NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 15, 2015

ITEM: 7920, 8120, and 8180 Ashworth Road and undeveloped property immediately south of 8220 Ashworth Road (not including 8220 Ashworth Road) – City Initiated – Consistency zone 10.7 acres of property to Single Family Residential (R-1) and rezone approximately 3.5 acres from Residential Single Family (RS-20) to Single Family Residential (R-1) – ZC-002629-2015

Ordinance: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Development Services staff for the City of West Des Moines is requesting approval to zone approximately 10.7 acres of property located at 7920, 8120, and 8180 Ashworth Road to Single Family Residential (R-1) consistent with the City's Comprehensive Plan Land Use Map. In addition, staff is requesting approval to rezone approximately 3.5 acres from Residential Single Family (RS-20) to Single Family Residential (R-1) for that property south of the south boundary line of 8220 Ashworth Road. The proposed changes will bring consistency of land use and zoning to the area rather than having small parcels of office intermingled.

On June 1, 2015, the City Council approved a Comprehensive Plan Land Use Amendment for the 10.7 acres of property located at 7920, 8120, and 8180 Ashworth Road to change the land use designations from Office (OF) to Single Family Residential (SF).

Previous Council Action:
Vote: 5-0 approval
Date: June 1, 2015
Motion: Approval of the First Reading of the amendment to City Code.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and adopt the ordinance amendment for 7920, 8120, and 8180 Ashworth Road and undeveloped property immediately south of 8220 Ashworth Road (not including 8220 Ashworth Road) to Single Family Residential (R-1) in final form, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz BP

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	May 26, 2015	
Letter sent to surrounding property owners		May 12, 2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	July 3, 2014, September 11, 2014, October 23, 2014, November 6, 2014, January 29, 2015, & February 12, 2015		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Proposed Rezoning Ordinance

EXHIBIT I

Prepared by: B. Portz, Development Services, P.O. 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 the portions of the following legally described property generally located at 7920, 8120, 8180 Ashworth Road, and undeveloped property immediately south of 8220 Ashworth Road, but not including 8220 Ashworth Road from Unzoned to Single Family Residential (R-1) and from Residential Single Family (RS-20) to Single Family Residential (R-1) in compliance with the adopted City of West Des Moines Comprehensive Land Use Map.

Legal Description

PART OF THE WEST ½ OF THE NE ¼ OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF INTERSECTION OF THE NORTH LINE OF THE NE 1/4 WITH A LINE THAT IS 622 FEET EAST OF AND PARALLEL TO WEST LINE OF THE NE 1/4 (MEASURED NORMAL TO WEST LINE OF SAID NE ¼); THENCE SOUTH PARALLEL TO AND 622 FEET EAST OF THE WEST LINE OF SAID NE ¼, 464 FEET; THENCE EAST AT RIGHT ANGLES TO LAST DESCRIBED LINE, 165 FEET; THENCE NORTH PARALLEL TO WEST LINE OF TRACT HEREIN DESCRIBED 486 FEET MORE OR LESS TO NORTH LINE OF NE ¼; THENCE WESTERLY ALONG NORTH LINE TO POINT OF BEGINNING, EXCEPT PUBLIC HIGHWAY

AND

PARCEL "A" OF THE SURVEY OF THE EAST 322.00 FEET OF THE NE ¼ NW ¼ SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., AS SHOWN IN BOOK 790, PAGE 299, IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA, AND;

ALL THAT PART OF THE EAST 322.00 FEET OF THE NE ¼ NW ¼, SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M. LYING WEST OF SAID PARCEL "A" OF THE SURVEY OF THE EAST 322.00 FEET OF THE NE ¼ NW ¼, SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., AS SHOWN IN BOOK 790, PAGE 299, IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA

AND

PARCEL 'A' OF THE SURVEY OF THE EAST 322.00 FEET OF THE NE ¼ NW 1/4, SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH PM., AS SHOWN IN BOOK 790, PAGE 299, IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA, AND;

ALL THAT PART OF THE EAST 322.00 FEET OF THE NE ¼ NW ¼, SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M. LYING WEST OF SAID PARCEL 'A' OF THE SURVEY OF THE EAST 322.00 FEET OF THE NE ¼ NW ¼, SECTION 11,TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., AS SHOWN IN BOOK 790, PAGE 299, IN THE OFFICE OF THE RECORDER OF DALLAS 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 ____ 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 ____ day of _____
_____, 2015.

_____
Ryan T. Jacobson
City Clerk