CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: July 24, 2017

ITEM: Microsoft Osmium, generally located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren County – Amend Comprehensive Plan Land Use Map and Amend Zoning Map for Light Industrial Land Use and Zoning– City Initiated (CPA-003518-2017/ZC-003521-2017)

RESOLUTION: Approval of Comprehensive Plan Land Use Amendment
ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines Development Services Department requests approval of a Comprehensive Plan Land Use Map Amendment to designate property owned by the Microsoft Corporation generally located west of I-35 at the intersection of 110th Street and 10th Avenue to Light Industrial and to zone the property Light Industrial (LI) in anticipation of the construction of a new data center (see Exhibit I - Attachment A – Location Map, and Exhibit II Resolution– Exhibit A – Comprehensive Plan Land Use Illustration and Exhibit III – Ordinance and Proposed Zoning Illustration)

PLAN AND ZONING COMMISSION ACTION:
Vote: 5-0 approval, with Commissioners Crowley and Southworth absent.
Date: July 17, 2017
Motion: Adopt a resolution recommending the City Council approve the proposed amendment to the Comprehensive Plan Land Use Map.
Motion: Adopt a resolution recommending the City Council adopt the Ordinance to zone the property.

PLAN AND ZONING DISCUSSION: The property owner immediately to the south of the proposed Microsoft data center spoke in opposition of the land use and zoning changes indicating that the ground should stay as agricultural use. She noted that her property is within the Cummings-WDM Annexation agreement area and is currently identified to become part of Cummings. The property owner also raised awareness to the location of her well and propane tank which are located near the northern boundary of her property, and finally, the property owner indicated with dissatisfaction with the maintenance of ditches and gravel road in her area indicating that she mows the ditches and that there has been very limited application of dust control measures.

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 and Planning provided via email July 10, 2017*
- 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 goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the amendment to the Comprehensive Plan Land Use map and adopt the Ordinance to change the land use and zone the property generally located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren County to Light Industrial (LI).

Lead Staff Member: Karen Marren

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	July 7, 2017	
Letter sent to surrounding property owners		July 6, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	**Development & Planning**		
Date Reviewed	July 10th via email		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Communication
- Attachment A - Location Map
- Attachment B - Plan and Zoning Commission Resolution- Comprehensive Plan
  - Exhibit A - Legal Description
  - Exhibit B - Proposed Comprehensive Plan Land Use Map (moved to Exhibit II)
- Attachment C - Plan and Zoning Commission Resolution – Zoning
  - Exhibit A - Conditions of Approval (None)
  - Exhibit B - Legal Description
  - Exhibit C - Zoning Map (moved to Exhibit III)

Exhibit II - Resolution for Comprehensive Plan Land Use Amendment
- Exhibit A - Proposed Comprehensive Plan Land Use Map

Exhibit III - Rezoning Ordinance
- Exhibit A - Conditions of Approval (None)
- Exhibit B - Proposed Zoning Map

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 17, 2017

Item: Microsoft Osmium, Generally located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren Counties – Amend Comprehensive Plan Land Use Map and Amend Zoning Map for Light Industrial Land Use and Zoning – City Initiated (CPA-003518-2017/ZC-003521-2017)

Requested Action: Approval of Comprehensive Plan Amendment and Consistency Zoning

Case Advisor: Karen Marren

Applicant's Request: The City of West Des Moines Development Services Department requests approval of a Comprehensive Plan Land Use Map Amendment to designate property owned by the Microsoft Corporation generally located west of I-35 at the intersection of 110th Street and 10th Avenue to Light Industrial and to zone the property Light Industrial (LI) in anticipation of the construction of a new data center (see Attachment A – Location Map, Attachment B – Exhibit C and Exhibit D).

History: The property owned by Microsoft was annexed into the City in March 2017. Up to now, the property had a land use designation of Office and Support Office applied but has been Unzoned since annexation of the property. It is standard practice for the City to initiate land use and zoning changes upon annexation into the city.

City Council Subcommittee: Due to cancellation of the June 26th and July 10th meetings, the request for a Comprehensive Plan Amendment and Zone Change was not reviewed by the Development and Planning City Council Subcommittee. Due to the cancelations, a summary of the requests was provided to the Subcommittee via email. These items are also scheduled to be presented at the July 24, 2017 meeting should the Subcommittee wish to review the items prior to taking action at the Council meeting that evening.

Staff Review and Comment: There are no outstanding issues.

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 July 7, 2017, notice of the July 17, 2017, Plan and Zoning Commission and of the July 24, 2017 City Council public hearings 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 these amendments on July 6, 2017.

Staff Recommendation and Conditions Of Approval – Comprehensive Plan: 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 an amendment to the Comprehensive Plan Land Use map to designate the property generally located west of I-35 at the intersection of 110th Street and 10th Avenue to Light Industrial, subject to the applicant meeting all City Code requirements.

Staff Recommendations and Conditions of Approval – Zoning: 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 the zoning of the parcel generally located west of I-35 at the intersection of 110th Street and 10th Avenue from Unzoned to Light Industrial (LI), subject to the applicant meeting all City Code requirements.

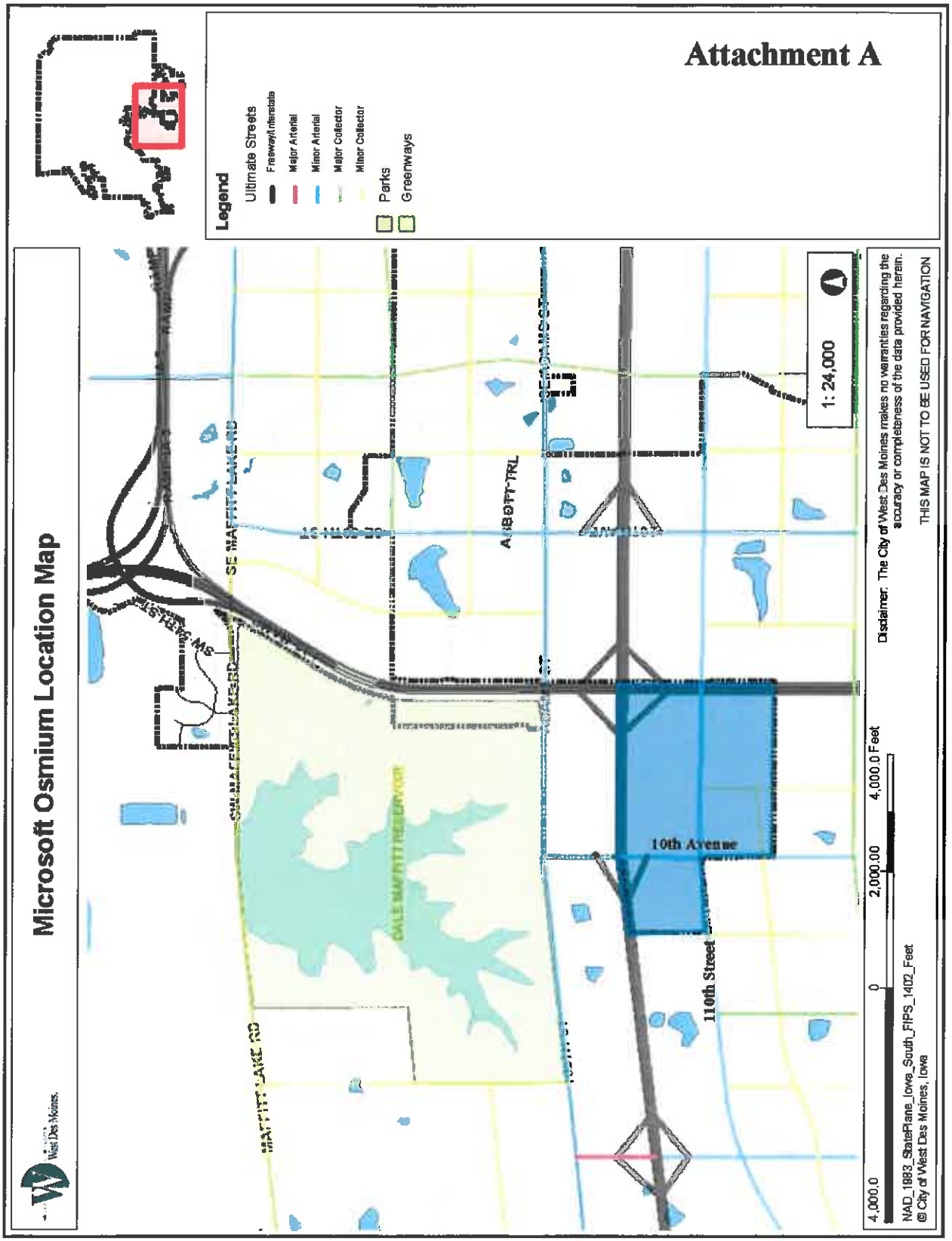
Applicant: City of West Des Moines
Development Services Department
PO Box 65320
West Des Moines IA 50265-0320
515-222-3620

Owners: Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

Applicant's Representatives: Same as Applicant

Attachments:

- Attachment A - Location Map
- Attachment B - Plan and Zoning Commission Resolution – Comprehensive Plan Land Use Map Amendment
  - Exhibit A - Legal Description
  - Exhibit B - Land Use Map
- Attachment C - Plan and Zoning Commission Resolution – Zoning Map Amendment
  - Exhibit A - Conditions of Approval (None)
  - Exhibit B - Legal Description
  - Exhibit C - Zoning Map



Attachment A

ATTACHMENT B

RESOLUTION NO. PZC-17-065

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE COMPREHENSIVE PLAN LAND USE MAP AMENDMENT FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY LOCATED WEST OF I-35 AT THE INTERSECTION OF 110TH STREET AND 10TH AVENUE IN MADISON AND WARREN COUNTIES FROM OFFICE AND SUPPORT OFFICE TO LIGHT INDUSTRIAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, City of West Des Moines, has requested approval of a Comprehensive Plan Land Use Map Amendment (CPA-003518-2017) for property generally located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren Counties legally described as:

Legal Description

See Exhibit A

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 July 17, 2017, this Commission held a duly-noticed hearing to consider the application to amend the Comprehensive Plan Land Use Map;

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 Comprehensive Plan Land Use Map Amendment to change the land use designation to Light Industrial for property legally described in Exhibit A and illustrated in Exhibit B is recommended to the City Council for approval.

PASSED AND ADOPTED on July 17, 2017.

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 July 17, 2017 by the following vote:

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

ATTEST:

Recording Secretary

EXHIBIT A
Legal Description

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SECTION ONE (1), TOWNSHIP SEVENTY-SEVEN (77) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., MADISON COUNTY, IOWA.

AND

SW ¼ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5 TH PM, WARREN COUNTY, IOWA;

AND

SOUTH ½ OF WEST ½ OF EAST ½ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

SOUTH 1/2 OF EAST 1/2 OF EAST 1/2 OF SW 1/4 (EXCEPT PORTION CONVEYED TO STATE OF IOWA IN BOOK 125, PAGE 122) IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA; AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

AND

NW 1/4 OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

NE ¼ OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA, EXCEPT THAT PORTION DEEDED TO STATE OF IOWA IN BOOK 125, PAGE 121 AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

ATTACHMENT C

RESOLUTION NO. PZC -17-066

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE ZONING REQUEST FOR THE PURPOSE OF ZONING THE PROPERTY LOCATED WEST OF I-35 AT THE INTERSECTION OF 110TH STREET AND 10TH AVENUE IN MADISON AND WARREN COUNTIES TO LIGHT INDUSTRIAL (LI)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, City of West Des Moines, has requested approval of a Zoning Request for that property legally described in Exhibit B;

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 July 17, 2017, this Commission held a duly-noticed hearing to consider the application for the Zoning Request (ZC-003521-2017);

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 July 17, 2017, or as amended orally at the Plan and Zoning Commission hearing of July 17, 2017, are adopted.

SECTION 2. ZONING REQUEST (ZC-003521-2017) to change the zoning of the property legally described in Exhibit B and illustrated in Exhibit C to Light industrial (LI) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated July 17, 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 July 17, 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 July 17, 2017, by the following vote:

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

ATTEST:

Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

None

EXHIBIT B
Legal Description

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SECTION ONE (1), TOWNSHIP SEVENTY-SEVEN (77) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., MADISON COUNTY, IOWA.

AND

SW ¼ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5 TH PM, WARREN COUNTY, IOWA;

AND

SOUTH ½ OF WEST ½ OF EAST ½ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

SOUTH 1/2 OF EAST 1/2 OF EAST 1/2 OF SW 1/4 (EXCEPT PORTION CONVEYED TO STATE OF IOWA IN BOOK 125, PAGE 122) IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA; AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

AND

NW 1/4 OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

NE ¼ OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA, EXCEPT THAT PORTION DEEDED TO STATE OF IOWA IN BOOK 125, PAGE 121 AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

EXHIBIT II

Prepared by: KMarren, 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

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING THE COMPREHENSIVE PLAN AMENDMENT TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 194.63 ACRES GENERALLY LOCATED WEST OF I-35 AT THE INTERSECTION OF 110TH STREET AND 10TH AVENUE IN MADISON AND WARREN COUNTY TO DESIGNATE THE LAND USE FOR THE PROPERTY AS LIGHT INDUSTRIAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code the City of West Des Moines has requested approval for a Comprehensive Plan Amendment to change the Comprehensive Plan Land Use Plan from Office (OF) and Support Office (SO) to Light Industrial (LI) as shown in Exhibit A for the property legally described as:

Legal Description

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SECTION ONE (1), TOWNSHIP SEVENTY-SEVEN (77) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., MADISON COUNTY, IOWA.

AND

SW ¼ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5 TH PM, WARREN COUNTY, IOWA;

AND

SOUTH ½ OF WEST ½ OF EAST ½ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

SOUTH 1/2 OF EAST 1/2 OF EAST 1/2 OF SW 1/4 (EXCEPT PORTION CONVEYED TO STATE OF IOWA IN BOOK 125, PAGE 122) IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA; AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

AND

NW 1/4 OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

NE ¼ OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA, EXCEPT THAT PORTION DEEDED TO STATE OF IOWA IN BOOK 125, PAGE 121 AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

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 July 17, 2017, the Plan and Zoning Commission recommend the City Council approve the Comprehensive Plan Amendment;

WHEREAS, on July 24, 2017, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

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

SECTION 2. The amendment of the Comprehensive Plan Land Use Map as described above, and illustrated in Exhibit A, is hereby adopted.

PASSED AND ADOPTED on July 24, 2017.

Steve Gaer
Mayor

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on July 24, 2017, by the following vote:

ATTEST:

Ryan Jacobson
City Clerk

EXHIBIT A

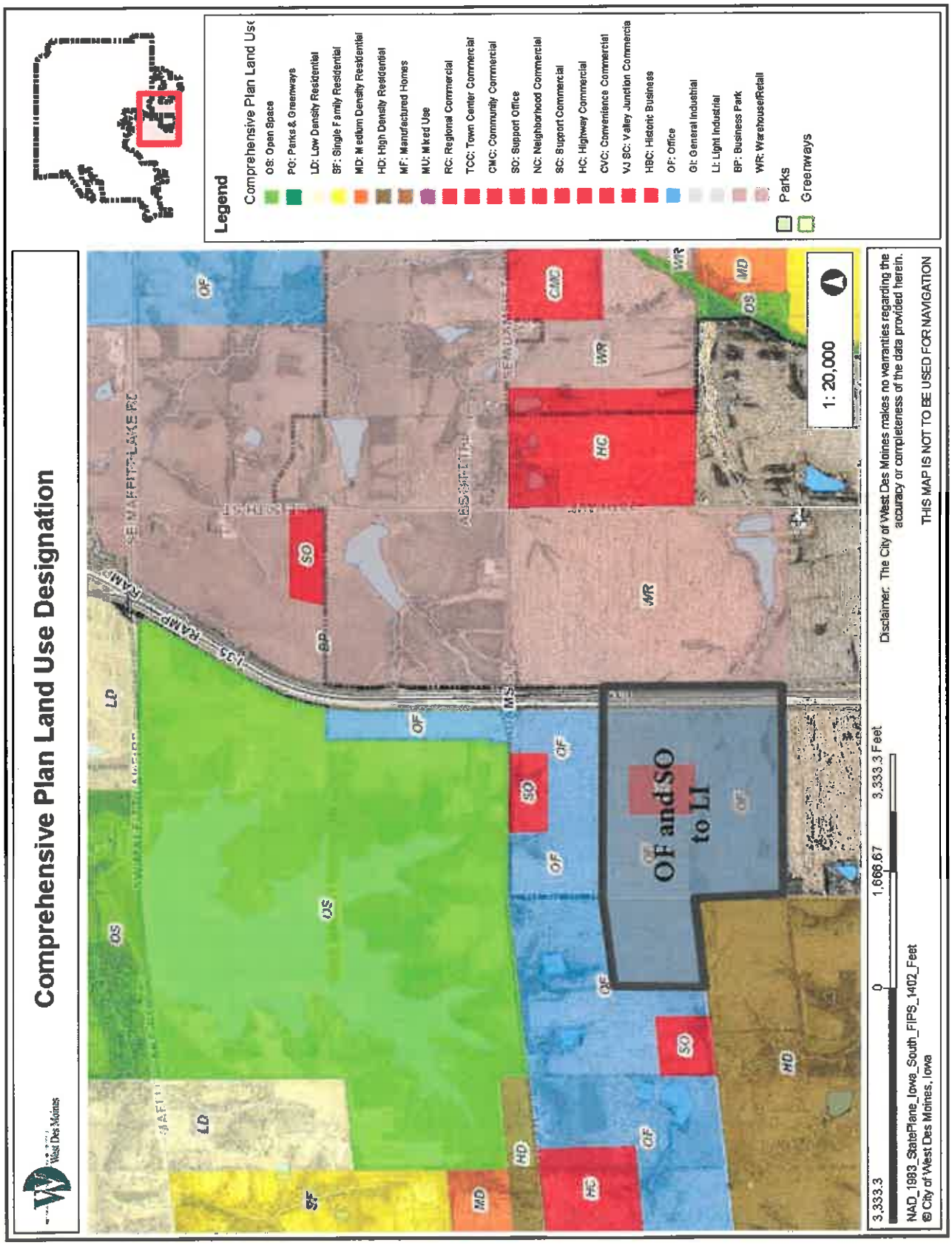

Comprehensive Plan Land Use Designation
West Des Moines
Legend
Comprehensive Plan Land Use
OS: Open Space
PG: Parks & Greenways
LD: Low Density Residential
SF: Single Family Residential
MD: Medium Density Residential
HD: High Density Residential
MF: Manufactured Homes
MU: Mixed Use
RC: Regional Commercial
TCC: Town Center Commercial
CMC: Community Commercial
SO: Support Office
NC: Neighborhood Commercial
SC: Support Commercial
HC: Highway Commercial
CVC: Convenience Commercial
VJ SC: Valley Junction Commercial
HBC: Historic Business
OF: Office
GI: General Industrial
LI: Light Industrial
BP: Business Park
WR: Warehouse/Retail
Parks
Greenways
OF and SO to LI
1: 20,000
3,333.3
0
1,666.67
3,333.3 Feet
NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa
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

EXHIBIT III

Prepared by: KMarren, 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 FOR PROPERTY GENERALLY LOCATED WEST OF I-35 AT THE INTERSECTION OF 110TH STREET AND 10TH AVENUE IN MADISON AND WARREN COUNTY

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 zoning property generally located west of I-35 at the intersection of 110th Street and 10th Avenue in Madison and Warren County and legally described below from Unzoned to Light Industrial (LI) zoning district, as illustrated in Exhibit B, and in compliance with the Comprehensive Plan.

Legal Description

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SECTION ONE (1), TOWNSHIP SEVENTY-SEVEN (77) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., MADISON COUNTY, IOWA.

AND

SW ¼ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5 TH PM, WARREN COUNTY, IOWA;

AND

SOUTH ½ OF WEST ½ OF EAST ½ OF SW ¼ IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

SOUTH 1/2 OF EAST 1/2 OF EAST 1/2 OF SW 1/4 (EXCEPT PORTION CONVEYED TO STATE OF IOWA IN BOOK 125, PAGE 122) IN SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA; AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

AND

NW 1/4 OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA;

AND

NE ¼ OF NW 1/4 IN SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH PM, WARREN COUNTY, IOWA, EXCEPT THAT PORTION DEEDED TO STATE OF IOWA IN BOOK 125, PAGE 121 AND EXCEPT THAT PART DEEDED TO THE STATE OF IOWA IN BOOK 2012, PAGE 10015

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 PENALTIES.** 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 _____2017

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

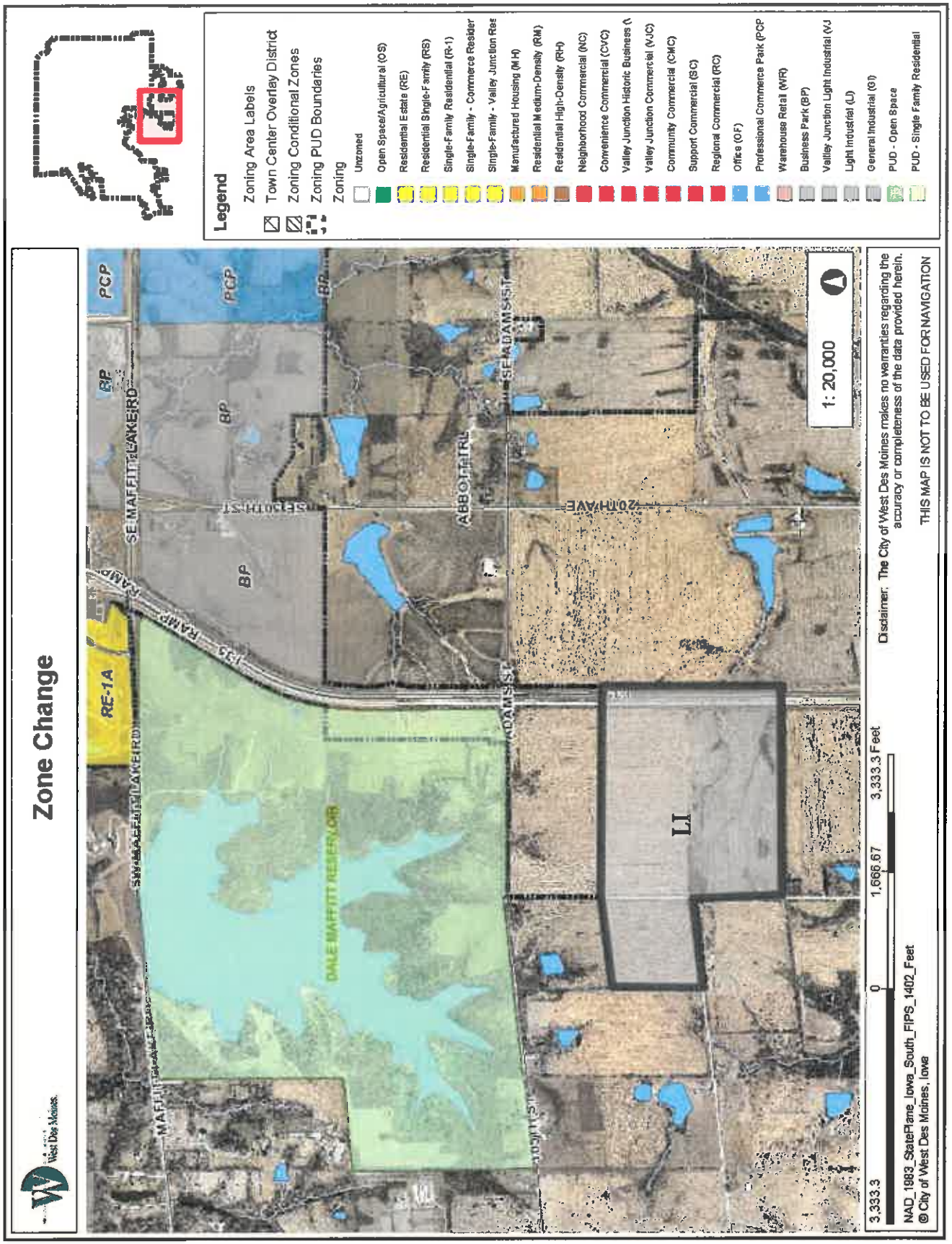
I certify that he foregoing was published as Ordinance No. _____ on the ___day of _____ 2017.

_____
Ryan Jacobson
City Clerk

Exhibit A
Conditions of Approval

None

EXHIBIT B


Zone Change
Legend
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 (
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 (VJ
Light Industrial (LI)
General Industrial (GI)
PUD - Open Space
PUD - Single Family Residential
PCP
BP
RE-1A
LI
SE MAFFITT LAKE RD
SE 8th St
SE ADAMS ST
ABBOTT TRL
20TH AVE
DALE MAFFITT RESERVOIR
1: 20,000
3,333.3
0
1,666.67
3,333.3 Feet
NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa
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