


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

Meeting Date: May 28, 2019

Item: Comprehensive Plan Amendment and Zone Change, Southwest Corner of SE Pine Avenue and SE Soteria Avenue – Change the Comprehensive Plan land Use Map and Zoning Map from no land use designation and no zoning designation to Light Industrial designations – Todd Rueter – CPA-004313-2019/ZC-004314-2019

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

Case Advisor: Kara V. Tragesser, AICP 

Applicant's Request: Todd Rueter, with the cooperation of the City of West Des Moines, is seeking approval of an amendment to the Comprehensive Plan Land Use Map to change the land use designation of the property located at southwest corner of SE Pine Avenue and SE Soteria Avenue from no designation to Light Industrial and to amend the zoning map designation for this property from no zoning designation to Light Industrial (see Attachment C - Location Map/Rezoning Sketch) to accommodate light industrial development.

History: This parcel was created as a remnant parcel after the construction of Iowa Highway 5. The Iowa Department of Transportation sold the parcel through auction to Mr. Rueter.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee at their May 20, 2019, meeting. 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:

- *Access to a Street:* The property currently has no frontage along a street, public or private that would allow access. Therefore, the lot is unbuildable until the applicant can gain ownership to the intervening property to the east to allow two points of access to the property.

Comprehensive Plan Consistency: The proposed amendments have 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 for property in the southwest corner of SE Pine Avenue and SE Soteria Avenue from no designation to Light Industrial designation and adopt a resolution recommending the City Council approve the amendment to the Zoning Map to change the designation of the property from no zoning designation to Light Industrial designation, subject to the applicant meeting all City Code requirements

Noticing Information: On May 21, 2019, notice for the May 28, 2019, Plan and Zoning Commission and the May 28, 2019, 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 May 17, 2019.

Property Owner/Applicant: Todd Rueter
PO Box 227
Grand Junction IA 50107

Property Owner City of West Des Moines
PO Box 65320
West Des Moines IA 50265-0320

Attachments:

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

RESOLUTION NO. PZC- 19- 046

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-004313-2019) FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SE PINE AVENUE AND SE SOTERIA AVENUE FROM NO DESIGNATION TO LIGHT INDUSTRIAL DESIGNATION

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, Todd Rueter, in cooperation with the City of West Des Moines, has requested approval of a Comprehensive Plan Land Use Map Amendment for that property legally described below and illustrated on Exhibit B;

Legal Description

ALL OF PARCEL 'C' OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 13830, PAGE 263 AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER ALL BEING IN SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 34; THENCE SOUTH 00°10'05" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 239.45 FEET TO THE NORTHERLY CORNER OF SAID PARCEL 'C' AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°10'05" EAST ALONG THE EAST LINE OF SAID PARCEL 'C', 14.47 FEET; THENCE NORTH 58°16'57" EAST, 116.45 FEET; THENCE NORTH 27°25'25" EAST, 105.50 FEET; THENCE NORTH 78°21'59" EAST, 31.72 FEET TO THE WEST LINE OF WILLOW CREEK PLAT 1, AN OFFICIAL PLAT; THENCE SOUTH 00°00'08" WEST ALONG SAID WEST LINE, 235.47 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID WEST LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 1908.46 FEET, WHOSE ARC LENGTH IS 425.16 FEET AND WHOSE CHORD BEARS SOUTH 06°22'48" EAST, 424.28 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID WEST LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 1077.10 FEET, WHOSE ARC LENGTH IS 610.05 FEET AND WHOSE CHORD BEARS SOUTH 03°27'49" WEST, 601.93 FEET; THENCE NORTH 50°29'30" WEST, 242.01 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL 'C'; THENCE NORTH 41°59'54" WEST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 'C', 663.77 FEET TO THE WESTERLY CORNER OF SAID PARCEL 'C'; THENCE NORTH 43°34'17" EAST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 'C', 640.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.24 ACRES (446,217 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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 28, 2109, this Commission held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-004313-2019).

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 from no designation to Light Industrial for property legally described above is recommended to the City Council for approval.

PASSED AND ADOPTED on May 28, 2019.

Erica Andersen, Chair
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 28, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

REZONING MAP

(5 - S. 8TH STREET

WEST DES MOINES, IOWA



ENGINEER: CIVIL DESIGN ADVANTAGE
 PHONE: (515) 369-4400 FAX: (515) 369-4410
 3405 S.E. CROSSROADS DRIVE, SUITE C
 GRIMES, IOWA 50111

REVISED: 10/20/11
 DATE: 10/20/11
 FIRST SUBMITTAL: 10/20/11

11/13/11 10:00 AM
 DATE PLOTTED: 11/13/11 10:00 AM
 USER: J. W. HENDRICKSON
 JOB: 1111111111111111

SCALE
 0' 50' 100' 200'



EXISTING: UNZONED
 PROPOSED: I - LIGHT INDUSTRIAL

ZONING

ENGINEER / SURVEYOR

CITY OF WEST DES MOINES
 WEST DES MOINES, IOWA 52805-0100

OWNER

GRAND JUNCTION, IOWA 50101

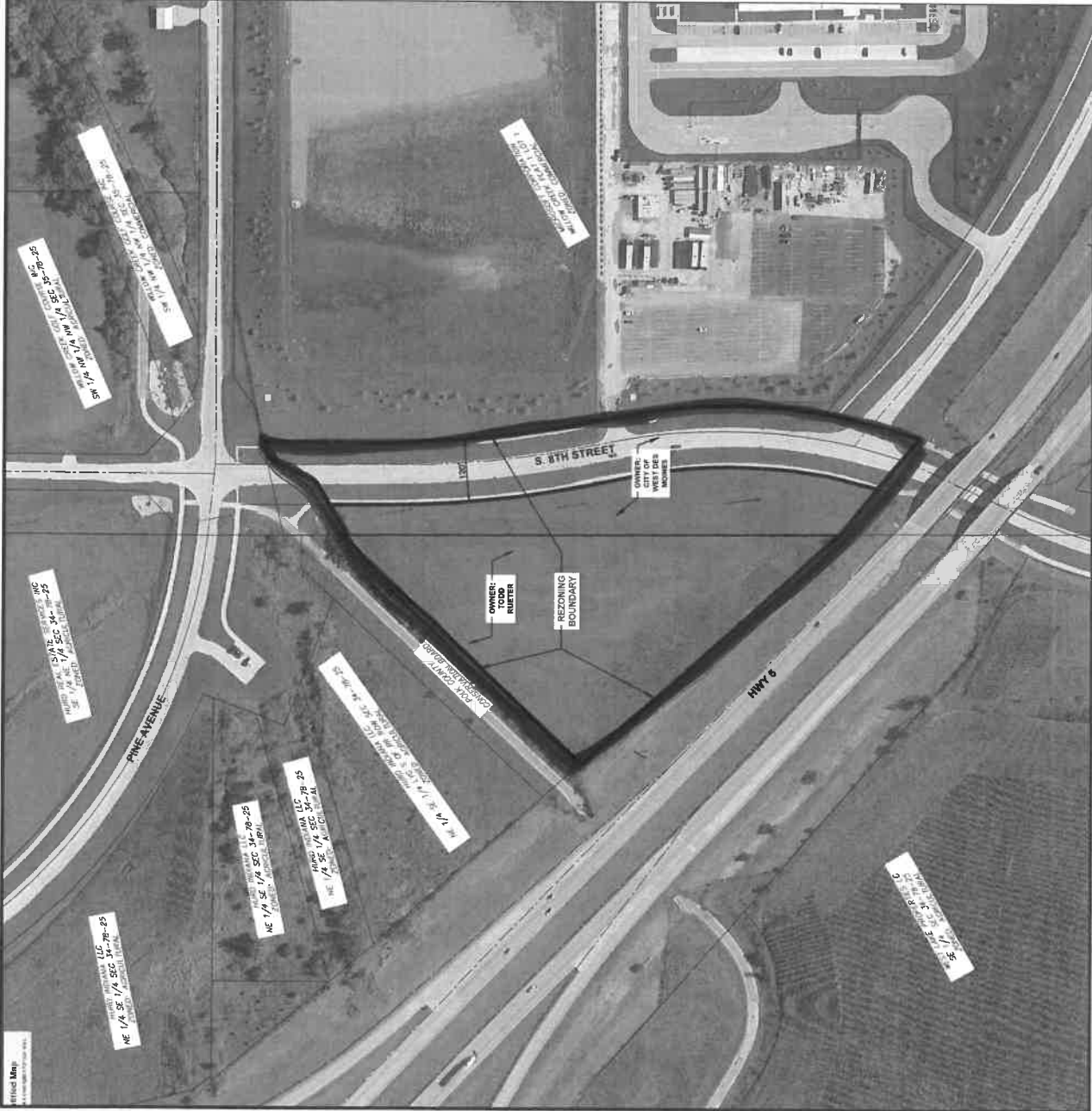
WEST DES MOINES, IOWA



VICINITY MAP
 NOT TO SCALE

REZONING DESCRIPTION

ALL OF PARCEL 'C' OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN AS SHOWN ON THE PLAN OF SURVEY RECORDED IN BOOK 385D, PAGE 263 AND A PART OF THE QUARTER OF THE SOUTHWEST QUARTER ALL BEING IN SECTION 30, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, IOWA, COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 34, BEGINNING AT THE SOUTHERLY CORNER OF SAID PARCEL 'C' AND THE POINT OF BEGINNING, THENCE SOUTH 00°10'00" EAST ALONG THE EAST LINE OF SAID PARCEL 'C', 14.47 FEET; THENCE SOUTH 82°21'59" EAST, 317.22 FEET TO THE WEST LINE OF SAID PARCEL 'C'; AN OFFICIAL PLAT, THENCE SOUTH 00°07'00" WEST ALONG SAID WEST LINE, 235.47 FEET; THENCE SOUTHERLY, CONTINUING ALONG SAID WEST LINE AND A CURVE CONCAVE EASTERLY BEARS SOUTH 08°22'48" EAST, 424.28 FEET, THENCE SOUTHERLY CONTINUING ALONG SAID WEST LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 1077.10 FEET, WHOSE ARC BEARS NORTH 50°25'30" WEST ALONG THE WEST LINE OF SAID PARCEL 'C', THENCE NORTH 41°59'54" WEST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 'C', 683.77 FEET TO THE WESTERLY CORNER OF SAID PARCEL 'C'; THENCE NORTH 43°34'17" EAST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 'C', 646.29 FEET TO THE POINT OF BEGINNING, 277.90 MIK (FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL ENCUMBRANCES OF RECORD.



PLAN AND ZONING COMMISSION RESOLUTION #PZC -19-047

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-004314-2019) FOR THE PURPOSE OF AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SE PINE AVENUE AND SE SOTERIA AVENUE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Todd Rueter, in cooperation with the City of West Des Moines, has requested approval to change the zoning designation of property legally described below from no zoning to Light Industrial and as illustrated on Exhibit B:

Legal Description

ALL OF PARCEL 'C' OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 13830, PAGE 263 AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER ALL BEING IN SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 34; THENCE SOUTH 00°10'05" EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 239.45 FEET TO THE NORTHERLY CORNER OF SAID PARCEL 'C' AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°10'05" EAST ALONG THE EAST LINE OF SAID PARCEL 'C', 14.47 FEET; THENCE NORTH 58°16'57" EAST, 116.45 FEET; THENCE NORTH 27°25'25" EAST, 105.50 FEET; THENCE NORTH 78°21'59" EAST, 31.72 FEET TO THE WEST LINE OF WILLOW CREEK PLAT 1, AN OFFICIAL PLAT; THENCE SOUTH 00°00'08" WEST ALONG SAID WEST LINE, 235.47 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID WEST LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 1908.46 FEET, WHOSE ARC LENGTH IS 425.16 FEET AND WHOSE CHORD BEARS SOUTH 06°22'48" EAST, 424.28 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID WEST LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 1077.10 FEET, WHOSE ARC LENGTH IS 610.05 FEET AND WHOSE CHORD BEARS SOUTH 03°27'49" WEST, 601.93 FEET; THENCE NORTH 50°29'30" WEST, 242.01 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL 'C'; THENCE NORTH 41°59'54" WEST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 'C', 663.77 FEET TO THE WESTERLY CORNER OF SAID PARCEL 'C'; THENCE NORTH 43°34'17" EAST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 'C', 640.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.24 ACRES (446,217 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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 May 28, 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 28, 2019, or as amended orally at the Plan and Zoning Commission hearing of May 28, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004314-2019) to amend the zoning map, subject to compliance with all the conditions in the staff report, dated May 28, 2019, 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 May 28, 2019.

Erica Andersen, Chair
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 28, 2019, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

None.

VICINITY MAP
 NOT TO SCALE



WEST DES MOINES, IOWA

OWNER
 TODD RUETER
 1000 WEST 12TH STREET
 GRAND JUNCTION, IOWA 50107

OWNER
 WEST DES MOINES, IOWA 50265-0320

ENGINEER / SURVEYOR
 CIVIL DESIGN ADVANTAGE LLC
 3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PH: 515-399-4400

ZONING
 U-1 LIGHT INDUSTRIAL

REZONING DESCRIPTION

ALL OF PARCEL 'C' OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST, SOUTHWEST QUARTER ALL BEING IN SECTION 30, TOWNSHIP 78 NORTH, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 34; THENCE SOUTH 00.0005' EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 238.45 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00.0103' WEST ALONG THE EAST LINE OF SAID SECTION 34, 116.49 FEET; THENCE NORTH 58.18297' EAST, 116.49 FEET; THENCE NORTH 27.25295' EAST, 109.50 FEET; THENCE NORTH 78.21297' EAST, 51.72 FEET TO THE WEST LINE OF WILLOW CREEK PLAT 1, BEING THE WEST LINE OF SAID SECTION 34; THENCE WEST ALONG SAID WEST LINE, 238.47 FEET; THENCE SOUTHERLY CURVING ALONG SAID WEST LINE, WHOSE ARC LENGTH IS 425.16 FEET AND WHOSE CHORD WEST 88.0000' SOUTH 00.0103' WEST, 88.00 FEET; THENCE SOUTHERLY CURVING ALONG SAID WEST LINE, WHOSE ARC LENGTH IS 425.28 FEET; THENCE SOUTHERLY CURVING ALONG SAID WEST LINE, WHOSE ARC LENGTH IS 610.05 FEET AND WHOSE CHORD BEARS SOUTH 03.2740' WEST, 601.93 FEET; THENCE NORTH 50.2920' WEST, 242.01 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 'C'; THENCE NORTH 41.58254' WEST ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 'C', 116.49 FEET TO THE POINT OF BEGINNING; THENCE NORTH 43.24177' EAST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 'C', 146.217 SQUARE FEET, THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

