015, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment (CPA-002591-2015);

WHEREAS, on February 9, 2015, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-002591-2015);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report for the hearing or as amended orally at the City Council hearing are adopted.

SECTION 2. The amendment of the Comprehensive Plan Land Use Map as described above is hereby adopted.

PASSED AND ADOPTED on February 9, 2015.

_____
Steven K. Gaer
Mayor

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on February 9, 2015, by the following vote:

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT III

Prepared by: JBMunford, Development Services, PO Box 65320 West Des Moines IA 50265-0320 (515) 222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9: ZONING, CHAPTER 4: ZONING DISTRICTS AND MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT: The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by rezoning 17 acres generally located at the NW corner of Stagecoach Drive and S95th Street from "Unzoned" to Residential Single Family (R-1) district, in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

Legal Description

OUTLOT 'X' OF TIBURON, AN OFFICIAL PLAT RECORDED IN BOOK 2014, PAGE 5707 AT THE DALLAS COUNTY RECORDER'S OFFICE AND A PARCEL OF LAND IN THE SW1/4 SW1/4 OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SECTION 2. **SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 3. **VIOLATIONS AND PENALITIES.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in title 1, Chapter 4, Section 1 and Section 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 4. **OTHER REMEDIES.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm, or corporation for violation of any section or subsection of this Ordinance.

SECTION 5. **EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Approved and passed by the City Council on the ____ day of _____, 2015

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

I certify that he foregoing was published as Ordinance No. _____ on the _____ day of _____ _____, 2015.

_____
Ryan T. Jacobson
City Clerk