CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: July 24, 2017

ITEM: Villas on Ashworth, 8585 Ashworth Road – Amend the Comprehensive Plan Land Use Map from Office (OF) to High Density Residential (HD) and Community Commercial (CMC) and designate Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and Community Commercial (CMC) zoning – Folsom-WDM, LLC – CPA-003509-2017/ZC-003510-2017

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Folsom-WDM, LLC, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning for property located generally at 8585 Ashworth Road. The applicant is requesting to change approximately 32 acres from Office (OF) to High Density Residential (HD) and approximately 4 acres from Office (OF) to Community Commercial (CMC) and designate Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and Community Commercial (CMC) zoning respectively. The applicant anticipates apartment development for the high density portion of the site. There are no immediate plans for the proposed Community Commercial portion of the site.

Plan and Zoning Commission Action:
Vote: 4-0 approval, with Commissioners Andersen, Crowley and Southworth absent
Date: July 17, 2017
Motion: Adopt a resolution recommending the City Council approve the request to amend the City's Comprehensive Plan Land Use Map and Rezoning Request

Plan and Zoning Commission Discussion: A resident asked about a possible I-80 interchange at Ashworth Road. Staff stated that the interchange justification study for this intersection is just being started and will need to be submitted to the Iowa DOT for consideration, but the interchange wouldn't be constructed for many years, if approved. Another resident asked what Residential High zoning meant. The applicant stated that they would not be exceeding 15 units per acre on the site and that the proposed dwellings would look more like 2 story townhomes than big apartment buildings.

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions. 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 & Planning: June 12, 2017*
- Staff Review and Comment
  - *Area Land Uses*
  - *Ashworth Road Widening*
  - *Community Commercial Land Use*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendation and Conditions of Approval
- Property Owner/Applicant/Applicant's 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 City Council approval of the

Comprehensive Plan Land Use map amendment for approximately 32 acres to change the land use from Office (OF) to High Density Residential (HD) and approximately 4 acres from Office (OF) to Community Commercial (CMC); and approve the rezoning request to amend the Zoning Map to designate approximately 33 acres as Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and designate approximately 3 acres as Community Commercial, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

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	June 12, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Resolution – Approval of the Comprehensive Plan Amendment
  - Exhibit A - Conditions of Approval
- Attachment B - Resolution – Approval of the Rezoning
  - Exhibit A - Conditions of Approval
- Attachment C - Location Map
- Attachment D - Comprehensive Plan Land Use Map
- Attachment E - Villas on Ashworth Comprehensive Plan Land Use Map Amendment and Rezoning Sketch

Exhibit II - Council Resolution – Approval of Comprehensive Plan Amendment

Exhibit III - Ordinance for Rezoning
- Exhibit A - Current Zoning

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 17, 2017

Item: Villas on Ashworth, 8585 Ashworth Road – Amend the Comprehensive Plan Land Use Map from Office (OF) to High Density Residential (HD) and Community Commercial (CMC) and designate Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and Community Commercial (CMC) zoning – Fink Enterprises, LC and Stephen and Deborah Fink – CPA-003509-2017/ZC-003510-2017

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

Case Advisor: Brian S. Portz, AICP BP

Applicant's Request: The applicant, Commercial Investments Properties, in association with the property owners, Fink Enterprises, L.C. and Stephen and Deborah Fink, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning for property located generally at 8585 Ashworth Road. The applicant is requesting to change approximately 33 acres from Office (OF) to High Density Residential (HD) and approximately 3 acres from Office (OF) to Community Commercial (CMC) and designate Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and Community Commercial (CMC) zoning respectively. The applicant anticipates apartment development for the high density portion of the site. There are no immediate plans for the proposed Community Commercial portion of the site.

History: The property was annexed into the City in 2004 as a part of the Ashworth annexation. The property has not been previously platted. There is currently one single family dwelling located on the property.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on June 12, 2017 as an informational item. Councilmembers had no comments and 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:

- *Area Land Uses*: Staff is in the process of reevaluating the land uses for the larger area around Ashworth Road and Interstate 80. Additional Comprehensive Plan land use map amendments and rezonings will be brought forward by staff for this area in the near future. Staff is comfortable with the application of High Density Residential and Community Commercial as proposed by the applicant as it is in alignment with that intended in the larger area amendment. A traffic impact study has been conducted for the area wide Comprehensive Plan Amendment, which looked at high density development for this property. No issues with traffic due to the anticipated land uses were identified in the study.
- *Ashworth Road Widening*: It is anticipated that Ashworth Road will be widened to a 5 lane cross section with a center median in the next couple of years. With that design, it is anticipated this property will have a full access at 84th Street and between 84th and 88th Street with a right in/right out to the east of 84th Street. Along with the road widening project, a water fee district main will be installed along Ashworth Road that will serve this property.
- *Community Commercial Land Use:* There are no specific commercial uses identified at this time for the approximately 3 acre area identified as Community Commercial on the west side of the property. It is anticipated that this portion of the site would be developed as commercial in conjunction with the property immediately to the west. Staff has preliminarily identified this property to the west also as Community Commercial. This Comprehensive Plan Amendment and rezoning will occur soon as a part of the larger Comprehensive Plan Amendments and rezonings proposed for this area.

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 for the July 17, 2017, Plan and Zoning Commission and July 24, 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 July 6, 2017.

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 to approve the Comprehensive Plan Land Use Map amendment for approximately 36 acres to change the land use from Office (OF) to approximately 33 acres of High Density Residential (HD) and approximately 3 acres of Community Commercial (CMC); and approve the rezoning request to amend the Zoning Map to designate Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and Community Commercial (CMC) zoning accordingly, subject to the applicant meeting all City Code requirements.

Property Owner:	Fink Enterprises, LC 9421 Ashworth Road West Des Moines, IA 50266 Stephen & Deborah Fink 8585 Ashworth Road West Des Moines, IA 50266
Applicant:	Commercial Investment Properties 1065 N. 115th Street, Suite 200 Omaha, NE 68154 Attn: Charlie Sullivan charlies@ciproperties.com
Applicant's Representative:	Civil Engineering Consultants 2400 86th Street, Suite 12 Des Moines, IA 50322 Attn: Ed Arp arp@ceclac.com

ATTACHMENTS:

Attachment A -	Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
Exhibit A	- Conditions of Approval
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 -	Villas on Ashworth Comprehensive Plan Land Use Map Amendment and Rezoning Sketch

ATTACHMENT A

RESOLUTION NO. PZC -17-067

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 APPROXIMATELY 36 ACRES FROM OFFICE (OF) TO HIGH DENSITY RESIDENTIAL (HD) AND COMMUNITY COMMERCIAL (CMC)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Commercial Investments Properties, in association with the property owners, Fink Enterprises, L.C. and Stephen and Deborah Fink, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003509-2017) to change the land use designation of approximately 36 acres from Office (OF) to approximately 33 acres of High Density Residential (HD) and approximately 3 acres of Community Commercial (CMC) and located within part of the area legally described as:

Legal Description

PARCEL "C" A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW¼) IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2002, PAGE 14904.

AND

PARCEL "A" OF THE WEST HALF OF THE SOUTHWEST QUARTER (W½ SW¼) OF SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 778, PAGE 104.

AND

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW¼ SW¼) LYING SOUTH OF I-80, EXCEPT PARCEL "A" IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA

CONTAINING 35.90 ACRES MORE OR LESS.

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 Comprehensive Plan Amendment (CPA-003509-2017);

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 for approximately 36 acres from Office (OF) to High Density Residential (HD) and Community Commercial (CMC), generally located at 8585 Ashworth Road, 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: Brown, Costa, Erickson, Hatfield
NAYS:
ABSTENTIONS:
ABSENTAndersen,Crowley, Southworth

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

No Conditions of Approval

ATTACHMENT B

RESOLUTION NO. PZC-17-068

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-003510-2017) FOR THE PURPOSE OF CONSISTENCY ZONING APPROXIMATELY 36 ACRES OF PROPERTY LOCATED GENERALLY AT 8585 ASHWORTH ROAD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Commercial Investments Properties, in association with the property owners, Fink Enterprises, L.C. and Stephen and Deborah Fink, has requested approval of a Rezoning Request for that property located at 8585 Ashworth Road to amend the Zoning Map and designate approximately 33 acres as Residential High Density (RH-15) zoning (up to 15 dwelling units per acre) and approximately 3 acres as Community Commercial (CMC) zoning;

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 Rezoning Request (ZC-003510-2017);

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. REZONING REQUEST (ZC-003510-2017) to designate approximately 33 acres as Residential High Density (RH-15) and approximately 3 acres as Community Commercial (CMC) 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: Brown, Costa, Erickson, Hatfield
NAYS:
ABSTENTIONS:
ABSENT: Andersen, Crowley, Southworth

ATTEST:

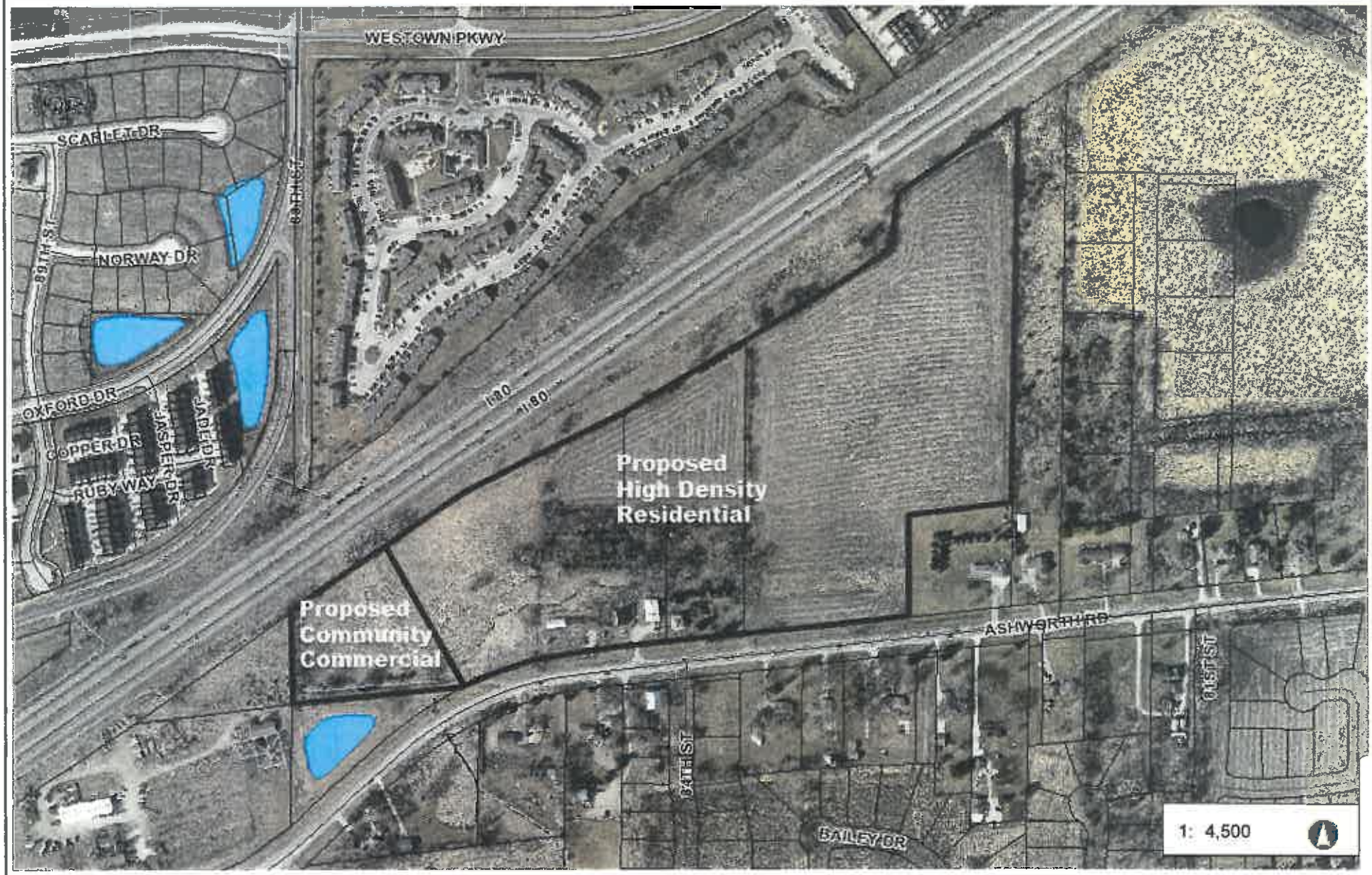
Recording Secretary

S:__Development Projects\Fink Property\Villas On Ashworth\CPA And Rezoning\CPA-003509-2017-ZC-003510-2017_SR_Villas On Ashworth CPA And Rezoning_07-17-2017_PZ.Docx

Exhibit A
Conditions of Approval

No Conditions of Approval

West Des Moines



750.0 0 375.00 750.0 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

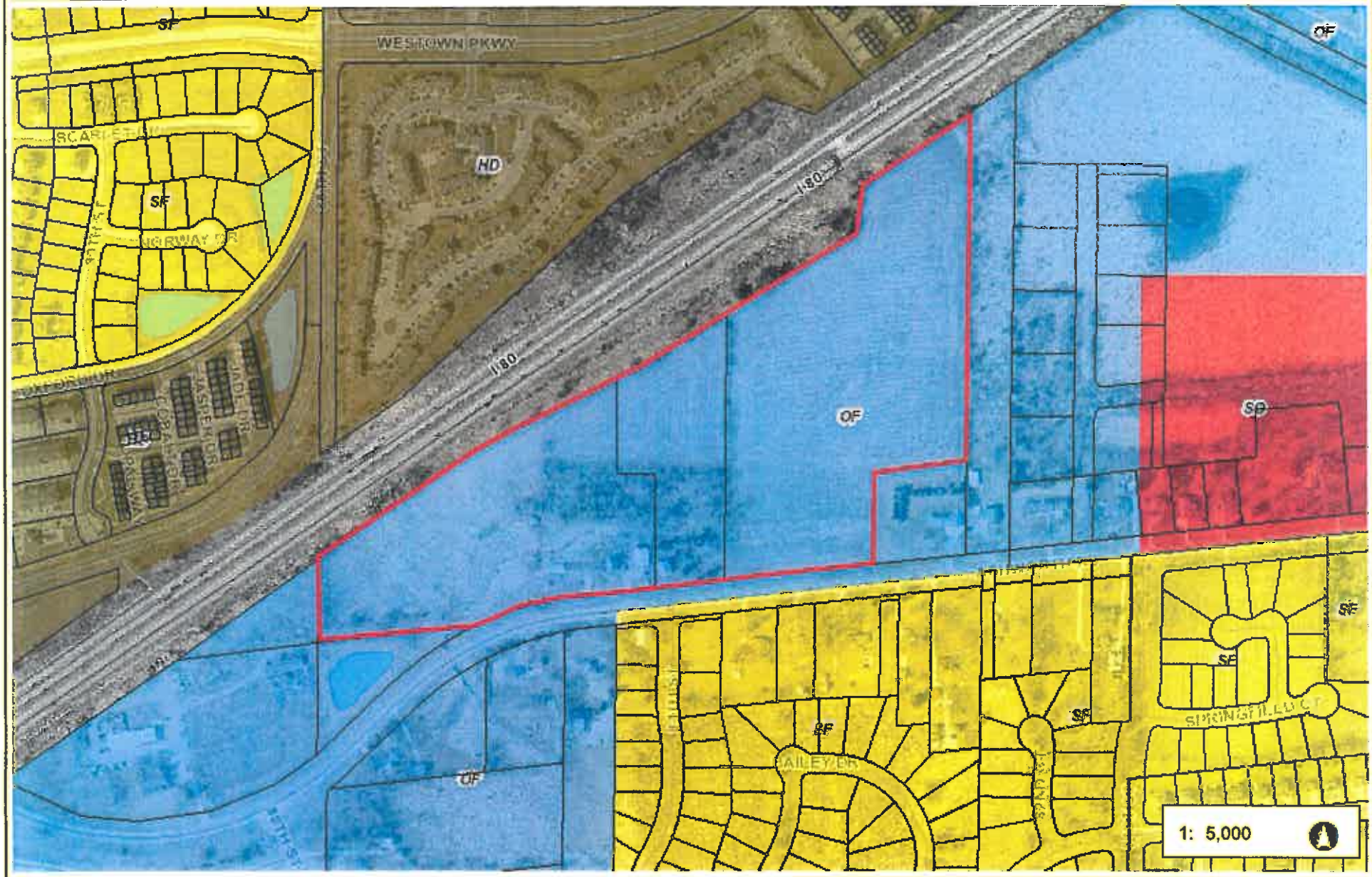
© City of West Des Moines, Iowa

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

ATTACHMENT C

Comprehensive Plan Land Use Map



833.3 0 416.67 833.3 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

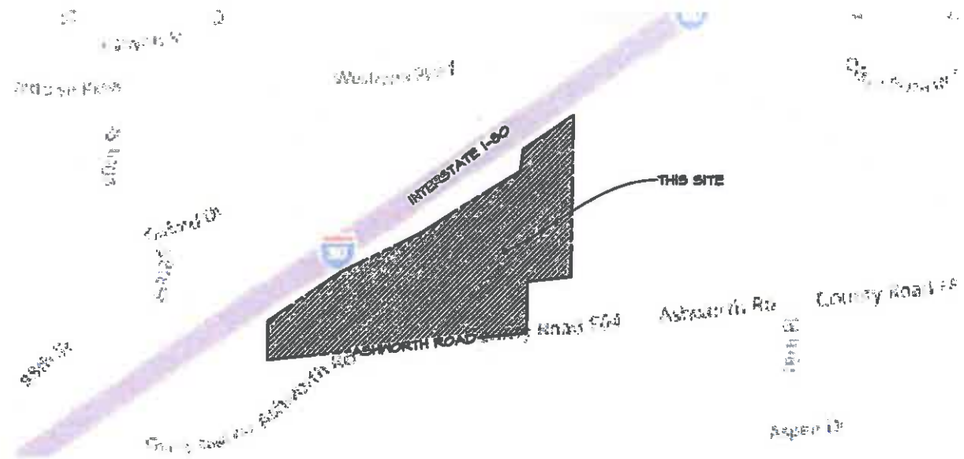
ATTACHMENT D

COMPREHENSIVE PLAN AMENDMENT/REZONING SKETCH

VILLAS ON ASHWORTH

SW1/4, SEC. 02-78-26

8585 ASHWORTH ROAD, WEST DES MOINES, IA 50266



PROPERTY OWNER:
FINK ENTERPRISES, LC
4421 ASHWORTH ROAD
WEST DES MOINES, IA 50266-5814

&

STEPHEN P & DEBORAH S FINK
8585 ASHWORTH ROAD
WEST DES MOINES, IA 50266

PROPERTY LOCATION:
8585 ASHWORTH ROAD
WEST DES MOINES, IA 50266

PREPARED FOR:
COMMERCIAL INVESTMENT PROPERTIES
1045 NORTH 18TH STREET, SUITE 200
OMAHA, NE 68154
402-405-6555 PHONE
ATTN: CHARLIE SULLIVAN

LEGAL DESCRIPTIONS

PARCEL 1:

PARCEL "C" A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW1/4) IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2002, PAGE 14904.

PARCEL 2:

PARCEL "A" OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2SW1/4) OF SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 778, PAGE 104.

PARCEL 3:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) LYING SOUTH OF I-80, EXCEPT PARCEL "A" IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA

CONTAINING 35.40 ACRES MORE OR LESS.

LAND AREA

35.40 ACRES NET
2.00 ACRES PUBLIC R.O.W. EASEMENT
35.40 ACRES NET

FLOOD ZONE CLASSIFICATION

THE SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" AS IDENTIFIED ON FEMA FLOOD INSURANCE RATE MAP NO. 19049C0070G DATED FEBRUARY 16, 2006.

COMPREHENSIVE LAND USE

EXISTING: OFFICE (OF)
PROPOSED: COMMUNITY COMMERCIAL (CMC) & HIGH DENSITY RESIDENTIAL (HD)

ZONING

EXISTING: NONE
PROPOSED: COMMUNITY COMMERCIAL (CMC) & RESIDENTIAL HIGH DENSITY DISTRICT (RH)

LEGEND

- SECTION CORNER
- SET SECTION CORNER (MP LR. W/ORANGE CAP #12269 UNLESS OTHERWISE NOTED)
- FOUND R.O.W. RAIL
- FOUND CORNERS
- SET PROPERTY CORNER (MP LR. W/ORANGE CAP #12269 UNLESS OTHERWISE NOTED)
- PROPERTY BOUNDARY
- LOT LINES
- ORIGINAL PLATTED LOT LINES
- TREE LINE
- EXISTING PARKING STALL PAINT LINES
- BACK OF PORTLAND CEMENT CONCRETE (P.C.C.) CURB & EDGE OF PORTLAND CEMENT CONCRETE SLAB
- GUTTER
- CENTERLINE STREET
- SIDEWALK
- EXISTING CHAIN LINK FENCE
- EXISTING PIPE FENCE
- EXISTING WIRE FENCE
- OVERHEAD WIRES (X = NUMBER OF WIRES)
- UNDERGROUND FIBER OPTIC LINES
- STORM SEWER AND SIZE
- SANITARY SEWER AND SIZE
- WATER MAIN AND SIZE
- GAS MAIN AND SIZE
- UNDERGROUND ELECTRIC
- UNDERGROUND CABLE TELEVISION LINE
- UNDERGROUND TELEPHONE LINE
- RETAINING WALL
- EXISTING BUILDING
- MAPS — UTILITY LOCATION BASED ON MAPS PROVIDED BY THE IOWA ONE CALL SERVICE (APPROXIMATE LOCATIONS ONLY)
- EST — ESTIMATED LOCATION BASED ON A COMBINATION OF SURVEY DATA, UTILITY MAPS, AND THE ORIGINAL SITE PLAN.
- PLANS — LOCATION BASED ON ORIGINAL CONSTRUCTION DRAWINGS PROVIDED BY THE CITY OF URBANDALE.
- B/B — BACK OF CURB TO BACK OF CURB
- CI & DIP — CAST IRON PIPE & DUCTILE IRON PIPE
- VCP — VITRIFIED CLAY PIPE
- RCP — REINFORCED CONCRETE PIPE
- CO — CLEAN OUT
- SANITARY & STORM MANHOLE
- OPEN THROAT INTAKE OR MS INTAKE
- SINGLE & DOUBLE BACK OF CURB(MC) INTAKE
- STORM AREA INTAKE
- MEDIACOM COMMUNICATIONS RISER
- COMMUNICATIONS RISER
- ELECTRIC TRANSFORMER
- ELECTRIC METER
- ELECTRIC BOX
- WOOD POWER POLE WITH LIGHT
- POWER POLE
- STEEL STREET LIGHT POLE
- METAL LIGHT POLE
- GUYWIRE ANCHOR
- FIRE HYDRANT
- WATER MAIN GATE VALVE
- WATER MAIN STOP BOX VALVE
- SIGN
- D. — DESIGN BEARING & DISTANCE
- P. — PREVIOUSLY RECORDED BEARING & DISTANCE
- M. — MEASURED BEARING & DISTANCE
- FFE — FINISHED FLOOR ELEVATION
- P.C.C. — PORTLAND CEMENT CONCRETE
- A.C.C. — ASPHALTIC CEMENT CONCRETE
- C.M.U. — CONCRETE MASONRY UNIT
- FLAGPOLE
- I.R. — IRON ROD
- I.P. — IRON PIPE
- BK. 777, PG. 7777 — COUNTY RECORDER'S RECORDING BOOK AND PAGE
- EXISTING DECIDUOUS TREE & CALIPER SIZE (GRAPHIC TREE SIZE IS REPRESENTATIVE OF APPROXIMATE DRIP LINE)
- EXISTING EVERGREEN TREE & CALIPER SIZE (GRAPHIC TREE SIZE IS REPRESENTATIVE OF APPROXIMATE DRIP LINE)
- BH — BUILDING HEIGHT MEASURED FROM THE EXISTING GROUND TO PEAK (HEIGHT ACCURACY = +/- 0.5 FEET)
- 777 — PROPERTY ADDRESS

Sheet List Table

Sheet Number	Sheet Title
1	COVER
2	REZONING SKETCH

IOWA ONE CALL
1-800-292-8989
www.iowaonecall.com

SCALE: 1"=500'
0 500' 1000'

NORTH

CEC
Civil Engineering Consultants, Inc.
2800 86th Street, Unit 12, Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 . mail@ceciac.com

DATE:	REVISIONS	COMMENTS
06-21-17	1	
	2	
	3	
	4	
	5	
	6	

DATE OF SURVEY: APR. 15, 2011
DESIGNED BY: AMP
DRAWN BY: JAG

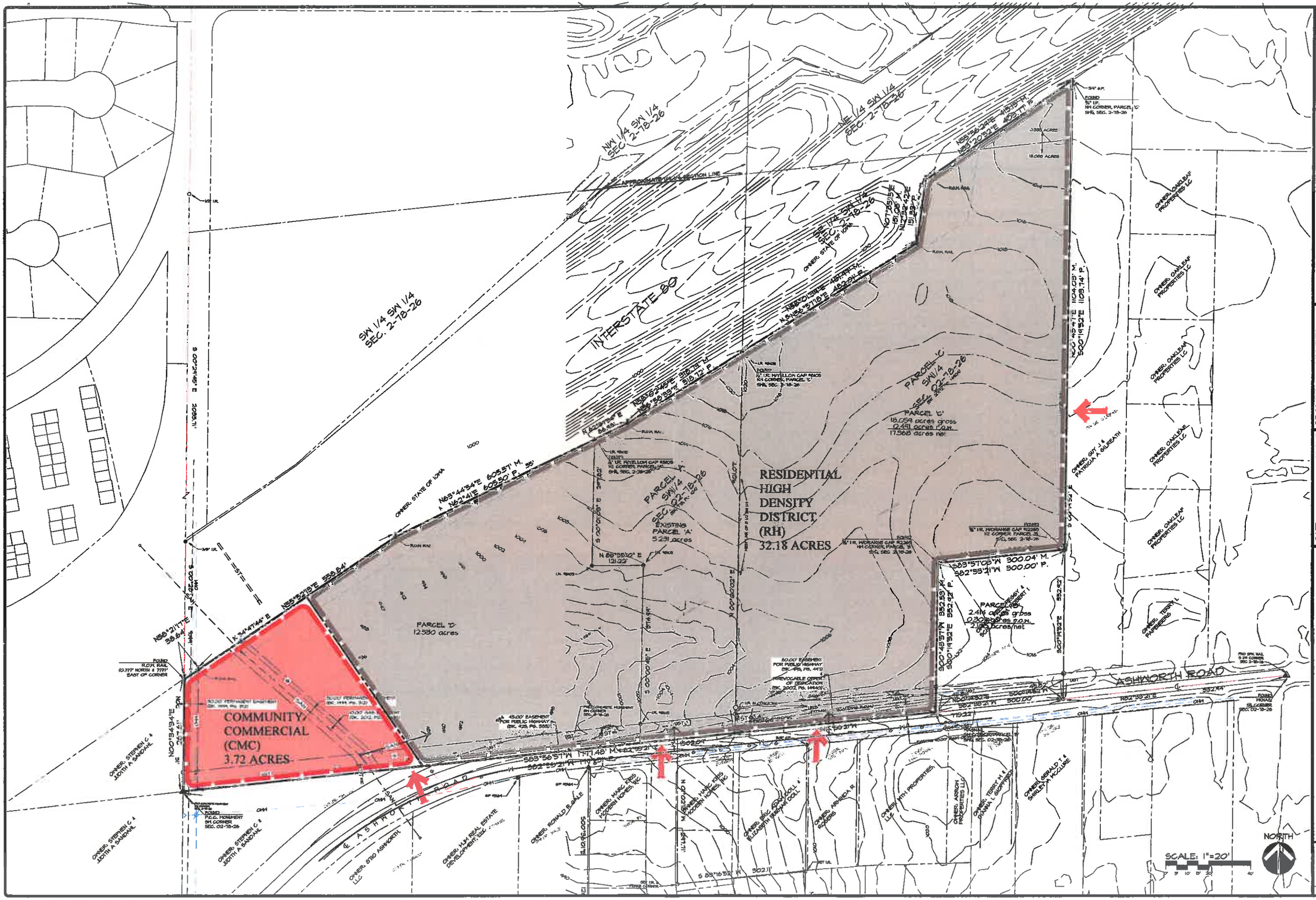
VILLAS ON ASHWORTH
8585 ASHWORTH ROAD, WEST DES MOINES, IA 50266

COVER

SHEET 1 OF 2

A-1830

Q:\A-FILES\A-1830\A1830_CID Develop\Rezoning\A1830 REZONING COVER.dwg, 6/21/2017 4:35:30 PM, amorgan, 1:1



CEC
Civil Engineering Consultants, Inc.
2400 86th Street . Unit 12 . Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 . mail@ceciac.com

DATE	REVISIONS	COMMENTS
06-21-17	1	
	2	
	3	
	4	
	5	
	6	

DATE OF SURVEY: APR. 18, 2017
DESIGNED BY: ARP
DRAWN BY: JAG

VILLAS ON ASHWORTH

8585 ASHWORTH ROAD, WEST DES MOINES, IA 50266

REZONING SKETCH

SHEET 2 OF 2

A-1830

EXHIBIT II

Prepared by: B. Portz, Development Services Dept., PO Box 65320 West Des Moines IA 50265-0320 (515) 273-0770
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-003509-2017) TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR THE APPROX. 36 ACRES FROM OFFICE (OF) TO HIGH DENSITY RESIDENTIAL (HD) AND COMMUNITY COMMERCIAL (CMC)

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner, Folsom-WDM, LLC, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003509-2017) to change land use designation of approximately 36 acres from Office (OF) to approximately 32 acres of High Density Residential (HD) and approximately 4 acres of Community Commercial (CMC) for that property generally described as follows:

LEGAL DESCRIPTION

PARCEL "C" A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW¼) IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2002, PAGE 14904.

AND

PARCEL "A" OF THE WEST HALF OF THE SOUTHWEST QUARTER (W½ SW¼) OF SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 778, PAGE 104.

AND

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW¼ SW¼) LYING SOUTH OF I-80, EXCEPT PARCEL "A" IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA

CONTAINING 35.90 ACRES MORE OR LESS.

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-003509-2017);

WHEREAS, on July 24, 2017, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-003509-2017);

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

SECTION 1. The findings as stated in the staff report, dated July 24, 2017, or as amended orally at the City Council hearing of July 24, 2017, 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 T. Jacobson
City Clerk

EXHIBIT III

Prepared by: B. Portz, Development Services, P.O. 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 the portions of the following legally described property from Unzoned to Residential High Density (RH-15) and Community Commercial (CMC) districts as shown in Exhibit A in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

Legal Description

PARCEL "C" A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW¼) IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2002, PAGE 14904.

AND

PARCEL "A" OF THE WEST HALF OF THE SOUTHWEST QUARTER (W½ SW¼) OF SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 778, PAGE 104.

AND

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW¼ SW¼) LYING SOUTH OF I-80, EXCEPT PARCEL "A" IN SECTION TWO (2), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA

CONTAINING 35.90 ACRES MORE OR LESS.

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

EXHIBIT A

Zoning Map

686.7 0 343.33 686.7 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

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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