

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

<u>Meeting Date:</u>	May 13, 2019
<u>Item:</u>	Amend Comprehensive Plan Land Use Map and Amend Zoning Map to designate and zone property to Office (OF) - Generally located along the north side of Ashworth Road between approx. 76 th and 84 th Streets— City Initiated (CPA-004288-2019/ZC-004290-2019)
<u>Requested Action:</u>	Recommend Approval of Comprehensive Plan Amendment and Consistency Zoning
<u>Case Advisor:</u>	Karen Marren

Applicant's Request: Development Services staff is requesting approval of a Comprehensive Plan Land Use Map amendment and Zoning Map amendment for properties generally located north of Ashworth Road between approximately 76th Street and 84th Street. There are a total of 29 parcels (approximately 69 acres) affected by this request. The Land Use Map amendment will assign land use designations from Office and Support Office to Office. All properties will be zoned consistent with either their current or amended land use designations (see Attachment C – Existing Land Use and Zoning Maps, Attachment D – Proposed Land Use Map and Attachment E – Proposed Zoning Map).

Per the discussions at the P&Z hearing of April 8, 2019, the previous application to review the land use and zoning for the overall Ashworth Corridor from Jordan Creek Parkway to 98th Street is being broken into multiple pieces to alleviate the confusion of the overall corridor proposal. This application is one portion of the previous application including only properties north of Ashworth Road from approximately 76th Street to 84th Street.

History: The properties included in this request were annexed into the City by two different annexation requests dating from 1993, 2001. All subject properties had a land use designation assigned at the time of annexation, however, up until now, 11 of the subject properties have remained unzoned since their annexation into the city corporate limits. It is standard practice for the City to initiate land use and zoning changes upon annexation into the city.

City Council Subcommittee: The application previously presented to the Subcommittee was for the entire Ashworth Corridor from 98th Street to Jordan Creed Parkway. The application looking at the entire corridor was presented to the Development and Planning City Council Subcommittee on July 24, 2017, September 18, 2017 and February 20, 2018. Since then the corridor has been broken into multiple areas to simply the review of the initial request. Below is the discussion and direction from the subcommittee on this current application area.

- In July of 2017, No comments regarding this subject area of the corridor was addressed at this meeting of the subcommittee.
- In September 2017, the subcommittee held a discussion with property owners from five areas of a corridor to understand the proposed amendment as well as hear from the property owners to discuss options for each area of the corridor. Mr. Burt, owner of 42 acres north of Ashworth requested that the amendment not include high density residential (staff's request for the area prior to current proposal included high density residential on the west end of the proposed area), which would not align with his desire for a large office development. The Committee directed that the entire area be zoned for office.
- In February of 2018, after discussion with property owners and residents, a meeting was scheduled with the Subcommittee to discuss alternative land use options. For the properties north of Ashworth Road between approximately 78th Street and 84th Street, at the request of the majority property owner it was directed that the previous application which showed high density residential and office land uses to be modified to designate the whole area as office to allow for a future corporate office development. The subcommittee was in agreement to limit the amount of high density residential along the corridor and to designate the entire north area to an office land use.

Staff Review and Comment: This hearing has been published and noticed for all properties included in the original application to keep all property owners advised of the proposal, however, only discussion of this area (north of Ashworth between 76th Street and 84th Street) is being considered in this application request. Based on direction from

the Subcommittee, as noted above, the proposed land use map has been amended to reflect the requested changes of the committee and the zoning map updated to be consistent with the proposed land use map.

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 3, 2019, notice of the May 13, 2019 Plan and Zoning Commission and of the May 20, 2019 City Council public hearings was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject properties affected by these amendments on May 1, 2019.

Staff Recommendation and Conditions Of Approval – Comprehensive Plan: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the amendment to the Comprehensive Plan Land Use Map as depicted in Attachment D.

Staff Recommendations and Conditions of Approval – Zoning: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the amendment to the Zoning Map as depicted in Attachment E.

Applicant: City of West Des Moines
Development Services Department
PO Box 65320
West Des Moines IA 50265-0320
515-222-3620

Applicant’s Representatives: Same as Applicant

Attachments:

- Attachment A - Plan and Zoning Commission Resolution – Land Use Designation
 - Exhibit A: Legal Descriptions
 - Exhibit B: Proposed Land Use Map
 - Exhibit C: Adopted Land Use Map
- Attachment B - Plan and Zoning Commission Resolution – Rezoning
 - Exhibit A: Legal Descriptions
 - Exhibit B: Proposed Zoning Map
 - Exhibit C: Adopted Zoning Map

RESOLUTION NO. PZC-19-040

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-004288-2019) FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY GENERALLY LOCATED NORTH OF ASHWORTH ROAD BETWEEN APPROXIMATELY 76TH STREET AND 84TH STREET TO OFFICE (OF).

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the City of West Des Moines has requested approval of a Comprehensive Plan Land Use Map Amendment for the properties legally described below;

Legal Description

See Exhibit A

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; and

WHEREAS, on May 13, 2019, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-004288-2019).

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 to Office, for property legally described above and as shown on the Adopted and Proposed Land Use Map (Exhibit B and C) is recommended to the City Council for approval.

PASSED AND ADOPTED on May 13, 2019.

Erica Andersen, 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 13, 2019, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

PARCEL "B" OF THE PLAT OF SURVEY FILED OCTOBER 15, 2002, AND RECORDED IN BOOK 2002 AT PAGE 14904 OF THE DALLAS COUNTY RECORDS ALSO DESCRIBED AS: A PARCEL OF LAND IN THE SE 1/4 SW 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SECTION 2; THENCE N 82°73'21"W, 1773.31 FEET ALONG THE SOUTH LINE OF SAID SECTION 2 TO THE POINT OF BEGINNING; THENCE N00°L9'52"W, 352.92 FEET TO A POINT; THENCE N82°53'2L"E, 300.00 FEET TO A POINT; THENCE S00°19'52"E, 352.92 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 2; THENCE 82°53'21"W, 300.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 2 TO THE POINT OF BEGINNING AND CONTAINING 2.414 ACRES MORE OR LESS INCLUDING 0.309 ACRES OF PUBLIC ROAD RIGHT-OF-WAY EASEMENT.

AND

THE WEST 140 FEET OF ALL THAT PART OF THE EAST ONE-HALF OF THE SOUTHWEST QUARTER (EL/2 SWL/4) OF SECTION 2, TOWNSHIP 78, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, LYING SOUTH OF THE RIGHT-OF-WAY OF THE MINNEAPOLIS & ST. PAUL RAIL ROAD COMPANY, AND SOUTH OF INTERSTATE 80 (EXCEPT, COMMENCING AT A STONE AT THE SOUTH EAST CORNER OF THE SW 1/4 OF THE SW ¼ OF SECTION 2, RUNNING THENCE NORTH 39.44 CHAINS, THENCE SOUTH 63 DEGREES AND 20 MINUTES EAST, 13.03 CHAINS ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAIL ROAD, THENCE SOUTH 32.29 CHAINS, THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 2, TOWNSHIP 78, NORTH RANGE 26, 11.71 CHAINS TO BEGINNING).

AND

BURT PARK ESTATES PLAT 2 LOTS 1 THROUGH 10, LOT 12, LOTS A & B AND OUTLOTS Y & X

AND

BURT PARK ESTATES PLAT 1 LOTS 1 THROUGH 11

AND

THE WEST 1/2 OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA LYING SOUTH OF I-80 AND THE MINNEAPOLIS & ST. LOUIS RAILROAD, EXCEPT THE EAST 215 FEET THEREOF AND EXCEPT THE SOUTH 267.8 FEET (PLATTED AS BURT PARK ESTATES PLAT 1, AN O.P.); ALSO THE EAST 1/2 OF THE SOUTHWEST QUARTER OF SAID SECTION 2, LYING SOUTH OF I-80, EXCEPT THE SOUTH 267.8 FEET (PLATTED AS

BURT PARK ESTATES PLAT 1, AN O.P.) AND EXCEPT THE WEST 908.5 FEET, MORE OR LESS; CONTAINING 42.3 ACRES MORE OR LESS; AND OUTLOT "X" IN BURT PARK ESTATES PLAT 1, AN O.P. IN SECTION 2, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE P.M.

AND

THE EAST 215 FEET OF THAT PART OF THE WEST ONE-HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWO (2) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH OF RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, LYING SOUTH OF THE M. & ST. L. RAILROAD RIGHT OF WAY, SUBJECT TO EASEMENT ACROSS SOUTH 45 FEET OF THE ABOVE DESCRIBED TRACT.

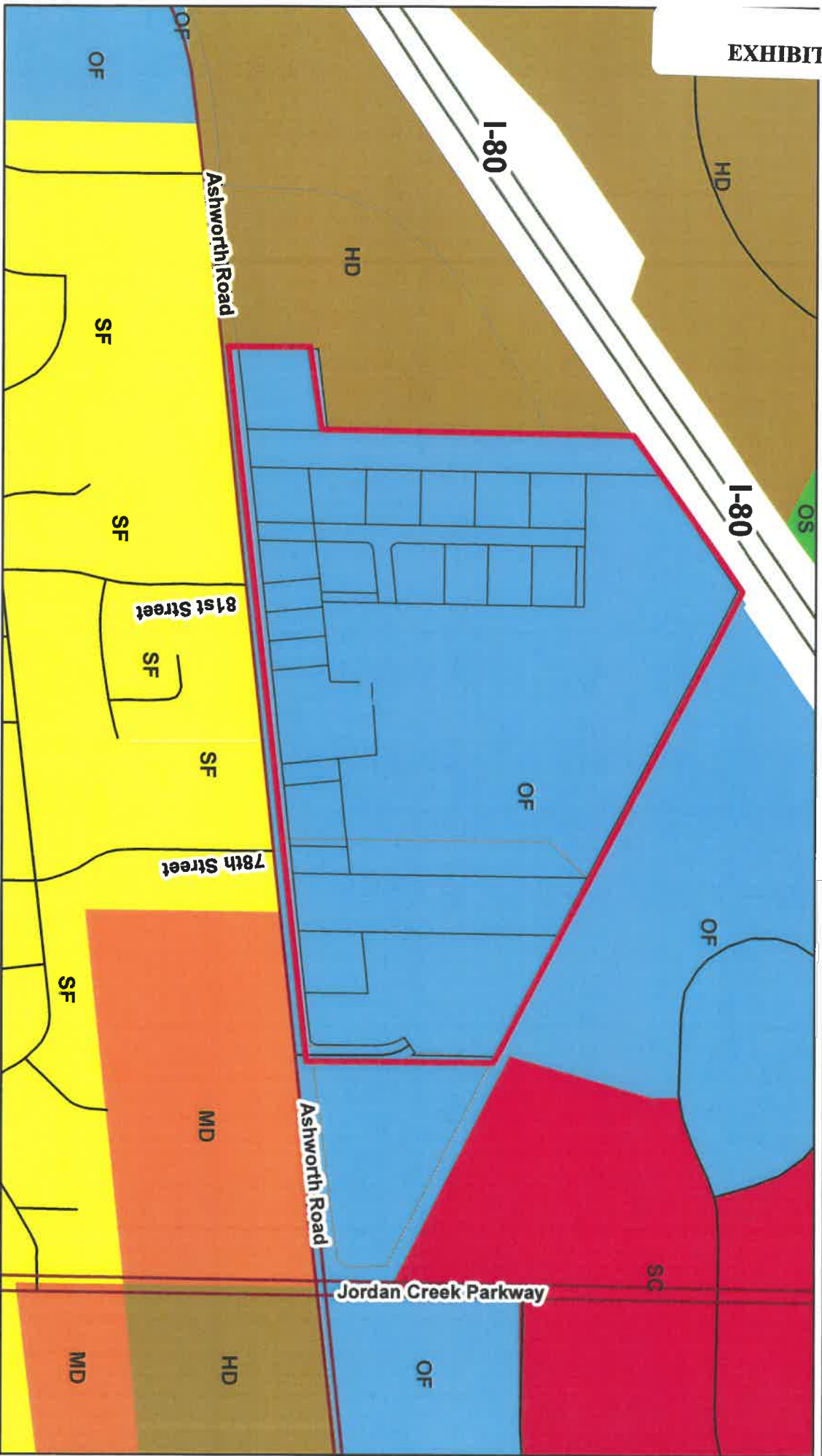
AND

BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, THENCE EAST 225 FEET; THENCE NORTH 290 FEET; THENCE WEST TO THE WEST LINE OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 2; THENCE SOUTH TO THE POINT OF BEGINNING

AND

AN APPROXIMATE 7.5 ACRE TRACT OF LAND DESCRIBED AS FOLLOWS: THE WEST 9 ACRES OF THE FOLLOWING: BEGINNING AT THE CORNER STONE AT THE SOUTHEAST CORNER OF SECTION 2-78-26 W. 5TH P.M., DALLAS COUNTY, IOWA; THENCE SOUTHWESTERLY ON THE SOUTH LINE OF SAID SECTION 2, 19.85 CHAINS TO THE SOUTHWEST CORNER OF THE SE 1/4 SE 1/4 OF SECTION 2, THENCE NORTH, VARIATION 7° EAST 15.25 CHAINS TO THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE MINNEAPOLIS & ST. LOUIS RAILROAD COMPANY, THENCE SOUTH 64°20' EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE 22.04 1/2 CHAINS TO THE EAST LINE OF SAID SECTION 2, THENCE SOUTH 3.05 1/2 CHAINS TO PLACE OF BEGINNING, EQUALS 18 AND 1/6 ACRES, SUBJECT TO AN EASEMENT FOR ROAD PURPOSES AND FOR USE AS A PUBLIC HIGHWAY WHICH EASEMENT APPEARS IN BOOK 425, PAGE 468 IN THE RECORDS OF DALLAS COUNTY, IOWA (9 ACRES MORE OR LESS), LESS AN APPROXIMATE 1.50 ACRE TRACT WHICH HAS A LEGAL DESCRIPTION AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 SE 1/4 OF SECTION 2-78-26 W. 5TH P.M., DALLAS COUNTY, IOWA, THENCE EAST 225 FEET, THENCE NORTH 290 FEET, THENCE WEST TO THE WEST LINE OF THE SE 1/4 SE 1/4 OF SAID SECTION 2-78-26 W. 5TH P.M., THENCE SOUTH TO POINT OF BEGINNING.

Comprehensive Plan Map - Proposed



- Open Space (OS)
- Single Family Resid (SF)
- Medium Density Resid (MD)
- High Density Resid (HD)
- Support Office (SO)
- Support Commercial (SC)
- Office (OF)
- Parcels Subject to Request

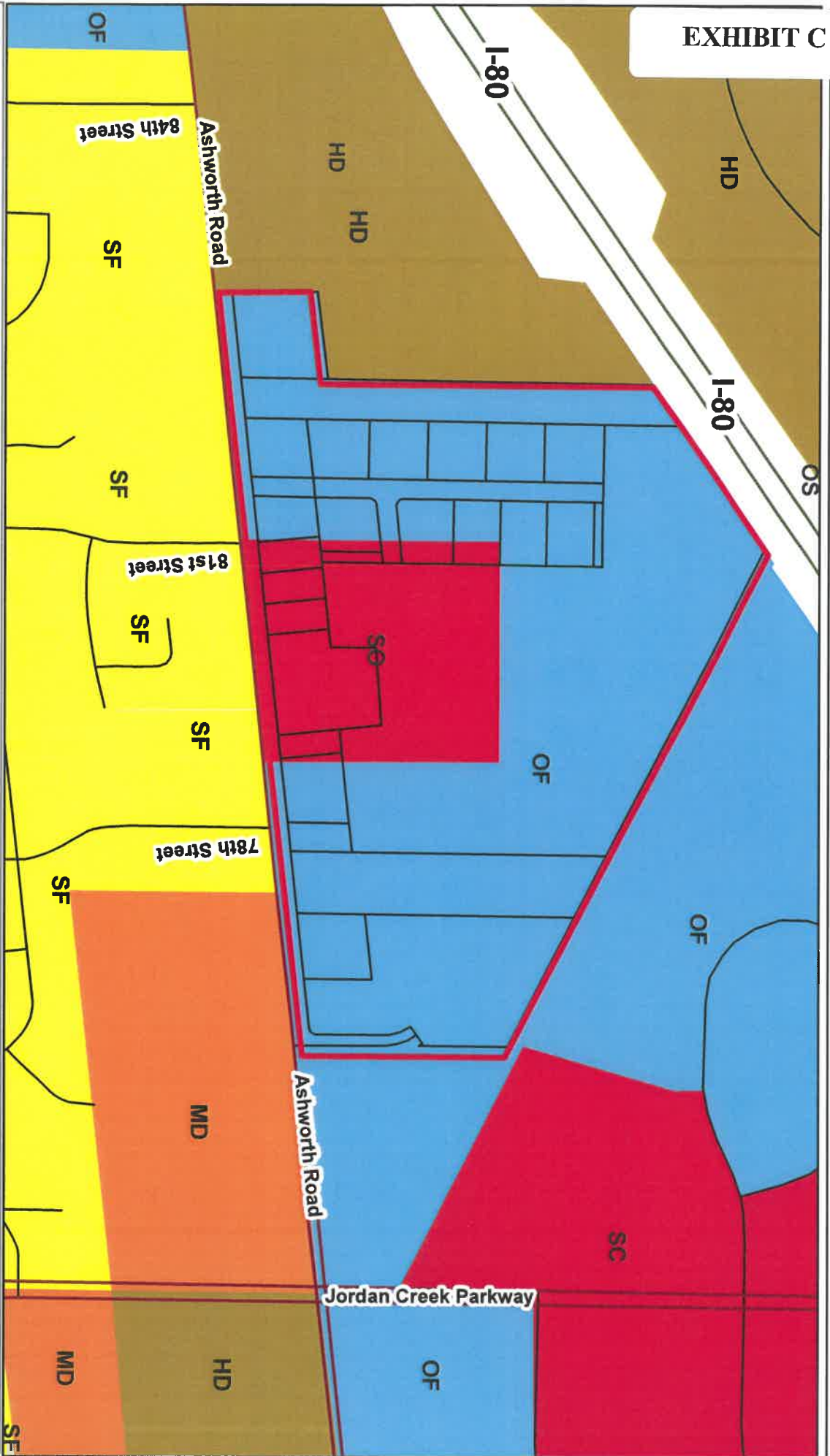
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Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein

Comprehensive Plan Map - Adopted

EXHIBIT C



- Open Space (OS)
- Single Family Resid (SF)
- Medium Density Resid (MD)
- High Density Resid (HD)
- Support Office (SO)
- Support Commercial (SC)
- Office (OF)
- Parcels Subject to Request

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PLAN AND ZONING COMMISSION RESOLUTION #PZC-19-041

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE ZONING REQUEST (ZC-004290-2019) FOR THE PURPOSE OF AMENDING THE ZONING OF PROPERTY GENERALLY LOCATED NORTH OF ASHWORTH ROAD BETWEEN APPROXIMATELY 76TH STREET AND 84TH STREET TO OFFICE (OF).

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the City of West Des Moines, has requested approval of a zoning ordinance amendment to change the zoning of the properties legally described below;

Legal Description

See Exhibit A

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; and

WHEREAS, on May 13, 2019, 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 May 13, 2019, or as amended orally at the Plan and Zoning Commission hearing of May 13, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004290-2019) to amend the zoning of property to office (OF), for property generally located north of Ashworth Road between approximately 76th Street and 84th Street as legally described above and as shown on the Adopted and Proposed Zoning Map (Exhibit B and C) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 13, 2019, including conditions added at the Hearing, and attached hereto as Exhibit "D", 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 13, 2019.

Erica Andersen, 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 13, 2019, by the following vote:

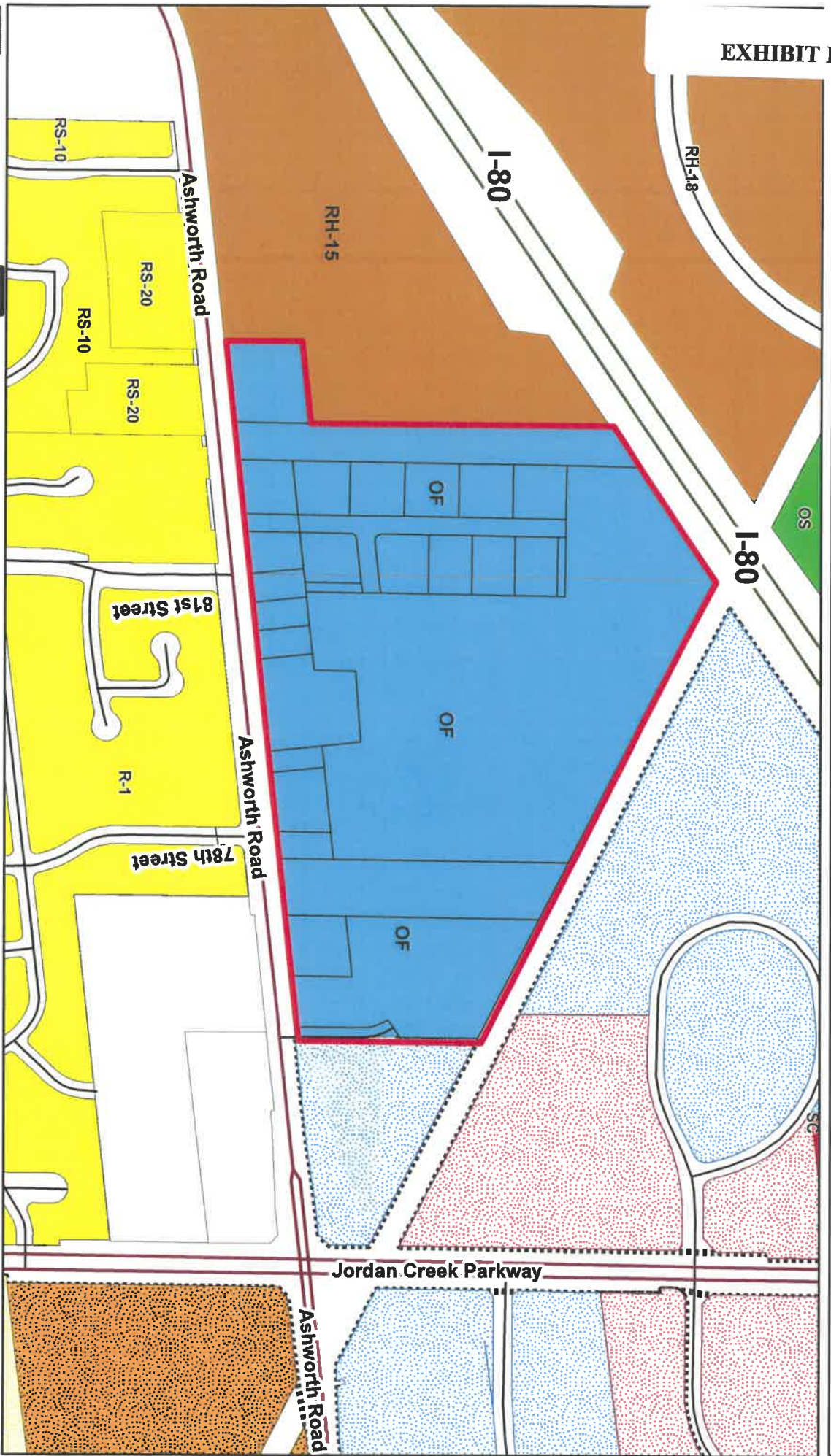
- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

Zoning Map - Proposed

EXHIBIT B



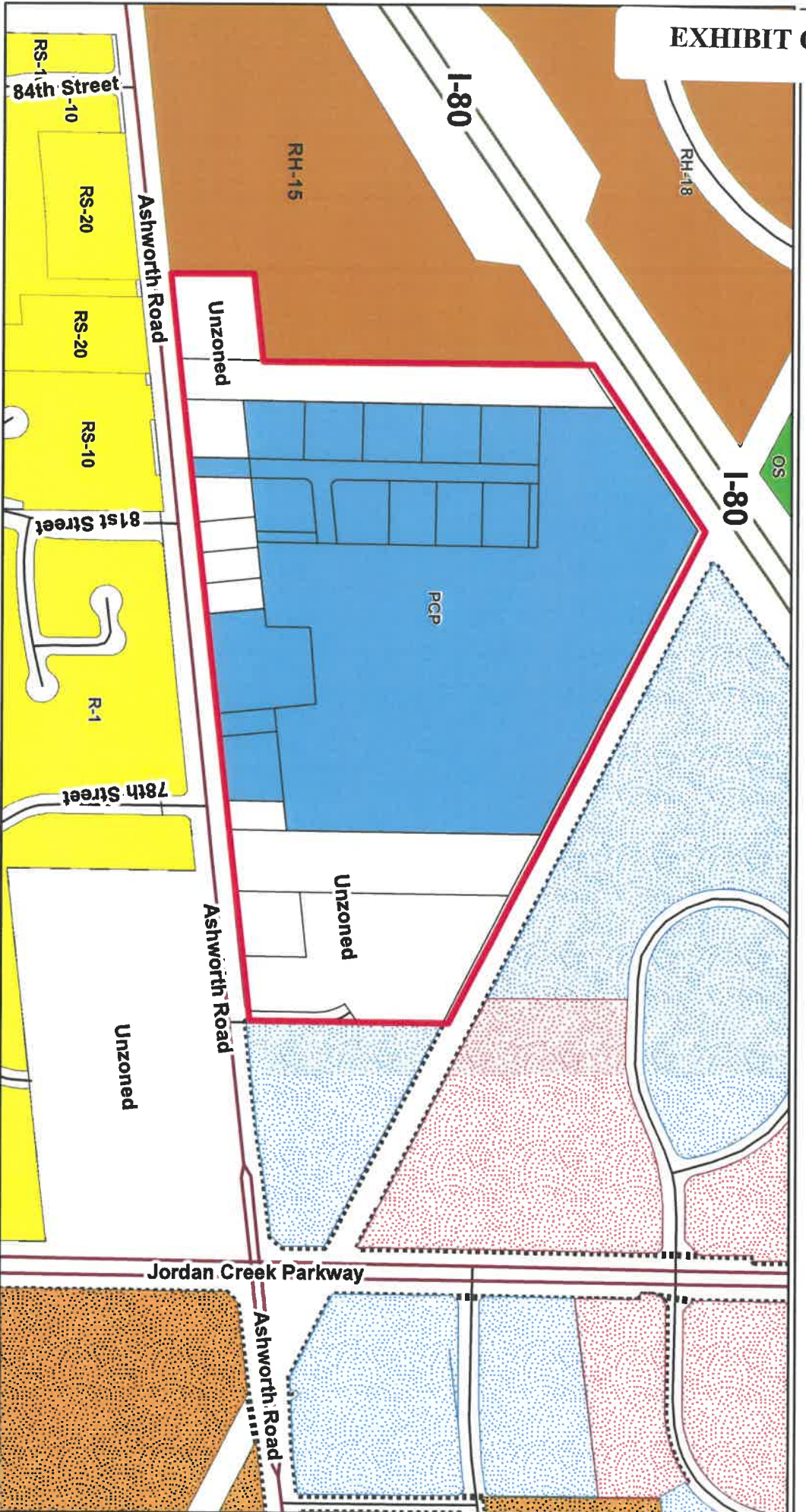
- Unzoned
- Parcels Subject to Request
- Unzoned
- Office (OF)
- Open Space/Agricultural (OS)
- PUD - Single Family Residential
- Residential Single-Family (RS)
- PUD - High Density Residential
- Single-Family Residential (R-1)
- PUD - Business and Commercial
- Residential High-Density (RH)
- PUD - Office

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Zoning Map - Adopted



- Open Space/Agricultural (OS)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Residential High-Density (RH)
- Professional Commerce Park (PCP)
- PUD - Medium Density Residential
- PUD - High Density Residential
- PUD - Business and Commercial
- PUD - Office
- Unzoned
- Parcels Subject to Request

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