CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: May 2, 2016

ITEM: Majestic Oaks, Generally located at the NW corner of Stagecoach Drive and S95th Street – Rezone approximately 17 acres from Residential Single Family (R-1) to Planned Unit Development (PUD) to allow for the construction of a 16 lot single family development – John (Alex) Wick – ZC- 003047-2016

RESOLUTION: Approval of a Rezoning request to establish the Majestic Oaks Planned Unit Development

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, John (Alex) Wick, is requesting to rezone approximately 17 acres from Residential Single Family (R-1) to Planned Unit Development (PUD) to allow for the construction of a 16 lot single family development.

It should be noted, also under consideration at this meeting is a Preliminary Plat for the proposed development.

Plan and Zoning Commission Action:
Vote: 4-1 Approval, with Commissioner(s) Brown and Costa Absent.
Date: April 25, 2016
Motion: Adopt a resolution recommending the City Council approve the PUD Ordinance.

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions.

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 & Planning: March 26, 2015, March 7, 2016 and April 18, 2016*
- Staff Review and Comments
  - *Sugar Creek*
  - *Outlots along Rear of Property*
  - *Proposed PUD: Front and Rear Yard Building Setbacks*
- 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 the first reading of an ordinance to rezone approximately 17 acres from Residential Single Family (R-1) to Planned Unit Development (PUD) to allow for the construction of a 16 lot single family development, subject to the applicant meeting 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*	
Date(s) Published	April 15, 2016	
Letter sent to surrounding property owners		April 12, 2016

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	*4/18/2016*		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Commission Resolution
  - Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C Proposed PUD Ordinance *(moved to Exhibit II)*

Exhibit II - Proposed PUD Ordinance
- Exhibit A - PUD Sketch Plan

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: April 25, 2016

Item: Majestic Oaks, Generally located at the NW corner of Stagecoach Drive and S95th Street – Rezone approximately 17 acres from Residential Single Family (R-1) to Planned Unit Development (PUD) to allow for the construction of a 16 lot single family development – John (Alex) Wick – ZC- 003047-2016

Requested Action: Approval of a Rezoning request to establish the Majestic Oaks Planned Unit Development

Case Advisor: J. Bradley Munford, Planner

Applicant's Request: The applicant, John (Alex) Wick, is requesting to rezone approximately 17 acres from Residential Single Family (R-1) to Planned Unit Development (PUD) to allow for the construction of a 16 lot single family development.

It should be noted, also under consideration at this meeting is a Preliminary Plat for the proposed development.

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 Medium Density Residential as a part of the development efforts for The Woods at Sugar Creek (now called Tiburon) subdivision, located directly north of this project. On February 23, 2015 the City Council approved a Comprehensive Plan Land Use Map to change the land use designation from Medium Density Residential (MD) to Single Family Residential (SF). A Rezoning from 'Unzoned' to Single Family Residential (R-1) was also approved at the same meeting.

City Council Subcommittee: Majestic Oaks has been reviewed by the Development and Planning City Council Subcommittee on March 26, 2015 and March 7, 2016 to discuss the layout of the development and finding a balance between it and Sugar Creek. Staff recommend a PUD to reduce front yard setbacks and increase the rear yard setbacks: the subcommittee felt that this was a suitable approach to aid in pushing the homes away from the creek. The proposed Majestic Oaks PUD and use of outlots along the creek was reviewed by the Development and Planning City Council Subcommittee on April 18, 2016. The Subcommittee was supportive of the request.

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

Sugar Creek: The Sugar Creek basin contains significant changes in terrain and is heavily timbered. Creek flows can rise and move fairly fast during larger rain events, resulting in bank erosion and potential flooding for that portion of the proposed development that is closest to the creek. The applicant has worked with staff to create a PUD for a single-family residential development that strikes a balances between the development of homes and the terrain and channel pattern of Sugar Creek. The PUD proposes to reduce the front yard setback by five feet (5') for the dwelling portion of the home but adds this five feet (5') to the rear yard setbacks thus providing more separation from the creek channel.

Outlots along Rear of Property: With the platting of the property, all of the lots which back up to the creek have been split into a buildable lot and an outlot. The outlot aligns with the 100 year floodway and are intended for drainage and floodplain management and to allow for stream bank repair and mediation. Per the PUD, placement of any structures of any kind are prohibited from being located within the outlot area. Although the outlots are intended to be lot-tied in conjunction with the Final Plat to each respective dwelling lot, by creating an outlot, the requirement for obtainment of expensive flood insurance may possibly be avoided. The requirement for flood insurance is at the discretion of individual lending institutions. The PUD requires that a Homeowner's Association be set up to provide Sugar Creek management, maintenance and repair: it is desired that the maintenance responsibilities and costs be shared amongst all lots within the development and not have all costs put to the just the property owner where repair and maintenance is necessary. General maintenance (e.g.; mowing, vegetation management, etc.) of the each outlot area is intended to be the responsibility of the associated dwelling lot.

Proposed PUD: The proposed PUD provides for the following standards which are atypical to standard bulk regulations:

- *Front Yard Building Setbacks*: As indicated previously, the PUD proposes to reduce the typical 30' front yard setback required of R-1 zoning by five feet (5') for the dwelling portion of the home. This five feet (5') was added to the typical 35' rear yard setback required of R-1 zoning. The PUD however requires garages be setback a distance of thirty feet (30') as measured from the garage door opening to the front property line to ensure suitable driveway distance for the parking of vehicles.

- *Rear Yard Building Setbacks*: With the reduction of the front yard setback, those lots which back to the creek (lots 1-14) are now required to provide a 40' rear yard setback to the dwelling structure, attached accessory structures such as decks, sunrooms, porches, and detached garages. The rear yard setback is measured from rear property line of the lot containing the dwelling structure (not the rear boundary of an associated outlot). All other accessory structures, gazebos, play structures, sheds, swimming pools, etc. may be located within the rear yard setback of the dwelling lot but shall not be located within the associated outlot.

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 and the land use map of the Comprehensive Plan.

Noticing Information: On April 15, 2016 a notice of the April 25, 2016, Plan and Zoning Commission and May 2, 2016, 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 April 12, 2016.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve a rezoning of approximately 17 acres generally located at the northwest corner of Stagecoach Drive and S95th Street, from Residential Single Family (R-1) to Planned Unit Development (PUD) to allow for the construction of a 16 lot single family development, subject to the applicant meeting all City Code requirements.

Applicant:

John (Alex) 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 – PUD Amendment
Exhibit A - Conditions
Attachment B - Location Maps
Attachment C - Proposed PUD Ordinance Amendment and Sketch Plan

ATTACHMENT A

RESOLUTION NO. PZC-16-026

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 OFFICIAL ZONING MAP OF THE CITY OF WEST DES MOINES TO CHANGE THE ZONING DESIGNATION FROM RESIDENTIAL SINGLE FAMILY (R-1) TO PLANNED UNIT DEVELOPMENT (PUD) AND APPROVE AN ORDINANCE ESTABLISHING THE MAJESTIC OAKS PUD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, John (Alex) Wick, has requested approval of a rezoning from Residential Single Family (R-1) to Planned Unit Development (PUD) and to establish the Majestic Oaks PUD, for that 17 acre property generally located at the northwest corner of Stagecoach Drive and S95th Street and 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 April 25, 2016, this Commission held a duly-noticed meeting to consider the application for a rezoning from Residential Single Family (R-1) to Planned Unit Development (PUD) and to establish the Majestic Oaks PUD (ZC-003047-2016);

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 rezoning of property from Residential Single Family (R-1) to Majestic Oaks Planned Unit Development (PUD) is recommended to the City Council for approval, subject to compliance with all conditions in the staff report, including conditions added at the meeting 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;

PASSED AND ADOPTED on April 25, 2016.

Craig Erickson, 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 April 25, 2016, by the following vote:

AYES: Andersen, Erickson, Hatfield, Southworth
NAYS: Crowley
ABSTENTIONS: -0-
ABSENT: Costa, Brown

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APROVAL

No Conditions of Approval

ATTACHMENT B

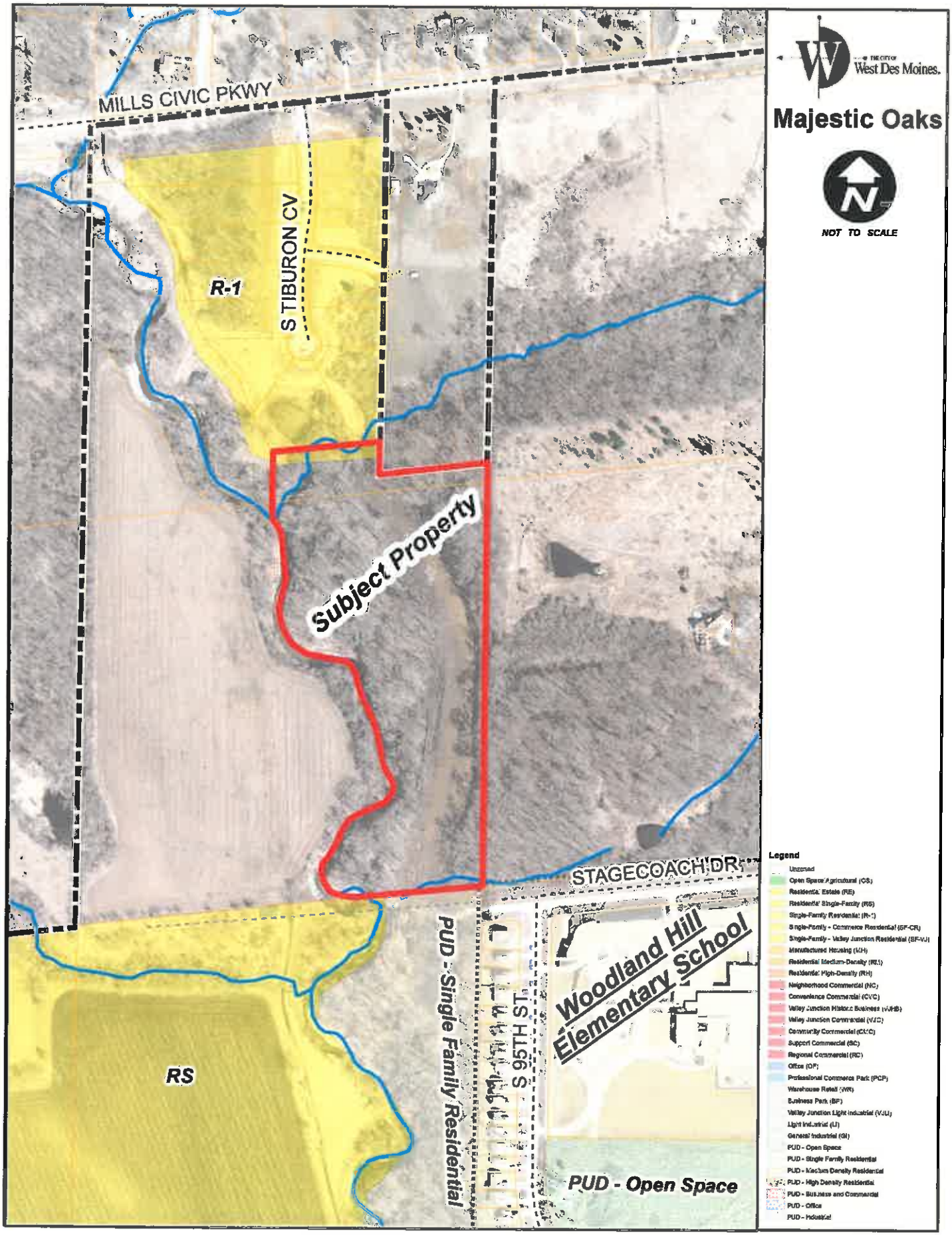


EXHIBIT II

Prepared by: J. B. Munford, Development Services, 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 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT: Amend the Zoning Map of the City of West Des Moines, Iowa, by rezoning the following legally described property from Single Family Residential (R-1) to **Majestic Oaks Planned Unit Development (PUD)** of West Des Moines, Iowa:

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

SECTION 2. SKETCH PLAN: Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan Document for the Majestic Oaks PUD marked Exhibit "A". Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail. The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the Parcels for the purpose of easier reference for the applicable regulations of this Ordinance.

SECTION 3. REQUIRED PLANS: Prior to or in conjunction with development of any portion of the property covered by this PUD, said area shall be Preliminary and Final platted in accordance with the City's Subdivision Ordinance.

SECTION 4. INTENT OF THE MAJESTIC OAKS PUD: To create a single-family residential development that balances the development of homes and the channel pattern of Sugar Creek.

SECTION 5. CONDITIONS: Whereas, Title 9, Chapter 9, Planned Unit Development District of the City Code, establishes certain regulations and guidelines pertaining to accompanying information required on plat documents. In addition, the following conditions, restrictions, and regulations are adopted as part of this approval:

A. General Conditions: In addition to the PUD Sketch Plan Map, the following general development criteria shall be integrated into and made a part of this planned unit development.

1. General Conformance to Subdivision Ordinance: All subdivisions, public and private streets and street rights-of-way and general development shall adhere to the standards and design criteria set forth in the West Des Moines Subdivision Ordinance and/or established City policies pertaining thereto, unless otherwise stated within this Ordinance.

2. General Conformance to Zoning Ordinance: Unless otherwise specified herein, the development of the Majestic Oaks PUD shall comply with the provisions of the Title 9, "Zoning", of the city code or any other applicable codes.

3. Flood Hazard: In all areas within a 100-year frequency flood hazard zone, or adjoining drainage ways, and detention ponding areas involving potential flood hazards, no building shall be erected which has a minimum opening elevation (including top of window well) less than three feet (3') above the determined level of the 100-year frequency flood event.

4. Developer Responsibilities: The Developer, their successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development, as required by this Ordinance, or the Subdivision Ordinance of the City of West Des Moines, Iowa for all streets, storm sewers, sanitary sewers, drainageway improvements, detention basins, water mains, buffers and other improvements within the PUD as may be required within the Majestic Oaks PUD, Subdivision Ordinances, and Zoning Ordinances, unless otherwise approved by the City Council.

5. Public Street Improvements and Right-Of-Way Dedication: At time of subdivision platting within the PUD, the subdivider shall be responsible for construction and/or installation of all required public infrastructure improvements in accordance with the City's Subdivision Ordinance, as indicated herein, and/or as indicated on the approved Majestic Oaks PUD Sketch Proposal. With any subdivision plat within the PUD, the subdivider shall be responsible for constructing and/or installing the public infrastructure necessary to support development within the subdivision in a manner that will assure that the public infrastructure functions at an acceptable level of service (per the City's Comprehensive Plan) and that complies with all City Ordinances.

6. Sanitary Sewer: Any proposed change in approved land use densities for the PUD will require an analysis of the downstream sanitary sewer capacity to assure that adequate capacity is available for the proposed change in approved land use densities.

7. Street Lighting: The Developer shall be responsible for all costs associated with the installation of public street lights within or adjacent to any area proposed to be platted.

8. Mailboxes: The Developer shall be responsible for installation of any required Cluster Box Units (CBUs) as per the local U.S. Postal Service Post Office.

SECTION 6. PARK LAND DEDICATION: An area of land calculated by a set formula based upon the size and density of the proposed development will be required to be dedicated for purposes of a public park and greenway areas. The parkland requirements for this development will be provided by the dedication of greenway lands located along the west side of Sugar Creek, or by another means set forth by the Parks and Recreation Department. The greenway lands are part of same overall property, held under same ownership, and would be deeded to the City upon any future platting of this property. A Parkland Dedication Agreement, acceptable to the Parks and Recreation Department, detailing the specifics related to the provision of parkland dedication requirements for the development of each area contained within the PUD will be required to be executed prior to the approval of each Final Flat for parcels within the development.

SECTION 7. MASTER PROPERTY OWNERS ASSOCIATION: In conjunction with the recordation of the first Final Plat for ground included within this development, proper action shall be taken to establish a Majestic Oaks property owners association. The association shall encompass all property included in this PUD. Association documents are intended to provide that general maintenance of each outlot area associated with Lots 1-14, including general maintenance of the stream bank, shall be the responsibility of the associated residential lot. Sugar Creek bank stabilization activities and repair due to erosion shall be the collective responsibility of the Majestic Oaks property owners association, not the individual lots. Maintenance responsibilities for Outlot Z and any other common grounds shall be defined within the association documents.

SECTION 8. LAND USE DESIGN CRITERIA: In addition to the general criteria as stated previously, the following land use design criteria shall apply to the development areas designated on the Sketch Plan. The following development standards and use regulations shall apply to the development parcels:

A. All general use regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for Residential Single Family (R-1) Zoning District shall apply to any development proposal for property in Parcel A as shown on the sketch plan, unless noted otherwise in this ordinance.

   1. Front Yard Building Setbacks: All residential dwelling structures shall comply with a minimum twenty-five foot (25') front yard setback as measured to the closest element, including porches, except for garages which must be setback a distance of thirty feet (30') as measured from the garage door opening to the front property line. Porches are not allowed to extend into the front yard setback.

   2. Rear Yard Building Setbacks:
      a. Lots 1-14: All dwelling structures, attached accessory structures such as decks, sunrooms, porches, and detached garages shall comply with a forty foot (40') rear yard setback as measured from rear property line of the lot containing the dwelling structure (not the rear boundary of an associated outlot) and shall be contained within the area created between the front and rear yard setbacks. Gazebos, play structures, sheds, swimming pools, etc. may be located within the rear yard setback but shall not be located within the associated outlot.
      b. Lots 15-16 shall comply with a minimum thirty-five foot (35') rear yard setback as set forth in the Residential Single Family (R-1) Zoning District.

   3. Side Yard Setbacks: All lots shall comply with minimum side yard setbacks as set forth in the Residential Single Family (R-1) Zoning District. Outlot X is intended to be lot tied to Lot 1 and become part of the buildable lot, therefore, the south side yard setback within Lot 1 shall be measured from the southern boundary line of Outlot X.

   4. No structures of any kind, including fences, shall be located within the outlots associated with Lots 1-14. These outlots are intended for drainage and floodplain management.

   5. Outlot Z is unbuildable until such time that it is replatted through the City's Subdivision process. A development ground monument sign and landscape vegetation may be located within the outlot without replatting.

SECTION 12. SIGNAGE REGULATION: Signage for the development shall comply with all provisions of Title 9, Chapter 18 for the Single Family Residential (R-1) district.

SECTION 13. STORM WATER MANAGEMENT: Majestic Oaks Storm Water Management Plan shall be prepared in conjunction with the Preliminary Platting of property within the PUD. Said Storm Water Management Plans shall be prepared by a Professional Engineer licensed in the State of Iowa. Storm Water Management Plans shall comply with the City's current design standards for storm water management. The method of storm water management and the storm water conveyance system shall be determined prior to City approval of a plat for any portion of the property within the Majestic Oaks PUD.

At time of platting or development, ownership and responsibility for any storm water detention areas and private storm water detention outlet structures required will need to be established.

SECTION 14. TRAFFIC REPORTS: A Traffic Impact Study (Traffic Report) dated January 27, 2015, has been prepared by the City of West Des Moines for the Majestic Oaks development.

SECTION 15. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase or part of the 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 16. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this ____ day of _____ 2016.

_____
Steven K. Gaer, Mayor

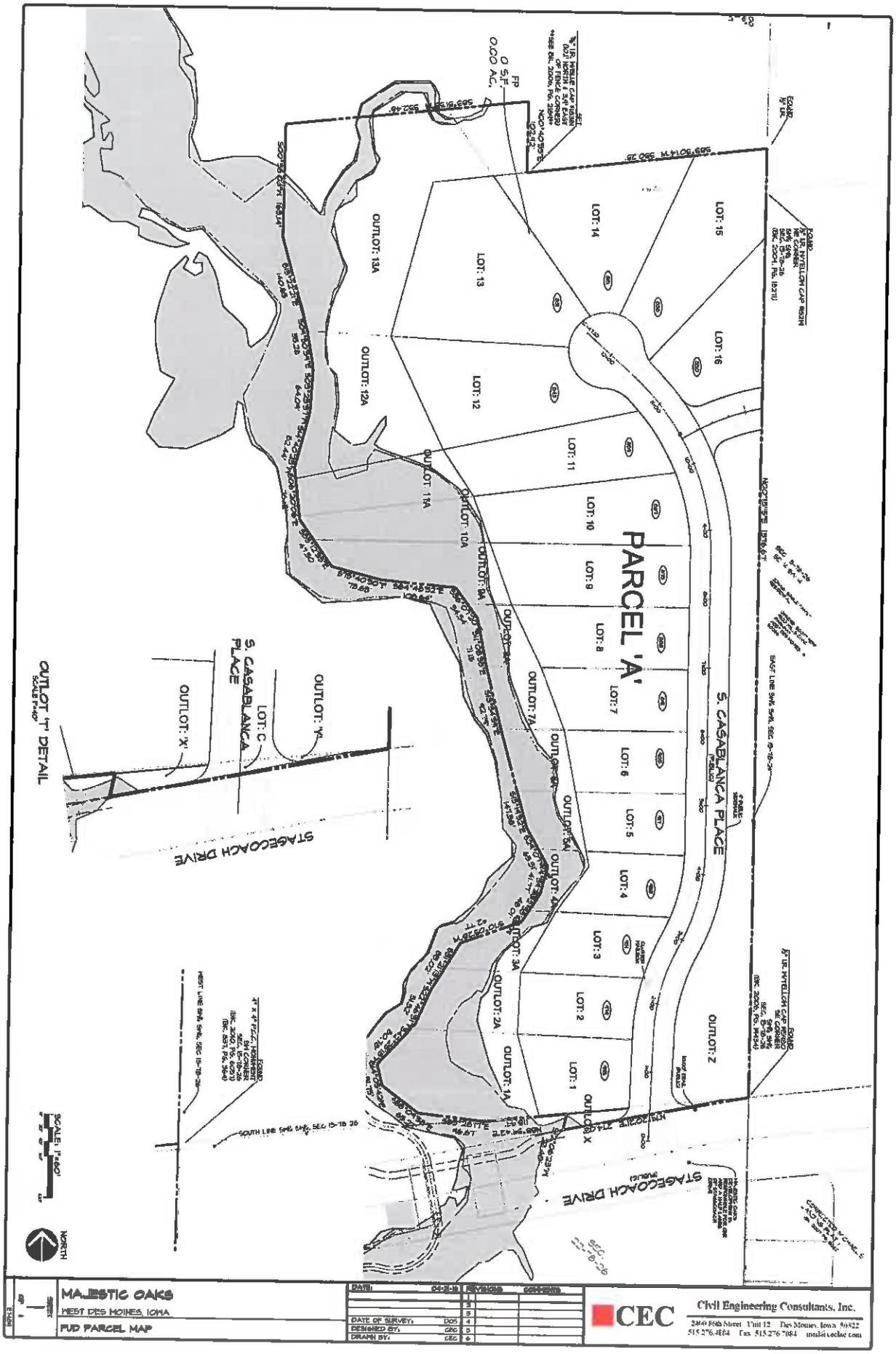
ATTEST:

_____
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____ 2016.

_____
Ryan T. Jacobson, City Clerk

EXHIBIT A


PARCEL 'A'
S. CASABLANCA PLACE
STAGECOACH DRIVE
LOT: 1
LOT: 2
LOT: 3
LOT: 4
LOT: 5
LOT: 6
LOT: 7
LOT: 8
LOT: 9
LOT: 10
LOT: 11
LOT: 12
LOT: 13
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OUTLOT: X
OUTLOT: 1A
OUTLOT: 2A
OUTLOT: 3A
OUTLOT: 5A
OUTLOT: 7A
OUTLOT: 9A
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OUTLOT: 11A
OUTLOT: 12A
OUTLOT: 13A
OUTLOT: 'X'
OUTLOT: 'Y'
LOT: C
S. CASABLANCA PLACE
OUTLOT 'T' DETAIL
SCALE 1"=40'
SCALE: 1"=60'
NORTH
MAJESTIC OAKS
WEST DES MOINES, IOWA
PUD PARCEL MAP
DATE OF SURVEY:
DESIGNED BY:
DRAWN BY:
CEC
Civil Engineering Consultants, Inc.