CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: October 31, 2016

ITEM: Browns Woods Estates – West of Veterans Parkway and South of Browns Woods Drive – Rezone property from Residential Estate (RE-1A) and Residential Medium Density (RM-8) to Single Family Residential (RS-20) and Single Family Residential (R-1) – Venture Homes LLC – ZC-003167-2016/CPA-003244-2016 (deferred from October 17, 2016)

ORDINANCE: Approval of First Reading of Ordinance to Change Zoning from RE-1A and RM-8 to R-1
ORDINANCE: Approval of First Reading of Ordinance to Change Zoning from RE-1A and RM-8 to RS-20
RESOLUTION: Approval of Comprehensive Plan Amendment

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Venture Homes LLC is seeking approval to change the zoning of property that lies about 500 feet south of Browns Woods Drive on the west side of Veterans Parkway. The proposed change would include the property zoned Residential Estate (RE-1A) and Residential Medium Density (RM-8) being changed to Residential Single Family RS-20 and Single Family Residential R-1 zoning (see Exhibit I – Location Map).

OUTSTANDING ISSUES: There are no outstanding issues with the Plan & Zoning Commission recommendation; staff, the developer, and the Commission agree to the conditions of the recommendation. However, staff acknowledges that the adjacent property owners do not agree with the recommendation as they have expressed the desire to have the property remain zoned RE-1A at least adjacent to their property.

At the previous City Council meeting, action on the Rezoning Request was deferred for two weeks to allow additional time to discuss the matter. At the recommendation of the City Council, a neighborhood and developer meeting was held on October 26th. City Council members Trevillyan and Trimble were in attendance. Discussed at the meeting was an alternate zoning proposal for RS-30 (30,000sf minimum lots) in lieu of the currently proposed RS-20 (minimum 20,000sf lots) along the north and west portion of the property which borders the existing RE-1A zoned parcels. The proposal keeps the same 200' minimum lot depth requirement, an 80' rear yard setback for the primary structure, a 50' rear yard setback for detached accessory structures, and a maximum size limitation of 1,000sf for all detached accessory structures within a parcel, but removes any requirements for architectural standards. The developer indicated that they are in agreement with the proposal. 18 residents were in attendance. Other than Mr. Paulsen, owner of property immediately to the south who would like a buffer required on the subject property along the south lot line, it seemed those in attendance were agreeable to the RS-30 proposal.

RECOMMENDATION – REZONING REQUEST RE-1A & RM-8 to R-1: 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 Rezoning Request to change the zoning of the property from Residential Estate (RE-1A) and Residential Medium Density (RM-8) to Residential Single Family (R-1) as illustrated in Exhibit II, subject to the applicant meeting all City Code requirements and the following:

1. As part of the platting process, the developer conducting the necessary storm water studies and preparing the required Storm Water Management Plan that demonstrates existing ponds located to the west and north will not be adversely affected; and,

RECOMMENDATION – REZONING REQUEST RE-1A & RM-8 to RS-20: 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 Rezoning Request to change the zoning of the property from Residential Estate (RE-1A) and Residential Medium Density (RM-8) to Residential Single Family (RS-20) as illustrated in Exhibit III, subject to the applicant meeting all City Code requirements and the following.

1. As part of the platting process, the developer conducting the necessary storm water studies and preparing the required Storm Water Management Plan that demonstrates existing ponds located to the west and north will not be adversely affected; and,
2. That platting of the Residential Single Family (RS-20) lots within the subject property which share a boundary with existing adjacent RE-1A zoned property be a minimum of 20,000sf in size, be a minimum of 200' in depth, require an 80' rear yard setback for the primary dwelling structure, and require a 50' rear yard setback for all detached accessory structures.

RECOMMENDATION - COMPREHENSIVE PLAN LAND USE MAP AMENDMENT: 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 Comprehensive Plan Land Use map amendment to change the land use designation or the property from Low Density Residential (LD) and Medium Density Residential (MD) to Single Family Residential (SF), as illustrated in Exhibit IV, subject to the applicant meeting all City Code requirements.

Lead Planner: Kara Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	September 16, 2016	
Letter sent to surrounding property owners		September 9, 2016

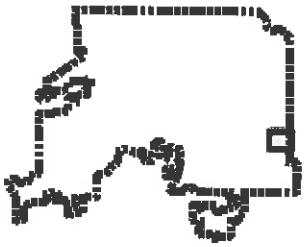
SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	July 11, 2016/August 8, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Location Map
Exhibit II - Ordinance for Rezoning – RE-1A & RM-8 to R-1
Exhibit III - Ordinance for Rezoning – RE-1A & RM-8 to RS-20
Exhibit IV - Resolution: Approval of Comprehensive Plan Land Use Map Amendment

Browns Wood Estates



Legend

- Parcels
- Parks
- Greenways

965.0 0 482.51 965.0 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

EXHIBIT I

EXHIBIT II

Prepared by: K Tragesser, Development Services, P.O. 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 changing the zoning of property on the west side of Veterans Parkway approximately one-quarter mile south of SE Browns Woods Drive and legally described below from Residential Estate Single Family (RE-1A) district and Residential Medium Density (RM-8) district to approximately 27 acres of Residential Single Family (R-1) as legally described below and as illustrated in Exhibit B;

Legal Description

SEE EXHIBIT A

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 _____, 2016

_____
Steven K. Gaer, Mayor

S:___Development Projects\Browns Woods Estates\Browns Woods Estates Rezoning\ZC-003167-2016_SR_Browns Woods Estate Rezoning_CC_10-31-2016K.docx

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
Legal Description

A part of

A tract of land being a part of the Northwest ¼ of Section 26, Township 78 North, Range 25 West of the 5th P.M., West Des Moines, Polk County, Iowa. Said tract of land being more particularly described as follows:

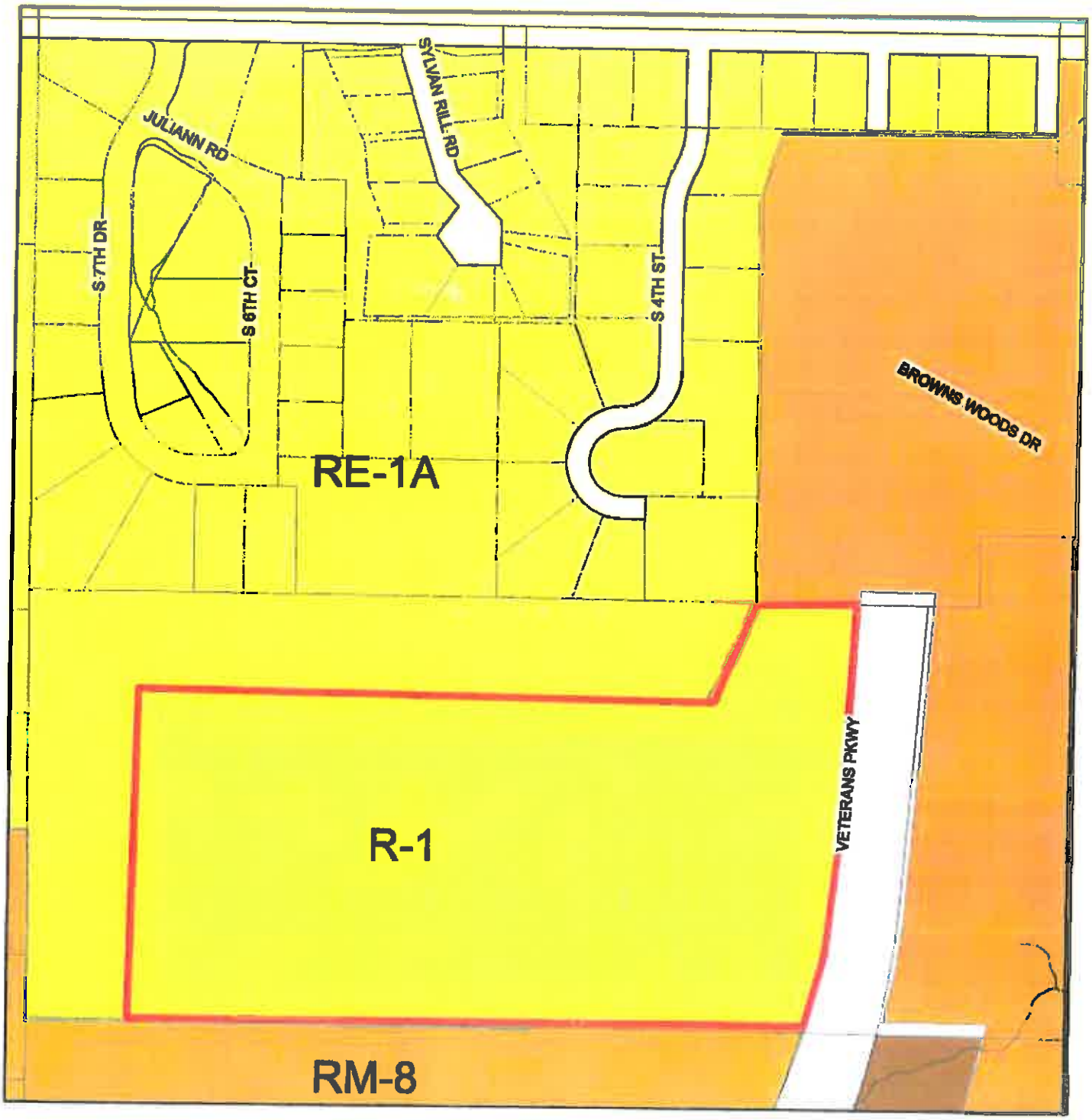
Beginning at Northwest Corner of the Southwest ¼ of the Northwest ¼ of Section 26, Township 78 North, Range 25 West of the 5th P.M., West Des Moines, Polk County, Iowa; thence N00°18'26"W, 54.40 feet along the West Line of the Northwest ¼ of the Northwest ¼ of said Section 26; thence S89°42'48"E, 1829.08 feet to the Westerly Right-of-Way of Veterans Parkway as it is presently established; thence S04°34'23"W, 655.00 feet along said Westerly Right-of-Way Line to a point of curvature of a 1554.42 feet radius curve concave to the Northeast; thence Southwesterly, 303.06 feet along said Westerly Right-of-Way Line and said curve, said curve has a chord length of 302.58 feet and a chord bearing of S10°09'30"W; thence N89°34'26"W, 1716.53 feet to the West Line of the Southwest ¼ of the Northwest ¼ of said Section 26; thence N00°22'28"W, 902.73 feet along said West Line, to the Northwest Corner of the Southwest ¼ of the Northwest ¼ of said Section 26 and to the Point of Beginning.

Said tract of land contains 39.297 acres more or less.

Said tract of land being subject to all easements of record.

EXHIBIT B

Proposed Zoning Map



No Scale

EXHIBIT III

Prepared by: K Tragesser, Development Services, P.O. 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

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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 changing the zoning of property on the west side of Veterans Parkway approximately one-quarter mile south of SE Browns Woods Drive and legally described below from Residential Estate Single Family (RE-1A) district to approximately 11 acres of Residential Single Family (RS-20) district as legally described below and as illustrated in Exhibit B;

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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 _____, 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

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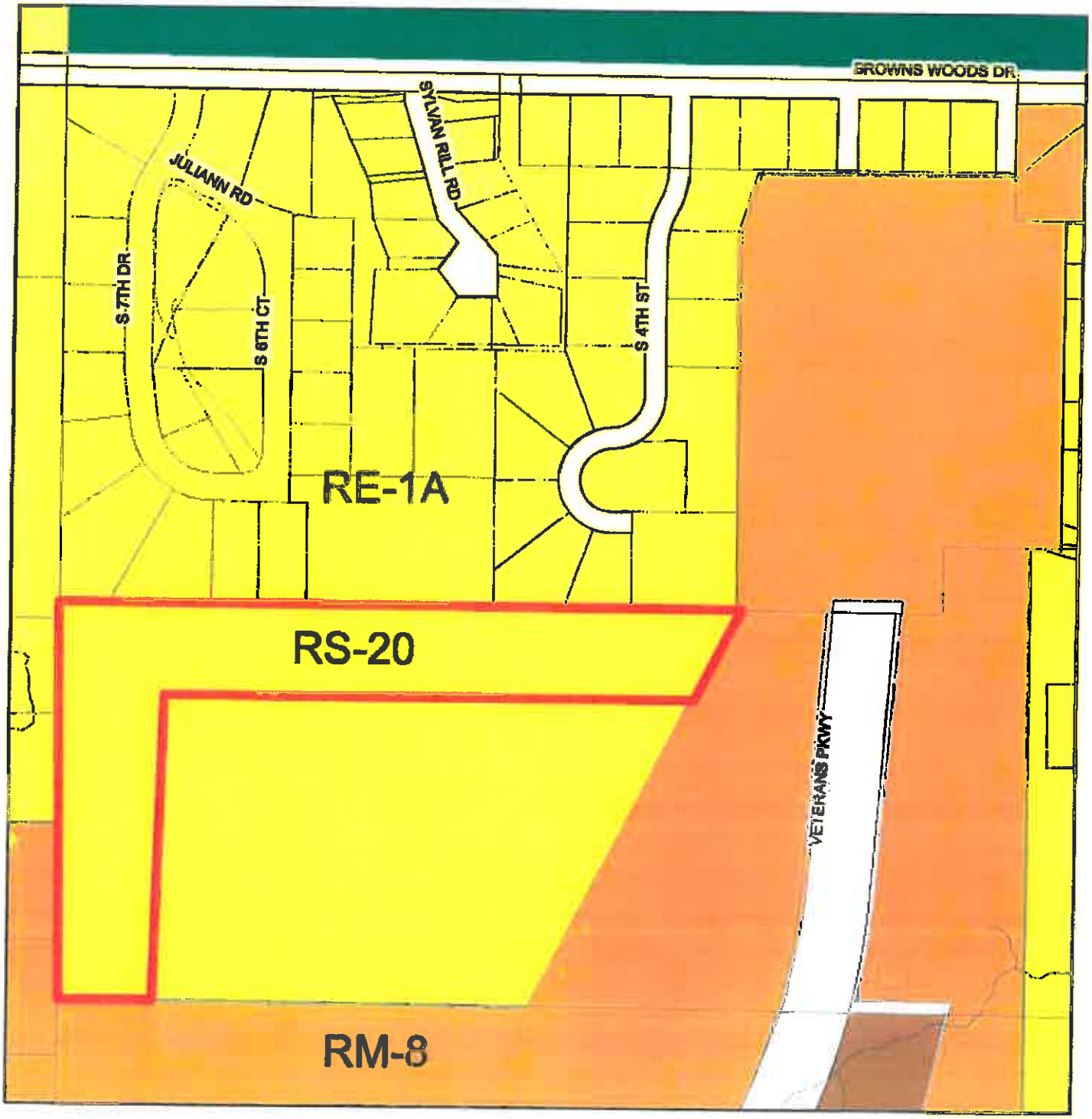

No Scale

EXHIBIT IV

Prepared by: KTragesser, 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-003244-2016) TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY LOCATED WEST OF VETERANS PARKWAY APPROXIMATELY ONE QUARTER MILE SOUTH OF SE BROWNS WOODS DRIVE FROM LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Venture Homes, LLC has requested approval for a Comprehensive Plan Amendment to amend the Comprehensive Plan Land Use Plan to change from Low Density Residential (LD) and Medium Density Residential (RM-8) to Single Family Residential (SF) for the property legally described as follows and as illustrated in Exhibit B:

Legal Description

See Exhibit A

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 October 10, 2016, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment;

WHEREAS, on October 17, 2016, the City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment, where the public hearing was closed, but not acted upon;

WHEREAS, on October 31, 2016, the City Council held a duly – notice public meeting to consider the application for the Comprehensive Plan Amendment;

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 meeting are adopted.

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

PASSED AND ADOPTED on October 31, 2016.

Steve 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 October 31, 2016, by the following vote:

ATTEST:

Ryan Jacobson
City Clerk

Exhibit A
Legal Description

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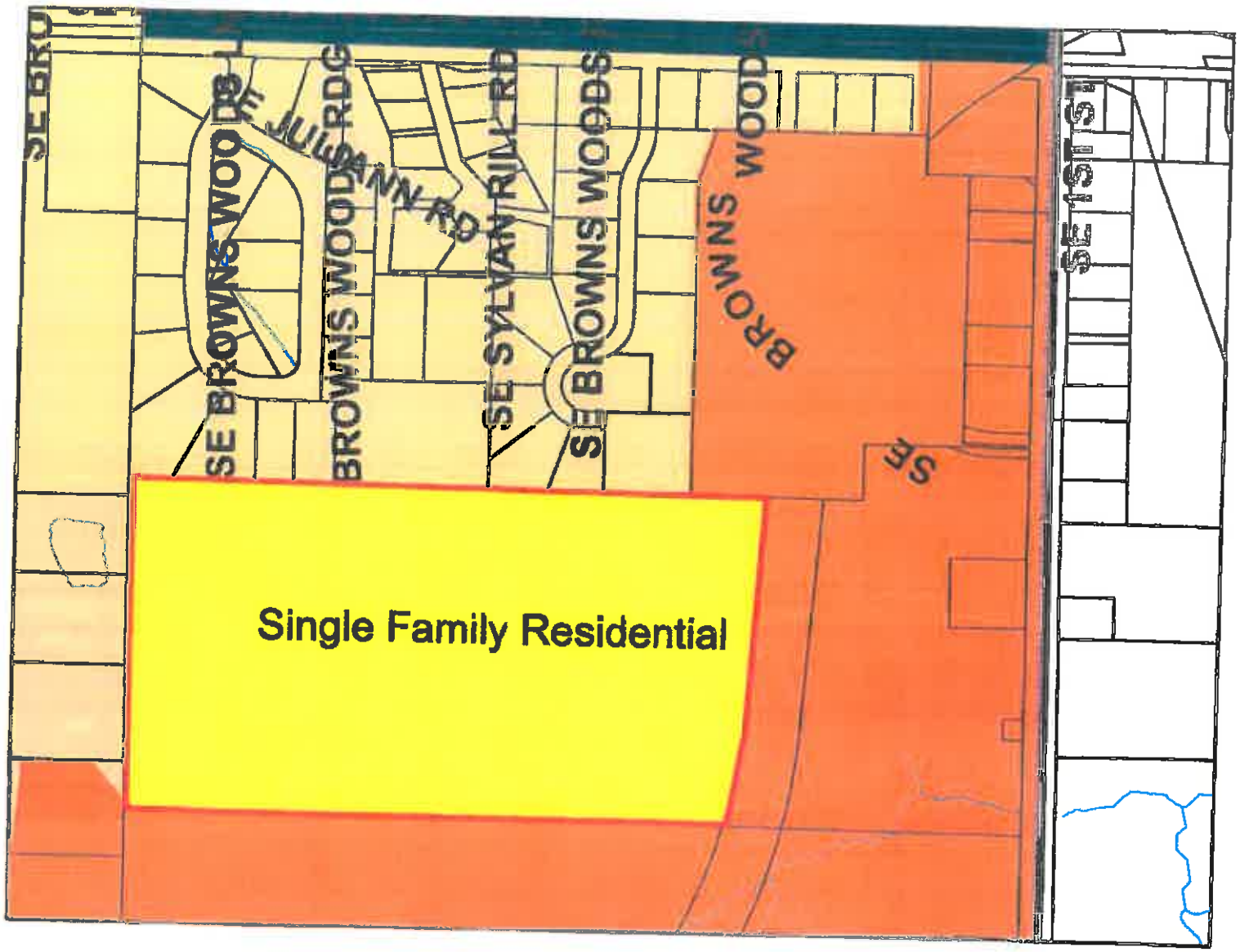
Proposed Land Use Designations