CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: July 24, 2017

ITEM: Cedar Ridge Lots 3-8, North side of the intersection of Mills Civic Parkway and S. 91st Street - Amend the Comprehensive Plan Land Use Map to change the land use designation for approximately 0.82 acres from Office (OF) to Single Family Residential (SF) and consistency zone approximately 9 acres from Unzoned to Residential Estate (RE-1A) – City Initiated – CPA-003529-2017 & ZC-003457-2017

ORDINANCE: Approval of First Reading of Ordinance
RESOLUTION: Amending the Comprehensive Plan

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The Development Services Department, on behalf of the City of West Des Moines, is requesting approval of a Comprehensive Plan Amendment from Office (OF) to Single Family Residential (SF) for 0.82 acres located on the north side of the intersection of Mills Civic Parkway and S. 91st Street and a Rezoning Request to consistency zone 9 acres platted as Lots 3-8, Cedar Ridge to an RE-1A zoning designation, consistent with the existing and amended Single Family (SF) Comprehensive Plan land use designation.

Plan and Zoning Commission Action:
Vote: 5-0 approval, with Commissioner(s) Crowley and Southworth absent.
Date: July 17, 2017
Motion: Adopt a resolution recommending the City Council approve an amendment to the Comprehensive Plan, Land Use Map from Office (OF) to Single Family Residential (SF) and a Rezoning from 'Unzoned' to Residential Estate (RE-1A).

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):

- Applicant's Request
- History
- City Council Subcommittee: *Development and Planning, July 10, 2017*
- Staff Review and Comments
  - Future land use around the alignment of 91st Street
- 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 a resolution to the Comprehensive Plan Land Use Map for approximately 0.82 acres of property on the north side of the intersection of Mills Civic Parkway and S. 91st Street to change the land use designation from Office (OF) to Single Family Residential (SF), and adopt an ordinance approving a Rezoning Request to change the zoning designation of 9 acres of property on the north side of the intersection of Mills Civic Parkway and S. 91st Street from 'Unzoned' to Residential Estate (RE-1A), subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	7/7/17	
Letter sent to surrounding property owners		7/6/17

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	7/10/17		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission Communication
  - Attachment A - Plan and Zoning Commission Resolution
    - Exhibit A - Conditions
  - Attachment B - Plan and Zoning Commission Resolution
    - Exhibit A - Conditions
  - Attachment C - Location Map
  - Attachment D - Current Comprehensive Plan Land Use Map
  - Attachment E - Proposed Comprehensive Plan Land Use Map
  - Attachment F - Current Zoning Map
  - Attachment G - Proposed Zoning Map
- Exhibit II - Resolution: Approve Comprehensive Plan Land Use Map Amendment
- Exhibit III - Ordinance: Amending the Official Zoning Map

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 17, 2017

Item: Cedar Ridge Lots 3-8, North side of the intersection of Mills Civic Parkway and S. 91st Street - Amend the Comprehensive Plan Land Use Map to change the land use designation for approximately 0.82 acres from Office (OF) to Single Family Residential (SF) and consistency zone approximately 9 acres from Unzoned to Residential Estate (RE-1A) – City Initiated – CPA-003529-2017 & ZC-003457-2017

Requested Action: Approval of a Comprehensive Plan Amendment and Rezoning Request

Case Advisor: J. Bradley Munford, Planner JBM

Applicant's Request: The Development Services Department, on behalf of the City of West Des Moines, is requesting approval of a Comprehensive Plan Amendment from Office (OF) to Single Family Residential (SF) for 0.82 acres located on the north side of the intersection of Mills Civic Parkway and S. 91st Street and a Rezoning Request to consistency zone 9 acres platted as Lots 3-8, Cedar Ridge to an RE-1A zoning designation, consistent with the existing and amended Single Family (SF) Comprehensive Plan land use designation.

History: The Cedar Ridge subdivision was platted in Dallas County September 19, 1980. It was annexed into the city in 2007 as a part of the PCarroll Annexation. Zoning has never been established but, in 2010 the Comprehensive Plan designated Lot 8 of Cedar Ridge as Office and Lots 3-7 as Single Family Residential.

City Council Subcommittee: A summary of the Comprehensive Plan Amendment and Rezoning Request were provided via email to the Development and Planning Council Subcommittee as the July 10, 2017 Subcommittee meeting was canceled. These items are scheduled to be presented at the Development and Planning City Council Subcommittee on 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. Staff would note the following:

- *Future land use around the alignment of 91st Street*: Generally, existing and proposed streets are used as boundaries between different zoning classifications. In this case, the Ultimate Circulation Map in the Comprehensive Plan shows S 91st Street (a minor collector) heading north and splitting the property at 33815 335th St. in half (see Attachment C – Current Comprehensive Plan Map). It then continues north to connect to where S 91st Street and Rockwood Lane intersect by the Whisper Ridge subdivision. This alignment is an approximation and the final path of S 91st Street right-of-way is unknown at this time. Given the location of the home, it is probable that the street will swing one way or the other in order to miss it. With this uncertainty and because the largest portion of will be designated as residential, staff believes that it would be practical to amend the land use portion of the Comprehensive Plan for the smaller half from Office to Single Family in order to keep the ownership whole and to be consistent to how the property is currently being used.

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.

Noticing Information: On July 7, 2017, a notice of the July 17, 2017, Plan and Zoning Commission and 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 on July 6, 2017.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a findings of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Comprehensive Plan Land Use Map for approximately 0.82 acres from Office (OF) to Single Family Residential (SF), and adopt a resolution recommending

the City Council approve a Rezoning Request to consistency zone approximately 9 acres from Unzoned to Residential Estate (RE-1A), subject to the applicant meeting all City Code requirements.

Applicant:

City of West Des Moines
Development Services
4200 Mills Civic Parkway, Suite 2D
West Des Moines, Iowa 50265

Attachments:

Attachment A - Plan and Zoning Commission Resolution
Exhibit A - Conditions
Attachment B - Plan and Zoning Commission Resolution
Exhibit A - Conditions
Attachment C - Location Map
Attachment D - Current Comprehensive Plan Land Use Map
Attachment E - Proposed Comprehensive Plan Land Use Map
Attachment F - Current Zoning Map
Attachment G - Proposed Zoning Map

ATTACHMENT A

RESOLUTION NO. PZC- 17-062

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 TO CHANGE THE DESIGNATION OF APPROXIMATELY 0.82 ACRES OF LAND 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, The City of West Des Moines Development Services, has requested approval to amend the Comprehensive Plan Land Use Map for 0.82 acres located on the north side of the intersection of Mills Civic Parkway and S. 91st Street from Office (OF) to Single Family Residential (SF):

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 an amendment to the Comprehensive Plan Land Use Map (CPA-003529-2017) to change the land use designation from Office (OF) to Single Family Residential (SF);

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 meeting or as amended orally at the meeting are adopted.

SECTION 2. The amendment to the Comprehensive Plan Land Use Map to change the designation of approximately 0.82 acres located on the north side of the intersection of Mills Civic Parkway and S. 91st Street as indicated in Attachment D of the staff report is recommended to the City Council for approval, subject to compliance with all conditions in the staff report, including conditions added at the hearing and attached as Exhibit A. Violations 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, 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

S:___Development Projects\Cedar Ridge\Cedar Ridge lots 3-8 Zoning & CPA\CPA-003529-2017_ZC-003457-2017_SR_Cedar Ridge Lots_07-17-2017_PZ.doc

Exhibit A
CONDITIONS

1. No Conditions of Approval

ATTACHMENT B

RESOLUTION NO. PZC-17-063

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO CONSISTENCY ZONE APPROXIMATELY 9 ACRES FROM UNZONED TO RESIDENTIAL ESTATE (RE-1A).

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, The City of West Des Moines Development Services, has requested approval to consistency zone approximately 9 acres from Unzoned to Residential Estate (RE-1A):

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 a consistency zone request from 'Unzoned' to Residential Estate (RE-1A) (ZC-003457-2017);

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 for this meeting or as amended orally at the meeting are adopted.

SECTION 2. The Rezoning request for 9 acres of property from 'Unzoned' to Residential Estate (RE-1A) 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 A. 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, 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:

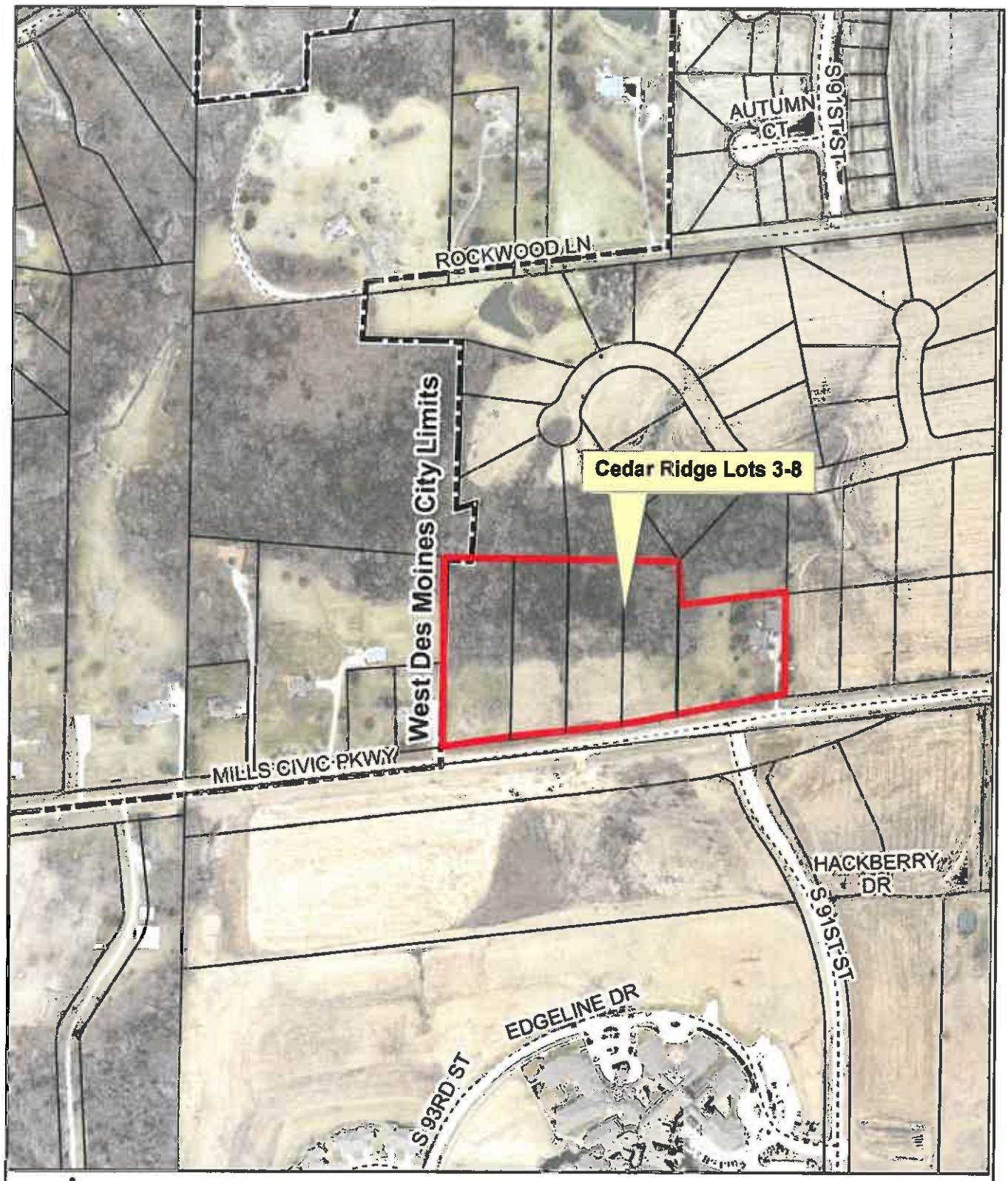
Recording Secretary

S:___Development Projects\Cedar Ridge\Cedar Ridge lots 3-8 Zoning & CPA\CPA-003529-2017_ZC-003457-2017_SR_Cedar Ridge Lots_07-17-2017_PZ.doc

Exhibit A
CONDITIONS

1. No Conditions of Approval

ATTACHMENT C

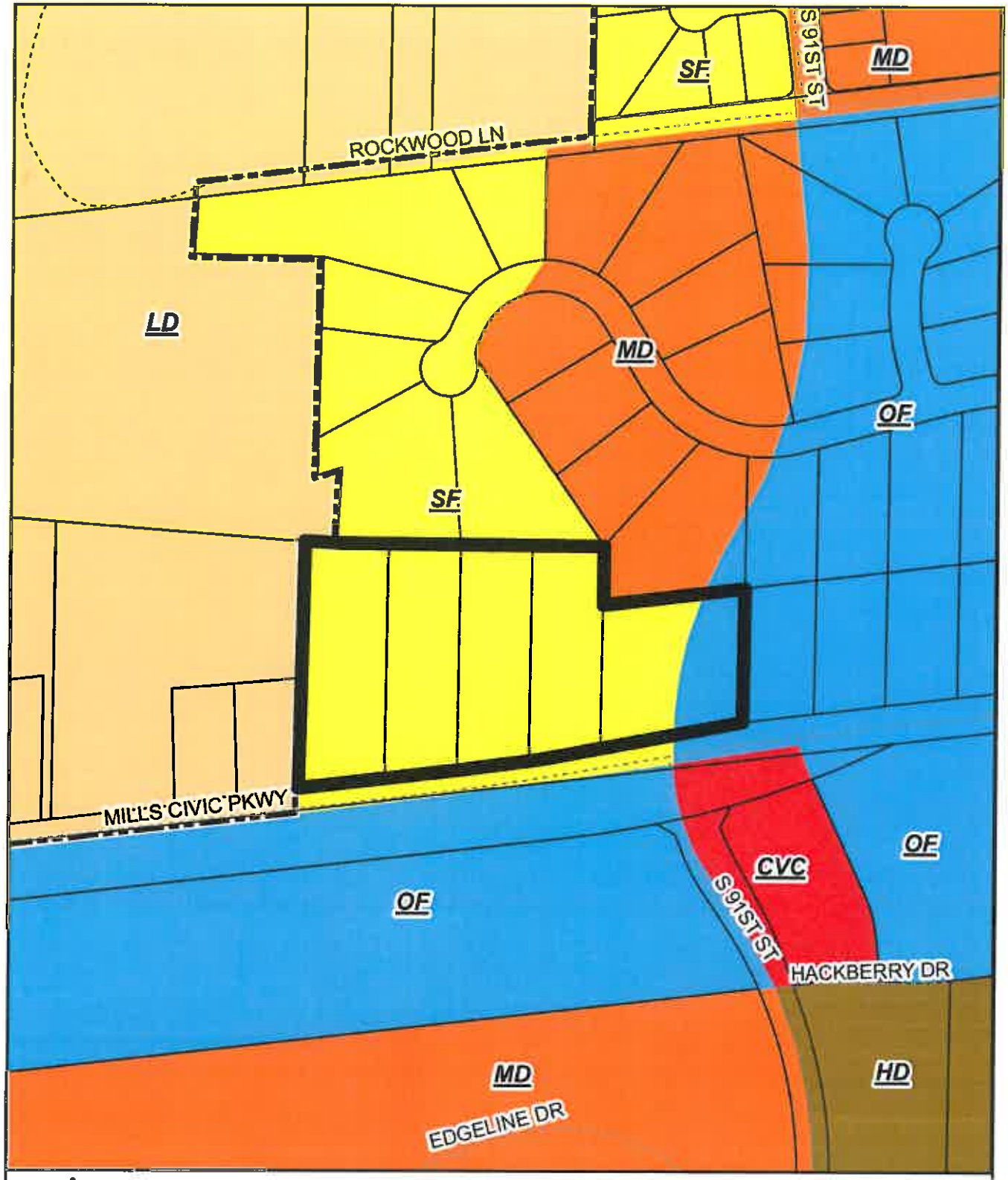


West Des Moines.

Cedar Ridge Lots 3-8

N

ATTACHMENT D

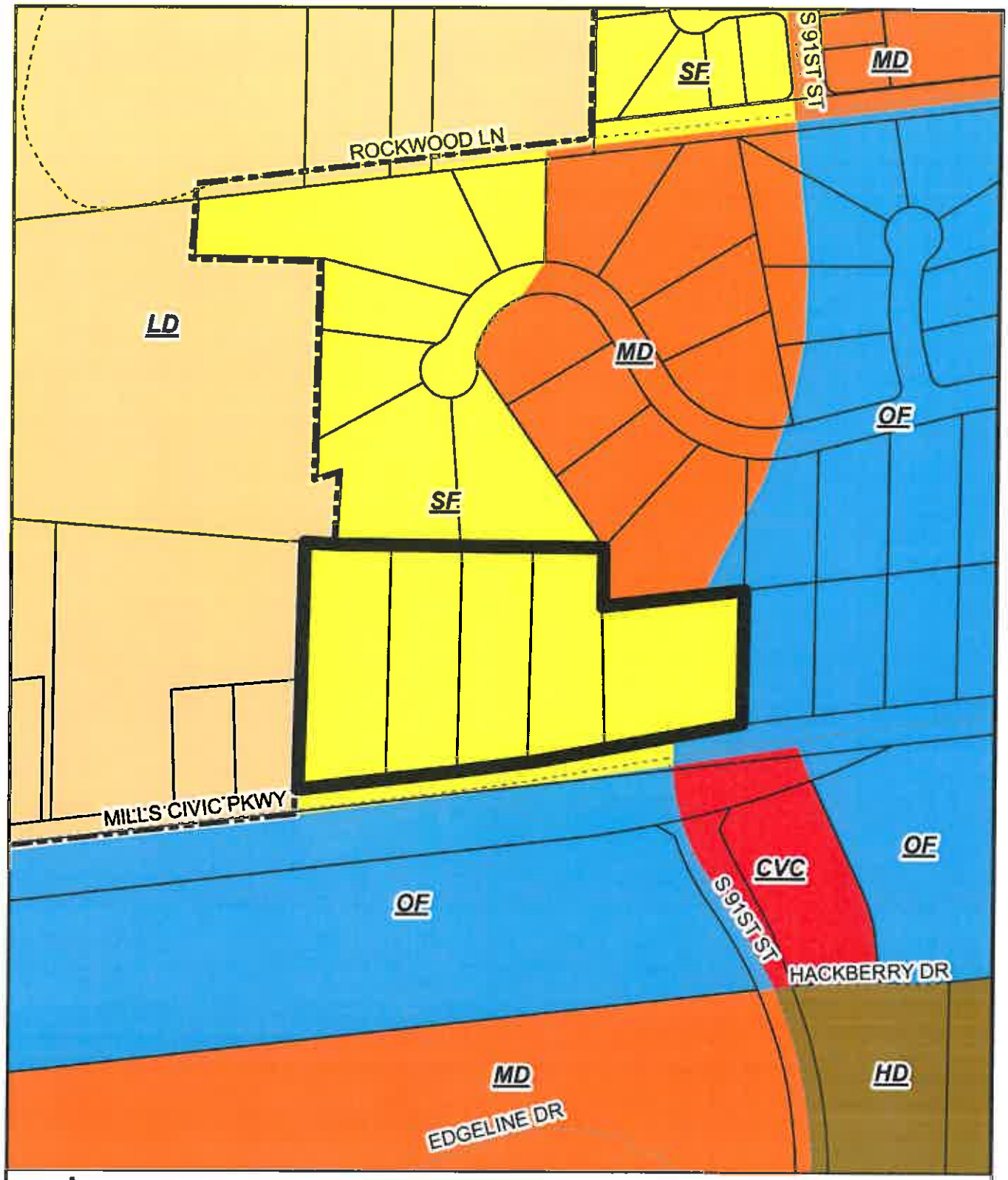


THE CITY OF West Des Moines.

Cedar Ridge Lots 3-8
Current Comprehensive Plan Designation

N

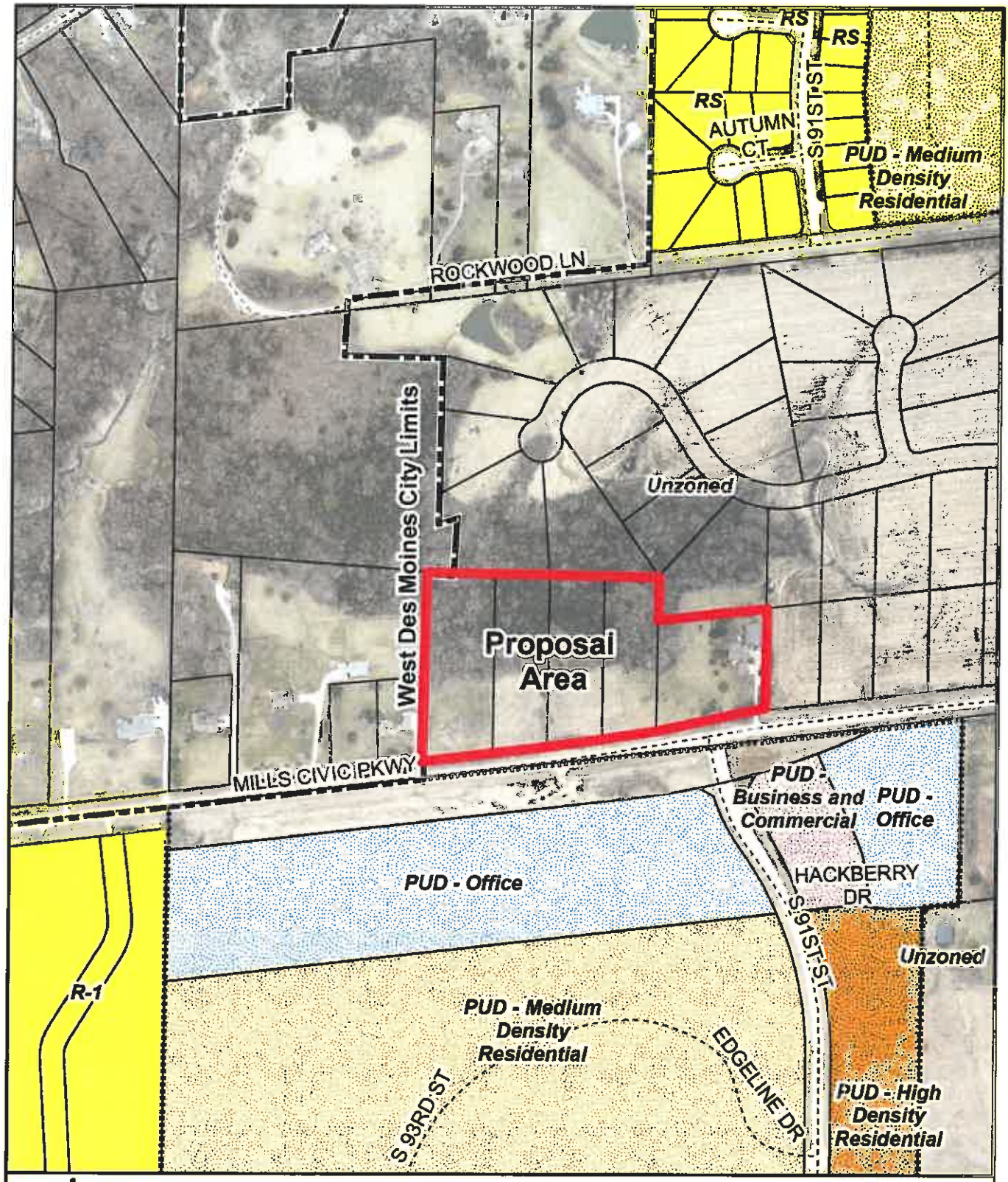
ATTACHMENT E



THE CITY OF West Des Moines.

Cedar Ridge Lots 3-8
Proposed Comprehensive Plan Designation

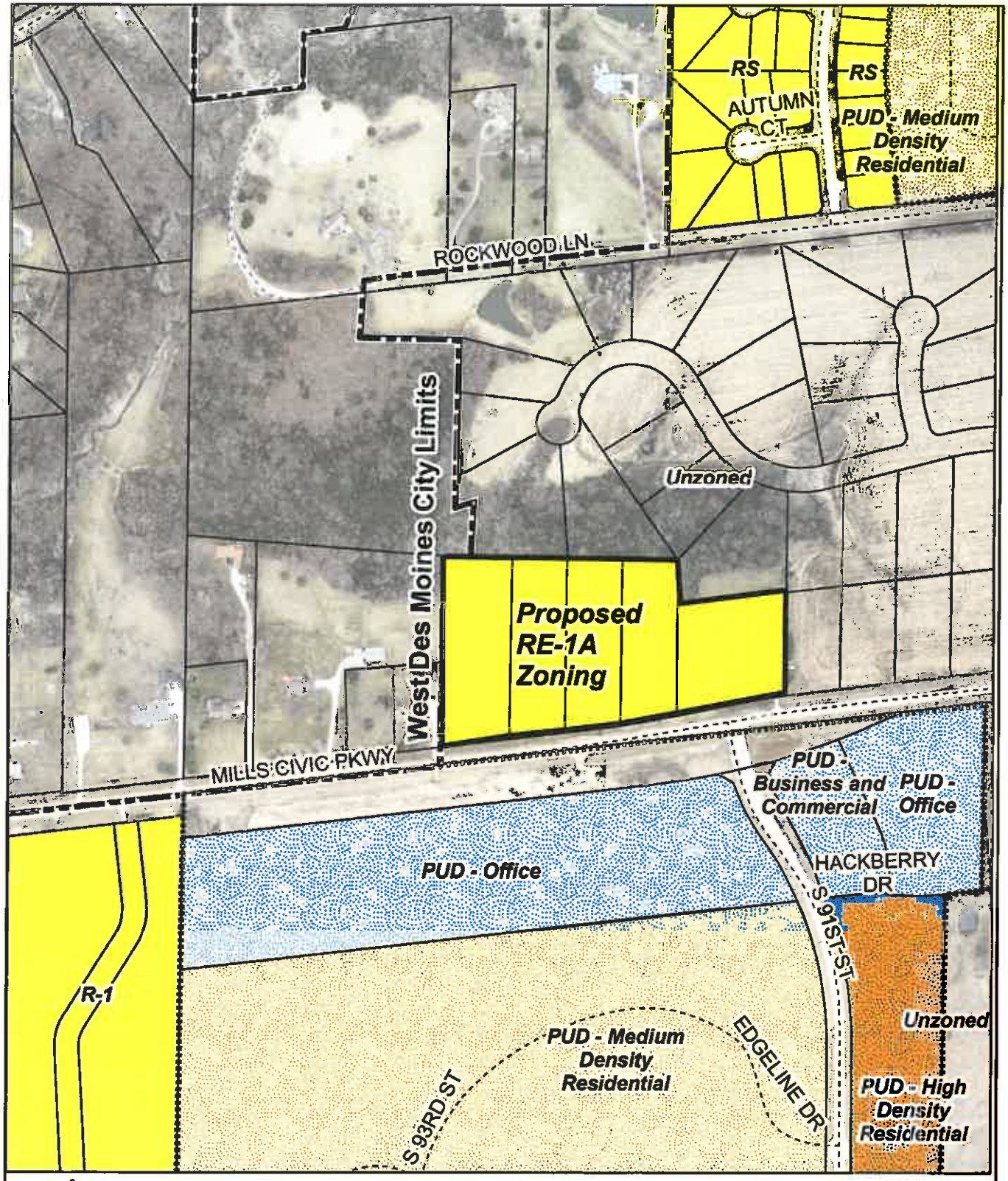
N



THE CITY OF West Des Moines.

Cedar Ridge Lots 3-8
Current Zoning

N



THE CITY OF West Des Moines.

Cedar Ridge Lots 3-8 Proposed Zoning

N

EXHIBIT II

Prepared by: J.B. Munford, 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 (CPA-003529-2017) TO DESIGNATE PROPERTY FOR SINGLE FAMILY RESIDENTIAL (SF) LAND USE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, The City of West Des Moines Development Services has requested approval for a Comprehensive Plan Amendment to amend the Comprehensive Plan Land Use Plan for the approximately 0.82 acres located on the north side of the intersection of Mills Civic Parkway and S. 91st Street from Office (OF) to Single Family Residential (SF).

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 did recommend the City Council approve the Comprehensive Plan Amendment (CPA-003529-2017);

WHEREAS, on July 24, 2017, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-003529-2017);

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 is hereby adopted.

PASSED AND ADOPTED on July 24, 2017.

_____
Steven K. 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 III

Prepared by: J. B. Munford, 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 9 acres generally located on the north side of the intersection of Mills Civic Parkway and S. 91st Street from "Unzoned" to Residential Estate (RE-1A) district, in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

Legal Description

LOTS 3-8 CEDAR RIDGE, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, 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 _____, 2017

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

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

_____
Ryan T. Jacobson
City Clerk