



STAFF REPORT

TO: Planning and Zoning Commission

PREPARED BY: Ben Landhauser

RE: Willow Pines - Rezoning

DATE: August 13, 2013

GENERAL INFORMATION:

Applicant:

Willow Pines Development, LLC

Requested Action

Rezoning Approval

Location and Size:

Property is generally located south of Ashworth Road, north of Cottonwood Drive, on the west side of Ute Avenue (6th Street). The property contains approximately 28.85 acres more or less.

LAND USES AND ZONING:

Location	Existing Land Use	Comprehensive Plan	Current Zoning
Property in Question	Rural Residential	Rural Residential	A-1
North	Vacant / Undeveloped & Dallas County Rural Residential Properties	Rural Residential	A-1 N/A
South	Large Acreage Estate	Rural Residential	A-1
East	Dallas County Rural Residential Properties	Rural Residential	N/A
West	Undeveloped – Agricultural Property	Rural Residential	A-1

BACKGROUND:

The subject property involved in the proposed rezoning, owned by the Mercy Foundation of Des Moines, exists currently as a large residential estate. Willow Pines Development, LLC, the applicant working with the property owner, is requesting rezoning of the property to R-1 (Single Family Residential District) to accommodate approximately 53 single family lots. The concept plan provided as part of the rezoning request identifies a transition from larger R-1 single family lots to large half-acre and acreage properties from east to west.



ABOVE: Aerial of Concept Plan identifying the proposed single family residential lots (**YELLOW**) and Surrounding Properties.

PROJECT DESCRIPTION:

Willow Pines Development, LLC has submitted a request for rezoning of property located west of Ute Avenue, south of Ashworth Road. The property has existed as a large acreage estate owned by the Mercy Foundation for a number of years. The application for rezoning was originally submitted for staff review in June, 2013 and did not include the appropriate amount of consent from 50% of the land ownership within 200 feet of the proposed zoning change. The applicant has been in communication with Staff as noted in an attached letter from the applicant's representative, that a large property owner controlling 57.9% of property within 200 feet of the proposed zoning change has been unresponsive to contact from the applicant for the better part of 2 months.

The City of Waukees's zoning ordinance has 2 methods by which zoning changes can be initiated. The first method that has been most typical of rezoning requests requires the applicant to receive consent from a minimum of 50% of the land ownership within 200 feet of the area proposed for change. The 2nd method is for the City to initiate the process for rezoning proceedings.

Staff made a recommendation to City Council that was considered on August 5th to set the public hearing related to the rezoning request for the following reasons:

- The applicant has met and/or received written consent to the proposed rezoning from all but 2 of the property owners within 200 feet of the property.
- The applicant has attempted to make contact with a property owner controlling 57.9 percent of the land area needed to request the public hearing on their own without response.

- The requested zoning change appears to be in line with surrounding developments (Painted Woods Plats I – 3) and the Comprehensive Plan for providing larger lot single family homes.
- Setting the public hearing does not obligate the City Council to approve the request, it simply allows for the request to be considered by the Planning and Zoning Commission and City Council.

Notification of the rezoning request to the proposed property was sent to the surrounding Waukee property owners on August 6, 2013. To date, staff has not received any written correspondence for or against the proposal. Notification signs of the proposed City Council Public Hearing Date have been placed on the property.

From a land use perspective the proposal seems to be in relative conformance to the Comprehensive Plan's intent to provide for larger single family residential properties south of Ashworth Road. The Comprehensive Plan provides the following graphical representation of how rural residential is suggested to develop in this area of the City:



FIGURE 2-1: RURAL CLUSTERING

SOURCE: GOULD EVANS

Given the close proximity this property has to the Ashworth Road/Ute Avenue intersection it seems appropriate to see larger typical R-1 lots adjoining Ute Avenue with a transition to large properties adjacent to the creek and further from the high traffic streets.

The concept plan for the property identifies 53 total single family residential lots that are identified to be completed in as many as 3 phases. The proposed lots have been designed to conform to R-1 requirements. With successful approval of the proposed rezoning, the applicant has indicated an immediate desire to develop the proposed lots this fall. Two detention ponds currently exist on the property and are intended to be reshaped in order to accommodate the proposed subdivision layout and detention requirements. The subdivision would be sewered from the gravity main through the Painted Woods Plat I subdivision.

The applicant has indicated a desire to provide Parkland dedication as a cash in lieu of land dedication. Staff has indicated a desire for the land dedication to take place or for the applicant to facilitate discussion and the securing of property in the immediate area as the Parks, Recreation, and Open Space Master Plan identifies a need within the immediate area for a neighborhood park. This is an item that can be further discussed and addressed after the zoning is in place. Based upon the 53 lots proposed, the applicant would be responsible for dedicating 0.965 acres.

STAFF RECOMMENDATION

At this time staff feels comfortable with the proposal and would recommend Approval of the rezoning request.

CITY OF WAUKEE

Ben Landhauser
City Planner