NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: April 6, 2015

ITEM: Rezoning Request, Aspen Valley (fka Brody Place Estates) – Southeast corner of Ashworth Road and future 84th Street – 27.5 acres - Rezone the property from Residential Single Family (RS-20) to Residential Single Family (RS-10) - Arrow Properties, LLC - ZC-002556-2014

Ordinance: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Arrow Properties, LLC., is requesting approval of an amendment to the Zoning Map for a 27.5 acre property located south of Ashworth Road east of future 84th Street, to change the zoning of the property from Residential Single Family (RS-20; 20,000 square foot minimum lot size) to Residential Single Family (RS-10; 10,000 square foot minimum lot size). The Applicant is in the process of platting 59 single family lots. The proposed lot size is generally consistent with the existing single family residential immediately to the south and east, as well as property immediately to the east that was zoned to Single-Family Residential (R-1) as part of the Creekside Glynn rezoning. The RS-10 zoning requires minimum 10,000sf lot size with 80' lot widths and 35' front and rear yard setbacks; whereas R-1 zoning requires minimum 60' lot width with 30' front yard and 35' rear yard setbacks but no minimum lot size requirement. Staff inquired whether the applicant wished to zone the property to the slightly less restrictive R-1 standards; however, the applicant indicated that because the initial lot layout for the development has been identified and some of the lots already spoken for, they were comfortable with the RS-10 zoning designation.

Previous Council Action:
Vote: 4-0 approval with Council Member Sandager absent
Date: March 23, 2015
Motion: Approval of the First Reading of the Ordinance.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and adopt the rezoning request from Residential Single Family (RS-20) to Residential Single Family (RS-10), subject to the applicant meeting all City Code requirements and the following conditions of approval:

1. In conjunction with the Final Platting of the subject property, the applicant shall execute an agreement and waiver for Ashworth Road improvements. Agreement should indicate how the obligation will be distributed across existing and newly platted lots.
2. In conjunction with development of the property, Applicant will be responsible for the installation of all standard public improvements, including sidewalks/trails and street lights adjacent to all public streets.

Lead Staff Member: Brian Portz BP

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	3/6/15	
Letter sent to surrounding property owners		3/4/15

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	11/6/14		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Attachment A - Proposed Rezoning Ordinance

Exhibit A - Conditions of Approval

ATTACHMENT A

Prepared by: BPortz City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

ORDINANCE #

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 the following legally described property from Residential Single Family (RS-20) to Residential Single Family (RS-10):

Legal Description

A TRACT OF LAND BEING A PART OF THE NORTH ½ OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA; THENCE S83°44'49"W, 750.73 FEET ALONG THE NORTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 11; THENCE S00°23'44"W, 45.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°23'44"W, 421.84; THENCE N83°44'49"E, 104.66 FEET; THENCE S00°21'51"W, 73.37 FEET; THENCE N83°44'49"E, 161.94 FEET; THENCE S00°21'51"W, 773.61 FEET TO THE NORTH LINE OF HERITAGE HILLS PLAT 4, AN OFFICIAL PLAT, WEST DES MOINES, DALLAS COUNTY, IOWA AND TO THE SOUTH LINE OF THE NORTH ½ OF THE NORTHWEST ¼ OF SAID SECTION 11; THENCE S83°37'23"W, 1168.41 FEET ALONG SAID NORTH LINE AND SAID SOUTH LINE; THENCE N00°15'34"E, 1271.06 FEET TO THE SOUTH RIGHT-OF-WAY OF ASHWORTH ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE N83°44'49"E, 338.98 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE S00°13'12"W, 299.61 FEET; THENCE N83°42'07"E, 177.93 FEET; THENCE N84°55'15"E, 119.09 FEET; THENCE N87°54'05"E, 207.05 FEET; THENCE N00°29'56"E 317.20 FEET TO SAID SOUTH RIGHT-OF-WAY LINE; THENCE N83°44'49"E, 58.10 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 27.521 ACRES MORE OR LESS.

SAID TRACT OF LAND BEING SUBJECT TO ALL EASEMENTS OF RECORD

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.

Passed by the City Council on the ____ day of _____, 2015, and approved this _____ day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

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

_____
Ryan T. Jacobson
City Clerk

Exhibit A
Conditions of Approval

1. In conjunction with the Final Platting of the subject property, the applicant shall execute an agreement and waiver for Ashworth Road improvements. Agreement should indicate how the obligation will be distributed across existing and newly platted lots.
2. In conjunction with development of the property, Applicant will be responsible for the installation of all standard public improvements, including sidewalks/trails and street lights adjacent to all public streets.