NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: September 4, 2018

ITEM: Boone Farm, 1809 S 50th Place — 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 - ZC-003986-2018

ORDINANCE: **Approval of Second Reading, Waive Third Reading, and Adopt in Final Form to Change Zoning from RM-8 to RE-1A**

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The Berniece M. Boone Charitable Remainder Annuity Trust is seeking approval of an amendment of the Zoning Map designation for this property from Residential Medium Density (RM-8) to Residential Estate (RE-1A).

Previous Council Action:
Vote: 5-0 approval
Date: August 20, 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 reading and adopt the ordinance in final form.

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, 2018/August 6, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENT:
Exhibit I – ORDINANCE

EXHIBIT I

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 4th day of September 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