CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: August 20, 2018

ITEM: Boone Farm, 1809 S 50th Place — Amend the Comprehensive Plan Land Use Map designation from Medium Density Residential to Low Density Residential and to amend the Zoning Map to change the zoning from Residential Medium Density (RM-8) to Residential Estate (RE-1A) - Berniece M. Boone Charitable Remainder Annuity Trust - CPA-003985-2018/ZC-003986-2018

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The Berniece M. Boone Charitable Remainder Annuity Trust is seeking approval of an amendment to the Comprehensive Plan Land Use Map to change the land use designation of the property located at 1809 S 50th Place from Medium Density Residential to Low Density Residential and to amend the Zoning Map designation for this property from Residential Medium Density (RM-8) to Residential Estate (RE-1A) (see Exhibit I - Attachment C - Location Map/Rezoning Sketch) to accommodate single family development.

Plan and Zoning Commission Action:
Vote: 5-0 Approval, Commissioners Andersen, Costa absent
Date: August 13, 2018
Motion: Approve a resolution recommending the City Council approve the Comprehensive Plan Land Use Map amendment and approve a resolution recommending the City Council approved the first reading of the ordinance amending the Zoning Map

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 (June 25, 2018 and August 6, 2018)
- Staff Review and Comment
  - Past Inquiries
  - Roadway Connection
- Comprehensive Plan Consistency
- Staff Recommendation and Conditions of Approval
- Noticing Information

RECOMMENDATION: Based upon the preceding review, the Plan and Zoning Commission recommends the City Council approve the proposed amendment to the Comprehensive Plan Land Use Map and approve the first reading of an ordinance to amend the Zoning Map for property located at 1809 S. 50th Place.

Lead Staff Member: Kara Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	August 3, 2018
Letter sent to surrounding property owners	July 31, 2018

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	June 25 and August 6, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication

Attachment A - Plan & Zoning Commission Resolution – Comprehensive Plan Land Use amendment

Attachment B – Plan & Zoning Commission Resolution – Rezoning Request

Exhibit A – Conditions of Approval

Attachment C – Location Map/Rezoning Sketch

Exhibit II - City Council Resolution (Comprehensive Plan Land Use Amendment)

Exhibit III - Proposed Rezoning Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: August 13, 2018

Item: Boone Farm, 1809 S 50th Place — Amend the Comprehensive Plan Land Use Map designation from Medium Density Residential to Low Density Residential and to amend the Zoning Map to change the zoning from Residential Medium Density (RM-8) to Residential Estate (RE-1A) - Berniece M. Boone Charitable Trust
CPA-003985-2018/ZC-003986-2018

Requested Action: Recommend approval of the amendments to the Comprehensive Plan Land Use Map and the Zoning Map

Case Advisor: Kara V. Tragesser, AICP KVT

Applicant's Request: The Berniece M. Boone Charitable Trust is seeking approval of an amendment to the Comprehensive Plan Land Use Map to change the land use designation of the property located at 1809 S 50th Place from Medium Density Residential to Low Density Residential and to amend the zoning map designation for this property from Residential Medium Density (RM-8) to Residential Estate (RE-1A) (see Attachment C - Location Map/Rezoning Sketch) to accommodate single family development.

History: The property is the remnant parcel of the larger Boone Farm that over the years was parceled off for surrounding development. The property has some buildings on it that would be demolished for the single family development to proceed. The property owner recently passed away and the Trust would like to sell it with the proceeds going to the Trust's designated charities.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee at their June 25, 2018 and August 6, 2018, meetings. The Subcommittee was supportive of the amendment to the Comprehensive Plan Land Use Map and the Zoning Map.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff notes the following:

Past Inquiries: Several inquiries for development of the parcel as medium density development (typically townhomes or single story apartments) have been made with feedback from potential developers that the drainage way that runs through the middle of the parcel is not financially feasible to cross.

Roadway Connection: The Ultimate Street Map consistently has shown a collector roadway connecting Cherrywood Drive on the north to Grand Ridge Drive on the east. The developers to-date have cited that the crossing of the drainage way is too expensive for development of the property and that the connection is not feasible to be made. The City planned for this connection for emergency services access to the area, for traffic circulation in the area, and for detour routes for any maintenance on S. 50th Street, Cherrywood Drive or Grand Ridge Drive. Staff suggested that one option was to construct a connection to the south at a point where the current terminus of Grand Ridge Drive is located at the property line to the subject property. This connection did have hurdles to overcome, namely it would need to access Iowa Department of Transportation right-of-way and would be close to the where the on ramp to I-35 starts. The Iowa DOT refused access through their right-of-way.

The connection between Cherrywood Drive and Grand Ridge Drive also would provide two points of access to the property as required by code. It also would eliminate dead end lengths that exceed the city code standard of 750 feet on both Cherrywood and Grand Ridge Drive.

The applicant approached the Development and Planning City Council Subcommittee to voice their opinion on the suitability of the site to be developed with the roadway connection, noting the cost to build a culvert or otherwise span the drainage way. Also, the applicant indicated that a developer was interested in building single family dwellings on

large lots instead of multi-family dwellings which would decrease the number of people affected by the lack of crossing and reduce the number of people needing the services which the connection would provide. Staff indicated that the development of the property for low density residential may be acceptable with cul-de-sacs installed at the ends of Cherrywood Drive and Grand Ridge Drive and all dwellings would be required to install fire sprinkler systems, with the understanding that street maintenance may be more complicated, may take more time in order to provide access, and may completely cut off access at times.

The Subcommittee supported the change in zoning from medium density residential to low density residential, which would allow for 10 single family lots to be developed on the property.

Comprehensive Plan Consistency: The proposed Planned Unit Development amendment has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed amendment 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, upon approval of the amendment to the land use map.

Staff Recommendations and Conditions of Approval Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the amendment to the Comprehensive Plan Land Use Map to change the land use designation at 1809 S 50th Place and adopt a resolution recommending the City Council approve the amendment to the Zoning Map to change the designation of the property as outlined above, subject to the applicant meeting all City Code requirements and the following:

1. All dwellings constructed within the boundaries of the parcel as delineated at the time of this action, as well as future subdivision, will be constructed with fire sprinkler systems.

Noticing Information: On August 3, 2018, notice for the August 13, 2018, Plan and Zoning Commission and the August 20, 2018, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings also was mailed to all property owners within 370 feet of the property boundary on July 31, 2018.

Property Owner/Applicant: Berniece M. Boone Charitable Trust
c/o Iowa State Bank
2301 128th Street
Urbandale Iowa 502323

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution – Land Use Designation
Attachment B	-	Plan and Zoning Commission Resolution – Rezoning
Exhibit A	-	Conditions of Approval
Attachment C	-	Location Map/Rezoning Sketch

ATTACHMENT A

RESOLUTION NO. PZC-18-052

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE COMPREHENSIVE PLAN LAND USE MAP AMENDMENT (CPA-003985-2018) FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY LOCATED AT 1809 S. 50th PLACE FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the Berniece M Boone Charitable Trust has requested approval of a Comprehensive Plan Land Use Map Amendment for that property legally described below;

Legal Description

-EX BEG SW COR LOT 30 QUAIL COVE PLAT 1 THN S 398.75 F SE 2892.22F NW 622.64F W 33.19F TO POB – S ½ SE 1/4LYG N & E OF i-35 SECTION 19-78-25 BEING IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA

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 August 13, 2018, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-003985-2018);

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 from Medium Density Residential to Low Density Residential for property legally described above is recommended to the City Council for approval.

PASSED AND ADOPTED on August 13, 2018.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Jennifer Canaday
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 August 13, 2018, by the following vote:

AYES: Crowley, Erickson, Hatfield, Drake, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Andersen, Costa

ATTEST:

Jennifer Canaday
Recording Secretary

ATTACHMENT B

PLAN AND ZONING COMMISSION RESOLUTION #PZC-18-053

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-003986-2018) FOR THE PURPOSE OF AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1809 S. 50TH PLACE FROM RESIDENTIAL MEDIUM DENSITY (RM-8) 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 Berniece M Boone Charitable Trust has requested approval to change the zoning designation of property located at 1809 S 50th Place from Residential Medium Density (RM-8) 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 August 13, 2018, this Commission held a duly-noticed hearing to consider the application for a Rezoning Request;

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 August 13, 2018, or as amended orally at the Plan and Zoning Commission hearing of August 13, 2018, are adopted.

SECTION 2. REZONING REQUEST (ZC-003986-2018) to amend the zoning map, subject to compliance with all the conditions in the staff report, dated August 13, 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 August 13, 2018.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Jennifer Canaday
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 August 13, 2018, by the following vote:

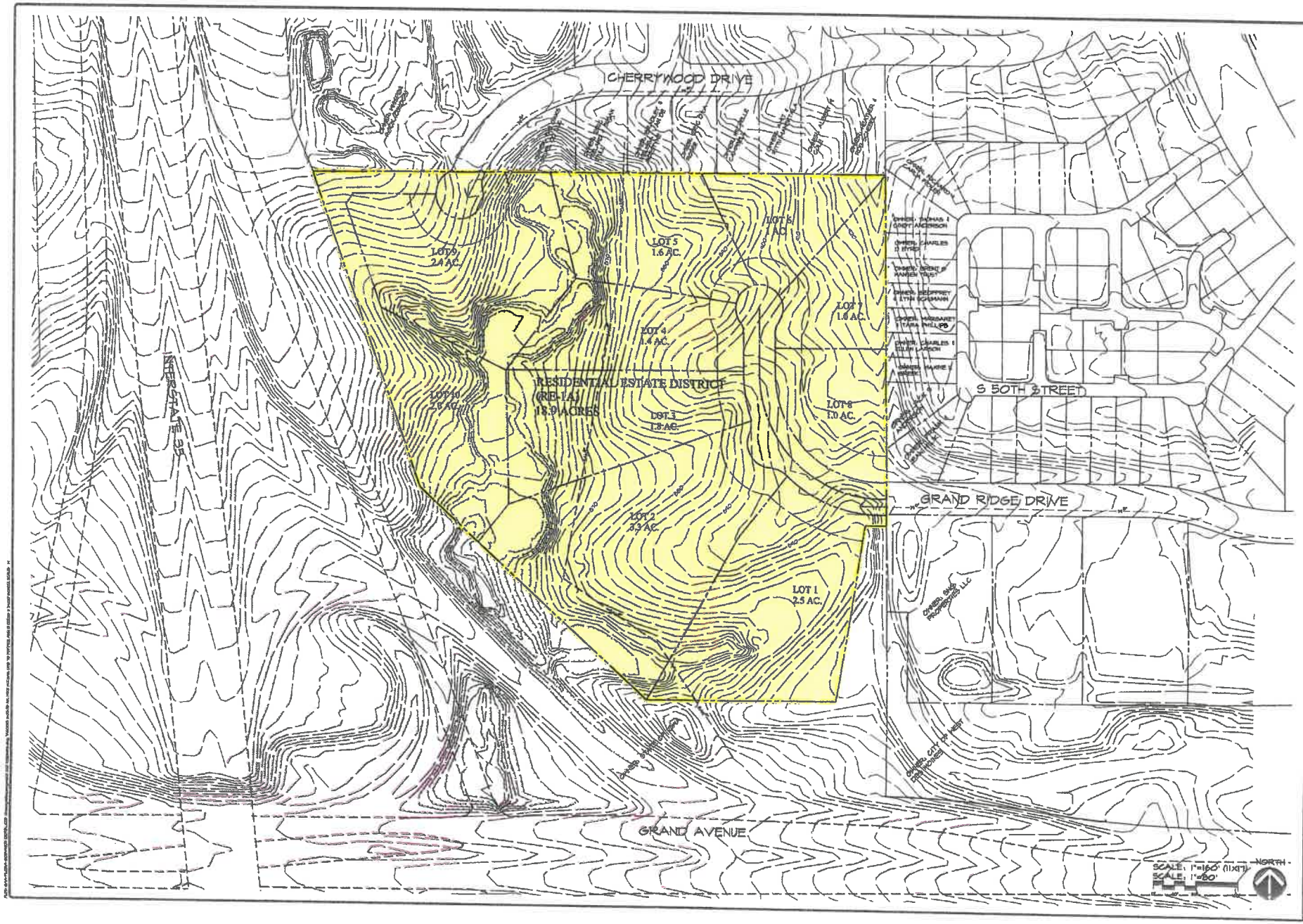
AYES: Crowley, Erickson, Hatfield, Drake, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Andersen, Costa

ATTEST:

Jennifer Canaday
Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

1. All dwellings constructed within the boundaries of the parcel as delineated at the time of this action, as well as future subdivision, will be constructed with fire sprinkler systems.



CEC

Civil Engineering Consultants, Inc.

2400 86th Street, Unit 12 . Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 . email@ceciae.com

DATE:	07-06-2018	REVISIONS	COMMENTS
		1	
		2	
		3	
		4	
DATE OF SURVEY:		5	
DESIGNED BY:		ASP	5
DRAWN BY:		JAS	6

ATTACHMENT C

EXHIBIT II

Prepared by: KTragesser, 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-003985-2018)) TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY LOCATED AT 1809 S. 50th PLACE FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the Berniece M. Boone Charitable Remainder Annuity Trust, has requested approval for a Comprehensive Plan Amendment to amend the Comprehensive Plan Land Use Plan to change the Land Use Designation of property located at 1809 S. 50th Place from Medium Density Residential to Low Density Residential and legally described as:

Legal Description

The South ½ of the SE¼ of Section 19, Township 78 North, Range 25 West of the 5th P.M., Polk County, lying North of the centerline of Grand Avenue as it presently exists, except that part lying West of Interstate No. 35, and except those parts conveyed to the State of Iowa by Warranty Deed recorded in Book 3005, Page 491, Office of the Recorder of Polk County, Iowa AND The East 33 feet of the South ½ SE¼ of Section 19, Township 78 North, Range 25 West of the 5th P.M., except the South 740.00 feet, West Des Moines, Polk County, Iowa

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 August 13, 2018, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment;

WHEREAS, on August 20, 2018, the City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment;

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 meeting are adopted.

SECTION 2. The amendment of the Comprehensive Plan Land Use Map as described above is hereby adopted.

PASSED AND ADOPTED on August 20, 2018.

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 August 20, 2018, by the following vote:

ATTEST:

Ryan Jacobson
City Clerk

EXHIBIT III

Prepared by: K Tragesser, 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 located at 1809 S. 50th Place and legally described below from Residential Medium Density (RM-8) to Residential Estate (RE-1A) as legally described below

Legal Description

The South ½ of the SE¼ of Section 19, Township 78 North, Range 25 West of the 5th P.M., Polk County, lying North of the centerline of Grand Avenue as it presently exists, except that part lying West of Interstate No. 35, and except those parts conveyed to the State of Iowa by Warranty Deed recorded in Book 3005, Page 491, Office of the Recorder of Polk County, Iowa AND The East 33 feet of the South ½ SE¼ of Section 19, Township 78 North, Range 25 West of the 5th P.M., except the South 740.00 feet, West Des Moines, Polk County, Iowa

SECTION 2. CONDITIONS OF APPROVAL. All dwellings constructed within the boundaries of the parcel as delineated at the time of this action, as well as future subdivision, will be constructed with fire sprinkler systems.

SECTION 3. 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 4. 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 5. 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 6. **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