CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: May 16, 2022

ITEM: Sugar Creek Hills Lots 10 & 11, 32567 335th Street – Amend the Zoning Map to establish Single-Family Residential zoning – City Initiated – ZC-005584-2022

ORDINANCE: Approval of First Reading to Consistency Zone Property

Background: The City of West Des Moines Development Services staff, with the approval of the property owners, Joseph Musil, as Trustee of the Joseph Musil Revocable Trust dated January 27, 2022, and Lori Musil, as Trustee of the Lori Musil Revocable Trust dated January 27, 2022, request approval of a Zoning request on approximately seven acres generally located at the northwest corner of S Grand Prairie Parkway and Mills Civic Parkway (aka 335th Street). Staff requests an amendment to the Zoning Map to designate Residential Single-Family (RS-30) Zoning District on the property.

Staff Review & Comment:

- *Financial Impact:* There is no city funding associated with this request. There will be staff time for inspections during construction of a new dwelling.
- *History*: Dallas County approved Sugar Creek Hills Subdivision and it was filed with the County Recorder on August 25, 1992 (Book 723, Page 769-793). The City Council approved a 100% voluntary annexation of the subject properties into the City on September 21, 2020. The owners of the property at the time of annexation were intending to undertake a medium-density residential development which would have necessitated obtaining infrastructure from the City. Subsequent to annexation, the property was sold to the current owners. Lot 11 contains a single-family detached home. Construction of a detached single-family home on Lot 10 is in the Building Permit review and approval process; however, before a building permit can be issued, zoning must be established on the property. The subject properties are currently unzoned.
- *City Code & Comprehensive Plan Land Use Designation:* Title 9, Zoning, Chapter 3, General Zoning Provisions, Section 3, Scope; Modifications and Exceptions, Subsection D.1.a states:

  "*Use Of Existing Lots of Record: In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date hereof…*".

  The 2010 adopted Comprehensive Plan Land Use Map identifies the subject properties as Medium Density Residential (MD), thus per the previously stated code language, the construction of a single-family dwelling is permitted.

  Table 6.1, Comprehensive Plan-Zoning Compatibility Matrix of the Comprehensive Plan indicates that the Single-Family Residential (RS) and Single-Family Residential (R-1) zoning districts are compatible with Medium Density Residential land use. Given the size of the lots, 2.98 acres (Lot 10) and 4.04 acres (Lot 11) staff recommends that RS-30

zoning be applied. Larger lot zoning, Residential Estate (RE) is not identified as a compatible zoning district to Medium Density land use.

The property owners have been informed of the establishment of RS-30 zoning for the property and are in agreement.

- *Development & Planning Subcommittee:* Due to the formality of code required application of zoning to allow the issuance of a building permit, this item was not presented to the Subcommittee.

- *Site Issues:* As part of the development of Lot 10, the following aspects will need to be resolved. The property owner has been made aware of the following and as noted below, is working with staff to reach a resolution or will be requesting to attend a future Public Services Council Subcommittee meeting to discuss further.

  - *Driveway Access:* Both lots front to Mills Civic Parkway (aka 335th Street). Due to the classification of Mills Civic as a Major Arterial, the city can prohibit new residential driveways off of the roadway. The existing home on Lot 11 has an existing driveway. Lot 10 will need to take access from this existing driveway. Since both lots are owned by the same entity, accommodating such is not an issue. However, should one lot ever be sold independent of the other, staff believes the proper document to allow perpetual access to each of the lots, as well as defining maintenance and repair responsibilities should be established. Staff recommends a condition of approval requiring the recordation of an Ingress-Egress Easement prior to issuance of an occupancy permit, either temporary or final for the new home.

  - *Sanitary Sewer:* The applicant is currently exploring use of a septic system in lieu of hooking into city sewer. The applicant has been working with the Engineering Services Department on the matter. Staff recommends a condition of approval requiring resolution of which approach will be implemented prior to issuance of a building permit for the new dwelling.

  - *Water and Meter Pits*: Lot 11 is served by the Fox Creek Benefited Water District. The property owner hoped that Lot 10 could also utilize this for water; however, since they are annexed into the city, they will need to connect to a West Des Moines Water Works (WDMWW) line. Depending upon placement of the dwelling within the lot, a meter pit likely will need to be implemented. Finally, any wells within the property will need to be restricted to use for irrigation and outdoor use but the well may not be connected to the dwelling structure. Staff recommends a condition of approval requiring WDMWW sign-off of water plans prior to issuance of a building permit for the new dwelling.

  - *Connection Fee Districts:* The subject lots are located within both a water and sanitary sewer connection fee district. These fee districts fund the extension of main service lines through the area, but it does not extend the lines to the lot or dwelling: this is the responsibility of the developer/lot owner. In addition to standard building permit fees due, the property owner of Lot 10 will also need to pay applicable water and sanitary sewer connection fees.

  - *Sidewalks*: Both properties are responsible for public sidewalks along those lot boundaries adjacent to a street. Lot 11 will be triggered through the Sidewalk Improvement Program. Lot 10 typically is part of home construction; however, since the final alignment and design of Mills Civic Parkway is not known at this time, the applicant is being requested to post surety for the future construction.

Staff recommends a condition of approval requiring the provision of surety prior to issuance of an occupancy permit, either temporary or final for the new home.

- *Addresses*: As part of annexation, existing county addresses are reassigned to bring the site's address into alignment with the city's addressing grid. Lot 11's address has not been changed due to wayfinding concerns of the one-off location of the property along Mills Civic Parkway in relation to other city addresses along the north side of Mills Civic Parkway being just shy of a mile to the east. Without all structures on the north side of Mills Civic Pkwy being addressed according to the City's grid, the numbering will jump from the 9100's to County 33000 numbers and back to 10600 numbers for these two properties. Given GIS capabilities to pinpoint the location of the homes, it is the preference of City Police and Fire to proceed with applying West Des Moines numbering to these properties. Lot 10's new address of 10645 Mills Civic Pkwy can simply be assigned and entered into the city's database. Lot 11's address requires an official change and will be processed along with another property in the near future.

- *Traffic Analysis Findings:* This is an existing lot of record with no further subdivision occurring, therefore, no traffic analysis was completed.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date:	May 9, 2022
Vote:	6-0 for approval, with Commissioner Conlin absent
Recommendation:	Approval to Consistency Zone to Single-Family RS-30

City Council First Reading:

Date:

Vote:

Recommendation: Approve the Rezoning request, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. Prior to issuance of any occupancy permit, including Temporary Occupancy Permits, the owners of Lots 10 and 11 provide to the City a fully executed Ingress-Egress Easement allowing for both properties permanent use of the shared driveway located within the properties.
2. Prior to issuance of a building permit for Lot 10, the property owner resolving as determined acceptable by the City's Engineering Services Department the provision of sanitary sewer for the property.
3. Prior to issuance of a building permit for Lot 10, the property owner resolving as determined acceptable by West Des Moines Water Works the provision of water for the property.
4. In addition to standard building permit fees and prior to issuance of the building permit, the property owner of Lot 10 paying for a 1-acre fee sanitary sewer connection fee district fee and a 2.98-acre water connection fee district fee.

Lead Staff Member: **Lynne Twedt**

Approval Meeting Dates:

Plan and Zoning Commission	May 9, 2022
City Council: First Reading	May 16, 2022
City Council: Second Reading	
City Council: Third Reading	

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	4/29/22
Date(s) of Mailed Notices	4/28/22

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	n/a
Recommendation	☐ Yes ☐ No ☐ Split

Location Map

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-041

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, Development Services Staff request approval for a Zoning Map Amendment for property generally located at the northwest corner of S Grand Prairie Parkway and Mills Civic Parkway (aka 335th Street) as depicted on the Consistency Zoning Illustration included in the staff report to change the zoning designation as follows:

- Amend the Zoning Map to establish Residential Single Family (RS-30) Zoning District on approximately seven acres consistent with the Comprehensive Plan Land Use designation, 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 Rezoning request, (ZC-005584-2022) 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 May 9, 2022.

Jennifer Drake, 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 May 9, 2022, by the following vote:

AYES: Costa, Crowley, Davis, Drake, Hatfield, Shaw

NAYS:

ABSTENTIONS:

ABSENT: Conlin

ATTEST:
Michelle Riesenberg
Recording Secretary

Prepared by: Lynne Twedt, 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 consistent zoning with the adopted Comprehensive Plan Land Use Map, Residential Single-Family (RS-30) zoning on the approximately seven-acres legally described as follows and shown on the attached Zoning Map Illustration:

Legal Description

Lot 10 and Lot 11, Sugar Creek Hills Subdivision, now in and forming a part of 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

Consistency Zoning Illustration