NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: December 18, 2023

ITEM: Eagle Brook North, Southwest corner of Veterans Parkway and SE 35th Street – Amend the Zoning Map to establish Single Family Residential (RS-5) and Medium Density Residential (RM-12) zoning – Eagle Brook, L.L.C. – ZC-006020-2023

ORDINANCE: Approval of Second Reading, Waiver of Third Reading and Adopt Ordinance Amendment

Background: Branden Stubbs with Stubbs Engineering, on behalf of the applicant and property owner, Eagle Brook, L.L.C., requests approval of a zoning request on approximately 50 acres generally located at the southwest corner of Veterans Parkway and SE 35th Street. The applicant requests an amendment to the Zoning Map to designate Single Family Residential (RS-5) and Medium Density Residential (RM-12) Zoning Districts consistent with the adopted Comprehensive Plan Land Use designations of Detached Residential and Multi Use Low which allows for detached and attached residential development.

Staff Review & Comment:

- *Financial Impact:* Undetermined
- *Anticipated Development:* The requested actions are in preparation of development of the site for single family residential and medium density residential townhomes. The single family would be located on approximately the south 25 acres of the site with the townhomes located to the north on approximately 25 acres.
- *Developer Responsibilities:* In conjunction with platting of the single-family development and site development for the townhomes, unless otherwise provided in a development agreement with the city, the developer will be responsible for construction and/or installation of all required public and private infrastructure improvements necessary to support development.
- *Traffic Analysis Findings:* An initial traffic study was conducted to analyze the general densities proposed for the property. Minimal impacts were shown to exist at this level, however, concern for high traffic volumes on the east/west minor collector have been identified once a full built out of the area is completed (see below). Other issues noted related to requirements for street improvements, right of way widths and access points. Additional traffic studies to address more specific project issues will be required once a development application is submitted providing more details on lot layout and site circulation.
    - The applicant has been notified of projections for the traffic volumes on the Minor Collector roadway to exceed 3,000 ADT. This would require that exiting from driveways onto the roadway be in a forward movement. While the minimum allowable lot width in the RS-5 designation is 50', no plat layout or individual dwelling arrangement within each parcel has been reviewed. It may be necessary

to provide for wider lots to accommodate appropriate vehicle turnaround area to facilitate the forward exiting movement. Alternate methods to address the situation are also possible such as house and garage arrangement or fronting SF lots to a street with lesser projected traffic volumes. This action is only establishing zoning. The development's lot and street layout will be more thoroughly evaluated as part of the Preliminary Plat process. Staff recommends a condition of approval for the acknowledgement of this concern and addressing appropriately, including if deemed necessary, providing more than the minimum lot width allowed under the RS-5 regulations.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:
Date: November 27, 2023
Vote: 5-0 for approval, with Commissioner(s) Conlin and McCoy absent
Recommendation: Approval of Consistency Zoning Request

City Council First Reading:
Date: December 4, 2023
Vote: 5-0 for approval

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

1. The developer of the subdivision acknowledging the anticipated traffic volumes of certain roadways and the resulting requirement that lots fronting to such roadways will need to provide a lot width that accommodates a house &/or driveway design that allows drivers to utilize a forward movement when entering onto the identified roadways.

Lead Staff Member: Karen Marren

Approval Meeting Dates:

Planning and Zoning Commission	November 27, 2023
City Council: First Reading	December 4, 2023
City Council: Second Reading, Waive Third & Adopt	December 18, 2023

Staff Report Reviews:

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

Publications (if applicable)

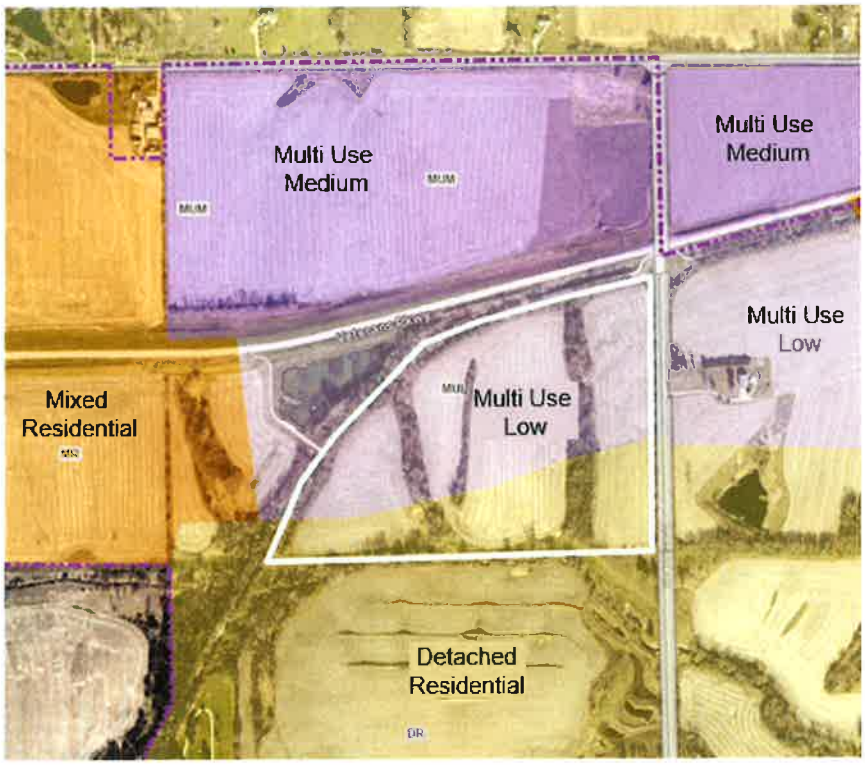
Published In:	Des Moines Register Community Section
Date(s) Published	11/17/23
Date(s) of Mailed Notices	11/17/23

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	11/20/23			
Recommendation	☐ Yes	☐ No	☐ Split	☒ No Discussion

Location Map

Existing Land Use



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-23-058

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, and property owner, Eagle Brook, L.L.C., request approval for a Zoning Map Amendment for property generally located at the southwest corner of Veterans Parkway and SE 35th 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 designate Single Family Residential (RS-5) Zoning District on approximately 25 acres consistent with the Comprehensive Plan Land Use designation, and
- Amend the Zoning Map to designate Medium Density Residential (RM-12) Zoning District on approximately 25 acres consistent with the Comprehensive Plan Land Use designation, and

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

NOW, THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Consistency Zoning request, (ZC-006020-2023) 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 November 27, 2023.

Tina Shaw, Vice Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on November 27, 2023, by the following vote:

AYES: Davis, Costa, Crowley, Hatfield, Shaw

NAYS:

ABSTENTIONS:

ABSENT: Conlin, McCoy

ATTEST:
Recording Secretary

Prepared by: Karen Marren, 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 approximately 25 acres to the Single Family Residential (RS-5) Zoning District and approximately 25 acres to the Medium Density Residential (RM-12) Zoning District consistent with the adopted Comprehensive Plan Land Use Map on that property legally described as follows and shown on the attached Consistency Zoning Illustration:

Legal Description

TOWNHOMES AREA:

PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE N00°50'15"W 658.95 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE S89°09'45"W 74.46 FEET; THENCE S89°08'00"W 751.99 FEET; THENCE SOUTHWESTERLY 386.67 FEET ALONG THE ARC OF A 345.55 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY WHOSE CHORD BEARS S57°01'09"W 366.81 FEET; THENCE S89°15'17"W 674.02 FEET TO THE FORMER EASTERLY RIGHT OF WAY OF THE CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE NORTHEASTERLY 24.20 FEET ALONG SAID FORMER EASTERLY RIGHT OF WAY AND THE ARC OF A 2191.86 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY WHOSE CHORD BEARS N34°41'48"E 24.20 FEET; THENCE N54°59'13"W 50.00 FEET ALONG SAID FORMER EASTERLY RIGHT OF WAY; THENCE NORTHEASTERLY 1583.51 FEET ALONG SAID FORMER EASTERLY RIGHT OF WAY AND THE ARC OF A 2241.86 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY WHOSE CHORD BEARS N55°14'53"E 1550.80 FEET; THENCE N75°29'00"E 566.62 FEET ALONG SAID FORMER EASTERLY RIGHT OF WAY TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°50'15"E 853.79 FEET ALONG SAID

EAST LINE TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 25.24 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS.

SINGLE-FAMILY AREA:

PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S89°07'29"W 2079.94 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE FORMER EASTERLY RIGHT OF WAY OF THE CHICAGO, ST. PAUL AND KANSAS CITY RAILWAY COMPANY; THENCE N27°26'49"E 273.06 FEET ALONG SAID FORMER EASTERLY RIGHT OF WAY; THENCE NORTHEASTERLY 265.24 FEET ALONG SAID FORMER EASTERLY RIGHT OF WAY AND THE ARC OF A 2191.86 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY WHOSE CHORD BEARS N30°54'49"E 265.08 FEET; THENCE N89°15'17"E 674.02 FEET; THENCE NORTHEASTERLY 386.67 FEET ALONG THE ARC OF A 345.55 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY WHOSE CHORD BEARS N57°01'09"E 366.81 FEET; THENCE N89°08'00"E 751.99 FEET; THENCE N89°09'45"E 74.46 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°50'15"E 658.95 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 25.51 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS.

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 December 18, 2023.

_____

Russ Trimble, Mayor

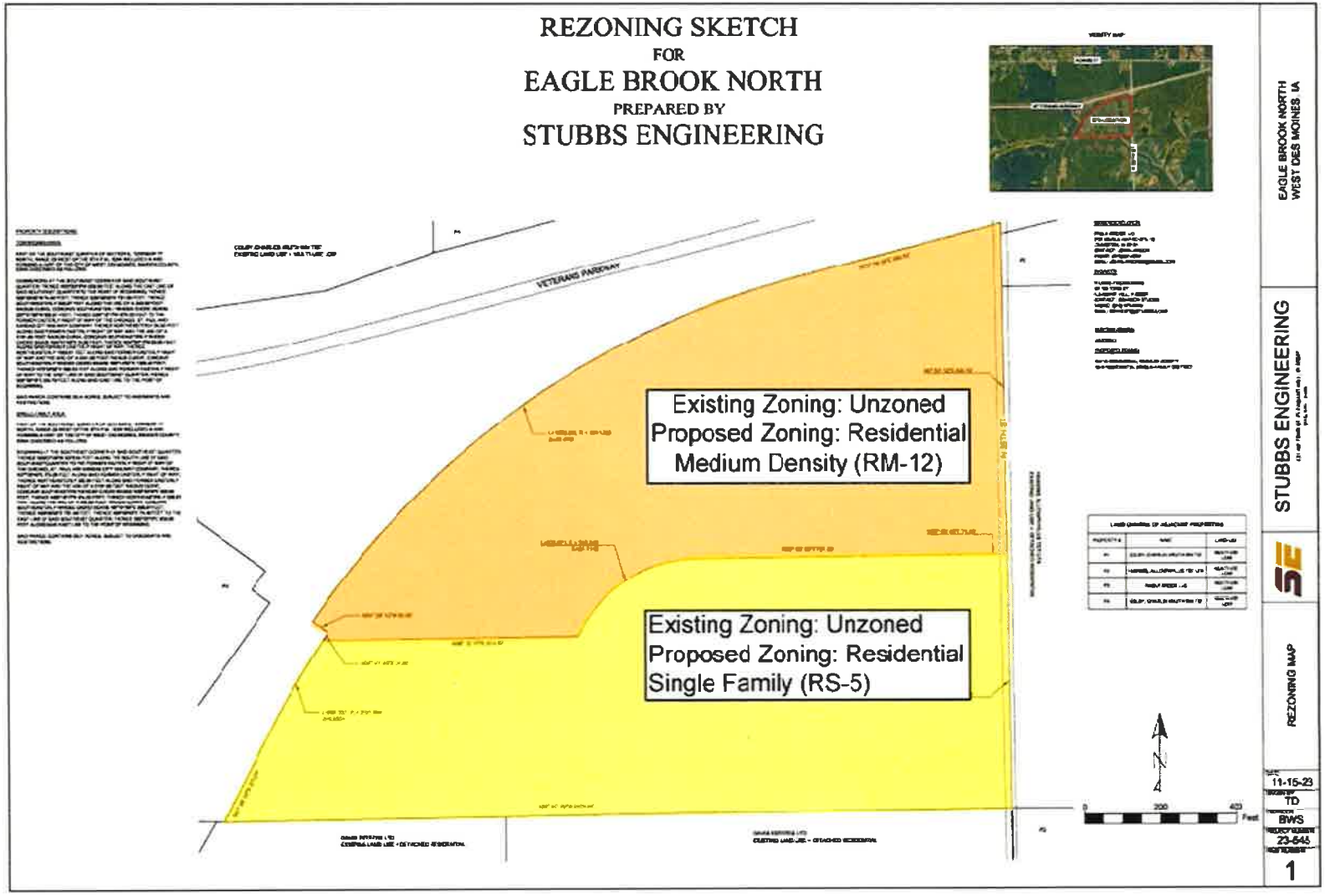
ATTEST:

_____
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.

_____
Ryan T. Jacobson
City Clerk

Consistency Zoning Illustration



SR_Eagle Brook Zoning