NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 17, 2019

ITEM: Zone Change, Southwest Corner of SE Pine Avenue and SE Soteria Avenue – Change the Zoning Map from no zoning designation to Light Industrial designation – Todd Rueter – ZC-004314-2019

ORDINANCE: Approval of Second Reading, Waive Third Reading, and Adopt in Final Form to Change Zoning from No Designation to Light Industrial

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Todd Rueter, with the cooperation of the City of West Des Moines, is seeking approval of an amendment to 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.

Previous Council Action:
Vote: 5-0 approval
Date: June 3, 2019
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	May 21, 2019	
Letter sent to surrounding property owners		May 17, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	May 20, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENT:
Exhibit I – ORDINANCE
Attachment A – Location Map/Rezoning Sketch

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, 2019, 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 the southwest corner of SE Pine Avenue and SE Soteria Avenue and legally described below from unzoned to Light Industrial (also see Attachment A – Location Map/Rezoning Sketch):

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.

SECTION 2. **REPEALER**. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

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 _____, 2019

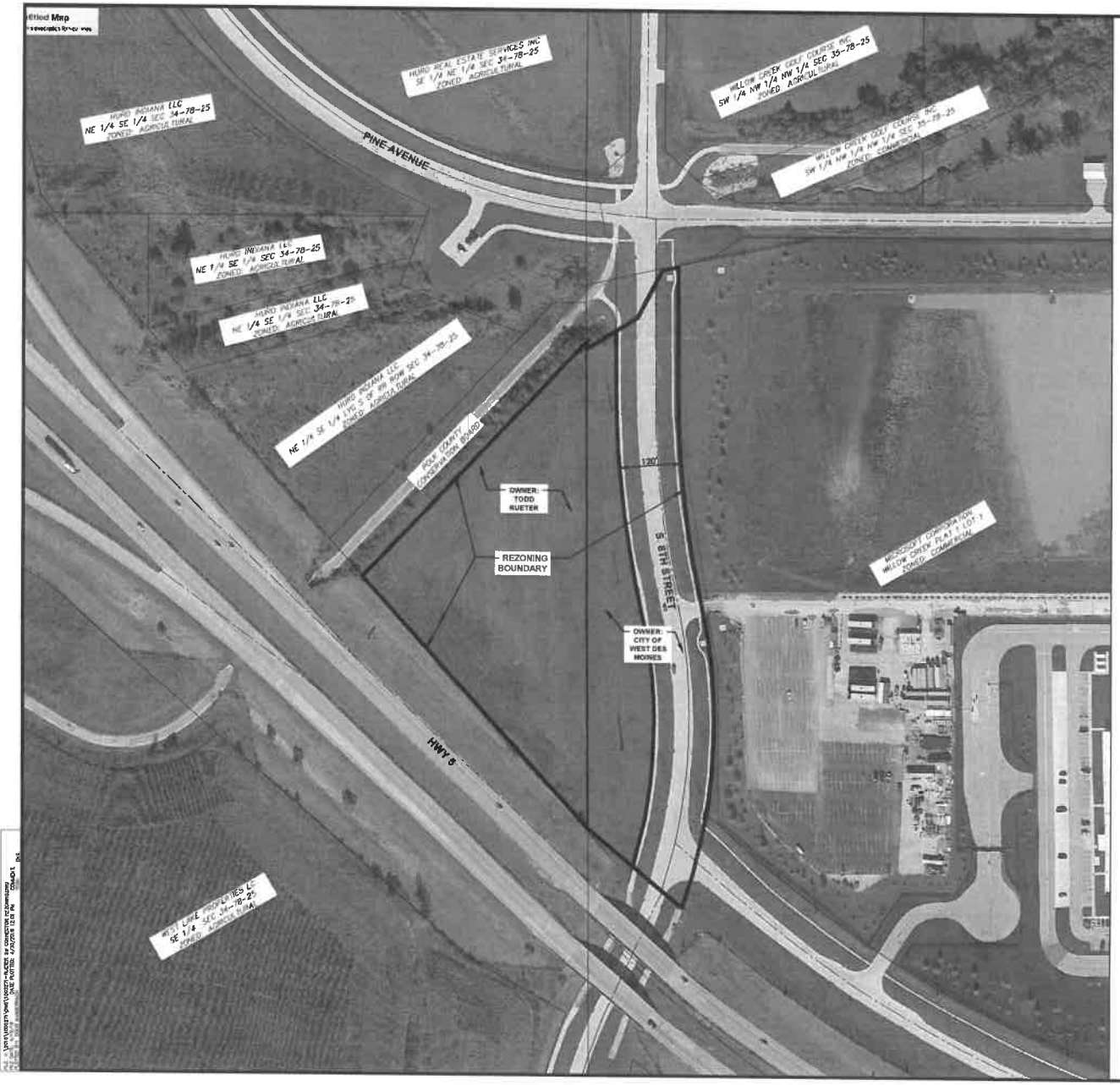
_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

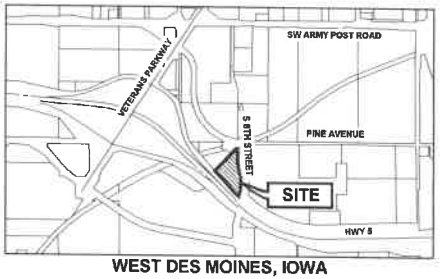
I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____
_____, 2018.

_____
Ryan T. Jacobson
City Clerk



VICINITY MAP

NOT TO SCALE



WEST DES MOINES, IOWA

OWNER

TODD RUETER
POB 227
GRAND JUNCTION, IOWA 50107

OWNER

CITY OF WEST DES MOINES
POB 65320
WEST DES MOINES, IOWA 50265-0320

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE, LLC
3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: 515-369-4400

ZONING

EXISTING: UNZONED
PROPOSED: L1 – LIGHT INDUSTRIAL

REZONING 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:

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DATE	REVISIONS
	FIRST SUBMITTAL

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
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CIVIL DESIGN ADVANTAGE
ENGINEER: TECH:

Y5 - S. 8TH STREET
REZONING MAP
WEST DES MOINES, IOWA

ATTACHMENT A