CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 15, 2015

ITEM: Whisper Rock at Quail Cove, 5200 Block of Cherrywood Drive – Rezone property from Residential Medium Density to Single Family Residential – Prairie Building and Development LLC – ZC-002701-2015

Ordinance: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, David Albright with Prairie Building and Development, is requesting an amendment to the Zoning Map to change the zoning of property located on the north side of Cherrywood Drive at about the 5200 block from Residential Medium Density (RM-8) to Single Family Residential (R-1) (see Exhibit I, Attachment B – Location Map and Exhibit II – Ordinance).

Plan and Zoning Commission Action:
Vote: 6-0 approval, Commissioner Brown being absent
Date: June 8, 2015
Motion: Adopt a resolution recommending the City Council approve the Rezoning request.

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Request
- History
- City Council Subcommittee: *Development & Planning (May 7, 2015)*
- Staff Review and Comments
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the rezoning request to amend the Zoning Map for this property from Residential Medium Density (RM-8) to Single Family Residential (R-1), subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	May 29, 2015	
Letter sent to surrounding property owners		May 27, 2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	May 7, 2015		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Communication

- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Location Map
- Attachment C - Zoning Illustrations
- Attachment D - Comments

Exhibit II - Proposed Rezoning Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: June 8, 2015

Item: Whisper Rock at Quail Cove, 5200 Block of Cherrywood Drive – Rezone property from Residential Medium Density to Single Family Residential – Prairie Building and Development LLC – ZC-002701-2015

Requested Action: Approval of a Rezoning Request

Case Advisor: Kara Tragesser, AICP, Planner

Applicant's Request: The applicant, David Albright with Prairie Building and Development, is requesting an amendment to the Zoning Map to change the zoning of property located on the north side of Cherrywood Drive at about the 5200 block from Residential Medium Density (RM-8) to Single Family Residential (R-1) (see Attachment B – Location Map, Attachment C – Rezoning,).

History: This property currently is undeveloped. In 2004, a site plan for five condominiums was approved for the site, but never constructed. In 2006, a major modification was approved to construct 27 detached townhomes. After that approval the developer ceased operations and the project was not constructed. In April and May 2014, a preliminary plat and site plan for 22 detached townhomes was approved by the Plan & Zoning Commission and the City Council. A final plat application was not submitted and the project did not get constructed.

City Council Subcommittee: The request to amend the Zoning Map was reviewed by the Development and Planning City Council Subcommittee on May 7, 2015; the Subcommittee was supportive of the changes.

Staff Review and Comment: There are no outstanding issues. The current rezoning request is to accommodate full depth lots for 22 single family residences which current city code does not allow for in multi-family zoning districts. The comments noted in Attachment D – Citizen Comments have been forwarded to the appropriate departments in the City. The Comprehensive Plan land use designation is Medium Density Residential, according to the Comprehensive Plan Compatibility Matrix for zoning designations, Residential Single Family is compatible to the Medium Density land use designation. Therefore, a Comprehensive plan Land Use Map amendment is not necessary.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On May 29, 2015, notice of the June 8, 2015, Plan and Zoning Commission public hearing was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property affected by this amendment on May 27, 2015.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve an ordinance to amend the Zoning Map to change the zoning of the property from Residential Medium Density (RM-8) to Single Family Residential (R-1).

Owner/Applicant: Prairie Building and Development
12119 Stratford Drive
Clive IA 50325
David Albright
515-360-5063

Applicant Rep: Same as Owner

Attachments:

Attachment A - Plan and Zoning Commission Resolution
Attachment B - Location Map
Attachment C - Zoning Illustrations
Attachment D - Citizen Comments

RESOLUTION NO. PZC-15-039

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE ZONING MAP TO CHANGE THE ZONING OF THE PROPERTY AT THE 5200 BLOCK OF CHERRYWOOD DRIVE FROM RESIDENTIAL MEDIUM DENSITY (RM-8) TO SINGLE FAMILY RESIDENTIAL (R-1)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Prairie Building and Development LLC, has requested approval to amend the Zoning Map for property at the 5200 Block of Cherrywood Drive from Residential Medium Density (RM-8) to Single Family Residential (R-1) that is legally described as:

Legal Description

Lot 30 Quail Cove Plat 1, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

WHEREAS, on June 8, 2015, this Commission held a duly-noticed hearing to consider the application for an amendment to the Zoning Map (ZC-002701-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report for this hearing or as amended orally at the hearing are adopted.

SECTION 2. The amendment to Zoning Map to change the zoning of the property at the 5200 Block of Cherrywood Drive from Residential Medium Density (RM-8) to Single Family Residential (R-1) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit B. 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 June 8, 2015.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

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 June 8, 2014, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: Brown

ATTEST:

Recording Secretary

Exhibit A
Conditions

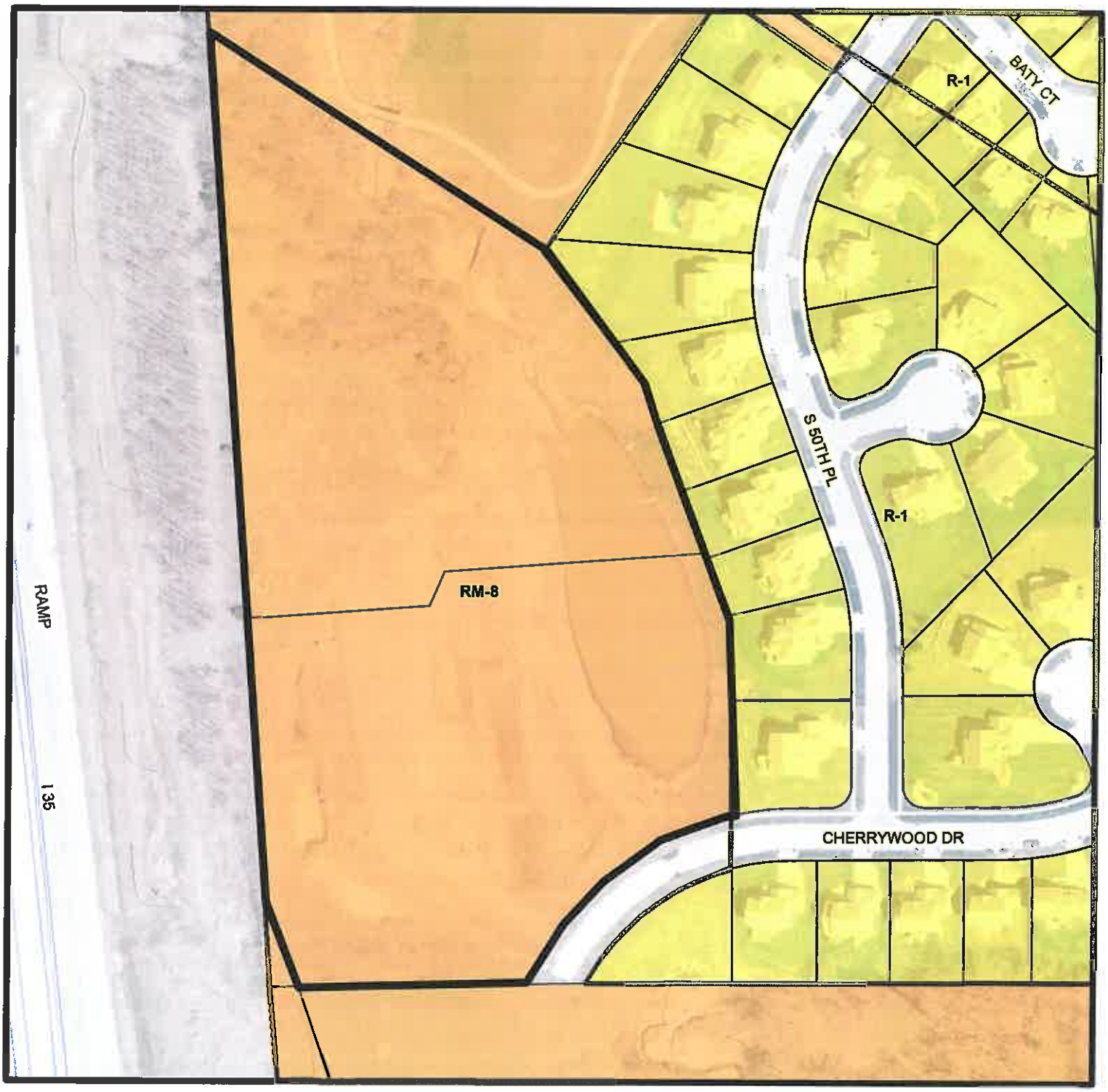
None

ATTACHMENT B

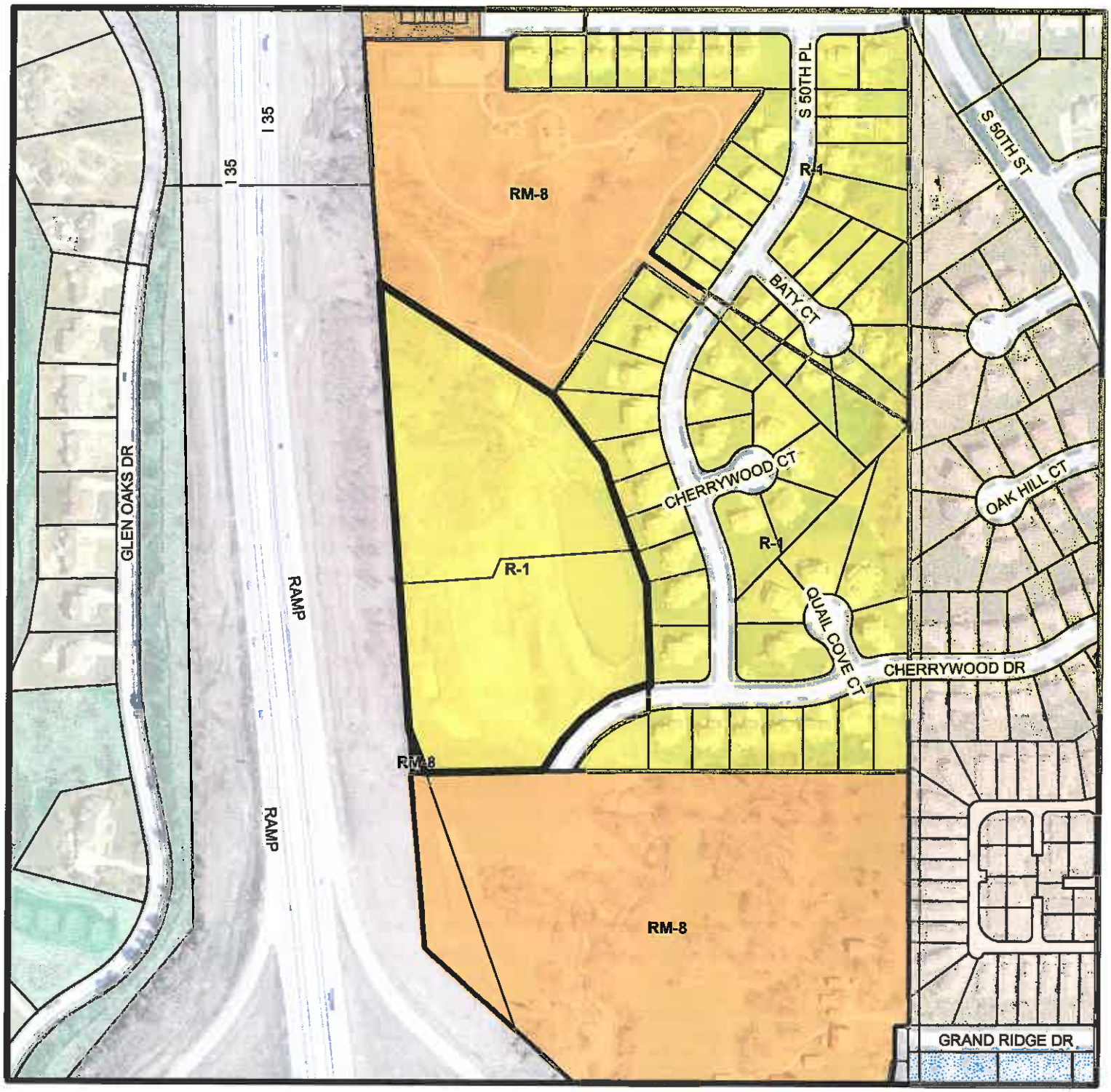
General Location Map
Whisper Rock at Quail Cove
5200 Block Cherrywood Drive

ATTACHMENT C

Current Zoning Map
Whisper Rock at Quail Cove
5200 Block Cherrywood Drive



Proposed Zoning Map
Whisper Rock at Quail Cove
5200 Block Cherrywood Drive



Tragesser, Kara

From: Eric Wieland <eric.c.wieland@gmail.com>
Sent: Sunday, May 31, 2015 12:21 PM
To: Tragesser, Kara
Cc: Susan Stull
Subject: Cherrywood Drive rezoning

Kara,
Thank you for the notice of rezoning for the property north of Cherrywood Drive at the 5100 block. I live at 5106 Cherrywood Drive.

If available, I would like to see the proposed site plan for the redevelopment. I was curious to see what the developer and/or city plan to do with the lot next to my property and the dead end road.

As you may be aware, the road over the drainage structure has settled considerably which results in standing water on the road for long periods of time. Additionally, there are many nights that individuals use the dead end road to hang out at late hours.

My preference would be for Cherrywood Drive to be rebuilt past our property to eliminate the standing water and for the road to turn into the new development.
Thank you,
Eric Wieland

Sent from my iPad

EXHIBIT II

Prepared by: KTragesser, Development Services, PO Box 65320 West Des Moines IA 50265-0320 (515) 222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9: ZONING, CHAPTER 4: ZONING DISTRICTS AND MAP

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 rezoning 10.42 acres located at the 5200 block of Cherrywood Drive from Residential Medium Density (RM-8) to Single Family Residential (R-1) district, in compliance with the adopted City of West Des Moines Comprehensive Plan Land Use Map.

Legal Description
Lot 30 Quail Cove Plat 1, an official plat now in and forming a part of the
City of West Des Moines, Polk County, Iowa

SECTION 2. 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 3. VIOLATIONS AND PENALITIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in title 1, Chapter 4, Section 1 and Section 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 4. OTHER REMEDIES. In addition to the provisions set out in the 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 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Approved and passed by the City Council on the __th day of _____2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

I certify that he foregoing was published as Ordinance No. _____ on the ___th day of _____ 2015.

_____
Ryan T. Jacobson
City Clerk