No change from Previous Reading

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: April 17, 2023

ITEM: Repeal Assigned Zoning District, South of Raccoon River and East of Interstate 35 – Amend the Zoning Map to repeal assigned zoning designations on properties which are inconsistent with the Comprehensive Plan Land Use designation – Development Services Staff – ZC-005920-2023

ORDINANCE: Approval of Second Reading, Waive Third and Adopt Ordinance

Background: Due to inconsistency between the current Zoning Map with the adopted Comprehensive Plan Undeveloped Areas Land Use Map, Development Services Staff requests approval of a repeal of assigned zoning designations within properties generally located south of the Raccoon River and East of Interstate 35. This request is for an amendment to the Zoning Map to repeal the currently assigned zoning districts for specifically highlighted parcels: these parcels will remain unzoned until a property owner or developer requests zoning. A location map of all parcels which include ground subject to this repeal is included within this staff report. Attached to the included ordinance is illustration of the actual areas within the larger property for which the zoning is being removed.

Staff Review & Comment:

- *Inconsistency:* Chapter 414.2 and 414.3 of the State of Iowa Code requires that zoning "regulations shall be made in accordance with a comprehensive plan" which includes the adopted Land Use Map. The West Des Moines Zoning Code, Title 9: *Zoning*, Chapter 4: *Zoning Districts and Map*, Section 1: *Purpose* also states that the purpose of the Zoning Districts and Map is to "guide the future growth and development of the municipality in accordance with the comprehensive plan." The chapter goes on to require in Section 5: *Boundaries*, that the "[z]oning of a property shall be in compliance with the adopted Comprehensive Plan of the City, and any specific standards and/or regulations identified in the subareas of the plan." Zoning is being requested to be repealed for specific properties at this time due to the inconsistency in the currently assigned zoning district designations with the adopted Comprehensive Plan Undeveloped Areas Land Use Map land use designations.

- *Future Development:* The properties will remain unzoned and indicated as white on the Zoning Map for the subject areas identified in this request until such time as a property owner or a developer would request development or redevelopment of the property. This approach allows the flexibility created as part of the Comprehensive Plan to be realized. To apply zoning now without understanding the intent of the future development would limit the flexibility for future development. Until such time as zoning is applied for a specific development on an unzoned property, the adopted Comprehensive Plan and Land Use Map provides the necessary information on desired future land use, including allowed place types and compatible zoning districts (Pg. 72 and Pgs. 74-75 respectively within the Comprehensive Plan Main document) to indicate the type of development that is appropriate for the property. As part of the development approval process, the applicant would apply for zoning compatible with the Land Use Map for the property to accommodate the specific

type and intensity of development being requested. It is not uncommon for the city to have areas indicated as Unzoned; in fact the majority of the southwest and western portions of the city currently do not have assigned zoning.

- *History*: The latest Comprehensive Plan was adopted in November of 2022 which included a new Undeveloped Areas Land Use Map which provides information on future land uses, place types, and compatible zoning districts for all areas of the map. This zoning request is a continuation of that approval to clean up the Zoning Map to ensure consistency with the Comprehensive Plan Land Use Map in accordance with State Code.
- *Development & Planning Subcommittee:* The Development and Planning Subcommittee reviewed this zoning repeal request at the February 6, 2023, meeting. The Committee raised questions regarding the status of the current zoning code update and concerns that an "Unzoned" area would not provide property owners or developers the information needed to know what land uses are appropriate. Staff explained that per State Code, the Comprehensive Plan determines the future use and zoning designations. The Comprehensive Plan and Land Use Map depicts the land uses, place types, and compatible zoning designation options that would be appropriate for each area indicated as Unzoned. The Comprehensive Plan Land Use Map, not the zoning map is the tool that determines and guides development of currently vacant properties.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date:	March 27, 2023
Vote:	5-0 for approval, with Commissioners Conlin and Crowley absent
Recommendation:	Approval of Zoning Repeal

City Council First Reading:

Date:	April 3, 2023
Vote:	5-0 for approval

Discussion at the City Council First Reading:
At the meeting, Councilperson McKinney had several questions on the indication of "Unzoned" and the impact to property with that designation. Mr. McKinney contacted staff with additional questions after the meeting. City Manager Hadden provided the Mayor and full City Council via email on April 7th responses to Councilperson McKinney's questions along with illustrations explaining properties affected by the repeal. Per Councilperson McKinney's request, a statement will be added to the zoning map indicating that individuals should also review the City's Comprehensive Plan Land Use Map and/or to consult City staff to understand development options for a specific piece of ground, especially a piece that does not have zoning assigned.

Recommendation: Approve the Zoning Repeal request.

Lead Staff Member: **Karen Marren**

Approval Meeting Dates:

Planning and Zoning Commission	March 27, 2023
City Council: First Reading	April 3, 2023
City Council: Second Reading, waive Third and Adopt	April 17, 2023

Staff Report Reviews:

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

Publications (if applicable)

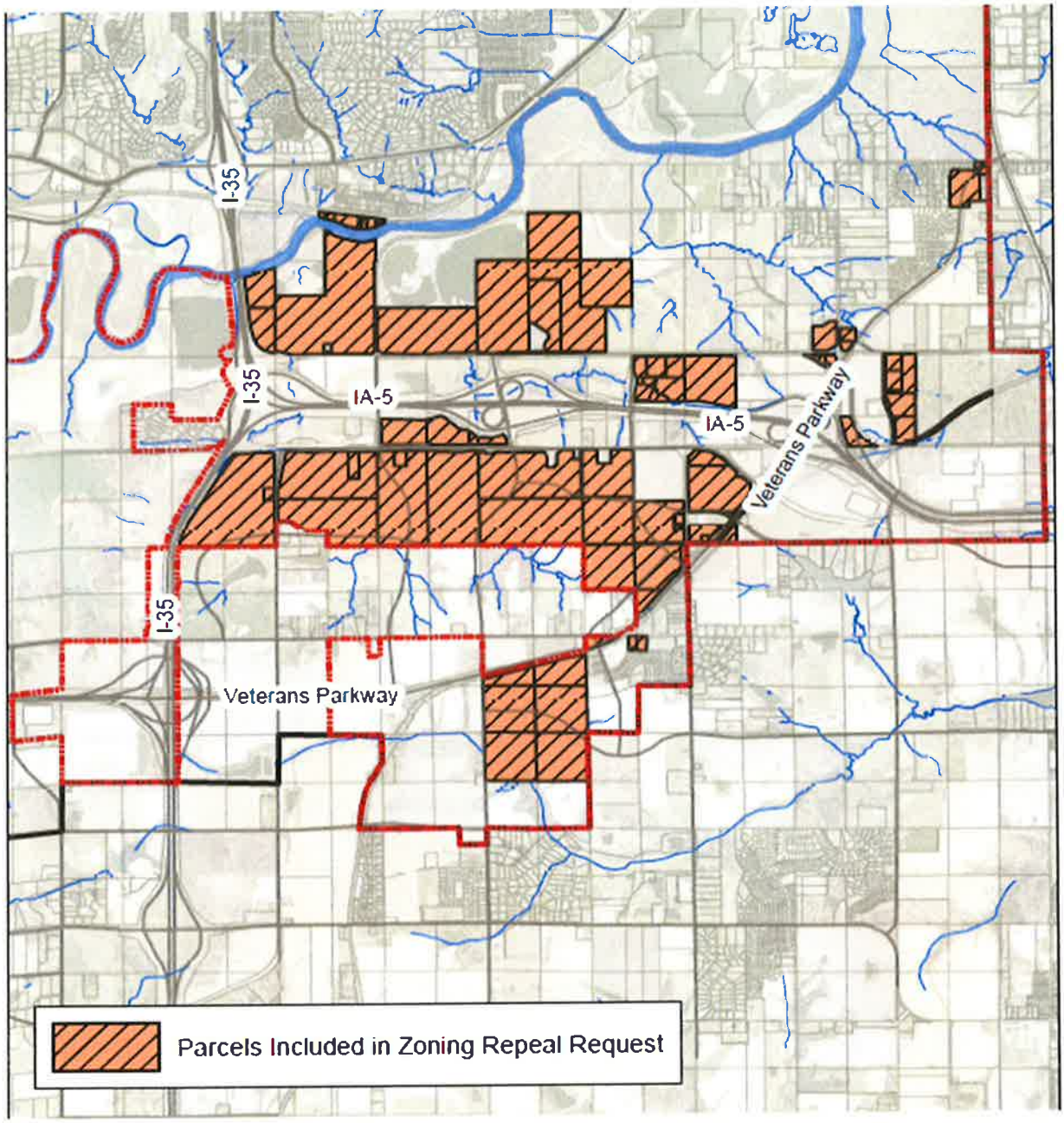
Published In:	Des Moines Register Community Section
Date(s) Published	3/17/23
Date(s) of Mailed Notices	3/15/23

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	2/6/23 (Informational Discussion Only)
Recommendation	☐ Yes ☐ No ☐ Split

Location Map

This map represents the boundaries of the larger parcel associated with the zoning repeal areas. The actual areas subject to zoning repeal within the properties highlighted below are shown on the Zoning Repeal Illustration included in the Ordinance.



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-23-008

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, City of West Des Moines Development Services Staff, requests approval for a Zoning Map Amendment for property generally located south of the Raccoon River and east of Interstate 35 as depicted on the Zoning Repeal Illustration and the Parcel List for the Zoning Repeal as included in the staff report and ordinance to remove the specifically identified current zoning designation and leave the portion of said property as unzoned.

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

NOW, THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request, (ZC-005920-2023) 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 March 27, 2023.

Jennifer Drake, Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on March 27, 2023, by the following vote:

AYES: COSTA, DAVIS, DRAKE, HATFIELD, SHAW

NAYS:

ABSTENTIONS:

ABSENT: CONLIN, CROWLEY

ATTEST:

Recording Secretary

Prepared by: Karen Marren, 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 to be consistent with the adopted Comprehensive Plan Undeveloped Areas Land Use Map by repealing the specifically identified assigned zoning designation on specific properties as shown on Exhibit A: Zoning Repeal Illustration and as referenced by Parcel Identification Number in Exhibit B. No zoning shall be designated on the City's Zoning Map for the portion of each property for which zoning was repealed.

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 and approved by the City Council on April 17, 2023.

_____
Russ Trimble, Mayor

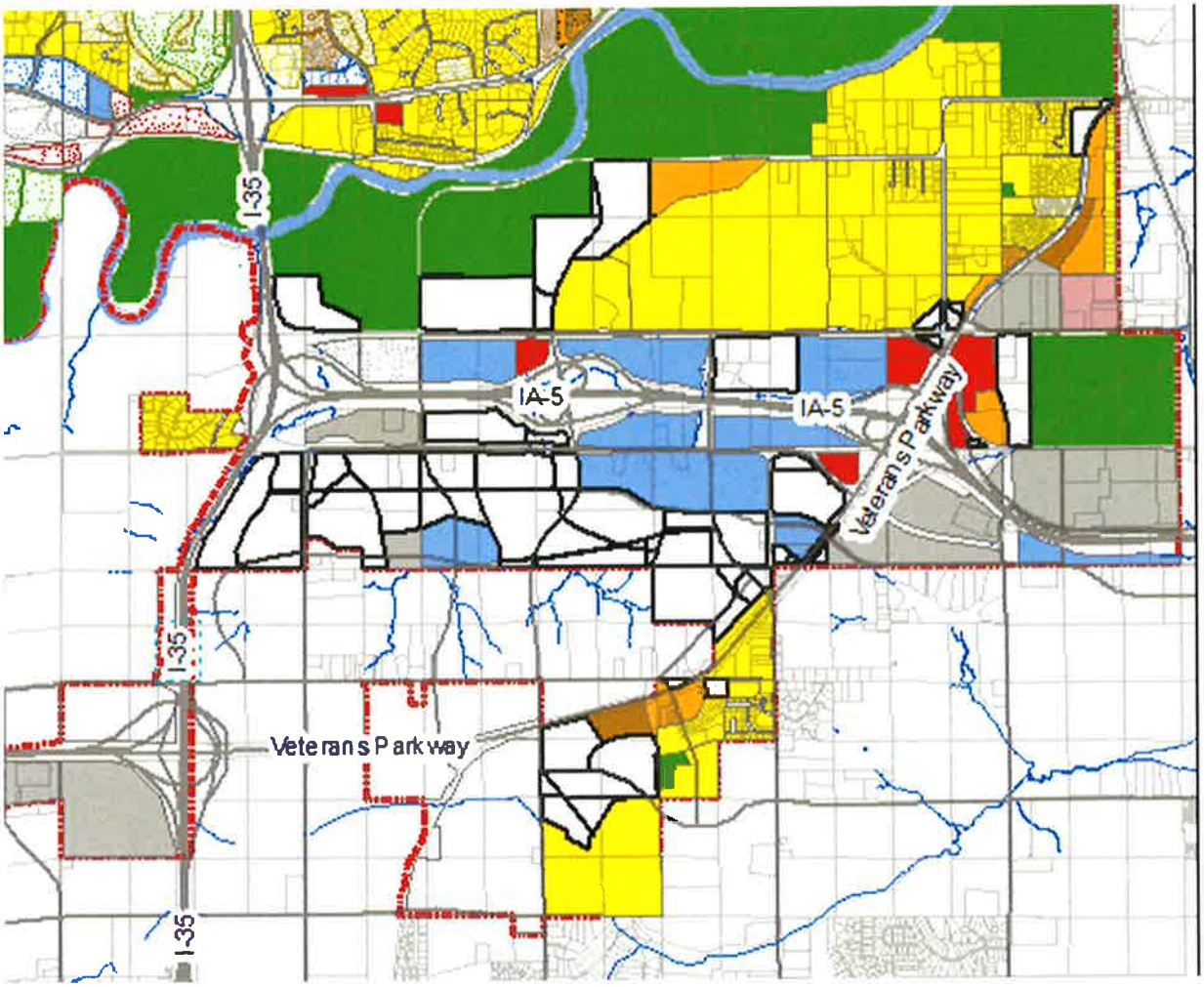
ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2023, and was published in the Des Moines Register on _____ , 2023.

_____
Ryan T. Jacobson
City Clerk

Exhibit A:
Zoning Repeal Illustration



Subject Areas (within corporate limits defined by red line) Included in Zoning Repeal Request – No zoning shall be designated on the City's Zoning Map for the portion of each property for which zoning was repealed. Zoning will be assigned at the time of development/redevelopment, or when the property owner request such.

Exhibit B:
Parcel List for Zoning Repeal

PIN	GP_ID	County	Approx. Acres	Zoning District to be Repealed	
32000370703002	782527476003	Polk	3.31	Professional Commerce Park	PCP
32000370703006	782527477001	Polk	1.45	Professional Commerce Park	PCP
32000370710000	782527451004	Polk	9.84	Professional Commerce Park	PCP
32000371007000	782528100005	Polk	39.22	Residential Medium Density	RM
32000371101000	782528300001	Polk	77.96	Residential Medium Density	RM
32000371102000	782528300003	Polk	29.70	Residential Medium Density	RM
32000371202000	782528400001	Polk	40.42	Residential Medium Density	RM
32000371204000	782528300004	Polk	58.59	Residential Medium Density	RM
32000395013002	782529300004	Polk	139.60	Business Park	BP
32000395102000	782529400004	Polk	73.95	Residential High Density	RH
32000401006000	782530400003	Polk	16.55	Business Park	BP
32000401008000	782530400004	Polk	15.61	Business Park	BP
32000401176000	782531400002	Polk	1.95	Business Park	BP
32000401178000	782531400005	Polk	104.30	Business Park	BP
32000401178001	782531640006	Polk	0.33	Business Park	BP
32000401196000	782531640004	Polk	0.38	Business Park	BP
32000401203000	782532200011	Polk	18.69	Professional Commerce Park	PCP
32000401204000	782532200009	Polk	16.13	Professional Commerce Park	PCP
32000401206000	782532200012	Polk	1.62	Support Commercial	SC
32000401251000	782532300006	Polk	68.11	Business Park	BP
32000401252000	782532300002	Polk	4.71	Business Park	BP
32000401254000	782532630002	Polk	0.17	Business Park	BP
32000401276000	782532400004	Polk	79.16	Professional Commerce Park and Business Park	PCP and BP
32000401278000	782532400002	Polk	76.16	Professional Commerce Park and Business Park	PCP and BP
32000401279000	782532400001	Polk	3.00	Professional Commerce Park	PCP
32000401300002	782533200007	Polk	1.66	Professional Commerce Park	PCP
32000401300003	782533200011	Polk	9.15	Professional Commerce Park	PCP
32000401300005	782533200015	Polk	3.04	Professional Commerce Park	PCP
32000401300015	782533200025	Polk	10.42	Professional Commerce Park	PCP
32000401300016	782533200026	Polk	6.31	Professional Commerce Park	PCP
32000401300017	782533200027	Polk	0.65	Professional Commerce Park	PCP
32000401300018	782533200028	Polk	3.99	Professional Commerce Park	PCP

32000401328000	782533100005	Polk	3.74	Support Commercial	SC
32000401353000	782533300006	Polk	72.54	Professional Commerce Park	PCP
32000401354000	782533300004	Polk	79.57	Professional Commerce Park and Residential High Density	PCP and RH
32000401379000	782533400002	Polk	36.02	Professional Commerce Park	PCP
32000401380000	782533400003	Polk	39.98	Professional Commerce Park and Residential Medium Density	PCP and RM
32000401382000	782533400006	Polk	0.79	Professional Commerce Park	PCP
32000401383000	782533400007	Polk	0.72	Professional Commerce Park	PCP
32000402307000	782534100006	Polk	40.11	Professional Commerce Park	PCP
32000402401001	782535100011	Polk	4.48	Residential Medium Density	RM
32000402403022	782534200026	Polk	1.46	Professional Commerce Park	PCP
32000402403026	782534620013	Polk	1.90	Professional Commerce Park	PCP
32000402404011	782534200042	Polk	8.05	Community Commercial	CMC
32000402902002	782526610013	Polk	1.57	Residential Medium Density	RM
32000402902003	782526127001	Polk	0.75	Residential Medium Density	RM
32000402513002	782535100017	Polk	9.56	Residential Medium Density	RM
32000402513004	782535100022	Polk	9.89	Residential Medium Density	RM
32000402513005	782535610009	Polk	0.15	Residential Medium Density	RM
32000402515001	782535100012	Polk	5.00	Residential Medium Density	RM
32000402516004	782535100020	Polk	8.58	Residential Medium Density	RM
32000402516005	782535610006	Polk	1.13	Residential Medium Density	RM
32000402516007	782535610007	Polk	0.28	Residential Medium Density	RM
32000402519006	782535610008	Polk	0.02	Residential Medium Density	RM
32000402519007	782535100021	Polk	6.40	Residential Medium Density	RM
32000402522000	782535100008	Polk	0.30	Residential Medium Density	RM
32000370209000	782526126015	Polk	17.35	Residential Medium Density	RM
32000681504007	782534300022	Polk	40.67	Professional Commerce Park	PCP
32000681508001	782534300007	Polk	0.84	Professional Commerce Park	PCP
32000681508004	782534630011	Polk	1.16	Professional Commerce Park	PCP
32000681508005	782534630013	Polk	2.32	Professional Commerce Park	PCP
32000681508006	782534300023	Polk	6.45	Professional Commerce Park	PCP
32000681509000	782534300009	Polk	2.70	Professional Commerce Park	PCP
32000681512000	782534300012	Polk	7.81	Professional Commerce Park	PCP
32000647003000	782532300013	Polk	62.89	Business Park	BP
92870040824		Warren	2.29	Residential Medium Density	RM
92870040844		Warren	1.88	Residential Medium Density	RM
93025040212		Warren	1.62	Professional Commerce Park	PCP

93025040222		Warren	30.02	Professional Commerce Park and Residential Medium Density	PCP and RM
93025040240		Warren	37.13	Residential Medium Density	RM
93025040286		Warren	6.14	Residential Medium Density	RM
93025040627		Warren	21.17	Residential High Density	RH
93025040641		Warren	3.28	Residential High Density	RH
93025040647		Warren	10.53	Residential High Density	RH
93025040660		Warren	40.12	Residential High Density	RH
93025040680		Warren	40.11	Residential High Density	RH
93025040845		Warren	4.54	Residential Medium Density	RM
93025090420		Warren	40.20	Residential Medium Density	RM
93025090440		Warren	40.21	Residential Medium Density	RM
32000401385000	782533400008	Polk	31.89	Professional Commerce Park	PCP
32000401384000	782533400009	Polk	1.34	Professional Commerce Park	PCP
32000402403008	782534620024	Polk	2.65	Residential Medium Density	RM
32000681508008	782534630018	Polk	0.92	Professional Commerce Park	PCP
32000681508009	782534630019	Polk	0.10	Professional Commerce Park	PCP