

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

Meeting Date: May 22, 2017

Item: Brody Property, Immediately east/southeast of 601 Clegg Road – Amend Comprehensive Plan Land Use Map to change approximately 0.8 acres from Office (OF) to Single Family Residential (SF) and rezone the property from Office (OF) to Residential Single Family (RS-10), consistent with the Comprehensive Plan Land Use designation – Emmet Brody - ZC-003447-2017

Requested Action: Approval of Comprehensive Plan Land Use Map Amendment and Rezoning

Case Advisor: Brian S. Portz, AICP *bsp*

Applicant's Request: The applicant, Emmet Brody, has requested both a Comprehensive Plan Land Use Amendment and Rezoning for Lots 107 & 108, Clegg Park Plat 4. The request is to amend Comprehensive Plan Land Use Map to change approximately 0.8 acres from Office (OF) to Single Family Residential (SF) and rezone the property from Office (OF) to Residential Single Family (RS-10), consistent with the Comprehensive Plan Land Use designation and the zoning of the surrounding single family area. The applicant has purchased the lots adjacent to his home at 601 Clegg Road to increase the size of his yard. Lots 107 & 108 are a part of the adjacent parking lot previously owned by New Horizons Academy. The applicant has installed a fence and curbing along the new property line to separate the property from the adjacent parking lot. According to City Code, the proposed rezoning will result in the need for a buffer along the new property line. It will be the applicant's responsibility to install this buffer.

History: In 1936, the property was platted as Lots 107 and 108 of Clegg Park Plat 4. The property was most recently a part of the New Horizon's parking lot and was consistency zoned in 2011 from Residential Single Family (RS-10) to Office (OF) to make the zoning compatible with the Office land use designation and consistent with the use of the property as a parking lot.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on May 1, 2017 as an informational item. Councilmembers expressed no disagreement with the proposal.

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

- **New Horizons Parking Lot:** The newly purchased lots are separated from the New Horizon's property by a curb and a 6' solid fence. Based on an approximately 22,000 square foot office building, 110 parking spaces would be required. After the purchase of the lots in question by Mr. Brody, the parking lot will still have over 200 parking spaces and therefore would be able to accommodate a change in use of the building to a different office use in the future.
- **Buffer Requirement:** A 30' buffer is required between an office use and a single family land use. Since the applicant is creating the need for this buffer along the newly created property line, he is required to install the required buffer. A 30' buffer requires one overstory tree or upright evergreen tree, two (2) understory trees and six (6) shrubs per thirty five (35) linear feet of the buffer. There are existing upright trees that may meet the upright tree requirement, but there are not understory trees or shrubs within the buffer. The applicant has constructed a 6' solid fence along the shared property line for additional buffering. The applicant is requesting that the Plan & Zoning Commission recommend to the City Council (and the City Council accepting) the 6' solid fence in combination with existing trees to fulfill the buffer requirement.

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 12, 2017, notice for the May 22, 2017, Plan and Zoning Commission and May 30, 2017, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on May 12, 2017.

Staff Recommendation And Conditions Of Approval – Comprehensive Plan Amendment: 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 to approve the Comprehensive Plan Land Use Map amendment for approximately 0.8 acres to change the land use from Office (OF) to Single Family Residential (SF), subject to the applicant meeting all City Code requirements.

Staff Recommendation And Conditions Of Approval – Rezoning: 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 to approve the request to amend the Zoning Map to rezone approximately 0.8 acres from Office (OF) to Residential Single Family (RS-10), subject to the applicant meeting all City Code requirements and the following:

1. The City Council accepting the existing 6’ solid fence in combination with existing trees on the common property line to fulfill the 30’ buffer requirement.

Property Owner/Applicant: Emmet Brody
601 Clegg Road
West Des Moines, IA 50265
brodyconstruct@aol.com

ATTACHMENTS:

Attachment A	-	Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
Attachment B	-	Plan and Zoning Commission Resolution – Rezoning
Exhibit A	-	Conditions of Approval
Attachment C	-	Location Map
Attachment D	-	Comprehensive Plan Land Use Map
Attachment E	-	Zoning Map

RESOLUTION NO. PZC-17-049

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 COMPREHENSIVE PLAN LAND USE MAP FOR 0.8 ACRES FROM OFFICE (OF) TO SINGLE FAMILY RESIDENTIAL (SF)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Emmet Brody, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003446-2017) to change the land use designation of approximately 0.8 acres from Office (OF) to Single Family Residential (SF) and located within part of the area legally described as:

Legal Description

LOTS 107 & 108, CLEGG PARK PLAT 4, AN OFFICIAL PLAT OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

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 22, 2017, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-003446-2017);

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

SECTION 1. The request for a change in the land use designation from Office (OF) to Single Family Residential (SF) for approximately 0.8 acres, is recommended to the City Council for approval.

PASSED AND ADOPTED on May 22, 2017.

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 22, 2017, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

RESOLUTION NO. PZC-17-050

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-003447-2017) FOR THE PURPOSE OF CONSISTENCY ZONING 0.8 ACRES OF PROPERTY LOCATED EAST/SOUTHEAST OF 601 CLEGG ROAD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Emmet Brody, has requested approval of a Rezoning Request for that property located north of the intersection of 5th Street/Clegg Road and 6th Street and legally platted as Lots 107 & 108, Clegg park Plat 4 to amend the Zoning Map and designate 0.8 acres as Residential Single Family (RS-10);

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 22, 2017, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003447-2017);

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 22, 2017, or as amended orally at the Plan and Zoning Commission hearing of May 22, 2017, are adopted.

SECTION 2. REZONING REQUEST (ZC-003447-2017) to designate 0.8 acres as Residential Single Family (RS-10) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 22, 2017, 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 22, 2017.

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 22, 2017, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

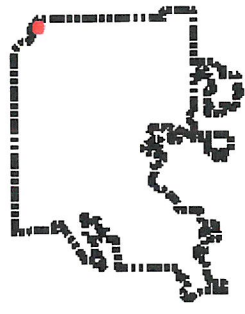
ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. The City Council accepting the existing 6' solid fence in combination with existing trees on the common property line to fulfill the 30' buffer requirement.

Brody Property



- Legend**
- Parcels
 - Parks
 - Greenways
 - Cemetery/Burials



1: 1,406

234.4 Feet

117.20

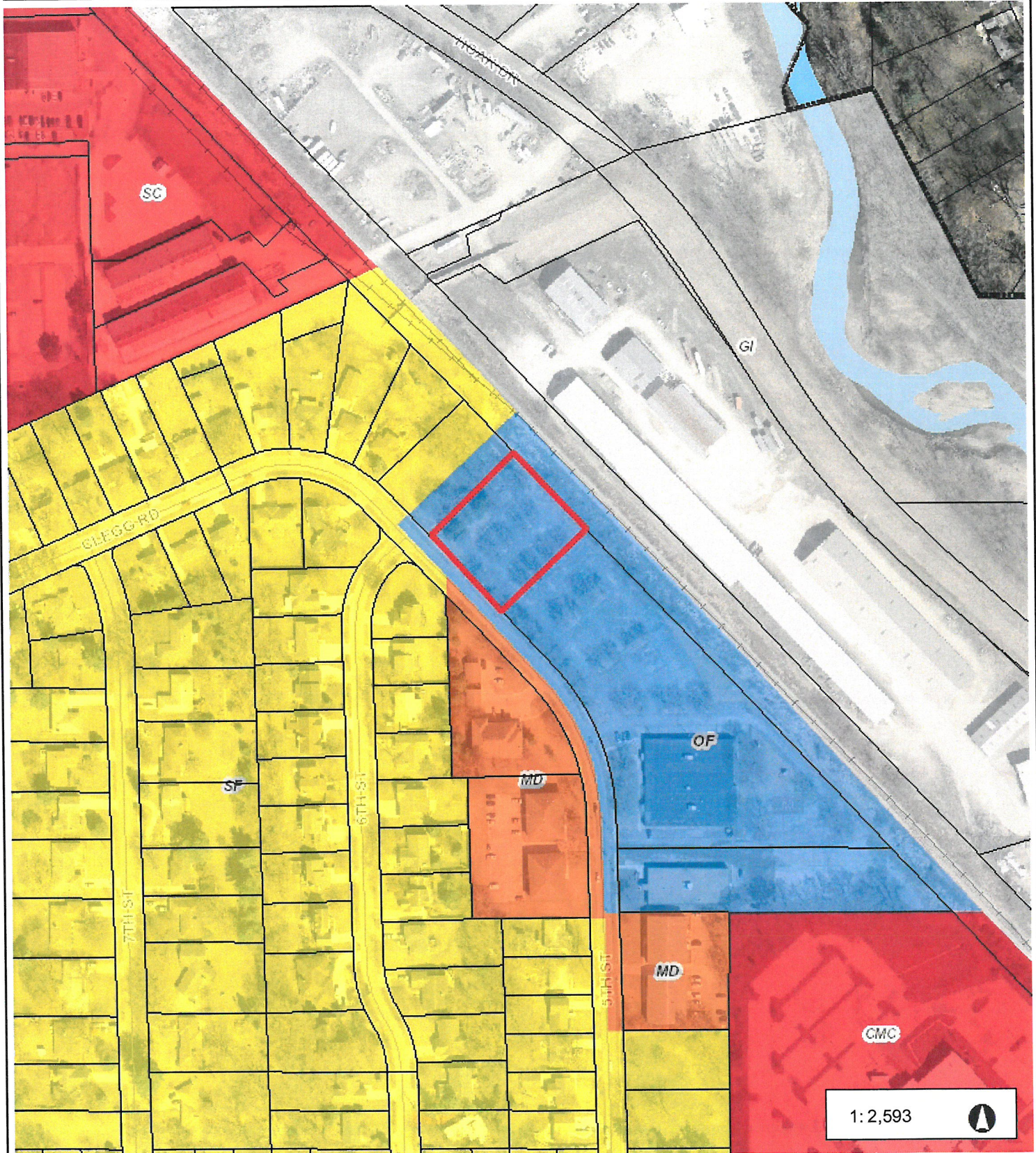
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Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

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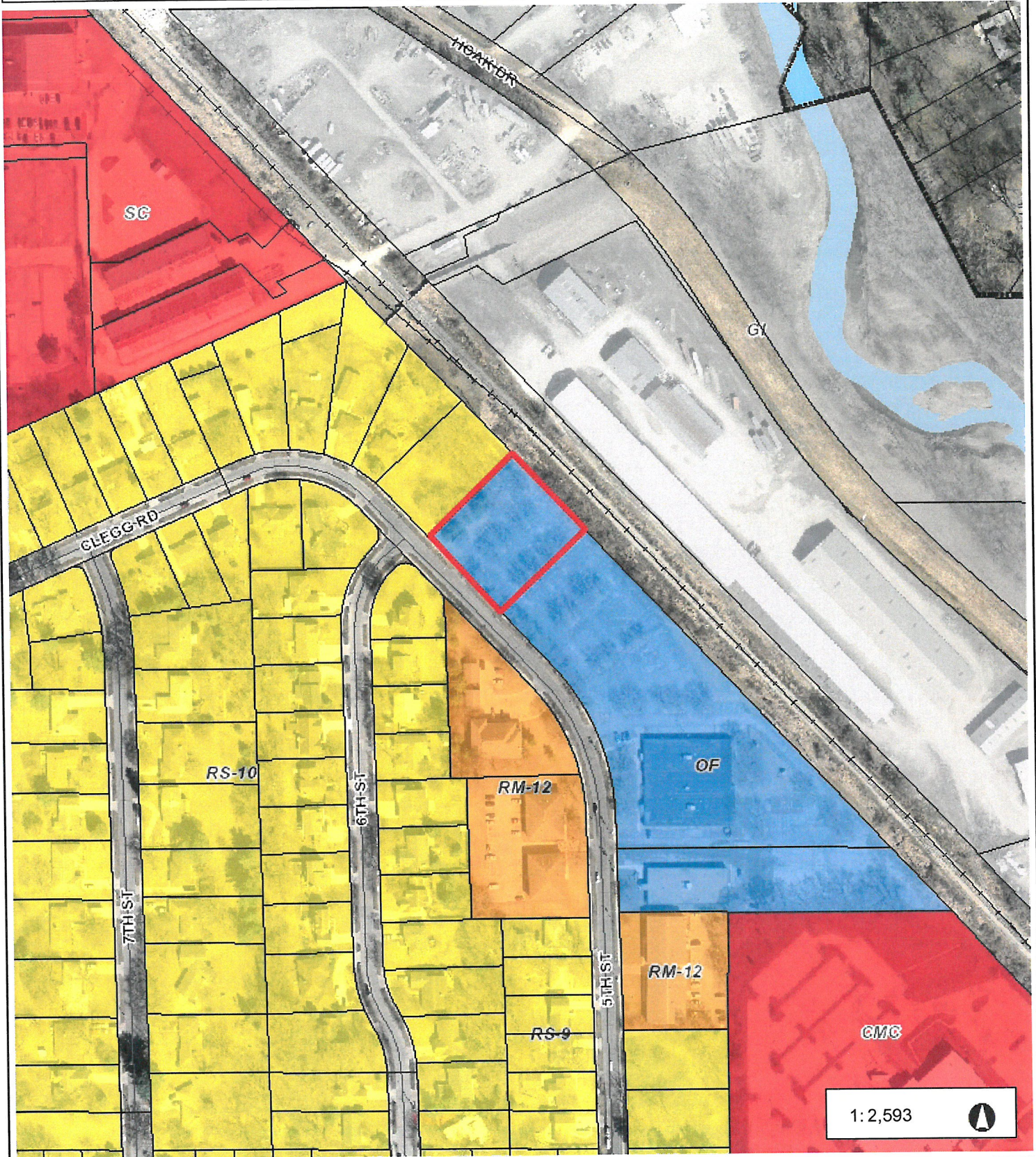


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