CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: April 17, 2023

ITEM: High Point, generally north and south of future Stagecoach Drive extension between S. 81st Street and the future extension of S. 85th Street – Amend Comprehensive Plan Developed Areas Land Use Map and Amend the Zoning Map to establish land use and zoning appropriate for Single Family Residential, Medium Density Residential and High-Density Residential development – High Point Group, LLC – CPAZC-005910-2023

RESOLUTION: Approval of Comprehensive Plan Developed Areas Land Use Map Amendment

ORDINANCE: Approval of First Reading of the Ordinance to Consistency Zone Property

Background: Jared Murray with Civil Design Advantage on behalf of the applicant and property owner, High Point Group, LLC, requests approval of a Comprehensive Plan Developed Areas Land Use Map Amendment and Rezoning Request on that ground generally located north and south of future Stagecoach Drive extension between S. 81st Street and the future extension of S. 85th Street. The current Comprehensive Plan Developed Areas Land Use Map retained what was assigned with the 2010 Comprehensive Plan Land Use. The property currently has been assigned approximately 5.4 acres of Low Density Residential (LD), 23.4 acres of Single Family Residential (SF), 22.5 acres of Medium Density Residential (MD) and 26.4 acres of High Density Residential (HD). The applicant proposes to delete the Low Density Residential and reconfigure the location of the remaining land uses accordingly to anticipated roadways. Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Developed Areas Land Use Map for the approximately 37.4 acres of Parcel A on the Rezoning/Comprehensive Plan sketch to change from Medium Density Residential (MD), Single Family (SF), and Low Density (LD) to Detached Residential (DR) land use; and
- Amend the Comprehensive Plan Developed Areas Land Use Map for the approximately 18.5 acres of Parcel B on the Rezoning/Comprehensive Plan sketch to change from High Density Residential (HD), Medium Density Residential (MD), and Single Family (SF) to Mixed Residential (MR) land use; and
- Amend the Comprehensive Plan Developed Areas Land Use Map for the approximately 24.3 acres of Parcel C on the Rezoning/Comprehensive Plan sketch to change from High Density Residential (HD) to Mixed Residential (MR) land use; and
- Amend the Zoning Map to designate Single Family Residential (R-1) Zoning District on approximately 37.1 acres consistent with the proposed Comprehensive Plan Land Use designation for Parcel A on the Rezoning/Comprehensive Plan sketch, and
- Amend the Zoning Map to designate Residential Medium Density (RM-12) Zoning District on approximately 17.7 acres consistent with the proposed Comprehensive Plan Land Use designation for Parcel B on the Rezoning/Comprehensive Plan sketch.
- Amend the Zoning Map to designate Residential High Density (RH-14) Zoning District on approximately 21.3 acres consistent with the proposed Comprehensive Plan Land Use designation for Parcel C on the Rezoning/Comprehensive Plan sketch.

The acreage discrepancy between the proposed Comprehensive Plan Land Use Amendment and Zoning Change is due to the manner in which the districts are mapped and assigned. The land use designation extends to the centerline of adjacent roads, while the zoning designation is confined to the property lines. In this case, resulting in a 4.1-acre discrepancy between the comprehensive plan amendment and the zoning acreages.

Staff Review & Comment:

- *Financial Impact:* Undetermined at this time, however, it is recognized that in order to facilitate the development of this area, including adjacent areas outside this specific request, a network of new streets will need to be constructed to adequately serve the future traffic of the area. This will include the extension of Stagecoach Drive between S. Jordan Creek Parkway and S. 88th Street, S. 81st Street, S. 85th Street, and anticipated relocation of Booneville Road, along with typical local streets within developments. Staff continues to work with the developers in this larger area to facilitate roadway construction.

  Additionally, as discussed below in the Conditions of Approval section, it is being indicated that the changes in land use within this area in response to the locating of DMU immediately to the south may result in sanitary sewer capacity issues. It has been suggested that some of the sanitary sewer pipe currently within the area were either installed without sufficient slope or improperly sized for the land uses that are shown on the current adopted Comprehensive Plan Land Use Map, let alone sized with any extra capacity to accommodate any land use changes. While certainly some of the cost to increase capacity of the sanitary sewers should be the responsibility of those property owners/developers requesting a change in land use which generates a need for more capacity, it is believed by staff that part of the cost should be covered by the City. To what extent and at what dollar amount is still being determined. Staff will bring forward information and options to the City Council once more details are known.

- *Anticipated Development:* As noted in the Subcommittee bullet below, it is desired within the "superblock" area to have a range of housing options. The 80-acre High Point property currently has a combination of single-family, medium density and high-density residential land use designations (eliminating currently assigned low-density land use). The applicant is not wanting to increase the number of dwellings that would be allowed under these land uses, but rather is proposing a development concept that includes a mix of detached single-family, detached townhomes, and attached townhomes or small apartment buildings.

  The following types of land use development is allowed in the Detached and Mixed Residential land use classifications:

Place Types allowed in Detached Residential Land Use Parcel A	**Place Types allowed in Mixed Residential Land Use Parcels B & C**
Rural Residential	Estate
Estate	Intermediate Residential
Conservation Neighborhood	Attached Residential
Traditional Neighborhood	Conservation Neighborhood
Small Lot	Traditional Neighborhood
Recreation	Small Lot
Preserved	Recreation
Community Facilities	Preserved
	Community Facilities

  Preliminary concepts provided to staff would suggest the anticipated development of the Traditional Neighborhood Place Type in Parcel A, Intermediate Residential Place Type in Parcel B (detached townhomes), and either Intermediate Residential or Attached Residential

in Parcel C. Based on these place types, a zoning designation of Single Family Residential (R-1) is being assigned to Parcel A, Residential Medium Density (RM-12) to Parcel B and Residential High Density (RH-14) to Parcel C.

- *Received Comment:* Staff received the included letter from the developer of the Residential Estate development, Forest Pointe, located on the east side of S. 81st Street. That development is approximately 28 large lots with anticipated half to million plus dollar homes. That developer's letter is referring to the preliminary layout concept for this High Point development which at this time indicates detached townhomes in Parcel B and typical single family lots in Parcel A, some of which front to (have driveways to) S. 81st Street. The Forest Pointe developer suggested a preferred layout plan that is more interior oriented within each parcel with significant vegetative buffering along S. 81st Street. Code will require a minimum 30' wide buffer in Parcel B along S. 81st Street, but no buffer would be required along S. 81st Street for Parcel A unless the lots adjacent to the roadway have their rear lot line along the road (double frontage lots). The action before the Commission and Council is to reorient already assigned land use and consistency zone the various parcels.

- *Traffic Analysis Findings:* A traffic analysis for the proposed land use change was completed in March 2023. A summary of the key findings is below:
  1. The proposed land use is estimated to generate less traffic than the previously assumed land uses on the site.
  2. Street geometry and traffic control recommendations are given within the March 2023 analysis. These recommendations are preliminary and are subject to change as the area develops and more information is known regarding the site.
  3. Additional comments and recommendations were provided in the March 2023 analysis based on a conceptual layout of the site. These comments, including recommended street connections to neighboring properties and modifications to single-family driveway locations, have been provided to the applicant to incorporate into the future preliminary plat. An additional traffic study will be needed at that time to further analyze the traffic impacts.

- *Development & Planning Subcommittee:* The "superblock" area between S. Jordan Creek Parkway and S. 88th Street and between Booneville Road on the south and Stagecoach Drive on the north, which includes High Point (the subject development), and the proposed Village at Sugar Creek and Jordan Ridge developments were discussed at the Development & Planning Subcommittee meetings on June 7, 2021 and July 19, 2021. Residential types and density were the main points of discussion along with the question of entitlement of residential development for the area. Staff indicated a desire to ensure a wide range of housing types and price points would be developed within the area. At the July 19th meeting, staff provided a land use plan that met the needs of the pending developers while achieving a range of housing options.

- *Condition(s) of Approval:*
  - *Sanitary Sewer Capacity*: The existing sanitary sewer that serves this larger "superblock" area was originally sized based on a large amount of low-density residential development within the area. In response to the relocation of Des Moines University (DMU) from the City of Des Moines to the property immediately to the south has resulted in a desire and need for changes in the previously planned land uses. A sanitary sewer capacity analysis identified multiple segments of sanitary sewer with insufficient capacity under the existing Comprehensive Plan density and proposed land uses of the larger "superblock" area. Proposed improvements have been identified to resolve the capacity deficiencies. These improvements can be deferred until development and density thresholds are met.

    City staff is in the process of determining possible options for the sharing of costs by

individual property owners within the superblock area based on the anticipated increase in waste generation as a result of their request to change from current adopted land uses. Staff believes that each property has entitlement to capacity based on the current adopted land uses and that the participation in costs to upsize should be based on the increase in waste based on their requested land use change(s). Since the proposed High Point development is proposed at a lesser density than that which would be allowed at maximum density under the currently assigned land uses, it is not anticipated that this development will have any contribution to sewer upgrades. However, until actual site development locks in the final land use and dwelling unit count, staff recommends a condition of approval requiring the Applicant to acknowledge that any proposed land use changes that contribute to sanitary sewer loads exceeding those generated of the adopted 2010 comprehensive plan land uses (outlined in the Background paragraph within this report) may result in loads which are greater than the existing infrastructure can accommodate. The Applicant further acknowledging that capacity improvements may be necessary, and that the Applicant will be responsible for the proportionate share for the costs of said improvements for sewer loads which exceed the assigned 2010 Comprehensive Plan Land Uses.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date:	April 10, 2023
Vote:	7-0 for approval
Recommendation:	Approval of the Comprehensive Plan Developed Areas Land Use Map Amendment and Rezoning request

City Council Comprehensive Plan Amendment:
Date:
Vote:

City Council Rezoning First Reading:
Date:
Vote:

Recommendation: Approve the Comprehensive Plan Developed Areas Land Use Map Amendment and Rezoning request, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. Applicant/developer acknowledge that they will be responsible for their proportionate share of costs for sanitary sewer capacity improvements resulting from any proposed land use changes within the High Point development that contribute to sanitary sewer loads exceeding those that otherwise would be generated by development at maximum allowed density of the adopted 2010 Comprehensive Plan assigned land.
2. The applicant/developer acknowledging that the appropriate road network will need to be constructed to support intended development and unless responsibilities are otherwise defined in a development agreement with the City, that the applicant/developer will be responsible for the implementation of the necessary roadways to serve their development. Furthermore, the applicant/developer acknowledging that development of sites, including above ground construction may be restricted until adequate road and water infrastructure are completed to the satisfaction of the City's Fire Marshal.

Lead Staff Member: **Brian Portz**

Approval Meeting Dates:

Plan and Zoning Commission	April 10, 2023
City Council: First Reading	April 17, 2023
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	3/31/23
Date(s) of Mailed Notices	3/28/23

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	June 7, 2021, July 19, 2021 & February 6, 2023			
Recommendation	Yes ☒	No ☐	Split ☐	No Discussion ☐

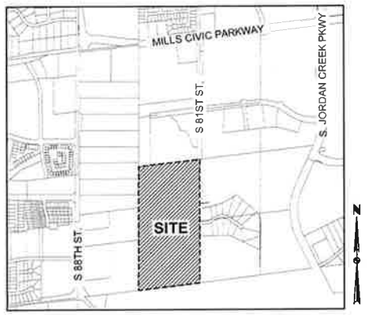
Location Map

HIGH POINT

REZONING / COMPREHENSIVE PLAN SKETCH

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

VICINITY MAP



WEST DES MOINES, IOWA

ADJACENT PROPERTY

1. THE CASCADES AT JORDAN CREEK CONDOS
   ZONING: HIGH DENSITY RESIDENTIAL
   COMP PLAN: HIGH DENSITY RESIDENTIAL
2. SM CASCADES LLC
   ZONING: HIGH DENSITY RESIDENTIAL
   COMP PLAN: HIGH DENSITY RESIDENTIAL
3. SUNSET CO. LC
   ZONING: RESIDENTIAL HIGH–DENSITY DISTRICT & RESIDENTIAL MEDIUM–DENSITY DISTRICT
   COMP PLAN: HIGH DENSITY RESIDENTIAL
4. JAMES & DEBORAH MILLER
   ZONING: UNZONED
   COMP PLAN: HIGH DENSITY RESIDENTIAL & MEDIUM DENSITY RESIDENTIAL
5. DB BOONEVILLE, LLC
   ZONING: PUD – MEDIUM DENSITY RESIDENTIAL
   COMP PLAN: OPEN SPACE, SUPPORT COMMERCIAL & MEDIUM DENSITY RESIDENTIAL
6. JORDAN RIDGE, LLC
   ZONING: PUD – SINGLE FAMILY RESIDENTIAL
   COMP PLAN: OPEN SPACE & SINGLE FAMILY RESIDENTIAL
7. HIGH POINT GROUP, LLC
   ZONING: UNZONED
   COMP PLAN: SINGLE FAMILY RESIDENTIAL
8. ETZEL, ROBERT F LIVING TRUST
   ZONING: PUD – OFFICE
   COMP PLAN: OFFICE

OWNER/APPLICANT

HIGH POINT GROUP, LLC
CONTACT: JAKE RIED
6205 MILLS CIVIC PARKWAY, SUITE 200
WEST DES MOINES, IOWA 50266
PHONE: (515) 202–5690

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE, LLC
CONTACT: JARED MURRAY
4121 NW URBANDALE DRIVE
URBANDALE, IOWA 50322
PHONE: (515) 369–4400

ZONING

EXISTING: UNZONED (76.15 AC)

PROPOSED: PARCEL A – R–1: SINGLE–FAMILY RESIDENTIAL DISTRICT (37.09 AC)
PARCEL B – RM–12: RESIDENTIAL MEDIUM DENSITY (17.71 AC)
PARCEL C – RH–18: RESIDENTIAL HIGH DENSITY DISTRICT (21.35 AC)

COMPREHENSIVE PLAN LAND USE

EXISTING: LD – LOW DENSITY RESIDENTIAL
SF – SINGLE FAMILY RESIDENTIAL
MD – MEDIUM DENSITY RESIDENTIAL
HD – HIGH DENSITY RESIDENTIAL

PROPOSED: DETACHED RESIDENTIAL (37.09 AC)
MIXED RESIDENTIAL (39.06 AC)

REZONING DESCRIPTION

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN EXCEPT LOT 'A' AND OUTLOT 'W', FOREST POINTE PLAT 1, AN OFFICIAL PLAT, ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

REVISIONS
4TH SUBMITTAL
3RD SUBMITTAL
2ND SUBMITTAL
1ST SUBMITTAL

4121 NW URBANDALE DRIVE
URBANDALE, IOWA 50322
PHONE: (515) 369-4400

ENGINEER: JMM | TECH: CWO

CIVIL DESIGN ADVANTAGE

HIGH POINT
REZONING / COMPREHENSIVE PLAN
WEST DES MOINES, IOWA

1/1
2109.731

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-23-014

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, High Point Group, LLC, request approval for a Comprehensive Plan Developed Areas Land Use Map Amendment for property generally located north and south of future Stagecoach Drive extension between S. 81st Street and the future extension of S. 85th Street as depicted on the Comprehensive Plan Developed Areas Land Use Map Change Illustration included in the staff report to change the land use designation as follows:

- for approximately 37.4 acres to change from Medium Density Residential (MD), Single Family (SF), and Low Density (LD) to Detached Residential (DR) land use; and
- for approximately 18.5 acres to change from High Density Residential (HD), Medium Density Residential (MD), and Single Family (SF) to Mixed Residential (MR) land use; and
- for approximately 24.3 acres to change from High Density Residential (HD) to Mixed Residential (MR) land use;

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 Developed Areas Land Use Map Amendment, (CPAZC-005910-2023) 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 April 10, 2023.

Andrew Conlin, Vice Chair
Planning 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 April 10, 2023, by the following vote:

AYES: Conlin, Costa, Crowley, Davis, Hatfield, McCoy, Shaw
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:
Jennifer Canaday
Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-23-015

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, High Point Group, LLC, request approval for a Zoning Map Amendment for property generally located north and south of future Stagecoach Drive extension between S. 81st Street and the future extension of S. 85th Street as depicted on the Rezoning Illustration included in the staff report to change the zoning designation as follows:

- Amend the Zoning Map to change from Unzoned to Single Family Residential (R-1) Zoning District on approximately 37.1 acres consistent with the Comprehensive Plan Developed Areas Land Use designation, and
- Amend the Zoning Map to change from Unzoned to Residential Medium Density (RM-12) Zoning District on approximately 17.7 acres consistent with the Comprehensive Plan Developed Areas Land Use designation, and
- Amend the Zoning Map to change from Unzoned to Residential High Density (RH-14) Zoning District on approximately 21.3 acres consistent with the Comprehensive Plan Developed Areas Land Use designation.

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, (CPAZC-005910-2023) 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 April 10, 2023.

Andrew Conlin, Vice 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 April 10, 2023, by the following vote:

AYES: Conlin, Costa, Crowley, Davis, Hatfield, McCoy, Shaw

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: Brian Portz, 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 DEVELOPED AREAS LAND USE MAP AMENDMENT TO ESTABLISH MIXED RESIDENTIAL AND DETACHED RESIDENTIAL LAND USE

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, High Point Group, LLC, requests approval of a Comprehensive Plan Developed Areas Land Use Map Amendment to change the land use designation of 37.4 acres from Medium Density Residential (MD), Single Family (SF), and Low Density (LD) to Detached Residential (DR) and 42.8 acres from High Density Residential (HD), Medium Density Residential (MD), and Single Family (SF) to Mixed Residential (MR) on the ground legally described in attached Exhibit 'B' and as indicated on the attached Comprehensive Plan Developed Areas 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 Developed Areas Land Use Map Amendment complies with applicable provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on April 10, 2023, the Planning and Zoning Commission did recommend to the City Council, by a 7-0 vote, for approval of the Comprehensive Plan Developed Areas 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 Developed Areas Land Use Map Amendment.

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Developed Areas Land Use Map Amendment (CPAZC-005910-2023) shown on attached Comprehensive Plan Developed Areas Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, dated April 17, 2023, 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 April 17, 2023.

_____
Russ Trimble, Mayor

ATTEST:

_____
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 April 17, 2023, by the indicated vote.

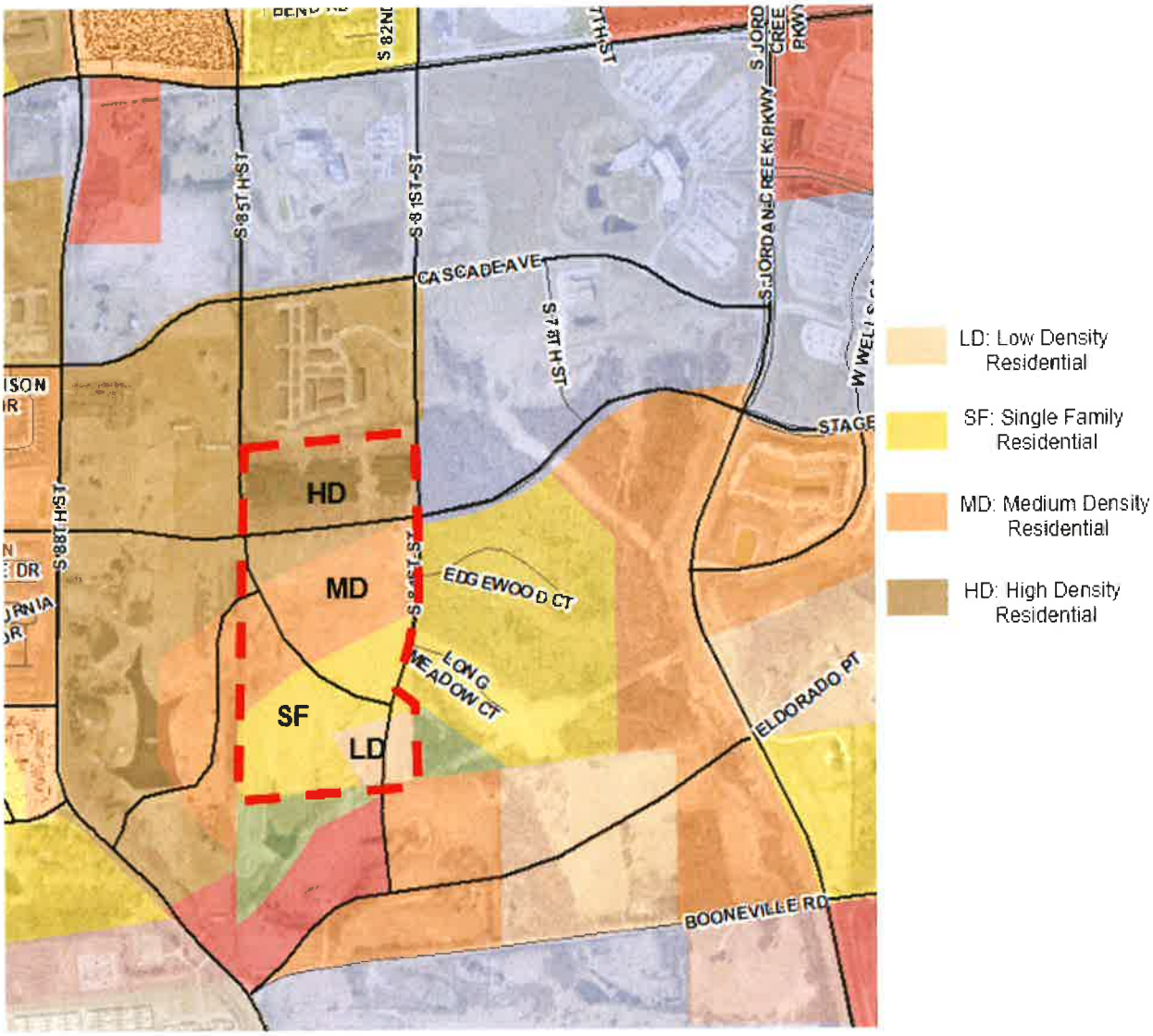
Exhibit A: Conditions of Approval

1. Applicant/developer acknowledge that they will be responsible for their proportionate share of costs for sanitary sewer capacity improvements resulting from any proposed land use changes within the High Point development that contribute to sanitary sewer loads exceeding those that otherwise would be generated by development at maximum allowed density of the adopted 2010 Comprehensive Plan assigned land.
2. The applicant/developer acknowledging that the appropriate road network will need to be constructed to support intended development and unless responsibilities are otherwise defined in a development agreement with the City, that the applicant/developer will be responsible for the implementation of the necessary roadways to serve their development. Furthermore, the applicant/developer acknowledging that development of sites, including above ground construction may be restricted until adequate road and water infrastructure are completed to the satisfaction of the City's Fire Marshal.

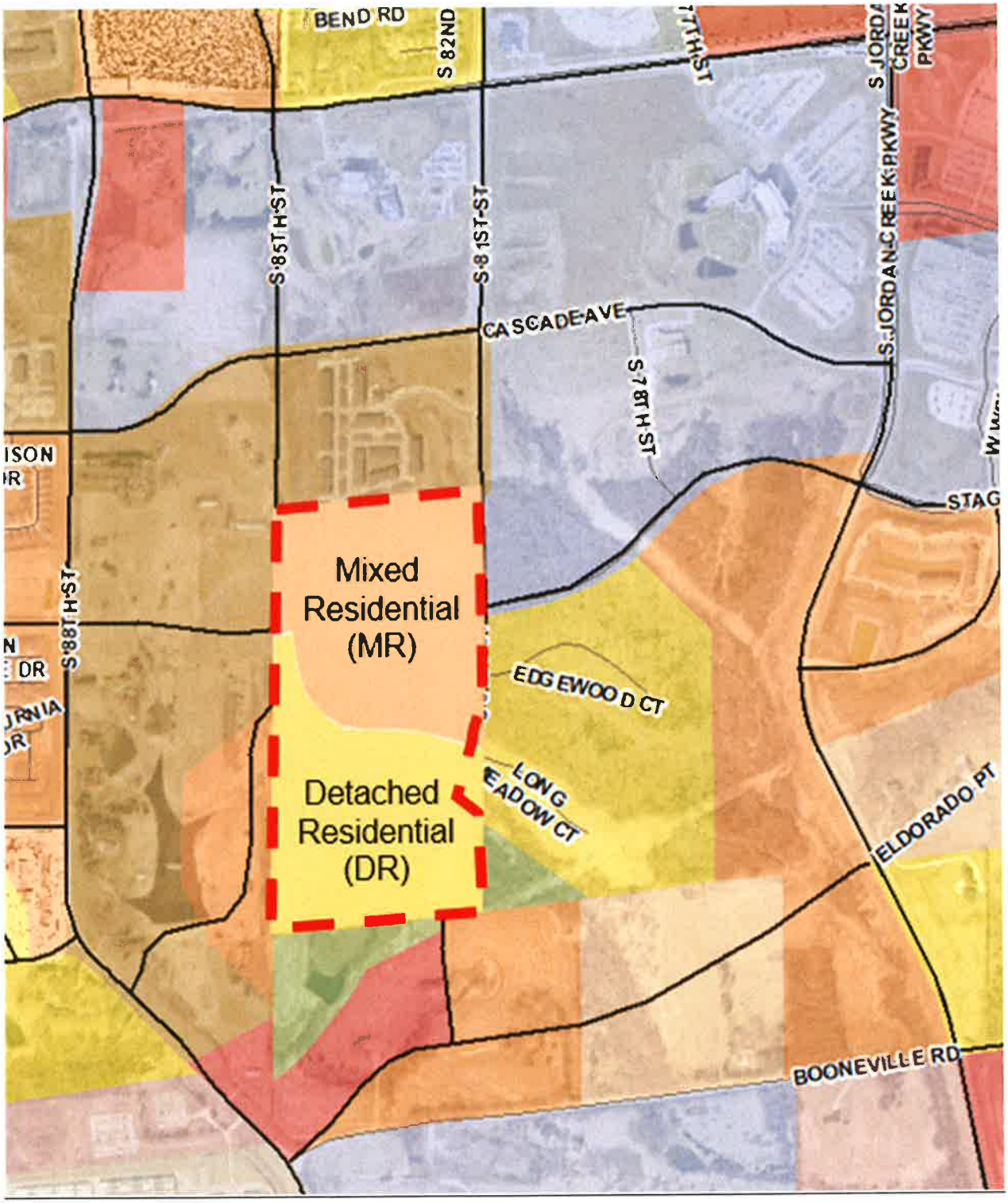
Exhibit B: Legal Description

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN EXCEPT LOT 'A' AND OUTLOT 'W', FOREST POINTE PLAT 1, AN OFFICIAL PLAT, ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

Existing Comprehensive Plan Developed Areas Land Use Map



Comprehensive Plan Developed Areas Land Use Map Change Illustration



Prepared by: Brian Portz, 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 changing from Unzoned to Single Family Residential (R-1) Zoning District on 37.1 acres, Residential Medium Density (RM-12) Zoning District on 17.7 acres, and Residential High (RH-14) Zoning District on 21.3 acres consistent with the adopted Comprehensive Plan Developed Areas Land Use Map as amended, on that property legally described as follows and shown on the attached Zoning Map Illustration:

Legal Description

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN EXCEPT LOT 'A' AND OUTLOT 'W', FOREST POINTE PLAT 1, AN OFFICIAL PLAT, ALL 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.

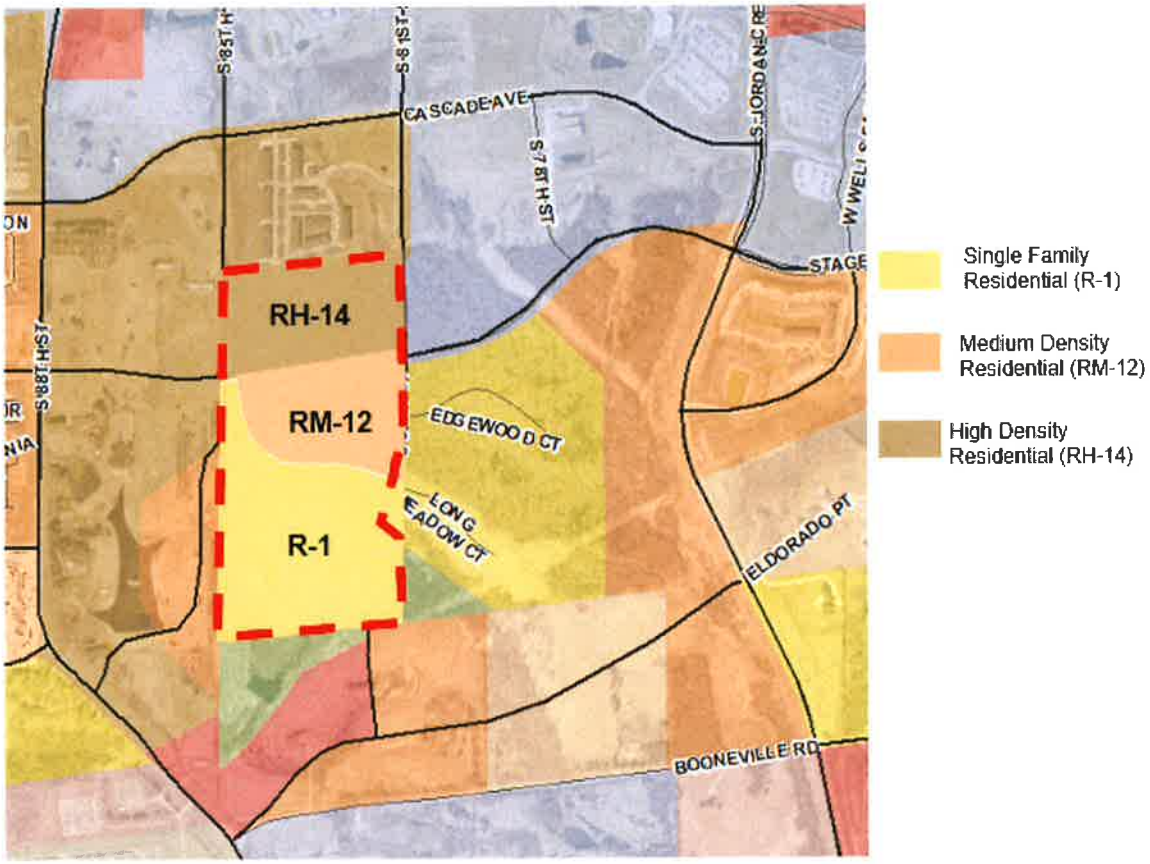
SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved by the City Council on April 17, 2023

_____
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 _____, 2023, and was published in the Des Moines Register on _____, 2023.

Consistency Zoning Illustration