

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: May 24, 2021

ITEM: Microsoft DSM 14, East of Veterans Parkway at SE Maffitt Lake Road – Amend the Comprehensive Plan Land Use Map from Office, Open Space and Highway Commercial to Light Industrial and amend the Zoning Map to consistency zone the property to Light Industrial zoning – Microsoft Corporation – CPA-005115-2021/ZC-005116-2021

RESOLUTION: Approval of Comprehensive Plan Land Use Map Amendment and Rezoning to Consistency Zone Property

Background: Ryan Hardisty with Civil Design Advantage, on behalf of the applicant and property owner, Microsoft Corporation, with cooperation of the City, property owner, request approval of a Comprehensive Plan Land Use Map Amendment and Rezoning Request on that ground located east of Veterans Parkway at SE Maffitt Lake Road for development of a data center and associated MidAmerican Energy substation on the site. The applicant requests to designate Comprehensive Plan land use of Light Industrial (LI) and Rezone to designate the Light Industrial (LI) zoning district consistent with the requested land use.

Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for approximately 68 acres to change from Office (OF) to Light Industrial (LI) land use; and
- Amend the Comprehensive Plan Land Use Map for approximately 73.5 acres to change from Highway Commercial (HC) to Light Industrial (LI) land use; and
- Amend the Comprehensive Plan Land Use Map for approximately 5.4 acres to change from Agricultural/Open Space (OS) to Light Industrial (LI) land use; and
- Amend the Zoning Map to designate Light Industrial (LI) Zoning District on approximately 143 acres consistent with the proposed Comprehensive Plan Land Use designation.

Staff Review & Comment:

- **Financial Impact:** As part of the pending development agreement for this site, the proposed public use improvements that the City will be undertaking will be paving and reconstruction of SE County Line Road from SE Soteria Avenue to Veterans Parkway with a pedestrian underpass on the Great Western Trail. As part of this street project, a water main will be extended the full length of the street. There will also be a water main connection from SE County Line Road up SE Soteria to former SE Maffitt Lake Road. The applicant will be removing existing SE Maffitt Lake Road between Veterans Pkwy and SE Soteria Ave.
- **SE Maffitt Lake Road:** The City intends to vacate SE Maffitt Lake Road and transfer ownership to Microsoft Corporation at a future date. This existing road will be removed, and the land will be incorporated into the development.
- **Anticipated Development:** The requested actions are in preparation of development of the site for up to four Microsoft data center buildings and the associated MidAmerican Energy

substation. Each building will be approximately 250,000 square feet in size. Construction is anticipated to begin yet this year. The Preliminary Plat and Site Plan for the development of the property has been submitted and is in the City's review process.

- Developer Responsibilities: In conjunction with site development or platting of the lots, whichever occurs first, unless otherwise provided in a development agreement with the city, the developer will be responsible for construction and/or installation of all required public and private infrastructure improvements necessary to support the development.
- Traffic Analysis Findings: The site is expected to generate less traffic than previously estimated in full-build traffic modeling for the area. Since the anticipated trip generation is less than previously analyzed, there is no additional loading on the planned roadway network.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date: May 24, 2021

Vote:

Recommendation:

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: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	May 24, 2021
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews:

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or)	<input checked="" type="checkbox"/> Legal Department
	<input checked="" type="checkbox"/> Director	
City Council	<input type="checkbox"/> Director	<input type="checkbox"/> Legal Department
	<input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Agenda Acceptance

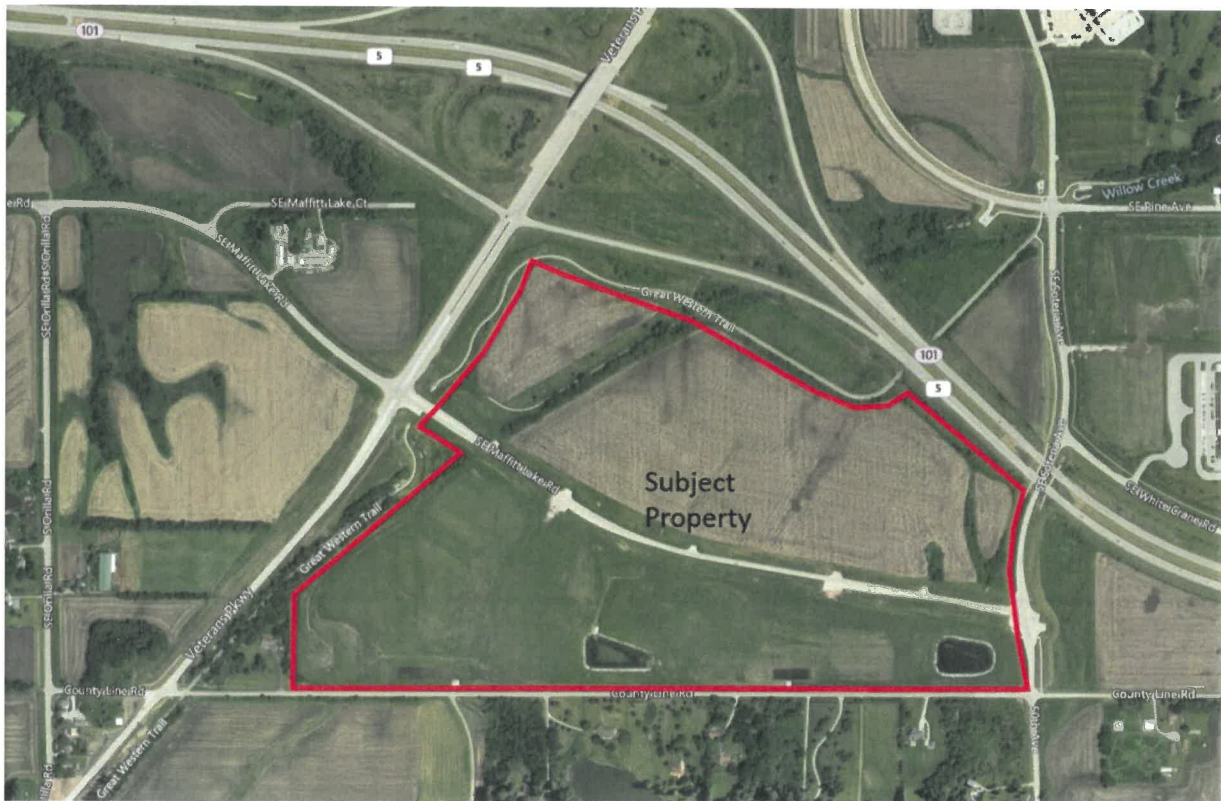
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	5/18/21
Date(s) of Mailed Notices	5/18/21

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	5/3/21
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

Location Map



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-36**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Microsoft Corporation, with cooperation of the City, property owner, request approval for a Comprehensive Plan Land Use Map Amendment for property located east of Veterans Parkway at SE Maffitt Lake Road as depicted on the Comprehensive Plan Land Use Map Change Illustration included in the staff report to change the land use designation as follows:

- Amend the Comprehensive Plan Land Use Map for approximately 68 acres to change from Office (OF) to Light Industrial (LI) land use; and
- Amend the Comprehensive Plan Land Use Map for approximately 73.5 acres to change from Highway Commercial (HC) to Light Industrial (LI) land use; and
- Amend the Comprehensive Plan Land Use Map for approximately 5.4 acres to change from Agricultural/Open Space (OS) to Light Industrial (LI) 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-005115-2021) 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 May 24, 2021.

Erica Andersen, 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 May 24, 2021, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-37**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Microsoft Corporation, with cooperation of the City, property owner, request approval for a Zoning Map Amendment for property located east of Veterans Parkway at SE Maffitt Lake Road as depicted on the Consistency Zoning Illustration included in the staff report to change the zoning designation as follows:

- Amend the Zoning Map to designate Light Industrial (LI) Zoning District on approximately 147 acres consistent with the proposed 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-005116-2021) 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 May 24, 2021.

Erica Andersen, 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 May 24, 2021, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: Brian Portz, 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 LIGHT INDUSTRIAL LAND USE

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Microsoft Corporation, with cooperation of the City, property owner, request approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation from Office (OF), Highway Commercial (HC) and Agricultural/Open Space (OS) to Light Industrial (LI) on the ground legally described in attached Exhibit 'B' and as indicated on the attached Comprehensive Plan Land Use Map 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 May 24, 2021, the Plan and Zoning Commission did recommend to the City Council, by a ~~X-X~~ 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-005115-2021) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, dated June 7, 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 June 7, 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 June 7, 2021, by the indicated vote.

Exhibit A: Conditions of Approval

1. None

Exhibit B: Legal Description

THE PROPERTY DESCRIBED IN THE WARRANTY DEED TO CITY OF WEST DES MOINES RECORDED IN BOOK 15961, PAGE 875, BEING LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND CONTAINING 10.48 ACRES (456,397 S.F.)

AND

THE PROPERTY DESCRIBED IN THE QUIT CLAIM DEED TO CITY OF WEST DES MOINES RECORDED IN BOOK 15939, PAGE 284, BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.57 ACRES (24,803 S.F.)

AND

THE PROPERTY PLATTED AS PARCEL 2020-125 (POS-004818-2020) OF THE NORTHEAST 1/4 OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY AND RESOLUTION RECORDED IN BOOK 18065, PAGE 789 AND CONTAINING 0.97 ACRES (42,233 S.F.)

AND

PARCEL 2017-20 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 BEING A PART OF THE FORMER RAILROAD RIGHT-OF-WAY AS DESCRIBED IN THE WARRANTY DEED IN BOOK 6826, PAGE 857 AND BEING A PART OF PARCEL 'A' AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 8630, PAGE 836 AND ALL BEING IN THE NORTH HALF OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

AND

THAT PART OF A TRACT OF LAND AS SHOWN ON THE RETRACEMENT SURVEY RECORDED IN BOOK 9183, PAGE 332 IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF PARCEL 2017-19 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 IN THE NORTH HALF OF THE SOUTH HALF OF SAID SECTION 34 AND LYING NORTHWESTERLY OF PARCEL 2017-20 AS SHOWN ON SAID PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 AND LYING NORTHEASTERLY OF THE ROAD RIGHT-OF-WAY FOR SE MAFFITT LAKE ROAD AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 15961, PAGE 871.

AND

PARCEL 'B' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9533, PAGE 479 BEING ALL OF LOT 10 IN BRUBAKER ESTATE, AN OFFICIAL PLAT, AND A PART OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

ALL BEING IN THE CITY OF WEST DES MOINES, POLK COUNTY AND CONTAINING A TOTAL OF 146.86 ACRES (6,397,044 S.F.) MORE OR LESS.

Comprehensive Plan Land Use Map Change Illustration



Prepared by: Brian Portz, 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 147 acres to the Light Industrial (LI) Zoning District consistent with the adopted Comprehensive Plan Land Use Map as amended, on that property legally described as follows and shown on the attached Zoning Map Illustration:

Legal Description

THE PROPERTY DESCRIBED IN THE WARRANTY DEED TO CITY OF WEST DES MOINES RECORDED IN BOOK 15961, PAGE 875, BEING LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND CONTAINING 10.48 ACRES (456,397 S.F.)

AND

THE PROPERTY DESCRIBED IN THE QUIT CLAIM DEED TO CITY OF WEST DES MOINES RECORDED IN BOOK 15939, PAGE 284, BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.57 ACRES (24,803 S.F.)

AND

THE PROPERTY PLATTED AS PARCEL 2020-125 (POS-004818-2020) OF THE NORTHEAST 1/4 OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY AND RESOLUTION RECORDED IN BOOK 18065, PAGE 789 AND CONTAINING 0.97 ACRES (42,233 S.F.)

AND

PARCEL 2017-20 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 BEING A PART OF THE FORMER RAILROAD RIGHT-OF-WAY AS DESCRIBED IN THE WARRANTY DEED IN BOOK 6826, PAGE 857 AND BEING A PART OF PARCEL 'A' AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 8630, PAGE 836 AND ALL BEING IN THE NORTH HALF OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

AND

THAT PART OF A TRACT OF LAND AS SHOWN ON THE RETRACEMENT SURVEY RECORDED IN BOOK 9183, PAGE 332 IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF PARCEL 2017-19 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 IN THE NORTH HALF OF THE SOUTH HALF OF SAID SECTION 34 AND LYING NORTHWESTERLY OF PARCEL 2017-20 AS SHOWN ON SAID PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 AND LYING NORTHEASTERLY OF THE ROAD RIGHT-OF-WAY FOR SE MAFFITT LAKE ROAD AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 15961, PAGE 871.

AND

PARCEL 'B' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9533, PAGE 479 BEING ALL OF LOT 10 IN BRUBAKER ESTATE, AN OFFICIAL PLAT, AND A PART OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

ALL BEING IN THE CITY OF WEST DES MOINES, POLK COUNTY AND CONTAINING A TOTAL OF 146.86 ACRES (6,397,044 S.F.) MORE OR LESS.

Section 2. REPEALER. All ordinances of parts of ordinances in conflict with the provisions 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 of the City Code of the City of West Des Moines, Iowa.

Section 5. 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 6. 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.

Ryan T. Jacobson
City Clerk

Consistency Zoning Illustration

