CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: December 2, 2019

ITEM: Comprehensive Plan Amendment and Zone Change, 1913 Grand Avenue – Change the Comprehensive Plan Land Use Map from Single Family Residential to Office land use designation and change the zoning designation from Residential Single Family (R-1) to Office (OF) – Mark Shrum - CPA-004526-2019/ZC-004527-2019
(Continued from November 18, 2019)

RESOLUTION: Approval of Comprehensive Plan Land Use Amendment
ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Mark Shrum, the property owner, is seeking approval of an amendment to the Comprehensive Plan Land Use Map to change the land use designation of the property located at 1913 Grand Avenue from Single Family Residential to Office (see Exhibit I, Plan and Zoning Communication, Attachment A, Exhibit A – Land Use Sketch) and to amend the zoning map designation for this property from Residential Single Family (R-1) to Office (OF) (see Exhibit I Plan and Zoning Commission, Attachment B, Exhibit B - Zoning Sketch) to enable the property to be used as an office.

Plan and Zoning Commission Action:
Vote: 6-0 approval, with Commissioner Southworth absent
Date: November 25, 2019
Motion: Adopt a resolution recommending the City Council approved the amendment to the Comprehensive Plan Land Use Map and zone change.

Plan and Zoning Commission Discussion: Commissioner Erickson questioned whether plans included anything about protecting the context along the Grand Avenue corridor with the uses that exist today. Planner Tragesser answered that the current update of the Comprehensive Plan has not yet addressed that question in the update process; however, the Comprehensive Plan adopted in 2010 did discuss the situation and proposed policies to protect the Grand Avenue context between 4th Street to about this area, avoiding the creep of commercial uses along the corridor. This property is closer to a non-residential area with the Community Commercial directly to the south and is a good buffer between the commercial uses to the south and the single family uses to the north.

OUTSTANDING ISSUES: There are no outstanding issues.

The following items of interest are noted in the Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee - *Development & Planning: November 4, 2019*
- Staff Review and Comment
  - *Rezoning to Office*
  - *Fence in Lieu of Buffer*
- Comprehensive Plan Consistency
- Staff Recommendations and Conditions of Approval
- Noticing Information

RECOMMENDATION – COMPREHENSIVE PLAN LAND USE AMENDMENT: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council adopt a resolution to approve the land use amendment for the property from Single Family Residential to Office.

RECOMMENDATION – REZONING REQUEST: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Rezoning Request to change the zoning of the property from Residential Single Family (R-1) to Office (OF), subject to the applicant meeting all City Code requirements, and the following condition:

1. That the City Council approve the use of fences in lieu of 30 foot buffers along the north property line and the west property line.

Lead Planner: Kara Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	November 1, 2019	
Letter sent to surrounding property owners	October 29, 2019	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 4, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan and Zoning Commission Resolution – Land Use Designation
  - Exhibit A - Land Use Sketch
- Attachment B - Plan and Zoning Commission Resolution – Rezoning
  - Exhibit A - Conditions of Approval
  - Exhibit B – Zoning Sketch

Exhibit II - City Council Resolution for Comprehensive Plan Land Use Map Amendment
Exhibit II - Proposed Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: November 25, 2019

Item: Comprehensive Plan Amendment and Zone Change, 1913 Grand Avenue – Change the Comprehensive Plan Land Use Map from Single Family Residential to Office land use designation and change the zoning designation from Residential Single Family (R-1) to Office (OF) – Mark Shrum – CPA-004526-2019/ZC-004527-2019 (Continued from November 11, 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: Mark Shrum is seeking approval of an amendment to the Comprehensive Plan Land Use Map to change the land use designation of the property located at 1913 Grand Avenue from Single Family Residential to Office (see Attachment A, Exhibit A – Land Use Sketch) and to amend the zoning map designation for this property from Residential Single Family (R-1) to Office (see Attachment B, Exhibit B - Zoning Sketch) to enable the property to be used as an office.

History: On November 8, 1995, the City Council approved a land use amendment to change the land use designation to Office for this property and the three properties to the north. The applicant at the time requested the change so that he could use one of the dwellings for his use as an office. During the Consistency Rezoning in 1998, the property was officially zoned to Office from Single Family Residential (R-3). Until recently, the house at 1913 Grand was used as a rental residential dwelling. In 2012, the City Council approved amendments to the land use map and the zoning map to change the designation of this property and the three properties to the north from Office to Single Family Residential in order to be able to rent the previous office noted above, as well as the other properties he owned along Grand (CPA-2012-003/ZC-2012-003) It recently sold to the Shrum's who wish to use it for an office. The other properties to the north are proposed to remain single family residential.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee at their November 4, 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:

- *Rezoning to Office:* Staff can support this zone change due to the Community Commercial to the South. Planning practice has been to use Office to buffer single family from commercial uses. The lot size is 18,330 sq. ft. which exceeds the minimum lot size requirement of 10,000 sq. ft. for office zoning. The character of the area with the existing residential is compatible with the existing building as a residential building style. No changes are proposed for the building, except to add an accessible ramp.
- *Fence in Lieu of Buffer*: The City Code provides that a residential use be buffered from office and commercial uses. That would mean that either a 30 foot buffer area with landscape would be required on the north and west property line of the site. By measurement, the 30 feet of buffer would overlap the drive and the house as they exist. The code provides the opportunity for the City Council to approve a fence in lieu of a buffer in these locations. Staff supports allowing a fence in lieu of a buffer as the existing site is not proposed to be changed and the impact to the adjacent property is minimal with such a small office. A condition of approval has been added to recommend to the City Council that the fence in lieu of these two buffers be approved.

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 at 1913 Grand from Single Family Residential to Office designation and adopt a resolution recommending the City Council approve the amendment to the Zoning Map to change the designation of the properties from Residential Single Family (R-1) to Office (OF) zoning district, subject to the applicant meeting all City Code requirements

Noticing Information: On November 1, 2019, notice for the November 11, 2019, Plan and Zoning Commission and the November 18, 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 October 29, 2019.

Property Owner: Mark ad Marcy Shrum
5020 Cherrywood Drive
West Des Moines IA 5265

Applicant: Same as Property Owner

Attachments:

Attachment A - Plan and Zoning Commission Resolution – Land Use Designation
Exhibit A- Land Use Sketch
Attachment B - Plan and Zoning Commission Resolution – Rezoning
Exhibit A - Conditions of Approval
Exhibit B – - Zoning Sketch

ATTACHMENT A

RESOLUTION NO. PZC 19-075

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-004526-2019) FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PROPERTY AT 1913 GRAND AVENUE FROM SINGLE FAMILY RESIDENTIAL TO OFFICE LAND USE DESIGNATION

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Mark Shrum has requested approval of a Comprehensive Plan Land Use Map Amendment for that property legally described below and illustrated on Exhibit A;

Legal Description

Lot 4 Block 3 Ridgway 2nd Subdivision, West Des Moines, Polk County, Iowa

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 November 25, 2019, this Commission held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-004526-2019).

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 Single Family Residential to Office for property legally described above is recommended to the City Council for approval.

PASSED AND ADOPTED on November 25, 2019.

Erica Andersen, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

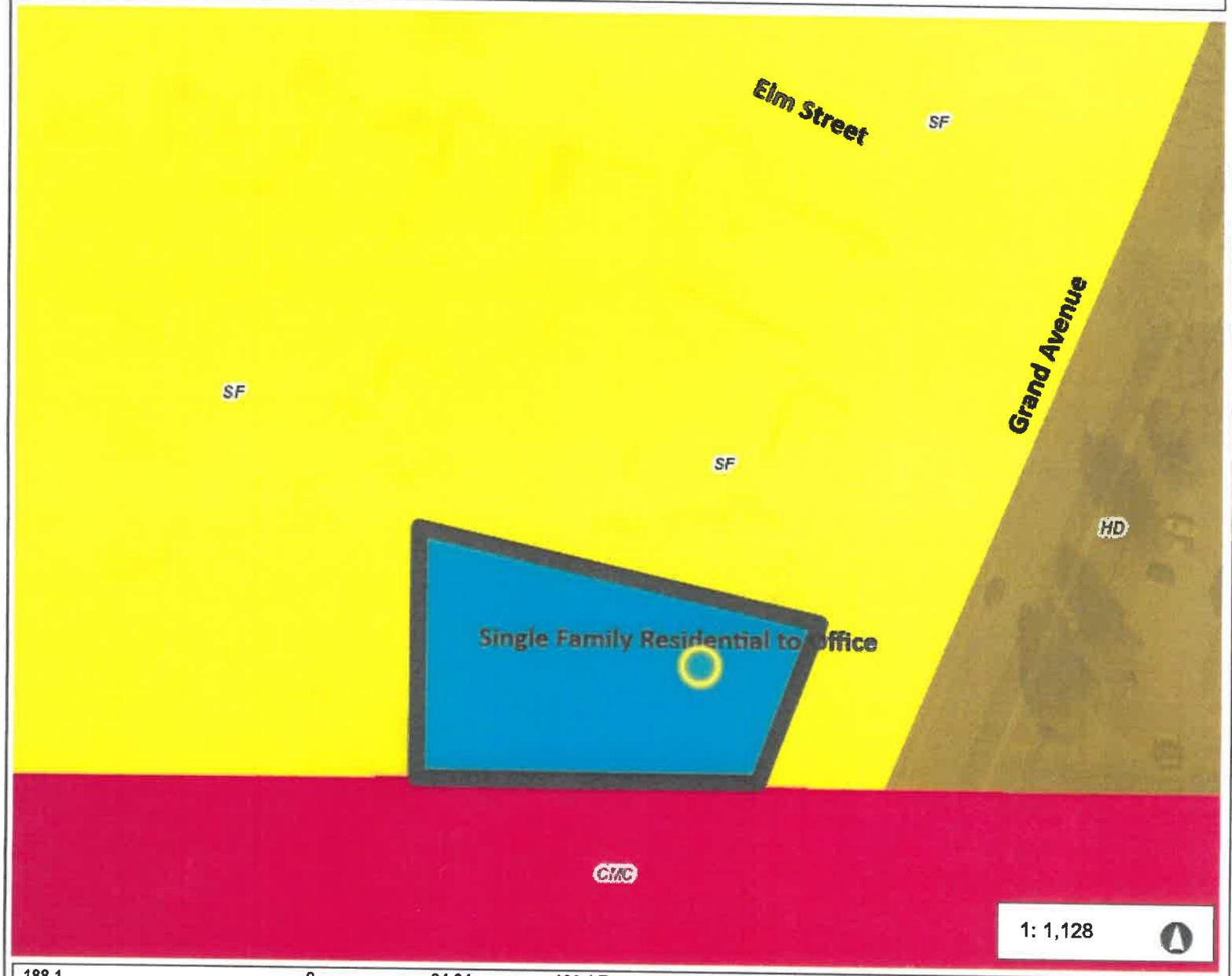
I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on November 25, 2019, by the following vote:

AYES: Andersen, Costa, Crowley, drake, Erickson, Hatfield
NAYS:
ABSTENTIONS:
ABSENT: Southworth

ATTEST:

Recording Secretary

1913 Grand Avenue Land Use Change



Legend

Comprehensive Plan Land Use

- OS: Open Space
- PG: Parks & Greenways
- LD: Low Density Residential
- SF: Single Family Residential
- MD: Medium Density Residential
- HD: High Density Residential
- MF: Manufactured Homes
- MU: Mixed Use
- RC: Regional Commercial
- TCC: Town Center Commercial
- CMC: Community Commercial
- SO: Support Office
- NC: Neighborhood Commercial
- SC: Support Commercial
- HC: Highway Commercial
- CVC: Convenience Commercial
- VJ SC: Valley Junction Commercial
- HBC: Historic Business
- OF: Office
- GI: General Industrial
- LI: Light Industrial
- BP: Business Park
- WR: Warehouse/Retail

Corporate Limits

Parcels

1: 1,128

188.1 0 94.04 188.1 Feet

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© City of West Des Moines, Iowa

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

EXHIBIT A

ATTACHMENT B

PLAN AND ZONING COMMISSION RESOLUTION #PZC 19-076

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-004527-2019) FOR THE PURPOSE OF AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF PROPERTY AT 1913 GRAND AVENUE

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

Legal Description

Lot 4 Block 3 Ridgway 2nd Subdivision, West Des Moines, Polk County, Iowa; and

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 November 25, 2019, this Commission held a duly-noticed hearing to consider the application for a Rezoning Request; and

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 November 25, 2019, or as amended orally at the Plan and Zoning Commission hearing of November 25, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004527-2019) to amend the zoning map, subject to compliance with all the conditions in the staff report, dated November 25, 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 November 25, 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 November 25, 2019, by the following vote:

AYES: Andersen, Costa, Crowley, Drake, Erickson, Hatfield
NAYS:
ABSTENTIONS:
ABSENT: Southworth

ATTEST:

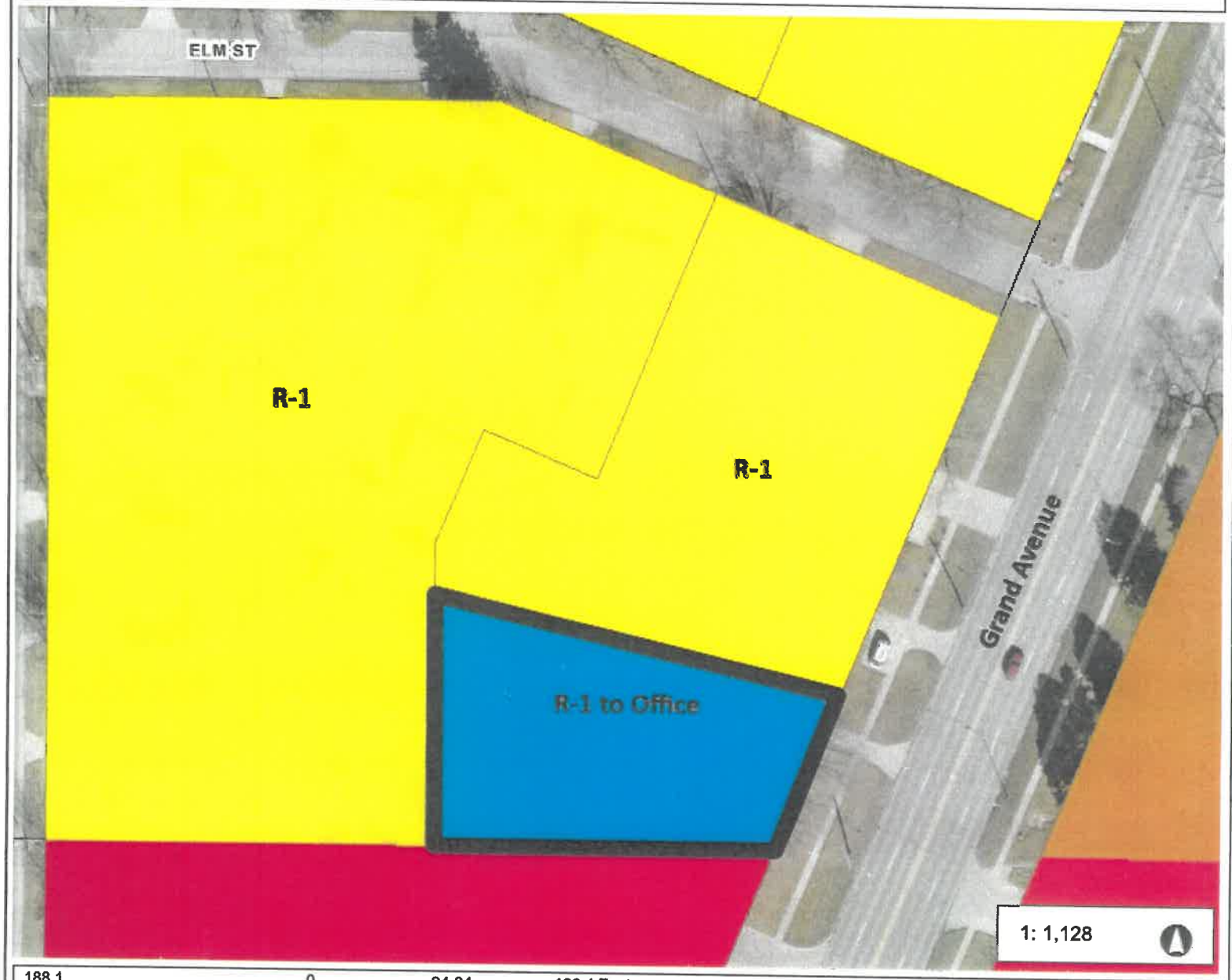
Recording Secretary

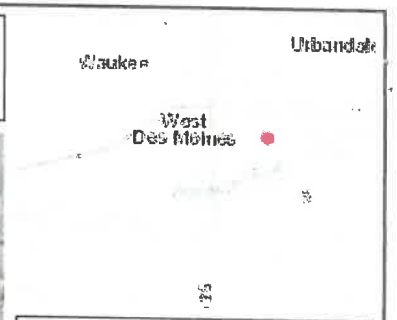
https://wdmiowa.sharepoint.com/sites/ds/CommDev Documents/___Development Projects/1913 Grand Avenue/Zone Change/CPA-004526-2019_ZC-004527-2019_SR_1913 Grand Avenue_PZ_11-25-2019.docx

Exhibit A
Conditions of Approval

1. That the City Council approve fences in lieu of 30 feet buffers along the north and west property lines.

1913 Zone Change





Legend

- Overlay District
- Zoning Conditional Zones
- Zoning PUD Boundaries

Zoning

- Unzoned
- Open Space/Agricultural (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Resider
- Single-Family - Valley Junction Res
- Manufactured Housing (MH)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (\
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce Park (PCP
- Warehouse Retail (WR)
- Business Park (BP)
- Vallley Junction Light Industrial (
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space
- PUD - Single Family Residential
- PUD - Medium Density Resident

188.1 0 94.04 188.1 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

EXHIBIT B

Prepared by: KTragesser, 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

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING THE COMPREHENSIVE PLAN AMENDMENT (CPA-004526-2019) TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION FROM SINGLE FAMILY RESIDENTIAL TO OFFICE FOR THE PROPERTY LOCATED AT 1913 GRAND AVENUE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Mark Shrum, has requested approval for a Comprehensive Plan Amendment to change the land use designation from Single Family Residential to Office for the property located at 1913 Grand Avenue and legally described as: and

Legal Description

Lot 4 Block 3 Ridgway 2nd Subdivision, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa; and

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 November 25, 2019, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment; and

WHEREAS, on December 2, 2019, the City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report for the hearing or as amended orally at the City Council meeting are adopted.

SECTION 2. The amendment of the Comprehensive Plan Land Use Map as described above is hereby adopted.

PASSED AND ADOPTED on December 2, 2019.

_____
Steven K. Gaer
Mayor

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on December 2, 2019, by the following vote:

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT III

Prepared by: KTragesser, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

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, TO CHANGE THE ZONING OF PROPERTY AT 1913 GRAND FROM RESIDENTIAL SINGLE FAMILY TO OFFICE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT: Amend the Zoning Map of the City of West Des Moines, Iowa, to change the zoning of the following legally described property from Residential Single Family (R-1) to Office (OF)

Legal Description

Lot 4 Block 3 Ridgway 2nd Subdivision, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa

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 ____ _____, 2019.

_____
Ryan T. Jacobson, City Clerk