NO CHANGES FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: March 21, 2022

ITEM: Oxford Development, SW Corner of Westown Parkway and 92nd Street – Amend the Zoning Map to establish Single-Family Residential land use and zoning and Amend the South Maple Grove Planned Unit Development to remove ground from the PUD – Encompass Holdings, L.L.C. – CPAZC-005446-2022 & ZC-005515-2022

ORDINANCE: Approval of Second Reading, Waive Third and Adopt Amendment to South Maple Grove Planned Unit Development

ORDINANCE: Approval of Second Reading, Waive Third and Adopt Consistency Zoning

Background: Korey Marsh with Snyder & Associates, Inc., on behalf of the applicant, Encompass Holdings, L.L.C. and property owner, Don L. Roose Jr., requests approval of a Comprehensive Plan Land Use Map Amendment and Rezoning on that ground generally located at the SW Corner of Westown Parkway and 92nd Street. Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for approximately 14.21 acres to change from Medium Density Residential (MD) to Single Family Residential (SF) land use; and
- Amend the Zoning Map for approximately 14.21 acres to change from Residential Medium Density (RM-12) to Residential Single-Family (R-1) Zoning District consistent with the proposed Comprehensive Plan Land Use designation; and
- Amend the South Maple Grove Planned Unit Development (PUD) to remove approximately 1.14 acres from PUD Parcel C and straight zone to Residential Single-Family (R-1); and
- Amend the Zoning Map for approximately 21.40 acres from Residential Single-Family (RS-8) to Residential Single-Family (R-1) Zoning District.

Staff Review & Comment:

- *Financial Impact:* Undetermined
- *Anticipated Development:* The requested actions are in preparation of development of the site for 96 single-family detached residential lots and street extensions. A small portion of Parcel C of the South Maple Grove PUD located at the southwest corner of 92nd Street and Westown Parkway is orphaned from the balance of the PUD. This ground is being removed from the PUD and incorporated into the proposed Oxford development. The balance of the Roose property not part of this action is intended for future development of multi-family dwellings.
- *History:* The property is currently undeveloped except for one home at the far south end of the larger 80-acre property. The adjacent South Maple Grove PUD was established on October 25, 2004.

- *Conditions of Approval:* The Traffic Impact Study is in process. Once the traffic study is completed, any site modifications identified as necessary per the study will need to be addressed as part of the Preliminary Plat for the development. Staff recommends a condition whereas the applicant/developer acknowledges and agrees to such.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date:	February 28, 2022
Vote:	7-0, for Approval
Recommendation:	Recommend approval of Comprehensive Plan Land Use Map Amendment, Amendment to the South Maple Grove PUD, and Rezoning to Consistency Zone

City Council Comprehensive Plan Amendment:

Date:	March 7, 2022
Vote:	5-0, for Approval

City Council Rezoning First Reading of the Ordinance Amending the South Maple Grove Planned Unit Development:

Date:	March 7, 2022
Vote:	5-0, for Approval

City Council Rezoning First Reading of the Ordinance for Consistency Zoning:

Date:	March 7, 2022
Vote:	5-0, for Approval

Recommendation: Approve Amendment to the South Maple Grove PUD and Consistency Zoning, subject to the applicant meeting all City Code requirements, and the following condition of approval:

1. The applicant/developer acknowledging and agreeing that any road improvements and/or alignment modifications necessary as identified in the traffic impact study will be accommodated as part of the Preliminary Plat process for the development.

Lead Staff Member: Kate DeVine

Approval Meeting Dates:

Plan and Zoning Commission	February 28, 2022
City Council: First Reading	March 7, 2022
City Council: Second Reading, Waive Third and Adopt	March 21, 2022

Staff Report Reviews:

Plan & Zoning Commission	☒ Development Coordinator (or) ☒ Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☒ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	2/18/22
Date(s) of Mailed Notices	2/17/22

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	1/18/22
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-011

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Encompass Holdings, L.L.C., and property owner, Don L Roose, Jr, request approval for a Comprehensive Plan Land Use Map Amendment for property generally located at the SW Corner of Westown Parkway and 92nd Street as depicted on the Comprehensive Plan Land Use Map Change Illustration included in the staff report to change the land use designation as follows:

- Change approximately 14.21 acres from Medium Density Residential (MD) to Single Family Residential (SF) land use; and

WHEREAS, the comprehensive plan amendment complies with the applicable provisions of Iowa Code Chapter 414 and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPA-005446-2022) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on February 28, 2022.

Erica Andersen, Chair
Plan and Zoning Commission

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 28, 2022, by the following vote:

AYES: Andersen, Conlin, Costa, Crowley, Davis, Drake, Hatfield
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-013

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Encompass Buildings L.L.C., and property owner, Don L. Roose Jr, request approval of an amendment to the South Maple Grove Planned Unit Development (PUD) Ordinance to remove an approximately 1.14-acres of PUD Parcel C located at the southwest corner of Westown Parkway and 92nd Street as indicated on the Location Map, both of which are included in the staff report; and

WHEREAS, the rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Pan and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning Request to amend the South Maple Grove Planned Unit Development (PUD) Ordinance (ZC-005515-2022), subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on February 28, 2022.

Erica Andersen, Chair
Plan and Zoning Commission

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 28, 2022, by the following vote:

AYES: Andersen, Conlin, Costa, Crowley, Davis, Drake, Hatfiefld
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:
Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-012

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Encompass Buildings, L.L.C., and property owner, Don L Roose, Jr, request approval of a Zoning Map Amendment for property generally located at the SW Corner of Westown Parkway and 92nd Street as depicted on the Consistency Zoning Illustration included in the staff report to change the zoning designation as follows:

- Amend the Zoning Map for 21.40 acres to change from Residential Single-Family (RS-8) to Residential Single Family (R-1); and
- Amend the Zoning Map for 14.21 acres to change from Residential Medium Density (RM-12) to Residential Single Family (R-1); and
- Assign Residential Single Family (R-1) zoning to that approximately 1.14-acres removed from the South Maple Grove PUD; and

WHEREAS, the Rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Oxford Development Rezoning request, (ZC-005446-2022 and ZC-005515-2022) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on February 28, 2022.

Erica Andersen

Erica Andersen, Chair
Plan and Zoning Commission

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 28, 2022, by the following vote:

AYES: Andersen, Conlin, Costa, Crowley, Davis, Drake, Hatfield

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST: Jennifer Conaway

Prepared by: Kate DeVine, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING A COMPREHENSIVE PLAN LAND USE AMENDMENT TO ESTABLISH SINGLE FAMILY RESIDENTIAL LAND USE

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Encompass Buildings, L.L.C., and property owner, Dan L. Roose, Jr, request approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation on approximately 14.21-acres from Medium Density Residential (MD) to Single Family Residential (SF) on the ground legally described in attached Exhibit 'B' and as indicated on the attached Comprehensive Plan Land Use Map Change Illustration; and

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; and

WHEREAS, the Comprehensive Plan Land Use Map Amendment complies with applicable provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on February 28, 2022, the Plan and Zoning Commission did recommend to the City Council, by a 7-0 vote, for approval of the Comprehensive Plan Land Use Map Amendment; and

WHEREAS, on this day this City Council held a duly noticed Public Hearing to consider the application for Comprehensive Plan Land Use Map Amendment.

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Land Use Map Amendment (CPA-005446-2022) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, dated March 7, 2022, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on March 7, 2022.

Russ Trimble, Mayor
ATTEST:

COUNCIL ACTION	YEAS	NAYS	ABST	ABSENT
TREVILLYAN	✓			
HUDSON	✓			
LOOTS	✓			
HARDMAN	✓			
MCKINNEY	✓			
MOTION BY	Hudson			
SECOND BY:	Hardman			
ROLL CALL #	22-081			

Ryan Jacobson, City Clerk

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 March 7, 2022, by the indicated vote.

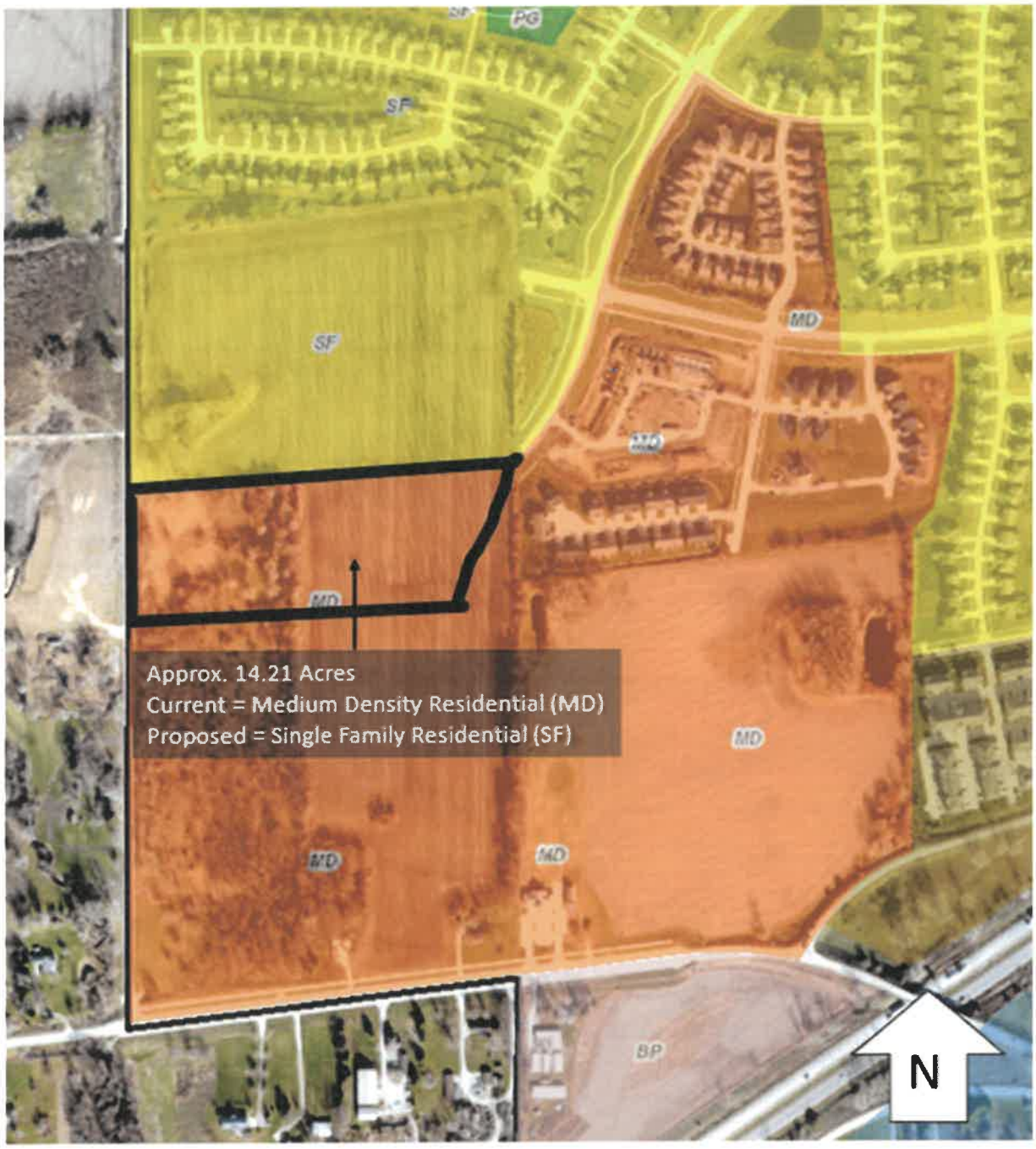
Exhibit A: Conditions of Approval

1. The applicant/developer acknowledging and agreeing that any road improvements and/or alignment modifications necessary as identified in the traffic impact study will be accommodated as part of the Preliminary Plat process for the development.

Exhibit B: Legal Description

COMMENCING AT THE NORTHEAST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 811.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY CONTINUING ALONG SAID EAST LINE, 93.22 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1018.08 FEET, WHOSE ARC LENGTH IS 133.68 FEET, AND WHOSE CHORD BEARS SOUTH 45°31' 18" WEST, 133.59 FEET. THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 600.00 FEET, WHOSE ARC LENGTH IS 512.70 FEET AND WHOSE CHORD BEARS SOUTH 24°52' 33" WEST, 497.20 FEET; THENCE NORTH 76°44' 56" WEST, 456.20 FEET; THENCE NORTH 89°48' 07" WEST, 525.80 FEET TO THE EAST RIGHT OF WAY LINE OF 98TH STREET; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, 537.72 FEET; THENCE SOUTH 89°44' 01" EAST, 1270.11 FEET TO THE POINT OF BEGINNING.

Comprehensive Plan Land Use Map Change Illustration



Prepared by: Kate DeVine, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE #

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) #72 SOUTH MAPLE GROVE, DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT: Ordinance #1610, #1633, #1654, #1754, #1932, and #2034, pertaining to the South Maple Grove Planned Unit Development (PUD), Section 01: Legal Description is hereby amended by adding the following text in bold italic type:

> . . . on the south right-of-way line of the former Des Moines & Ft. Dodge Railroad; thence S63°03'44"E, 977.01 feet along said south right-of-way line to a point on the east line of said section 3; thence S00°12'57"W, 775.92 feet along said east line to the point of beginning. ***Except OUTLOT "Z", SOUTH MAPLE GROVE PLAT 6, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY IOWA.***

SECTION 2. AMENDMENT: Ordinance #1610, #1633, #1654, #1754, #1932 and #2034, pertaining to the South Maple Grove Planned Unit Development (PUD), Section 02, Sketch Plan is hereby amended by replacing the previous Sketch Plan with the attached revised Sketch Plan.

SECTION 3. REPEALER. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Section 1 of the City Code of the City of West Des Moines, Iowa.

SECTION 6. OTHER REMEDIES. In addition to the provisions set out in 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 7. 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 _____, 2022 and approved this _____ day of _____, 2022.

_____
Russ Trimble, Mayor

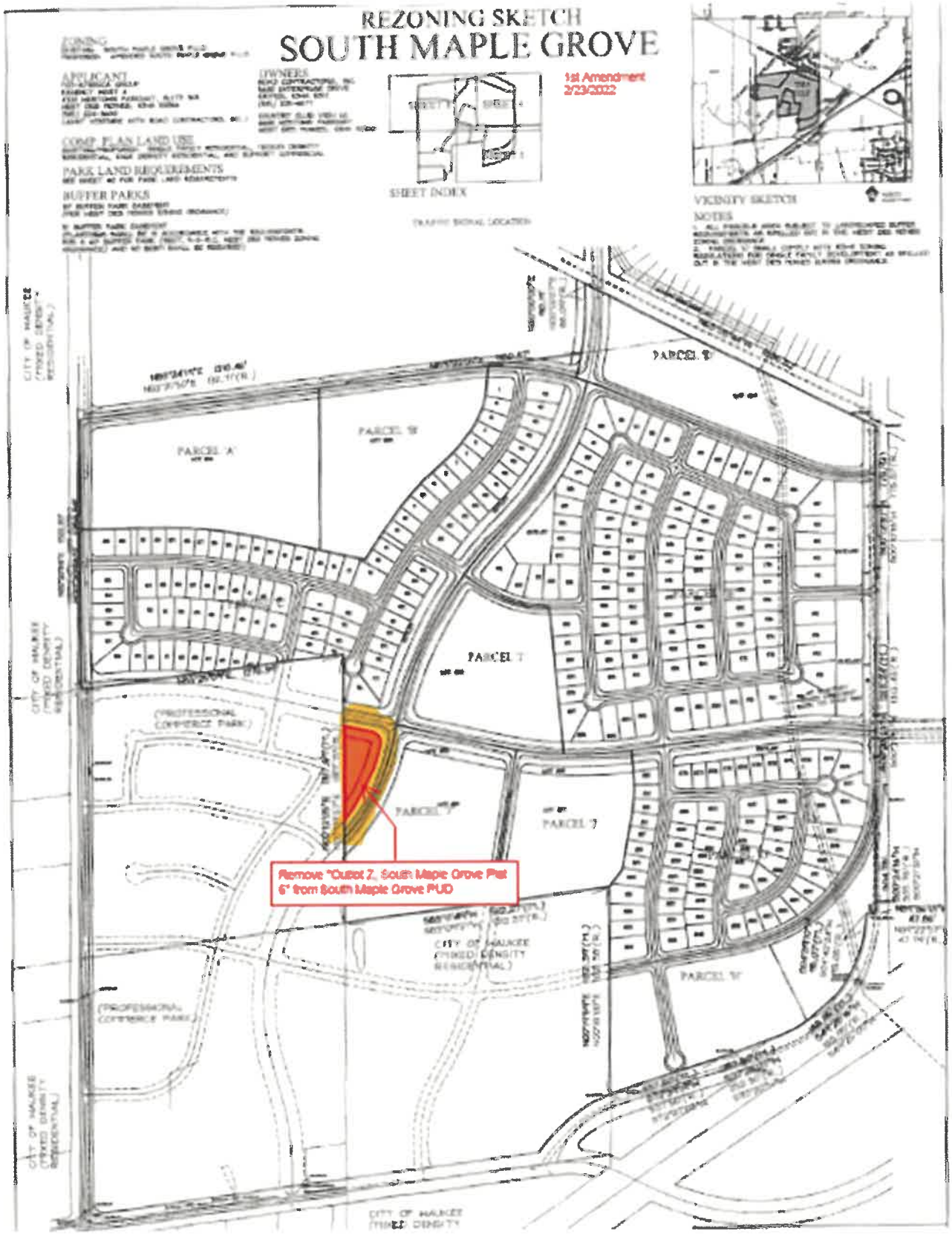
ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the City Council for the City of West Des Moines, Iowa, on _____, 2022, and was published in the Des Moines Register on _____ , 2022.

_____
Ryan T. Jacobson
City Clerk

PUD Sketch Plan



Prepared by: Kate DeVine, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE #

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 9, ZONING, CHAPTER 4, ZONING DISTRICTS AND MAPS

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 designating 21.41 acres from Residential Single-Family (RS-8) to Residential Single-Family (R-1), 14.21 acres from Residential Medium Density (RM-12) to Residential Single-Family (R-1), and 1.14 acres (removed South Maple Grove area) from Residential Single-Family (RS-8) to Residential Single-Family (R-1) Zoning District consistent with the adopted Comprehensive Plan Land Use Map as amended, on that property legally described as follows and shown on the attached Zoning Map Illustration:

Legal Description

A PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

(RS-8):
BEGINNING AT THE NORTHWEST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4; THENCE EASTERLY ALONG THE NORTH LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4 TO THE NORTHEAST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 811.81 FEET; THENCE NORTH 89°44' 01" WEST, 1270.11 FEET TO THE EAST RIGHT OF WAY LINE OF 98TH STREET; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

AND

(RM-12):
COMMENCING AT THE NORTHEAST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4, A DISTANCE OF 811.81 FEET TO THE POINT OF

BEGINNING; THENCE SOUTHERLY CONTINUING ALONG SAID EAST LINE, 93.22 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 1018.08 FEET, WHOSE ARC LENGTH IS 133.68 FEET, AND WHOSE CHORD BEARS SOUTH 45°31'18"WEST, 133.59 FEET. THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 600.00 FEET, WHOSE ARC LENGTH IS 512.70 FEET AND WHOSE CHORD BEARS SOUTH 24°52'33"WEST, 497.20 FEET; THENCE NORTH 76°44'56"WEST, 456.20 FEET; THENCE NORTH 89°48'07"WEST, 525.80 FEET TO THE EAST RIGHT OF WAY LINE OF 98TH STREET; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, 537.72 FEET; THENCE SOUTH 89°44'01"EAST, 1270.11 FEET TO THE POINT OF BEGINNING.

AND

(RS-8 FORMER PUD AREA):
OUTLOT "Z", SOUTH MAPLE GROVE PLAT 6, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY IOWA.

SECTION 2. REPEALER. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in 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 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

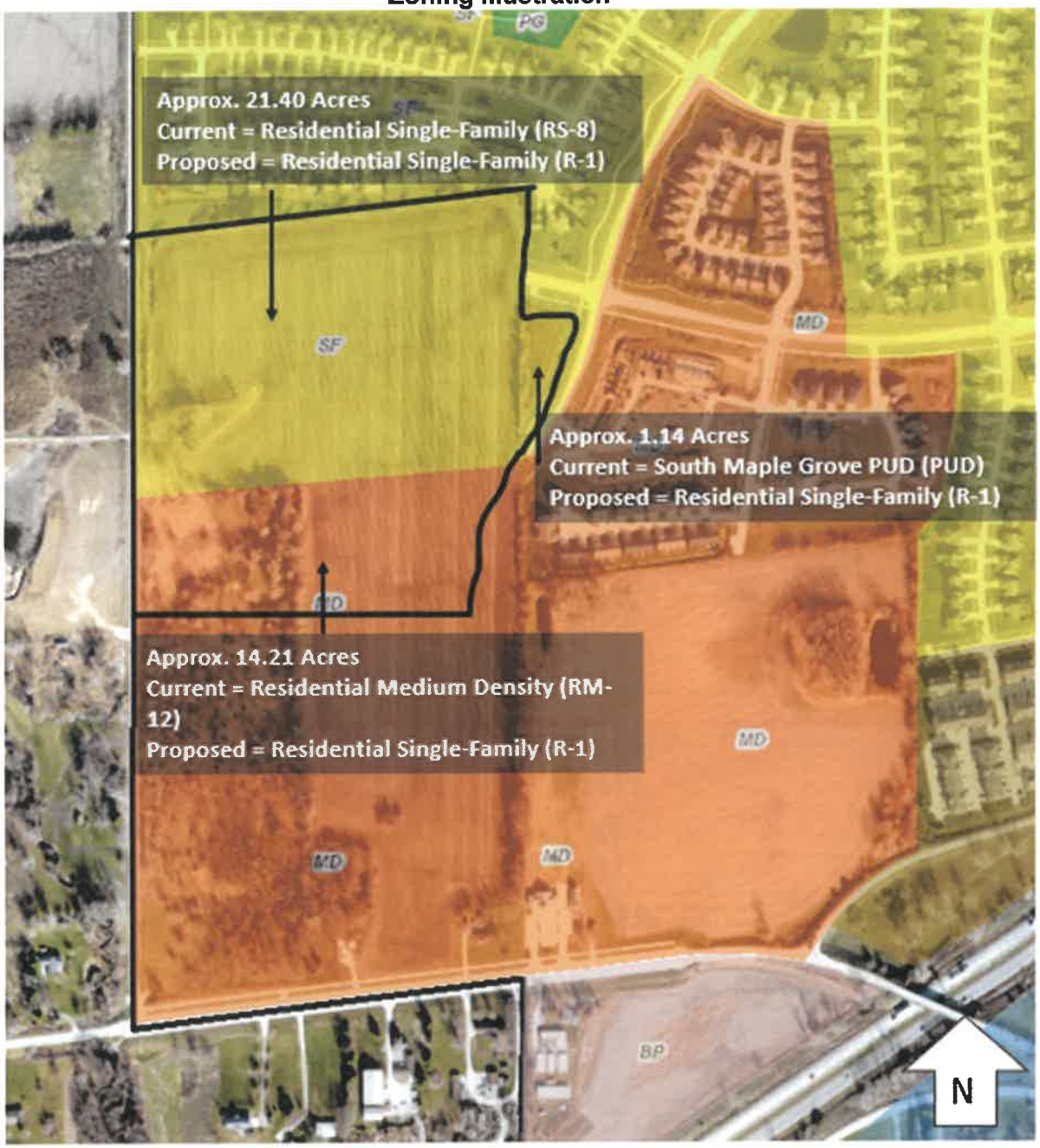
Passed by the City Council on the _____ day of _____, 2022 and approved this _____ day of _____, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2022, and was published in the Des Moines Register on _____ , 2022.

_____
Ryan T. Jacobson
City Clerk

Zoning Illustration