CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: July 24, 2017

ITEM: Boston Property, 9975 Booneville Road - Establish Residential Medium Density (RM-12) zoning on approximately 11.68 acres - Chayse Holding, LLC – ZC-003527-2017

ORDINANCE: Approval of a Rezoning Request

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicants Chayse Holding, LLC, has submitted an application for approval of a rezoning request to rezone property from 'Unzoned' to Residential Medium Density (RM-12) for the property located at 9975 Booneville Road, consistent with the adopted Comprehensive Plan Land Use Map.

City Council Subcommittee: A summary of the Rezoning Request were provided via email to the Development and Planning Council Subcommittee as the July 10, 2017 Subcommittee meeting was canceled. This item 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 item prior to taking action at the Council meeting that evening.

Plan and Zoning Commission Action:
Vote: 4-1 Approval, with Commissioner(s) Crowley and Southworth Absent.
Date: July 17, 2017
Motion: Adopt a resolution recommending the City Council approve a Rezoning from 'Unzoned' to Residential Medium Density (RM-12).

Plan and Zoning Commission Discussion:
Jerry Bussanmas representing the development group that is developing the Kings Landing 2 subdivision that is directly east and adjacent to the Boston property spoke at the Commission meeting. He voiced concerns about buffering between the different uses and questioned who is responsible for installing it and where will it be located. He voiced his objections to the location of the medium density zoning. Staff explained that the comprehensive plan for this area was established in 2010. At that time, the property in question as well as Mr. Bussanmas property were both designated as Medium Density Residential thus no buffers were required between the two properties. After the Medium Density Residential designation was established on the comprehensive plan, the adjoining Kings Landing ground was changed to Single Family at the request of that property owner (Council approved on June 2, 2014) creating a situation of differing land uses. Staff noted that in situations such as this, the responsibility for the buffering is put on the property causing the need for the buffer.

OUTSTANDING ISSUES: There are no outstanding issues. Staff would note the following to clarify buffering landscape buffer and building mass buffer requirements:

City code requires a buffer between land uses of different intensities. This is a 30' or 60' wide area with vegetation in quantities as required by code. The buffer is the responsibility of the more intense use unless the need for the buffer is triggered by one property down-zoning to a less intense use. In these situations, the property which down-zoned and thus causing the need for the buffer is responsible for implementing the buffer is such is desired.

The City also has building mass buffers. These are 150' wide buffers which are located on multi-family properties that develop at a density rate which is 50% or greater than adjacent developed single family property. When such a difference in density occurs, the multi-family development is required to minimize their impact by limiting the height of dwelling structures to be more than 2 stories and limiting the mass of the buildings by having no more than 6 attached units per building and limiting the length of detached garages. This building mass buffering is required of all multi-family projects which have density greater than 50% that of the adjacent single-family developed ground. Application of this buffer is only required when the single family exists prior to development of the multi-family property. If Kings Landing Plat 2 Final Plat occurs prior to site plan and/or platting of the Boston property, the Boston property will be required to abide by the building mass buffer regulations.

Additionally, 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
- 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 first reading of an ordinance to rezone approximately 11.68 acres from Unzoned to Residential Medium Density (RM-12), 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*	
Date(s) Published	7/7/2017	
Letter sent to surrounding property owners		July 6, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	Meeting was canceled		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan and Zoning Commission Resolution
  - Exhibit A - Conditions
- Attachment B - Location Map
- Attachment C - Proposed Zoning Map

Exhibit II - Ordinance: Amending the Official Zoning Map

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 17, 2017

Item: Boston Property, 9975 Boonville Road- Designate Residential Medium Density (RM-12) zoning on approximately 11.68 acres - Chayse Holding, LLC –ZC-003527-2017

Requested Action: Approval of a Rezoning Request

Case Advisor: J. Bradley Munford, Planner BM

Applicant's Request: The applicants, Chayse Holding, LLC, have submitted an application for approval of a rezoning request to rezone property from 'Unzoned' to Residential Medium Density (RM-12) for the property located at 9975 Boonville Road.

History: The property was annexed into the city in 2010 as a part of the Raccoon River Annexation. The home on the land was built prior to annexation. The Medium Density Comprehensive Plan designation was established September of 2010.

City Council Subcommittee: A summary of the Rezoning Request were provided via email to the Development and Planning Council Subcommittee as the July 10, 2017 Subcommittee meeting was canceled. This item 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 item 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.

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 a Rezoning Request to change the land use designation from 'Unzoned' to Residential Medium Density (RM-12), subject to the applicant meeting all City Code requirements.

Applicant:
Donald & Judy Boston
9975 Boonville Road
West Des Moines, Iowa 50266
Jdboston7@aol.com

Applicant Representative:
Chayse Holdings, LLC
Attn: Rob Myers
9550 Hickman Road Suite 101
Clive, Iowa 50325
Rob@youriowalots.com

Attachments:

Attachment A - Plan and Zoning Commission Resolution
Exhibit A - Conditions
Attachment B - Location Map
Attachment C - Proposed Zoning Map

ATTACHMENT A

RESOLUTION NO. PZC- 17-064

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 REZONE 11.68 ACRES OF PROPERTY FROM 'UNZONED' TO RESIDENTIAL MEDIUM DENSITY (RM-12)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Chayse Holdings, LLC, has requested approval of an ordinance to Rezone 11.68 acres of property from 'Unzoned' to Residential Medium Density (RM-12):

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 Rezoning Request from 'Unzoned' to Residential Medium Density (RM-12) (ZC-003527-2017);

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 11.68 acres of property from 'Unzoned' to Residential Medium Density (RM-12) 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
NAYS: Hatfield
ABSTENTIONS:
ABSENT: Crowley, Southworth

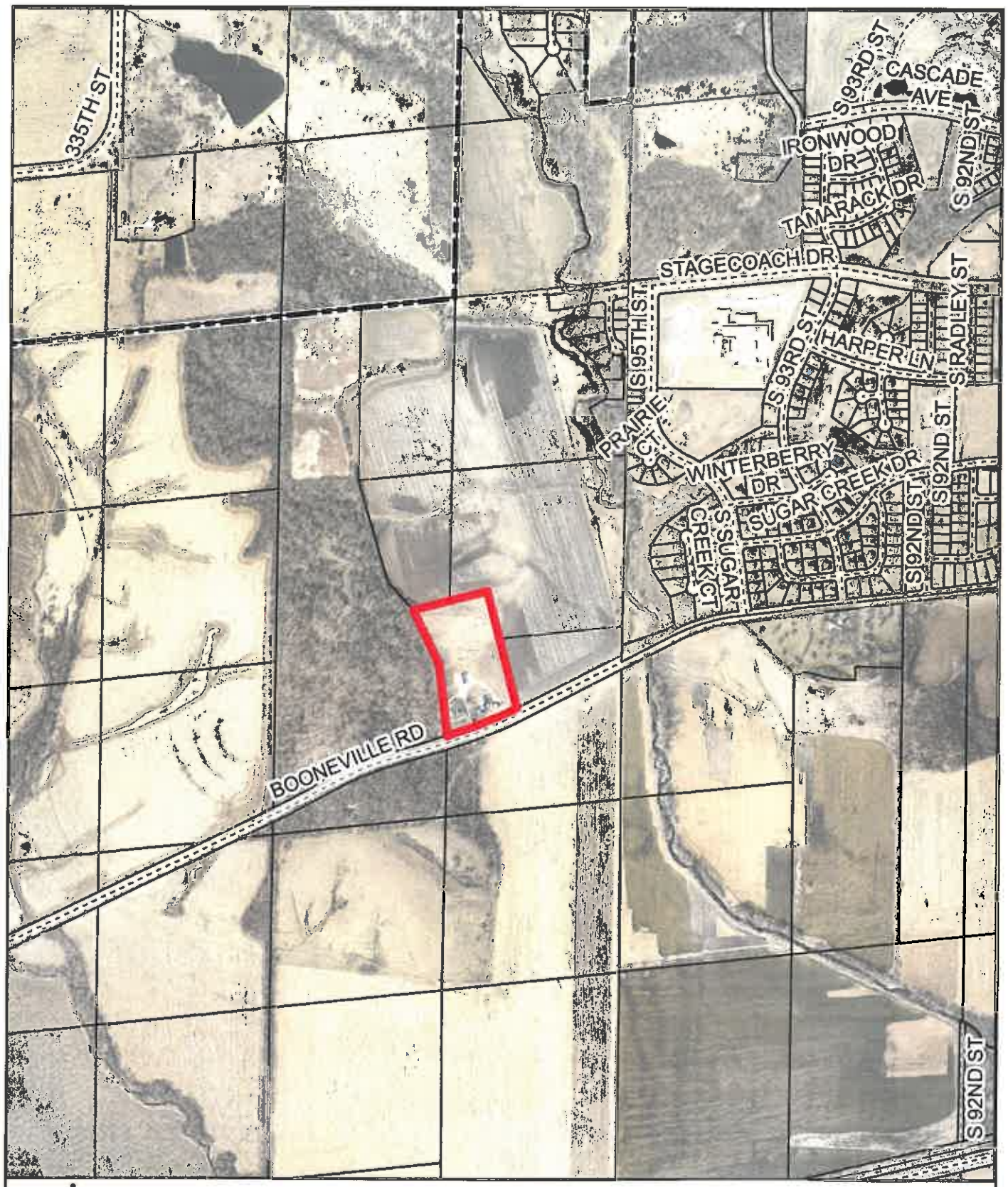
ATTEST:

Recording Secretary

Exhibit A
CONDITIONS

1. No Conditions of Approval

ATTACHMENT B

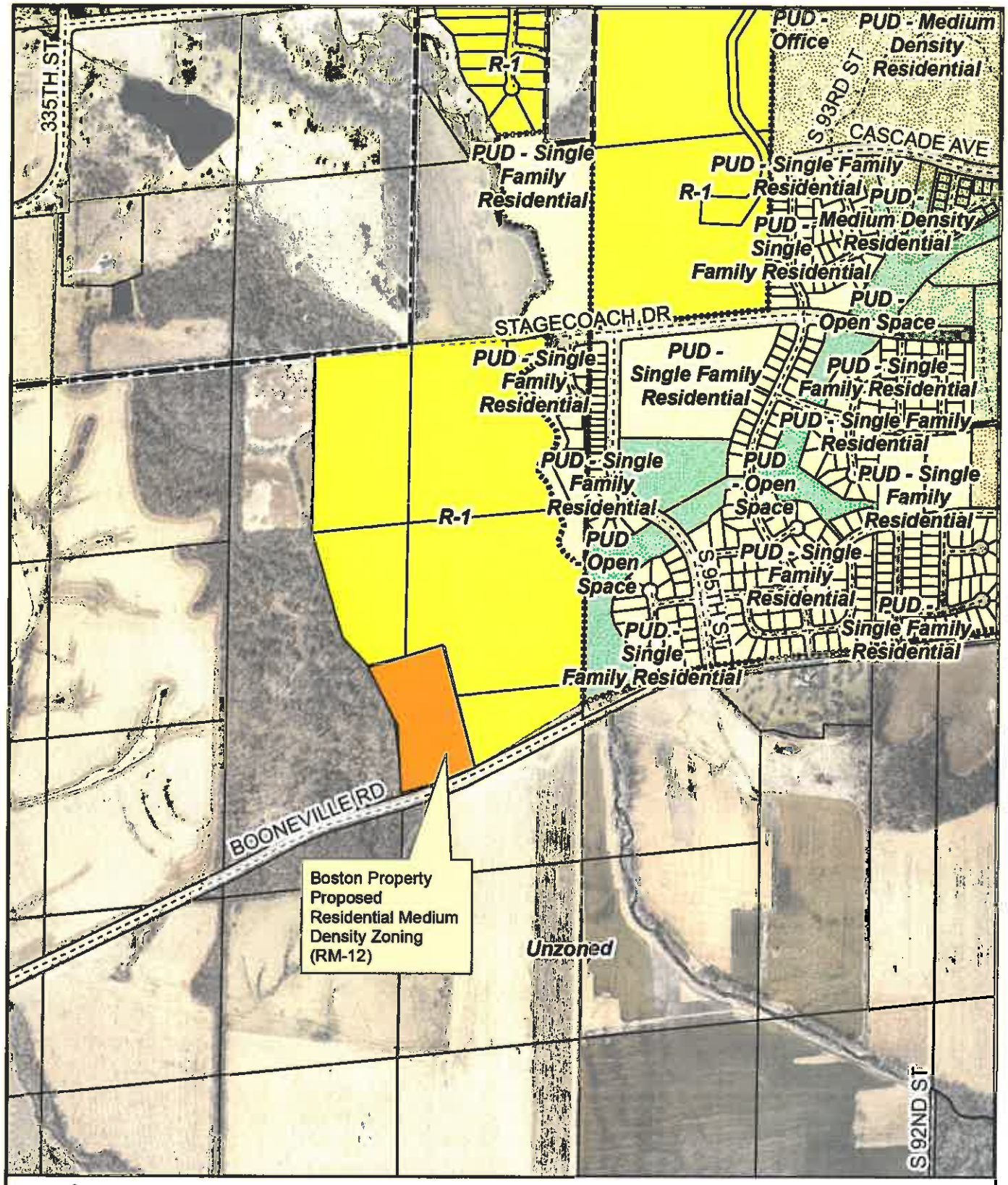


THE CITY OF West Des Moines.

Boston Property

N

ATTACHMENT C



THE CITY OF West Des Moines.

Boston Property 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

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 11.68 acres located at 9975 Booneville Road from "Unzoned" to Residential Medium Density (RM-12), in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

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 T. Jacobson
City Clerk

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

_____

Ryan T. Jacobson
City Clerk