

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: May 9, 2016

Item: 988 78th Place– Consistency zone the property from Unzoned to Single Family Residential (R-1) – City Initiated – ZC-003049-2016

Requested Action: Approval of Rezoning

Case Advisor: Brian Portz, AICP

Applicant's Request: The Development Services Department, on behalf of the City of West Des Moines, is requesting approval of a rezoning to consistency zone the property at 988 78th Place to an R-1 zoning designation, consistent with the existing Single Family (SF) Comprehensive Plan land use designation and the Single Family Residential (R-1) zoning on the properties immediately surrounding the subject property.

History: This property is located within the Westbridge subdivision. At the time that the Westbridge subdivision was annexed into the City (as a part of the David Gray Annexation in 1999), the City Development Board determined that the annexation of the entire property would create an island of unincorporated County property within the City, which is not permitted under State Code. The developer of Westbridge excluded the property in question from the annexation to satisfy the City Development Board. The subject property was subsequently annexed into the City with the Ashworth Annexation in 2002. When the property came into the City, it did not have any zoning associated with it. The property was missed in the consistency zoning done after annexation into the City occurred.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on April 18, 2016. Councilmembers had no comments and expressed no disagreement with the proposal.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would summarize the following:

- **Notice of Proposed Rezoning:** Notice of the City initiated zoning changes was mailed to the property owners at 988 78th Place. Staff did not receive any communications from the property owners expressing either agreement or disagreement with the proposal. (See Attachment D)

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 April 29, 2016, notice for the May 9, 2016, Plan and Zoning Commission and May 16, 2016, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on April 21, 2016.

Staff Recommendation and Conditions of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending to the City Council approval of the rezoning to consistency zone the property to Single Family Residential (R-1) from Unzoned.

Property Owners: Michael Valder
Beverly Valder
988 78th Place
West Des Moines, IA 50266

ATTACHMENTS:

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C - Existing Zoning Map
- Attachment D - Letter to the Property Owners

RESOLUTION NO. PZC

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING REQUEST (ZC-003049-2016) FOR THE PURPOSE OF CONSISTENCY ZONING THE PROPERTY LOCATED AT 988 78TH PLACE.

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the Development Services Department for the City of West Des Moines has requested approval of a Rezoning Request for that property legally described as Lot 18, Westbridge, an official plat in the City of West Des Moines, Dallas County, Iowa, also known as 988 78th Place to designate 0.42 acres from Unzoned to Single Family Residential (R-1) as shown on Attachment C of the staff report;

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

WHEREAS, on May 9, 2016, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003049-2016);

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, dated May 9, 2016, or as amended orally at the Plan and Zoning Commission hearing of May 9, 2016, are adopted.

SECTION 2. REZONING REQUEST (ZC-003049-2016) to designate 0.42 acres as Single Family Residential (R-1) from Unzoned as indicated on Attachment C of the staff report is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 9, 2016, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. 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 May 9, 2016.

Craig Erickson, Chairperson
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 May 9, 2016, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

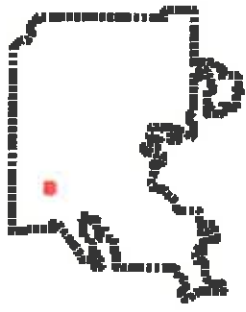
Recording Secretary

Exhibit A
Conditions of Approval

1. No conditions of approval.



Zoning Map



Legend

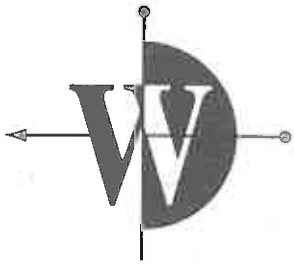
- Parcels
- Zoning Area Labels
- Town Center Overlay District
- Zoning Conditional Zones
- Zoning PUD Boundaries
- Zoning**
- Unzoned
- Open Space/Agricultural (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Resider
- Single-Family - Valley Junction Res
- Manufactured Housing (MH)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (V)
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce Park (PCP)
- Warehouse Retail (WR)
- Business Park (BP)
- Valley Junction Light Industrial (VJL)
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space



1 : 2,082

347.1 0 173.53 347.1 Feet

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION



THE CITY OF
West Des Moines®
www.wdm.iowa.gov

Development Services

4200 Mills Civic Parkway, Suite 2D
P.O. Box 65320
West Des Moines, IA 50265-0320

Building Inspection
515-222-3630

Planning and Engineering
515-222-3620

FAX 515-273-0602
TDD/TTY 515-222-3334

E-mail
developmentservices@wdm.iowa.gov

ATTACHMENT D

April 15, 2016

Michael Valder
Beverly Valder
988 78th Place
West Des Moines, IA 50266

RE: Zoning Change proposal for 988 78th Place

Dear Mr. & Mrs. Valder,

I am writing in regard to your property at 988 78th Place. During a routine check of the zoning of this area of West Des Moines, it was discovered that your property is currently designated as "unzoned" on the City's official Zoning Map. See the attached Zoning Map showing your property. The residential properties to the east, west and south of your property are designated as Single Family Residential (R-1) on the City Zoning Map. At the time that the Westbridge subdivision was annexed into the City (as a part of the David Gray Annexation in 1999), the City Development Board determined that the annexation of the entire Westbridge subdivision would create an island of unincorporated Dallas County property within the City of West Des Moines, which is not permitted under State Code. The developer of Westbridge excluded your property from the annexation to satisfy the City Development Board. Your property was subsequently annexed into the City with the Ashworth Annexation in 2002. When your property came into the City, it did not have any zoning associated with it. A rezoning of your property did not occur after the property was annexed into the City. Therefore, at this time, the City of West Des Moines Development Services Department is proposing to zone your property to a Single Family Residential (R-1) zoning classification to be consistent with the zoning of properties in the surrounding area. This will be completed at no cost to you.

There will be two public hearings to consider this request. The Plan and Zoning Commission (P&Z) will consider this request on **May 9, 2016**. At that meeting, the P&Z will make a recommendation of approval or denial to the City Council. The City Council will then consider the recommendation of the P&Z at a public hearing on **May 16, 2016**. Both hearings will be held at 5:30 PM on their specific date in the Council Chambers of City Hall, 4200 Mills Civic Parkway. You are welcome to attend these hearings to voice your opinion about the proposed rezoning. If you cannot, or wish to not attend the meetings, you may submit your opinion in writing and it will be included in the staff reports to the Commission and City Council.

Please feel free to contact me if you have any questions at either (515) 273-0636 or brian.portz@wdm.iowa.gov.

Respectfully,

Brian S. Portz, AICP
Planner

C. Lynne Twedt, Director of Development Services