CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: December 18, 2023

ITEM: Woodland Estates Plat 1, North of the intersection of S. 95th Street and Stagecoach Drive – Approve amendment to Condition of Approval – Silo 9 Plat 1, LLC – FP-005354-2022

Resolution: Approval of Amendment to Condition of Approval

Background: The applicant and property owner, Silo 9 Plat 1, LLC, requests approval of an amendment to a condition of approval placed on the City Council's, February 21, 2022, approval of the Woodland Estates Plat 1.

The Woodland Estates single-family detached subdivision is being platted in multiple plats. Parkland Dedication for the development includes the provision of a private park as part of Plat 3. At part of approval of Plat 1, the following condition of approval #3 was placed regarding the provision of an executed Parkland Dedication Agreement:

3. *The applicant agreeing to the execution of the required Parkland Dedication Agreement which also includes this Plat 1 area be executed prior to approval of the Final Plat which contains the ground intended for the improvements necessary to fulfill Parkland Dedication obligations.*

The development's original Parkland Dedication Agreement was drafted in 2021 and was based on a total of 67 lots within the overall development and proposed the provision of private dog park within the subdivision. The Parks Board approved of the plan on September 16, 2021. Since that time, the number of lots has increased and the dog park concept has gone away in favor of walking trails within a natural area. This alternative amenity and increased parkland requires that Parks and Recreation Staff take the agreement back to the Parks Board for their review and recommendation to City Council. Subsequent to the Parks Board action, the agreement will need to be presented to the City Council for their approval.

The developer is seeking approval of both Plat 2 and Plat 3 in order to initiate construction of a couple homes within the plats. Due to the condition of approval placed on Plat 1 requiring the agreement in conjunction with the plat which contains the amenity, in order to consider approval of Plat 3, the condition of approval must be amended or eliminated. As the timing of presenting the revised agreement to the Parks Board is a staff responsibility and within their timing control, and not something that the developer should have done, Staff recommends condition of approval #3 for Plat 1 be amended to the following:

3. *The applicant agreeing that the required Parkland Dedication Agreement shall be approved by the City Council prior to the issuance of any building permits for above ground construction on any lot within Plat 2 or Plat 3.*

Staff has discussed the matter with the developer who has indicated they have a couple homes that they hope to install the foundations for in the next several weeks; therefore, as long as they can complete foundation work, they are comfortable with the condition of approval as revised.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve the amendment to Condition of Approval #3 placed with the February 21, 2022, City Council approval of Woodland Estates Plat 1, as indicated above, subject to the applicant meeting all City Code and all other originally placed conditions of approval.

Lead Staff Member: **Lynne Twedt**

Approval Meeting Dates:

City Council	December 18, 2023

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☑ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	Was not presented
Recommendation	☐ Yes ☐ No ☐ Split

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

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AN AMENDMENT TO A CONDITION OF APPROVAL

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Silo 9 Plat 1, LLC, requests approval of an amendment to a condition of approval placed on the February 21, 2022, approval of Woodland Estates Plat 1 regarding the timing of the provision of the applicable Parkland Dedication Agreement for the Woodland Estates subdivision; 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, on this day the City Council held a duly noticed meeting to consider the request to amend a condition of approval.

NOW, THEREFORE, The City Council does approve the amendment to condition of approval #3 for Woodland Estates Plat 1 (FP-005354-2022), subject to compliance with all other conditions of approval placed with the February 21, 2022 approval, including any conditions added at the meeting, attached hereto as Exhibit "A". 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 December 18, 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 December 18, 2023, by the following vote.

Exhibit A: Conditions of Approval

1. The Developer acknowledging and agreeing to their responsibility for the construction of an additional lane of Stagecoach Drive. However, because construction of the additional lane is not appropriate at this time, in lieu of constructing the additional lane the Applicant has agreed to make on and off-site improvements approximating the cost of the additional lane. Upon City approval and acceptance of the improvements, Applicant shall have no further obligation for the installation or construction of the additional lane of Stagecoach Drive.
2. The Applicant acknowledging that no individual single-family driveways are allowed on Stagecoach Drive. The applicant also acknowledging and agreeing to require buyers of lots that front to S. 95th Street to ensure all turns onto S. 95th Street are a forward movement and agreeing that backing out onto S. 95th Street is prohibited.
3. ~~The applicant agreeing to the execution of the required Parkland Dedication Agreement which also includes this Plat 1 area be executed prior to approval of the Final Plat which contains the ground intended for the improvements necessary to fulfill Parkland Dedication obligations.~~ *The applicant agreeing that the required Parkland Dedication Agreement shall be approved by the City Council prior to the issuance of any building permits for above ground construction on any lot within Woodland Estates Plat 2 or Plat 3.*
4. The City Council granting allowance of the placement of Public Utility Easements (PUEs) in the front yard of all lots.
5. The City Council granting a deferral of the installation of the buffer along the rear lot line of Lot 10 until such time that the adjacent future street is graded and any construction that may affect the survivability of the buffer plantings is complete.
6. Prior to issuance of any building permits for construction, available water and appropriate vehicle accesses to the satisfaction of the City's Fire Marshal shall be available.

Exhibit B: Legal Description

A PART PARCEL '21-13' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2021, PAGE 14902, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL '21-13'; THENCE SOUTH 83°58'55" WEST ALONG THE SOUTH LINE OF SAID PARCEL '21-13', A DISTANCE OF 1314.76 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL '21-13'; THENCE NORTH 00°09'32" EAST ALONG THE WEST LINE OF SAID PARCEL '21-13', A DISTANCE OF 969.32 FEET TO THE NORTHEAST CORNER OF OUTLOT 'Z', MAJESTIC OAKS PLAT 1, AN OFFICIAL PLAT; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 320.00 FEET, WHOSE ARC LENGTH IS 42.84 FEET AND WHOSE CHORD BEARS NORTH 81°31'04" EAST, 42.80 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 330.00 FEET, WHOSE ARC LENGTH IS 211.90 FEET AND WHOSE CHORD BEARS NORTH 66°57'27" EAST, 208.28 FEET TO THE NORTHERLY LINE OF SAID PARCEL '21-13'; THENCE SOUTH 89°25'25" EAST ALONG SAID NORTHERLY LINE, 253.52 FEET; THENCE SOUTH 28°14'55" EAST CONTINUING ALONG SAID NORTHERLY LINE, 581.42 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 425.00 FEET, WHOSE ARC LENGTH IS 220.36 FEET AND WHOSE CHORD BEARS NORTH 51°30'42" EAST, 217.90 FEET; THENCE SOUTH 53°20'31" EAST CONTINUING ALONG SAID NORTHERLY LINE, 466.46 FEET; THENCE SOUTH 00°34'21" WEST ALONG THE EAST LINE OF SAID PARCEL '21-13', A DISTANCE OF 261.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.47 ACRES (935,159 SQUARE FEET).

THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.