CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: May 3, 2021

ITEM: 130 S. 9th Street and City-Owned Parcels to the south of Lincoln Street between the 600 and 900 Block, City Initiated – Amend Comprehensive Plan Land Use Map and Amend the Zoning Map to establish Business Park land use and zoning on a portion of 130 9th Street and to establish Open Space land use and zoning on a city-owned property south of Lincoln Avenue – CPA-005135-2021/ZC-005120-2021

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

Background: The City of West Des Moines requests approval of a Comprehensive Plan Land Use Map Amendment and Rezoning Request to change the zoning of the western portion of property located at 130 S. 9th Street from General Industrial to Business Park. The Business Park zoning district is considered compatible to General Industrial Comprehensive Plan Land Use and therefore a change to the Comprehensive Plan Land Use designation is not necessary in this situation. Also, there are three parcels of City-owned property located south of Lincoln Street between the 600 block and the 900 block that are requested to change from General Industrial to Open Space. Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for the approximately 12 acres of property south of Lincoln Street between the 600 block and the 900 block to change from General Industrial (GI) to Open Space (OS) land use; and
- Amend the Zoning Map to designate Open Space (OS) for the approximately 12 acres of property south of Lincoln Street between the 600 block and the 900 block consistent with the proposed Comprehensive Plan Land Use designation.
- Amend the Zoning Map for property at 130 S. 9th Street to change from General Industrial (GI) to Business Park (BP) Zoning District on the west approximately 4.3 acres.

Staff Review & Comment:

- *Financial Impact:* Undetermined
- *Anticipated Development:* There is no anticipated development of any of the property at this time. The eastern portion of the property at 130 S. 9th Street is designated for Business Park while the western portion is designated as General Industrial. Staff believes this property might serve as a key connection from The Hall to the Valley Junction area north of Railroad Avenue. A future revisioning of the larger Valley Junction area is intended with preliminary thought that this property could serve for entertainment or other activities that will aid in attracting patrons to this area. After fielding calls for the locating of a vehicle tow business and storage yard on the property, Staff wanted to proactively remove the possibility of general industrial uses, possibly with undesirable outdoor components occurring on the property that would not be consistent with this vision. The Business Park district does not allow for outdoor storage aspects and generally consists of offices with a possible warehouse component. Staff discussed the city-initiated change

in land use and zoning with the City's Legal Department and they agreed that the City has the authority to make the change and it is not a 'taking'. If upon completion of the anticipated Valley Junction Revisioning it is determined that this property would not benefit the area and/or serve as a key connector, the property's land use and zoning can be changed back. Staff informed the owner of the 130 S. 9th Street property of the intended change.

There is no imminent development of the city-owned property south of Lincoln Street either; however, this land has been included in studies of the area for its recreation potential and inclusion in an Adventure Park. It is located on the "wet" side of the Lincoln Street levee within the flood plain and due to the levee, does not have access to a public street. With these constrains, the property would not be suitable for general industrial development. The surrounding property south of Lincoln Street already is zoned Open Space.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:
Date: April 26, 2021
Vote: 7-0 Approval
Recommendation: Recommend approval of Comprehensive Plan Land Use Map amendment and recommend approval of zoning ordinance amendment

City Council Comprehensive Plan Amendment:
Date:
Vote:

City Council Rezoning First Reading:
Date:
Vote:

Recommendation: Approve the Comprehensive Plan Land Use Map Amendment and Rezoning request, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser

Approval Meeting Dates:

Plan and Zoning Commission	April 26, 2021
City Council: First Reading	May 03, 2021
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews:

Plan & Zoning Commission	☒ Development Coordinator (or) ☒ Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☐ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	4/21/21
Date(s) of Mailed Notices	4/16/21

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	3/15/21
Recommendation	☒ Yes ☐ No ☐ Split

Location Map
130 S. 9th Street and
Property South of Lincoln Street

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-023

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the City of West Des Moines, requests approval for a Comprehensive Plan Land Use Map Amendment for property generally located south of Lincoln Street between the 600 block and 900 block as depicted on the Comprehensive Plan Land Use Map and Zoning Map Change Illustration included in the staff report to change the land use designation as follows:

- Change approximately 12 acres from General Industrial (GI) to Open Space (OS) land use; and

WHEREAS, the comprehensive plan amendment complies with the applicable provisions of Iowa Code Chapter 414 and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPA-005135-2021) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on April 26, 2021.

Jennifer Drake, Vice Chair
Plan and Zoning Commission

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 April 26, 2021, by the following vote:

AYES: Andersen, Conlin, Costa, Crowley, Davis, Drake, Hatfield
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST: Jennifer Canaday
Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-024

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the City of West Des Moines, requests approval for a Zoning Map Amendment for the west portion of the property at 130 S. 9th Street and for the property south of Lincoln Street between the 600 and 900 block as depicted on the Comprehensive Plan Land Use Map and Zoning Map Change Illustration included in the staff report to change the zoning designation as follows:

- Amend the Zoning Map to designate Business Park (BP) Zoning District on approximately 4.3 acres compatible with the Comprehensive Plan General Industrial Land Use designation, and
- Amend the Zoning Map to designate Open Space (OS) Zoning District on approximately 12 acres consistent with the Comprehensive Plan Land Use designation, and

WHEREAS, the Rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request, (ZC-005120-2021) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on April 26, 2021.

Jennifer Drake, Vice Chair
Plan and Zoning Commission

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 April 26, 2021, by the following vote:

AYES: Andersen, Conlin, Costa, Crowley, Davis, Drake, Hatfield

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST: Jennifer Canaday
Recording Secretary

Prepared by: Kara Tragesser, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING A COMPREHENSIVE PLAN LAND USE AMENDMENT TO ESTABLISH OPEN SPACE LAND USE

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the City of West Des Moines, requests approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation from General Industrial (GI) to Open Space (OS) on the ground legally described in attached Exhibit 'B' and as indicated on the attached Comprehensive Plan Land Use Map and Zoning Change Illustration; 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, the Comprehensive Plan Land Use Map Amendment complies with applicable provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on April 26, 2021, the Plan and Zoning Commission did recommend to the City Council, by a 7-0 vote, approval of the Comprehensive Plan Land Use Map Amendment; and

WHEREAS, on this day this City Council held a duly noticed Public Hearing to consider the application for Comprehensive Plan Land Use Map Amendment.

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Land Use Map Amendment (CPA-005135-2021) as shown on attached Comprehensive Plan Land Use Map and Zoning Change Illustration, subject to compliance with all the conditions in the staff report, dated May 3, 2021 including conditions added at the meeting, and attached hereto as Exhibit" A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 3, 2021.

Steven K. Gaer, Mayor

ATTEST:

_____

Ryan Jacobson, City Clerk

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 May 3, 2021, by the indicated vote.

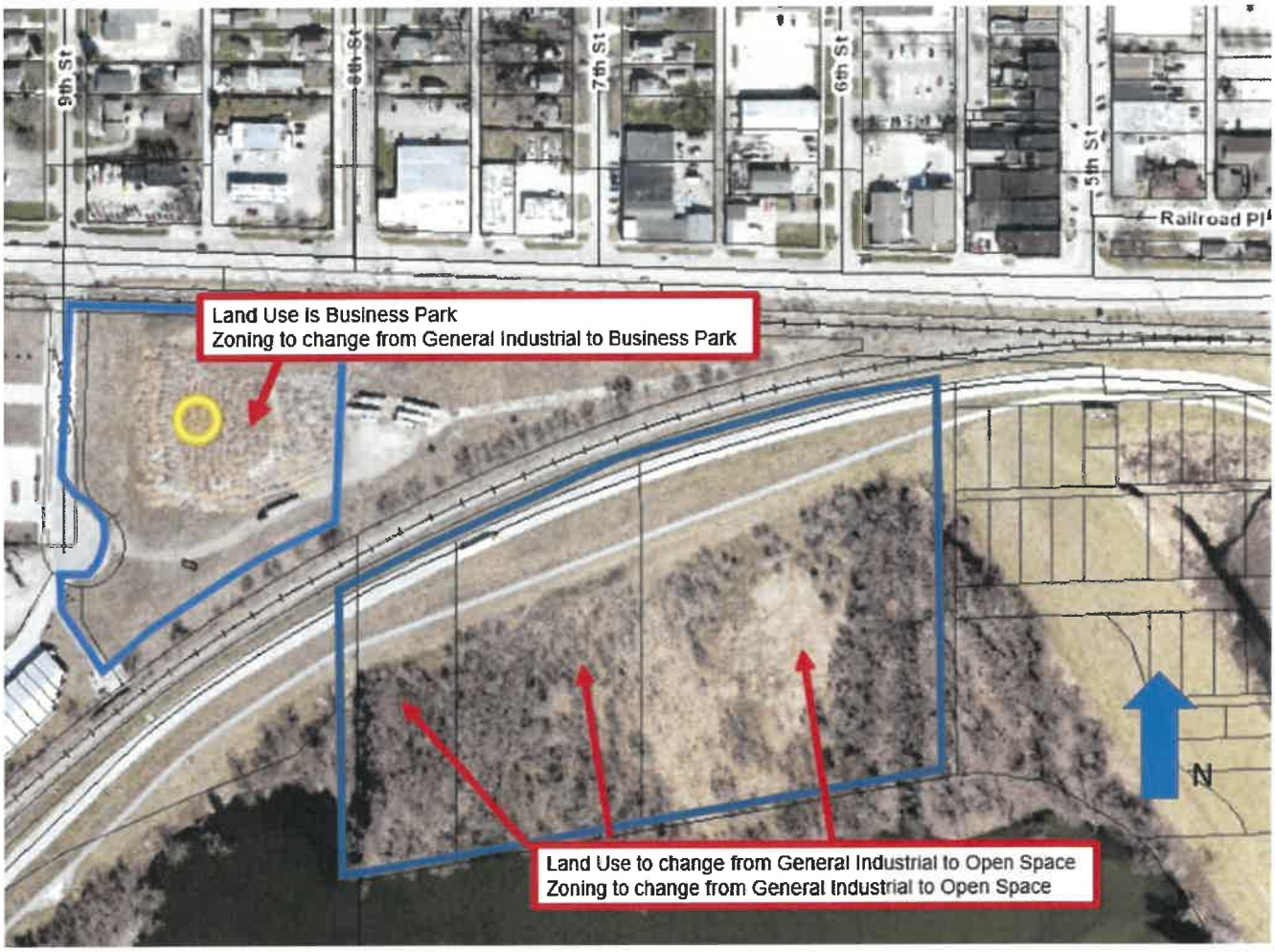
Exhibit A: Conditions of Approval

None

Exhibit B: Legal Description

LOTS 1, 2 and 3, RACCOON RIVER GARDENS, AN OFFICIAL PLAT,
IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA

Comprehensive Plan Land Use Map and Zoning Map Change Illustration



Prepared by: Kara Tragesser, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 9, ZONING, CHAPTER 4, ZONING DISTRICTS AND MAPS

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 designating 4.3 acres as Business Park (BP) Zoning District compatible with the adopted Comprehensive Plan General Industrial Land Use on that property legally described as follows and shown on the attached Comprehensive Plan Land Use Map and Zoning Map Change Illustration:

Legal Description (Business Park)

The West 420 feet of Lot 4 Goodman Industrial Park, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa

Section 2. AMENDMENT. The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by designating 12 acres as Open Space consistent with the adopted Comprehensive Plan Land Use Map, as amended, on that property legally described as follows and shown on the attached Comprehensive Plan Land Use Map and Zoning Map Change Illustration:

Legal Description (Open Space)

Lots 1, 2 and 3, Raccoon River Gardens, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa

Section 3. REPEALER. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. 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 of the City Code of the City of West Des Moines, Iowa.

Section 6. OTHER REMEDIES. In addition to the provisions set out in 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.

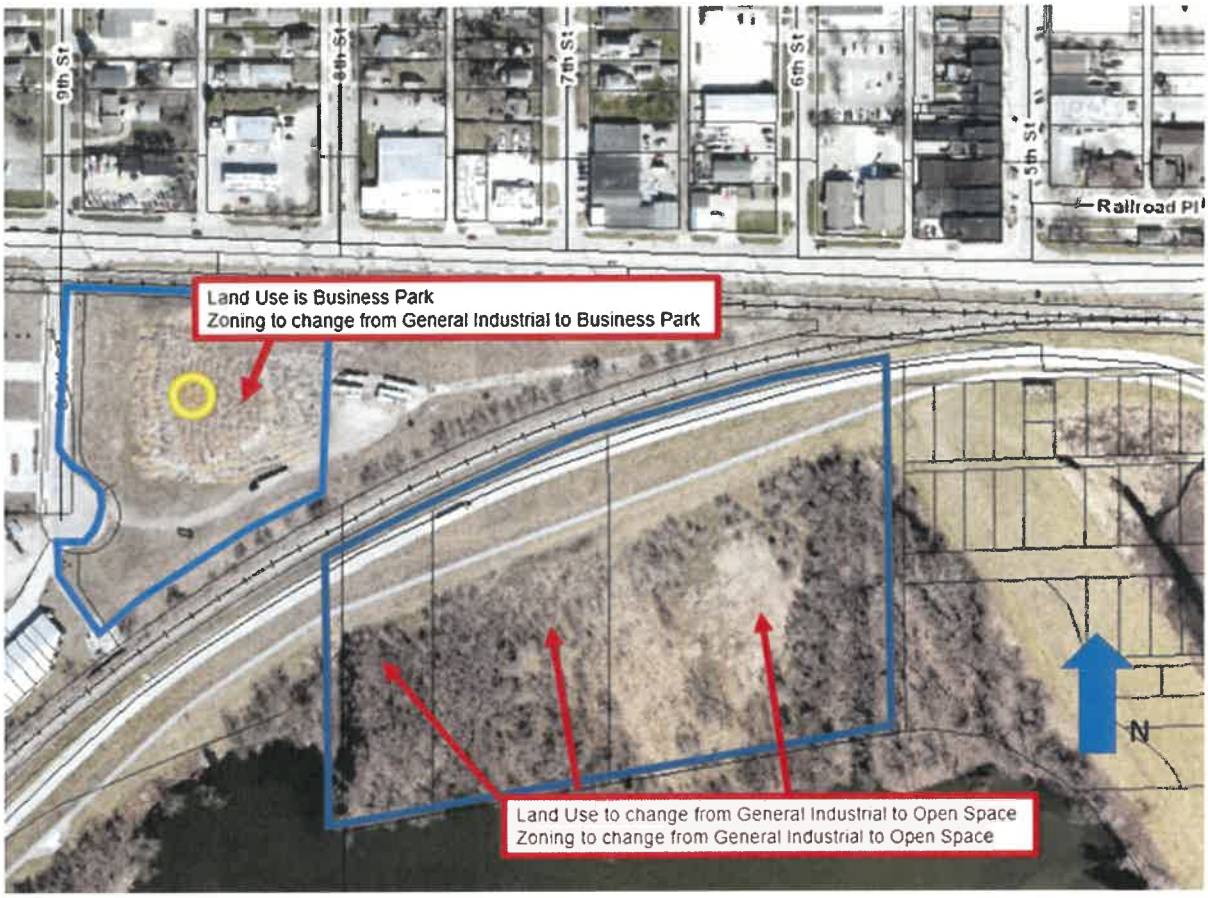
Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021 and approved this _____ day of _____, 2021.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2021, and was published in the Des Moines Register on _____ , 2021.

Comprehensive Plan Land Use Map and Zoning Map Change Illustration