

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: May 22, 2017

Item: Raccoon River Quarries PUD, Generally located South of F-90 (Raccoon River Drive) and west of Interstate 35 – Amend Raccoon River Quarries Planned Unit Development (PUD) to modify the extraction setback on the west side of the property – City Initiated – ZC-003466-2017

Requested Action: Approval of PUD Amendment

Case Advisor: Lynne Twedt 

Applicant's Request: To bring consistency between mining operations and the current Public Improvement Plans for the S. Grand Prairie Parkway Bridge to be located at the western end of Martin Marietta's quarry, the City of West Des Moines Development Services Department requests an amendment to the Raccoon River Quarries Planned Unit Development (PUD). The amendment specifically modifies PUD language relating to the extraction setback on the west side of the property (the separation between mining and South Grand Prairie Parkway) to further restrict mining in order to better accommodate the future widening of the road. The change only affects the far western end of the Martin Marietta Materials property. No other changes to the PUD are proposed.

History: The quarries began mining operations on this site in the early to mid-2000 when they were located in unincorporated Dallas County. The City Council approved the annexation of the properties into the City on March 22, 2010. The establishment of the PUD and site plans for the quarry operations were originally approved by the City Council on November 2, 2009 and reaffirmed on June 1, 2010 after completion of annexation.

City Council Subcommittee: Due to a lack of a meeting, this item was not presented to the Development and Planning Subcommittee.

Staff Review and Comment: The Engineering Services Department has been working with Martin Marietta Materials to coordinate the road/bridge design of S. Grand Prairie Parkway with extraction operations. They are in full agreement with the proposed changes. There are no outstanding items.

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 May 12, 2017, notice for the May 22nd Plan and Zoning Commission and May 30th City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the Raccoon River Quarries PUD on May 12, 2017.

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Raccoon River Quarries PUD to modify language relating to the extraction setback on the west side of the property, subject to the applicant meeting all City Code requirements.

Property Owner: Martin Marietta Materials
11252 Aurora Avenue
Des Moines, IA 50322
Neil Grant – neil.grant@martinmarietta.com

Hallett Materials
PO Box 3365
Des Moines, IA 50316
Rodney McCarn - rmccarn@oldcastlematerials.com

Attachments:

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions of Approval
- Attachment B - Location Map/PUD Boundary
- Attachment C - Typical Road Cross-section Illustration
- Attachment D - Extraction & ROW Illustration
- Attachment E - Proposed PUD Ordinance Amendment

RESOLUTION NO. PZC-17-051

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 RACCOON RIVER QUARRIES PUD TO MODIFY PUD LANGUAGE AND ILLUSTRATIONS RELATING TO THE EXTRACTION SETBACK ON THE WEST SIDE OF THE PROPERTY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the City of West Des Moines Development Services Department has requested an amendment to the Raccoon River Quarries Planned Unit Development (PUD) (ZC-003466-2017) to modify PUD language to adjust the extraction setback on the west side of the property (the separation between mining and South Grand Prairie Parkway) to further restrict mining in order to better accommodate the future widening of the road.

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 May 22, 2017, this Commission held a duly-noticed hearing to consider the application for an amendment to the Raccoon River Quarries PUD (ZC-003466-2017);

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, dated May 22, 2017, or as amended orally at the Plan and Zoning Commission hearing of May 22, 2017, are adopted.

SECTION 2. REZONING REQUEST (ZC-003466-2017) to modify the PUD language relating to the extraction setback on the west side of the property is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 22, 2017, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. 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 May 22, 2017.

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 May 22, 2017, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

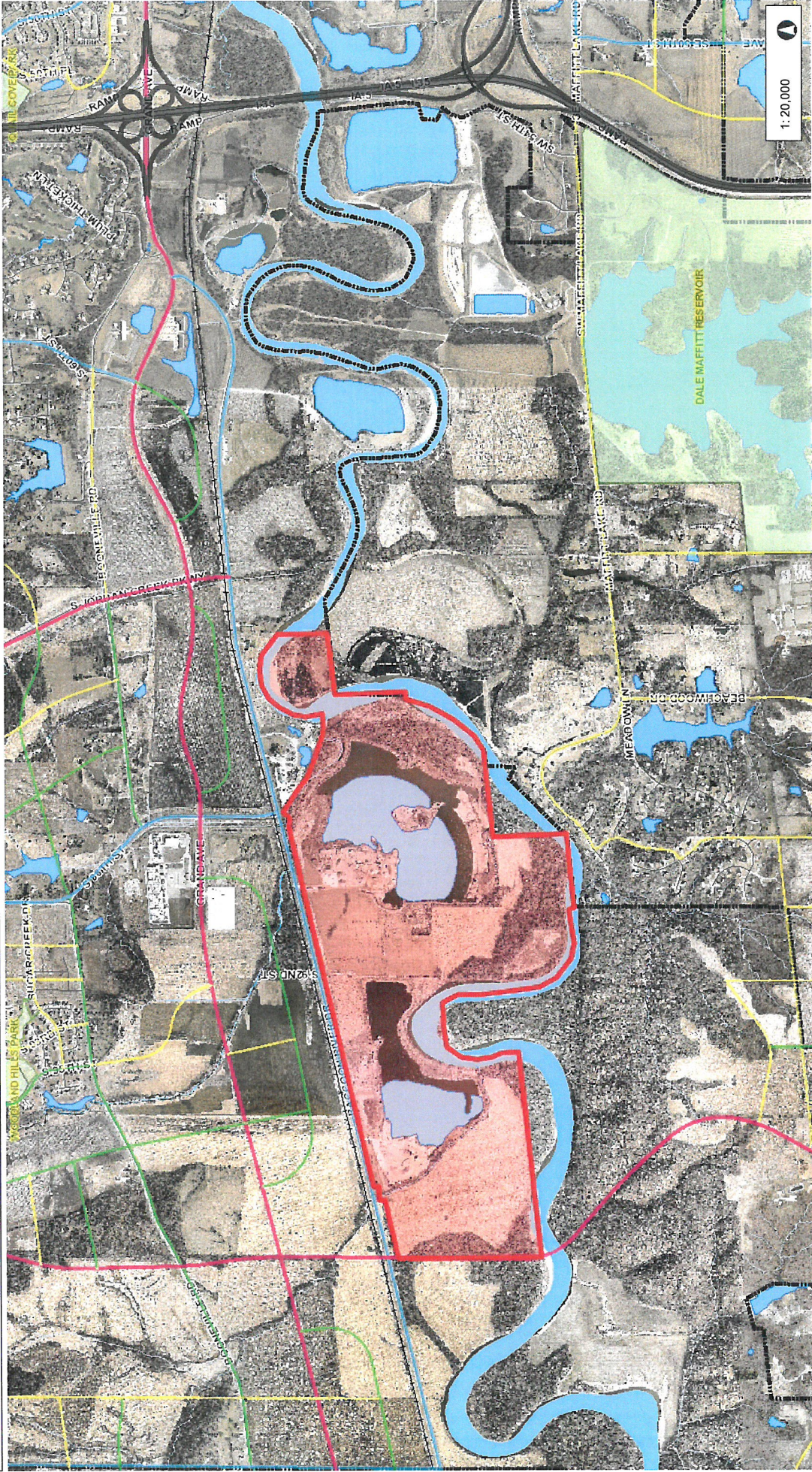
ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. No conditions of approval.

Location / PUD Boundary Illustration

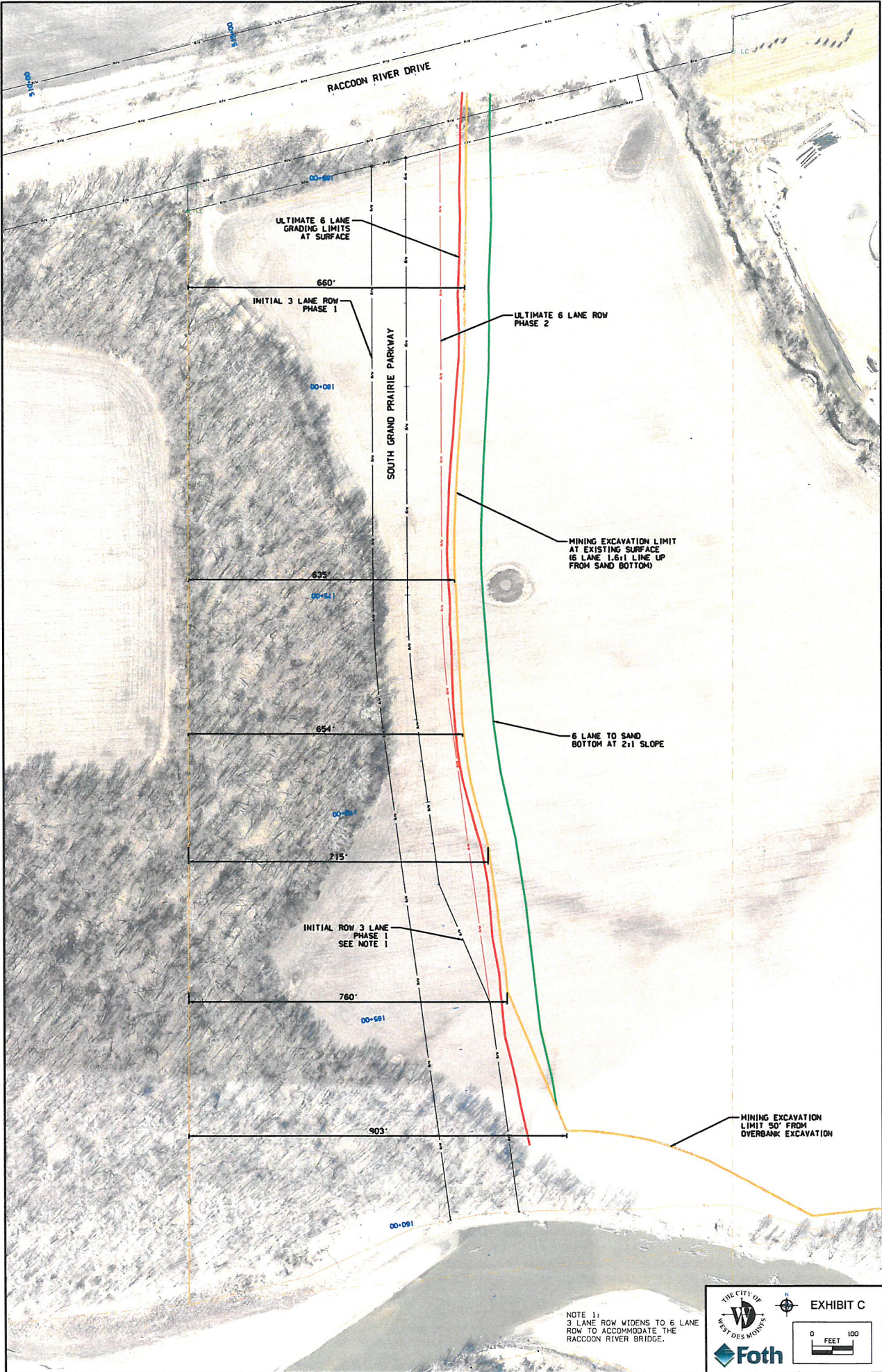


3,333.3 0 1,666.67 3,333.3 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
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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



ULTIMATE 6 LANE GRADING LIMITS AT SURFACE

INITIAL 3 LANE ROW PHASE 1

SOUTH GRAND PRAIRIE PARKWAY

ULTIMATE 6 LANE ROW PHASE 2

MINING EXCAVATION LIMIT AT EXISTING SURFACE (6 LANE 1.6:1 LINE UP FROM SAND BOTTOM)

6 LANE TO SAND BOTTOM AT 2:1 SLOPE

INITIAL ROW 3 LANE PHASE 1 SEE NOTE 1

MINING EXCAVATION LIMIT 50' FROM OVERBANK EXCAVATION

NOTE 1:
3 LANE ROW WIDENS TO 6 LANE ROW TO ACCOMMODATE THE RACCOON RIVER BRIDGE.

THE CITY OF WEST DES MOINES

EXHIBIT C

0 FEET 100

Foth

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, AND ORDINANCE #1851 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**. Ordinance #1851, pertaining to the **Raccoon River Quarries Planned Unit Development (PUD)**, Section 095-05: *Requirements*; Subsection B: *Excavation Setback*; is hereby amended by deleting the highlighted strike-thru text and adding the bolded italicized text:

B. Excavation Setback: Excavation setbacks shall be as follows:

1. North: Minimum of one hundred forty feet (140') from the centerline of F90 (Raccoon River Drive). When mining is complete, there shall be a minimum of one hundred feet (100') of relatively flat area south of this one hundred forty foot (140') line to the top of the north bank of the lake. In areas where post reclamation berms are present south of this one hundred forty foot (140') line, the relatively flat area shall extend a minimum of one hundred feet (100') from the south toe of the berm to the top of the north bank of the lake. This relatively flat area shall be graded to drain toward the lake. If all available overburden material within this site has otherwise been utilized for the 105th Street construction, neither mining company shall be required to bring soil material from off site to construct the necessary flat area.
2. East And South: As depicted on the updated site plans, in general, excavation limits shall be a minimum of fifty feet (50') from the property boundary, the edge of the existing trees within the riparian areas along the bank of the Raccoon River or a minimum of one hundred fifty feet (150') from the top of the bank of the Raccoon River (as it presently exists), whichever is greater. Unless specific permission is granted from the director of parks and recreation, no trees shall be removed from the riparian areas along the river. ***The construction plans for the South Grand Prairie Parkway Bridge now require overbank excavation not previously identified. The excavation (mining) setback from this overbank shall be 50 feet, and Martin Marietta shall make a good faith effort to backfill in this area to reinforce the bank.***
3. West: The excavation limits ~~shall be sufficient such that sand and gravel extraction at a one to one (1:1) slope does not intersect the three to one (3:1) stability slope of the phase one right of way as measured from the centerline of 105th Street and as~~ ***are graphically illustrated on attached exhibits C and D. The excavation limits have been revised to better accommodate the future widening of South Grand Prairie Parkway. The City acknowledges that sand and gravel mining is still expected to occur at approximately a 1:1 slope down from the setback line (on the surface) resulting in the potential need to backfill the toe of this slope (under water) prior to the future widening of this road. To assist with this future activity, Martin Marietta shall make a good faith effort to stockpile overburden within the Phase 2 ROW for use by the City as backfill.***

4. Johnson Creek:
 - a. A minimum setback of one hundred fifty feet (150') shall be provided from the eastern bank of Johnson Creek. Excavation may occur within up to fifty feet (50') of the creek bank if the area is backfilled to a width of one hundred fifty feet (150') for use as a greenbelt corridor and future trail location.
 - b. A minimum setback of seventy five feet (75') shall be provided from the western bank; there shall be no excavation closer than seventy five feet (75') to the bank regardless if backfilling is to occur.
 - c. If per agreement between the quarries and the city and upon obtainment of the appropriate permits by the city, the city desires to relocate Johnson Creek to the western edge of the site, a minimum thirty foot (30') setback shall be required from the eastern bank of the realigned creek.
5. Consent: With written consent of the abutting property owner, a zero foot (0') setback shall be required along interior property lines thus allowing the excavation pits of various operations to merge. Without written consent, each quarry shall maintain a minimum fifty foot (50') setback from the common property line.

SECTION 2. AMENDMENT. Ordinance #1851, pertaining to the **Raccoon River Quarries Planned Unit Development (PUD)**, is hereby amended by changing all references to 105th Street within the PUD to South Grand Prairie Parkway.

SECTION 2. 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 3. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in 1-4-1 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 after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the ____ day of _____, 2017.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2017.

Ryan T. Jacobson
City Clerk