NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 11, 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

ORDINANCE: Approval of Second Reading, Waive Third Reading, and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Jeremy R. Hellickson Living Trust, is requesting approval of a rezoning for property located at 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-1A 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.

Previous Council Action:
Vote: 5-0 approval
Date: May 29, 2018
Motion: Approval of the First Reading of the ordinance

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third and adopt the ordinance in final form to change the zoning of the property from Residential Single Family (RS-20) to Residential Estate (RE-1A) subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian S. Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	May 18, 2018	
Letter sent to surrounding property owners		May 16, 2018

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	May 14, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENT:
Exhibit I – Ordinance

EXHIBIT I

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 (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 NW 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 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 _____, 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