CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: November 18, 2024

ITEM: Plat of Survey Parcel 24-61 & 24-62, Northeast corner of Mills Civic Parkway & S 88th Street – Amend conditions of approval, PFC WDM, LLC – POS-006494-2024

RESOLUTION: Approval of Amendment to Conditions of Approval

Background: The Plat of Survey for Parcels 24-61 & 24-62 was approved by the City Council on July 15, 2024. The Plat of Survey was for financing purposes in anticipation of the development of 236 dwellings within 6, 8, 10 & 12-unit, attached, multi-family buildings along with the construction of S. 85th Street on Parcel 24-61 and the development of 7 single family lots on Parcel 24-62. The applicant and property owner, PFC WDM, LLC, requests an amendment to the second condition of approval of the Plat of Survey that pertains to the requirement of final plat approval prior to any building permits being issued for the site. The applicant has been working with staff on the legal documents required to bring the final plat to the City Council for approval, however, the applicant is concerned about the weather challenges ahead and getting a building permit issued so that they can pour the foundations before the really cold weather hits. A modification to condition #2 is being requested to allow issuance of building permits.

Staff is agreeable to the amendment to the condition but recommends the building permit issued is for footings and foundations only, for two buildings only, with no above ground construction or issuance of additional footing and foundation permits prior to approval of the Final Plat. Below is the original condition of approval in question and below that is staff's proposed amendment to the condition for consideration by the City Council.

Original Condition of Approval #2:

> *The applicant and property owner acknowledging and agreeing that no building permits for any structures shall be issued for the property until such time that the property is final platted and public improvements necessary to serve the property are constructed and approved by the city or surety provided, all other financial obligations including Sanitary, Water, and Storm Water Connection Fee District fees, as applicable are fulfilled and all necessary legal documents are executed and provided to the city.*

Amended Condition of Approval #2:

> *The applicant and property owner acknowledging and agreeing that* ***building permits for footings and foundations only for two buildings may be issued prior to approval of the final plat for the property. No building permits for vertical construction or additional footing and foundations*** *shall be issued for the property until such time that the property is final platted and public improvements necessary to serve the property are constructed and approved by the city or surety provided, all other financial obligations including Sanitary, Water, and Storm Water Connection Fee District fees, as applicable are fulfilled and all necessary legal documents are executed and provided to the city.*

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve the Amendment to Condition of Approval #2, subject to the applicant meeting all City Code requirements and other originally established Conditions of Approval.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Planning and Zoning Commission	n/a
City Council	November 18, 2024

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	Originally reviewed on 7/1/2024; not reviewed for the amendment to the condition of approval
Recommendation	☐ Yes ☐ No ☐ Split

Location Map

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 AN AMENDMENT TO A CONDITION OF APPROVAL #2 OF THE PLAT-OF-SURVEY APPROVAL CREATING PARCELS 24-61 & 24-62

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, of the West Des Moines Municipal Code, the property owner, PFC WDM, LLC, received City Council approval of a Plat of Survey for the approximately 22.8-acre property generally located at the northeast corner of Mills Civic Parkway and S. 88th Street and legally described in attached Exhibit "B" on July 15, 2024; and

WHEREAS, the July 15, 2024 Plat of Survey approval included two conditions of approval; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider an amendment to the original condition of approval #2 placed with the July 15, 2024 Plat-of-Survey approval.

NOW, THEREFORE, the City Council does approve the amendment to Condition of Approval #2 of the July 15, 2024 Plat of Survey approval creating Parcels 24-61 & 24-62 (Dallas County) (POS-006494-2024), subject to compliance with all of the original conditions of approval not otherwise amended herein, 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 November 18, 2024.

_____
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 November 18, 2024, by the following vote.

Exhibit A: Conditions of Approval

1. The applicant and property owner acknowledging and agreeing that approval of this Plat of Survey is for the financing purposes only and that the current or future property owner(s) remains responsible for any public improvements required of the property.
2. **(Amended)** The applicant and property owner acknowledging and agreeing that ***building permits for footings and foundations only for two buildings may be issued prior to approval of the final plat for the property. No building permits for vertical construction or additional footing and foundations*** shall be issued for the property until such time that the property is final platted and public improvements necessary to serve the property are constructed and approved by the city or surety provided, all other financial obligations including Sanitary, Water, and Storm Water Connection Fee District fees, as applicable are fulfilled and all necessary legal documents are executed and provided to the city.