

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: May 22, 2023

**ITEM:** 7502 Raccoon River Drive – Amend the Zoning Map to consistency zone to Open Space zoning –GSS Inc. – ZC-005973-2023

**RESOLUTION:** Approval of Rezoning to Consistency Zone Property

**Background:** Albert Aquirre with Groundwater Service and Supply, Inc., an Iowa Corporation (aka GSS, Inc.), representing the property owner, RRK Land, LLC, an Iowa limited liability Company, requests approval of a Rezoning request on approximately 7.86 acres located at 7502 Raccoon River Drive. The applicant requests an amendment to the Zoning Map to designate Open Space (OS) Zoning District from Unzoned to be consistent with the adopted Comprehensive Plan Land Use designation of Open Space.

**Staff Review & Comment:**

- *Anticipated Development:* The property has an existing use of an animal kennel that was established prior to annexation. The zone change is requested as part of a series of actions to consider the construction of a communications tower on the property. The consistency zoning will not make the existing use non-conforming.
- *Development & Planning Subcommittee:* The project will be presented to the Development and Planning City Council Subcommittee on June 5, 2023, as an upcoming project.

**Outstanding Issues:** There are no outstanding issues.

Planning and Zoning Commission Action:

Date: May 22, 2023

Vote:

Recommendation:

City Council First Reading:

Date:

Vote:

**Recommendation:** Approve the Rezoning request, subject to the applicant meeting all City Code requirements.

**Lead Staff Member: Kara Tragesser**

**Approval Meeting Dates:**

Planning and Zoning Commission	May 22, 2023
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

**Staff Report Reviews:**

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

**Publications (if applicable)**

Published In:	Des Moines Register
Date(s) Published	5/17/23
Date(s) of Mailed Notices	5/16/23

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning
Date Reviewed	6/5/23 – Upcoming project
Recommendation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

### Location Map



**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION**  
**NO. PZC-23-029**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the property owner, RRK Land, LLC, requests approval for a Zoning Map Amendment for property located at 7502 Raccoon River Drive 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 Open Space (OS) Zoning District on approximately 7.86 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 Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request, (ZC-005973-2023) 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 May 22, 2023.

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Andrew Conlin, 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 May 22, 2023, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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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

**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 7.86 acres to the Open Space (OS) Zoning District consistent with the adopted Comprehensive Plan Land Use Map on that property legally described as follows and shown on the attached Zoning Map Illustration:

**Legal Description**

PARCEL "B" OF THE SURVEY OF THE NORTHEAST $\frac{1}{4}$  OF SECTION 26,  
TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M. CITY OF WEST  
DES MOINES, AS SHOWN IN BOOK 2002, PAGE 13185 IN THE OFFICE OF  
THE RECORDER OF DALLAS COUNTY, IOWA.

**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 June 19, 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

Land Use Illustration – Open Space Land Use



**Existing Zoning - Unzoned**



**Proposed Zoning – Open Space**







May 17, 2023  
VIA EMAIL

City Council City of West Des Moines  
4200 Mills Civic PKWY  
West Des Moines, IA 50266

Dear City Council Members,

I am writing to request your initiation for the rezoning of Parcel#1626200009, located at 7502 Raccoon River Dr. The parcel is currently un-zoned and we would like to have it zoned OS open space. The purpose of the new zoning is to accommodate the installation of a 130-foot stealth monopole cellphone tower, a 50-foot by 50-foot compound, and a 478-foot access drive (Project #PA-005796-2022).

Albert Aguirre of GSS Inc. is making the request, a representative for the property owner, RRK Land, LLC, an Iowa limited liability company (the "Owner"). I can be reached at [AAguirre@gssmidwest.com](mailto:AAguirre@gssmidwest.com) or by phone at 515-689-6357. I will be able to provide you with additional information regarding the project and answer any questions you may have. Please note that the Owner's authorization of our role as representative in connection with this request for rezoning is included with the required rezoning sketch plans.

This project does not interfere with the general health, safety, convenience, or welfare of the greater public of the City of West Des Moines. In fact it enhances it as the approval of such rezoning will generate greater community benefits by accommodating a project that will ultimately provide better cellphone coverage and improved emergency communication services. We are committed to working with the city to ensure that the project is designed to meet all zoning and city requirements. We are confident that the approval of this application for rezoning is well within the City of West Des Moines' police power to promote the health, safety, and general welfare of its community and would be an appropriate use of such authority.

Thank you for your attention to this matter. We look forward to working with the city to bring this important project to fruition.

Sincerely,

Albert Aguirre



3311 109th Street  
Urbandale, IA 50322  
515.689.6357 Cell  
[AAguirre@gssmidwest.com](mailto:AAguirre@gssmidwest.com)