NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 19, 2019

ITEM: Kivell Property, 655 S88th Street - Consistency zone approximately 8.37 acres from Unzoned to High Density Residential (RH) – City Initiated– ZC-004188-2019

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines Development Services Department is requesting approval of a Rezoning Request to consistency zone approximately 8.37 acres located at 655 S88th Street from Unzoned to High Density Residential (RH).

Previous Council Action:
Vote: 4-0 approval, with Councilmember Sandager absent
Date: February 4, 2019
Motion: Approval of the First Reading of the amendment to City Code.

OUTSTANDING ISSUES: There are no outstanding issues. However, staff note the following:

Plan and Zoning Commission and prior City Council discussion: During the Plan and Zoning discussion and again during the February 4th City Council hearing, Marilyn Mueller, owner of the home just north of the proposed development, expressed her concern about light affecting her home. She was specifically concerned about light shining through her windows and maintaining a "dark-sky" where the sky is relatively free from artificial light. Staff informed Ms. Mueller that lighting would be handled during the forthcoming site plan review and things such as cut-off light fixtures and landscape buffers are methods used to mitigate light pollution. The Council directed staff to make sure Ms. Mueller is contacted and that her concerns are addressed during the site plan review.

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: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section
Date(s) Published	1/18/19
Letter sent to surrounding property owners	1/18/19

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	1/7/19		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Proposed Rezoning Ordinance

EXHIBIT I

Prepared by: J. B. Munford, 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

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 approximately 8.37 acres located at 655 S88th Street from 'Unzoned' to High Density Residential (RH) district, in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

LEGAL DESCRIPTION

LOT 2, FORRET ACRES PLAT 1, A SUBDIVISION IN THE 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 _____, 2019

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

I certify that he foregoing was published as Ordinance No. _____ on the _____ day of _____ _____, 2019.

_____
Ryan T. Jacobson
City Clerk