

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

**Meeting Date:** May 21, 2018

**Item:** Hellickson Property, 7280 Eldorado Point – Rezone the property from Residential Single Family (RS-20) to Residential Estate (RE-1A) zoning – Jeremy R. Hellickson Living Trust - ZC-003902-2018

**Requested Action:** Recommend approval of Rezoning

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

**Applicant's Request:** The applicant, Jeremy R. Hellickson Living Trust, is requesting approval of a rezoning for property located 7280 Eldorado Point. The applicant is requesting to change approximately 7 acres from Residential Single Family (RS-20) to Residential Estate (RE-1A). The applicant is proposing to construct one single family residence on the property with an approximately 6,500 square foot accessory building that will include a gymnasium. The RS-20 zoning classification only allows accessory buildings to be a maximum of 1,000 square feet. The RE zoning classification allows accessory buildings to be up to 10% of the lot in size, which, based on the 7 acre lot, would allow for an accessory building(s) up to 30,492 square feet in size which would allow for the proposed building.

**History:** In 2016, the property was rezoned from “Unzoned” to the current RS-20 zoning designation. Also, in 2016, a Plat-of-Survey was approved to divide a 10.61 acre parcel into two parcels (Parcel FF and GG). The Plat of Survey was done to allow for the transfer of ownership of Parcel FF (the property in question) to the developer of Eldorado Estates to the north. As part of the Plat of Survey approval, a condition of approval was placed that required the platting of the property through the City’s Preliminary and Final Plat processes. This was done in anticipation of the property being developed with multiple single family or townhome dwellings. With the purchase of the full Plat of Survey parcel for the construction of one home and accessory building, platting is not necessary. On May 14, 2018 the City Council amended the conditions of approval placed with the original Plat of Survey approval removing the platting requirement if the property is developed with only one single family residence.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on May 14, 2018. Councilmembers had no comments and expressed no disagreement with the proposal.

**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 May 18, 2018, notice for the May 21, 2018, Plan and Zoning Commission and May 29, 2018 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 16, 2018.

**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 recommending the City Council approve the rezoning request to amend the Zoning Map to designate the approximately 7 acres from Residential Single Family (RS-20) to Residential Estate (RE-1A) zoning, subject to the applicant meeting all City Code requirements.

**Property Owner/Applicant:** Jeremy R. Hellickson Living Trust  
3408 Woodland, Suite 204  
West Des Moines, IA 50266

**Applicant's Representatives:** Bishop Engineering  
3501 104<sup>th</sup> Street  
Des Moines, IA 50322  
Attn: Max Eller  
[meller@bishopengr.com](mailto:meller@bishopengr.com)

**ATTACHMENTS:**

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions of Approval
- Exhibit B - Proposed Ordinance
- Attachment B - Location Map
- Attachment C - Current Zoning Map
- Attachment D - Rezoning Sketch

**RESOLUTION NO. PZC-18-033**

**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-003902-2018) FOR THE PURPOSE OF ZONING APPROXIMATELY 7 ACRES OF PROPERTY LOCATED AT 7280 ELDORADO POINT**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, the applicant, Jeremy R. Hellickson Living Trust, has requested approval of a Rezoning Request for that property located at 7280 Eldorado Point to amend the Zoning Map and change approximately 7 acres from Residential Single Family (RS-20) to Residential Estate (RE-1A) 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 May 21, 2018, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003902-2018);

**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 21, 2018, or as amended orally at the Plan and Zoning Commission hearing of May 21, 2018, are adopted.

**SECTION 2.** REZONING REQUEST (ZC-003902-2018) to change approximately 7 acres from Residential Single Family (RS-20) to Residential Estate (RE-1A) zoning is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 21, 2018, 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 21, 2018.

\_\_\_\_\_  
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 21, 2018, by the following vote:

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

**EXHIBIT A**  
Conditions of Approval

No Conditions of Approval

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 changing the zoning of property 7280 Eldorado Point from Residential Single Family (RS-20) to Residential Estate Single Family (RE-1A) in compliance with the adopted City of West Des Moines Comprehensive Land Use Plan;

**Legal Description**

PARCEL "FF" OF PLAT OF SURVEY RECORDED IN BOOK 2016 PAGE 5436, BEING A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 23, AND PART OF THE NOW 1/4 OF THE SW 1/4 OF SECTION 24, ALL IN TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., 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 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 \_\_\_\_\_, 2018

\_\_\_\_\_  
Steven K. Gaer, Mayor

**ATTEST:**

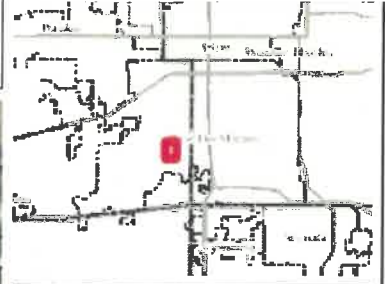
\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2018.



\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk



# Location Map



### Legend

-  Corporate Limits
-  Parcels

1: 7,002 



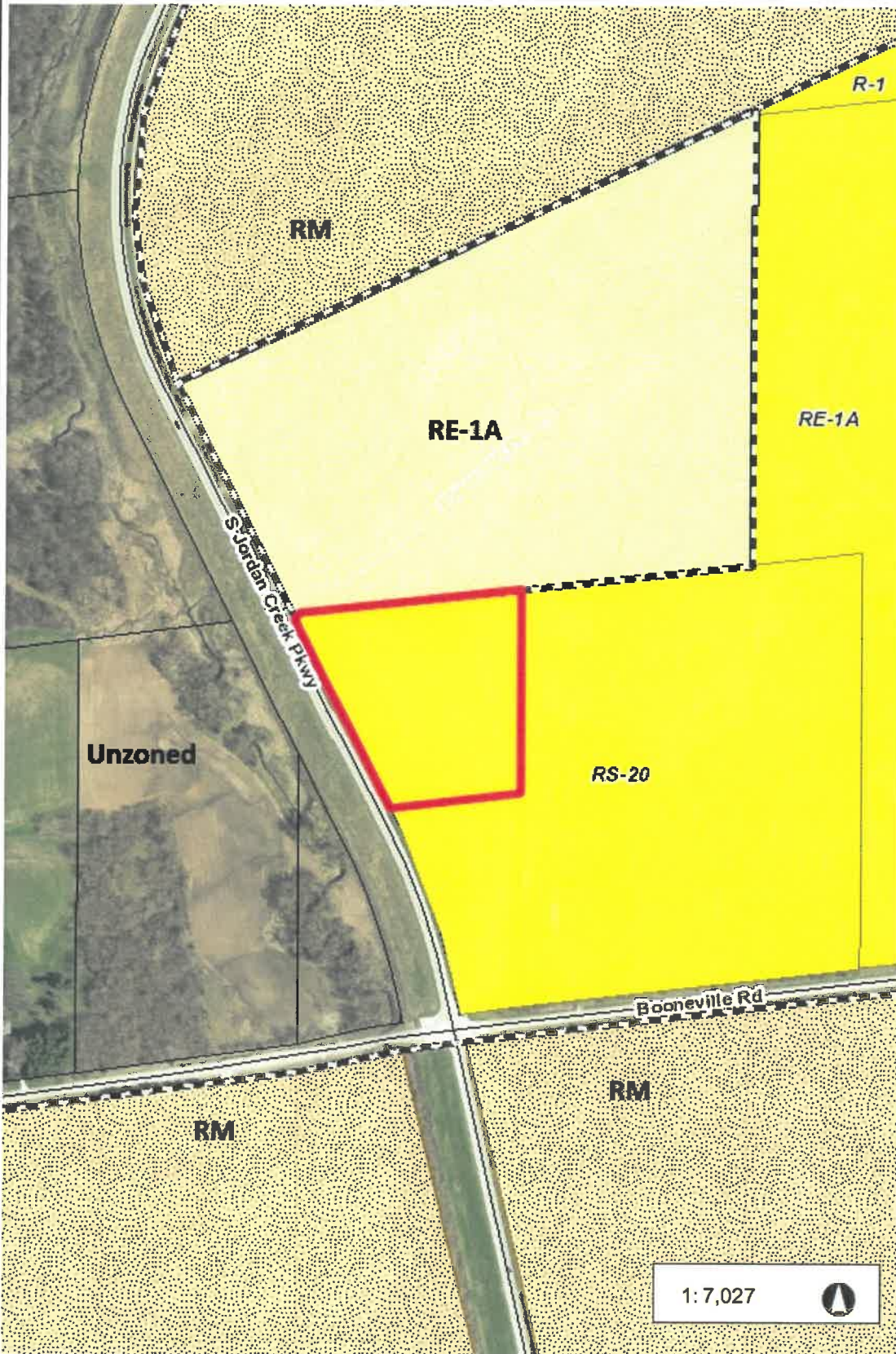
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City of West Des Moines, Iowa

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



# Current Zoning Map



**Legend**

**Zoning Area Labels**

- 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 (VJH)
- 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 (VJLI)
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space
- PUD - Single Family Residential
- PUD - Medium Density Residential
- PUD - High Density Residential
- PUD - Business and Commercial
- PUD - Office
- PUD - Industrial

Corporate Limits

Parcels

1: 7,027

1,171.2      0      585.62      1,171.2 Feet



PRELIMINARY - NOT FOR CONSTRUCTION

# CRESTA RESIDENCE REZONE MAP

PROPERTY DESCRIPTION:  
PARCEL 'FF' OF NW SW SECT 24 & NE SE SECT 23  
AN OFFICIAL PLAT OF WEST DES MOINES, DALLAS  
COUNTY, IOWA (BOOK 2016, PAGE 5436)  
SAID TRACT OF LAND BEING TO AND TOGETHER WITH  
ALL EASEMENTS OF RECORD,  
SAID TRACT OF LAND CONTAINS 7.00 ACRES (304,820  
SQUARE FEET) MORE OR LESS.

ADDRESS:  
TBD

OWNER:  
JEREMY R. HELICKSON LIVING TRUST  
C/O DOUG VANDER WEIDE  
3408 WOODLAND, SUITE 204  
WEST DES MOINES, IA 50266

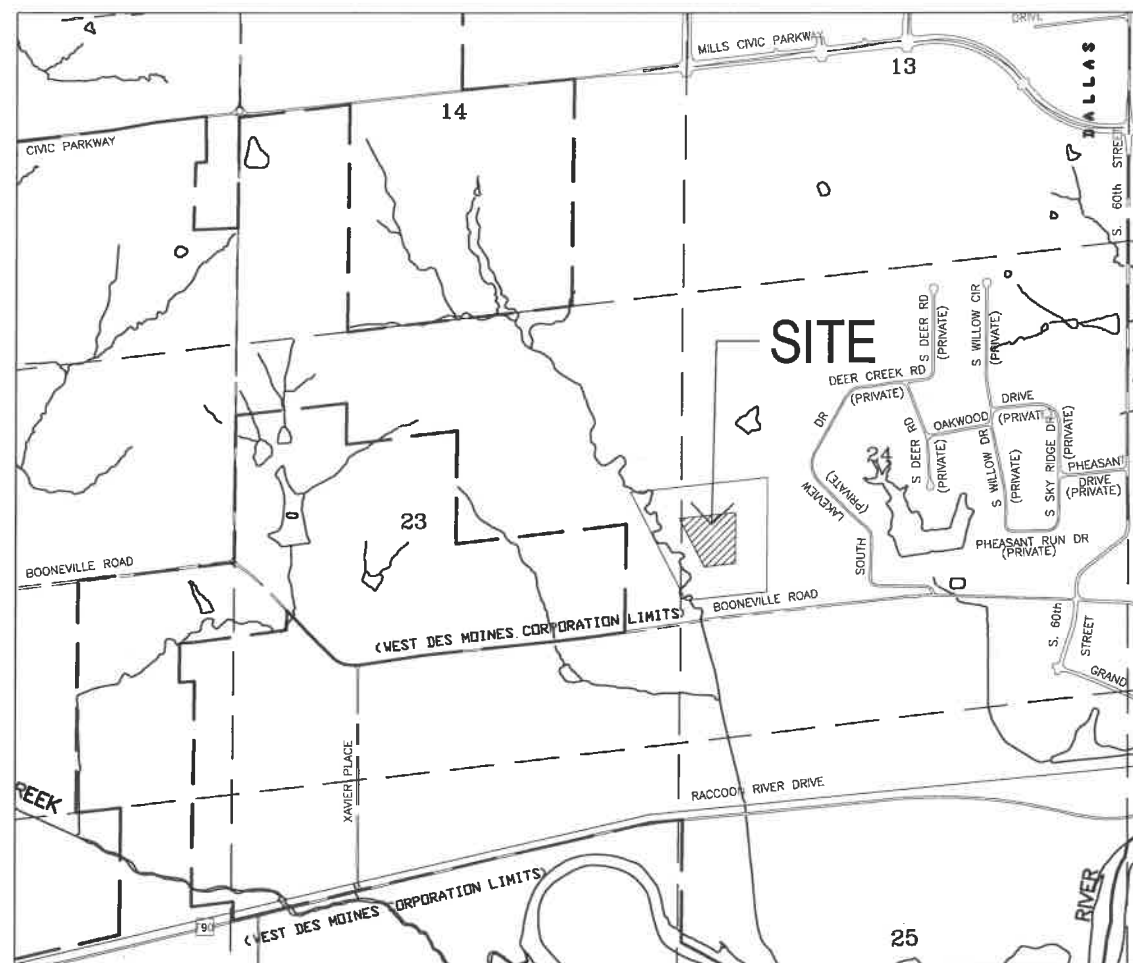
PREPARED FOR:  
AMY LARSEN  
BEISSER LUMBER/BEISSER DESIGN SERVICE  
(515) 988-1705

ZONING:  
EXISTING: RS-20  
PROPOSED: RE

LEGEND:  
P PLATTED DISTANCE  
ROW RIGHT OF WAY



VICINITY MAP  
SCALE: 1" = 1000'

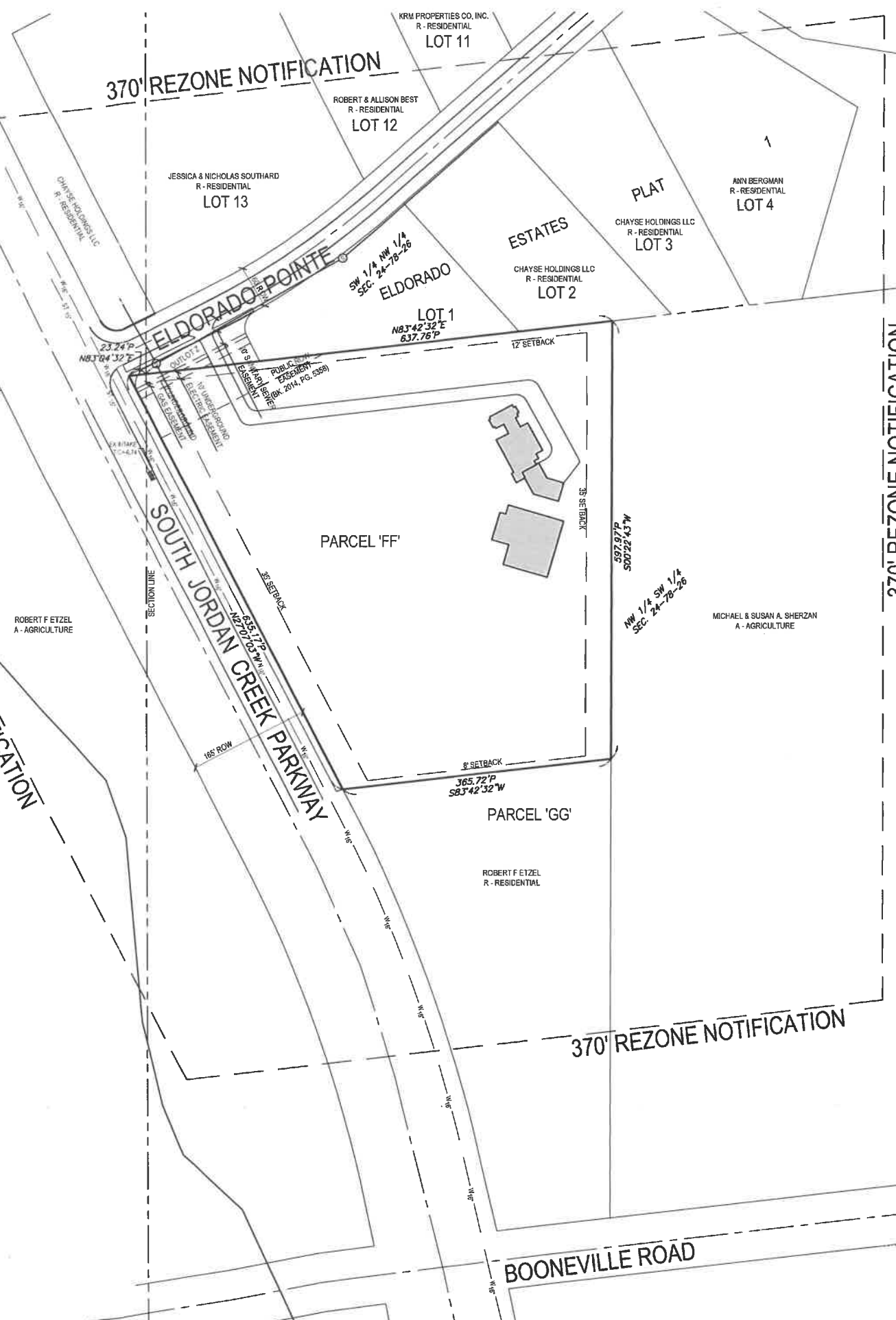


370' REZONE NOTIFICATION

370' REZONE NOTIFICATION

370' REZONE NOTIFICATION

370' REZONE NOTIFICATION



ATTACHMENT D



MAIN BUILT  
WEST DES MOINES, IOWA  
REZONE MAP

REFERENCE NUMBER:
DRAWN BY: MJE
CHECKED BY: MAW
REVISION DATE: 4-6-2018
PROJECT NUMBER: 180210
SHEET NUMBER: 1 OF 1

5/7/2018 2:07:02 PM I:\LAND PROJECTS 2018\180210 - MAIN BUILT WDM HOUSE/HOUSE LAYOUT 5-1-2018.DWG