

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION COMMUNICATION**

**Meeting Date:** December 5, 2016

**Item:** Munro et. al., 2480, 2580, 2640, and 2720 SE 11th Street – Change the Comprehensive Land Use map and Change the Zoning designation of part of the properties from Medium Density Residential (RM-8) to Single Family Residential Estate (RE-1A) – Margaret Munro – CPA-002377-2016/ZC-003278-2016

Resolution: Approval of Comprehensive Plan Amendment

Resolution: Approval of Rezoning Request

**Requested Action:** Approval of Comprehensive Plan Land Use Map and Zoning Amendments

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** Margaret Munro, 2480 SE 11<sup>th</sup> Street; George Hedding 2580 SE 11<sup>th</sup> Street; Melvin Rosario, 2640 SE 11<sup>th</sup> Street; and Bryan Boisen, 2720 SE 11<sup>th</sup> Street are seeking approval of a change in land use designation and zoning district for a part of their property currently designated Medium Density and Residential Medium Density (RM-8) to Low Density Residential and Single Family Residential Estate (RE-1A) (see Attachment C – Location Map, Attachment D – Land Use Maps and Attachment E - Zoning Maps). The applicants also are seeking to have the fees (in the total amount of \$1,294.39) for the Comprehensive Plan Land Use Map amendment and the Rezoning to be refunded as they believe that they were not noticed of the change that occurred in 2005 as noted below (see Attachment F – Applicants' Letter regarding the fees).

**History:** The identified properties have two zoning districts applied: Residential Medium Density (RM-8) and Single Family Residential (RE-1A: 40,000 sq. ft. lot size). On March 24, 2004, the City Council approved the land use of the property to include Single Family Residential on the majority of the property and Medium Density Residential on a portion of the east side of the property. Also, on April 11, 2005, the City Council approved a zoned change of the property to be consistent with the comprehensive plan. At that time a roadway was shown on the Ultimate Streets Map along the line between the two districts: the Ultimate Streets Plan has been changed since that time and no longer indicates a roadway between the two districts on these properties.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on November 28, 2016. The Subcommittee supported the change in the land use designations and the rezoning. The request to have the fees waived was not discussed as this is considered a full City Council decision.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project 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.

**Noticing Information:** The notice for the Plan & Zoning Commission public hearing on December 5, 2016, and the City Council public hearing for these requests was published in the Des Moines Register Community Section on November 25, 2016. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on November 22, 2016.

**Staff Recommendation and Conditions of Approval - Comprehensive Plan Amendment:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending to the City Council approval of a Comprehensive Plan Land Use Map change part of the property for 2480, 2580, 2640, and 2720 SE 11th Street from Medium Density Residential to Low Density Residential illustrated in staff report Attachment A - Resolution.

**Staff Recommendation and Conditions of Approval – Rezoning Request:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending to the City Council approval of a zone change for property at 2480, 2580, 2640, and 2720 SE 11th Street Residential Medium Density (RM-8) to Residential Single Family (RE-1A) as illustrated in staff report Attachment B, Exhibit C - Zoning Maps.

**ATTACHMENTS:**

- Attachment A - Plan and Zoning Commission Resolution – Comprehensive Plan Land Use Map Amendment
  - Exhibit A - Conditions of Approval
  - Exhibit B - Legal Description
  - Exhibit C - Land Use Map
- Attachment B - Plan and Zoning Commission Resolution – Zoning Map Amendment
  - Exhibit A - Conditions of Approval
  - Exhibit B - Legal Description
  - Exhibit C - Zoning Map
  - Exhibit D - Proposed Ordinance
- Attachment C - Location Map
- Attachment D - Land Use Maps
- Attachment E - Rezoning Maps
- Attachment F - Applicants' Letter Regarding Fees

**RESOLUTION NO. PZC**

**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-3277-2016) FOR THE PURPOSE OF CHANGING THE LAND USE DESIGNATION OF PART OF THE PROPERTY LOCATED AT 2480, 2580, 2640, AND 2720 SE 11TH STREET MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL**

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Venture Homes LLC has requested approval of a Comprehensive Plan Land Use Map Amendment for that property legally described in Exhibit B;

**Legal Description**

See Exhibit B

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;

WHEREAS, on December 5, 2016, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-003277-2016);

**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 and Medium Density Residential (MD) to Low Density Residential (LD) for property legally described in Exhibit B and illustrated in Exhibit C is recommended to the City Council for approval,, subject to the conditions of approval outlined in Exhibit A or as provided for orally at the public hearing.

**PASSED AND ADOPTED on December 5, 2016.**

\_\_\_\_\_  
Craig Erickson, Chairperson  
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 December 5, 2016, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

**EXHIBIT A**  
**Conditions of Approval**

None.

**EXHIBIT B**  
**Legal Descriptions**

The East 272 feet of Lot 4 Fairmont Estates; and

The East 321 feet of Lot 5 Fairmont Estates; and

The East 324 feet of Lot 6 Fairmont Estates, all being official plats now in and forming a part of the City of West Des Moines, Polk County, Iowa

And

The East 335 feet or the following described property: -EX HEDDINGER PLAT 1- & -EX N 300F S 330F E 300F W 345F- N 1/2 NE 1/4 SE 1/4 SEC 27-78-25; and

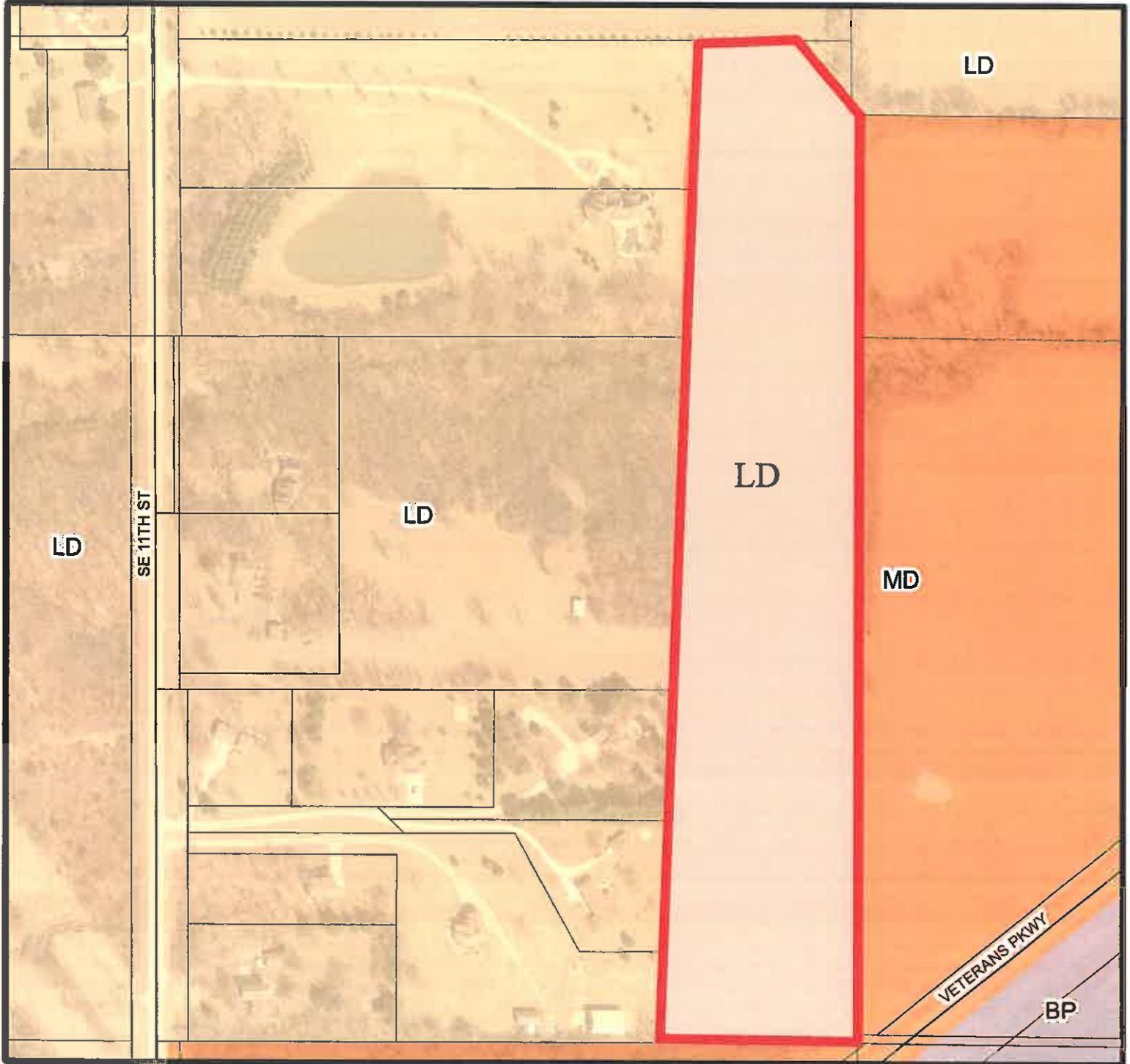
The East 334 feet of the following described property: N 245.08F MEAS ON E LN E 320.80F LOT 3 BLUE RIDGE HEIGHTS; and

The East 377 feet of the following described property: PARCEL B BEG SE COR THN W 182.12F N 352.67F W 396.14F N20F E 579.51F S 371.44F TO POB LOT 1 & PARCEL C BEG SE COR THN W 673.97F N 371.44F W 579.51F N20F E 619.94F SE 255.5F E 154F NE 250.76F E 335.54F S 416.64F TO POB LOT 2 BLUE RIDGE HEIGHTS REPLT

All in and forming a part of the City of West Des Moines, Polk County, Iowa

**EXHIBIT C**

**Munro et.al. Rezoning  
Proposed Land Use**



RESOLUTION NO. PZC

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-3278-2016) FOR THE PURPOSE OF CHANGING THE ZONING OF PART OF THE PROPERTY LOCATED AT 2480, 2580, 2640, AND 2720 SE 11TH STREET FROM RESIDENTIAL MEDIUM DENSITY (RM-8) TO RESIDENTIAL SINGLE FAMILY (RE-1A)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Munro et. al. has requested approval of a Rezoning Request for that property legally described in Exhibit B and illustrated in Exhibit C;

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;

WHEREAS, on December 5, 2016, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003278-2016);

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 December 5, 2016, or as amended orally at the Plan and Zoning Commission hearing of December 5, 2016, are adopted.

SECTION 2. REZONING REQUEST (ZC-003278-2016) to change the zoning of the property legally described in Exhibit B and illustrated in Exhibit C is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated December 5, 2016, 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 December 5, 2016.

Craig Erickson, Chairperson  
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 December 5, 2016, by the following vote:

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

ATTEST:

Recording Secretary

**Exhibit A**  
**Conditions of Approval**

**None.**

**Exhibit B  
Legal Descriptions**

The East 272 feet of Lot 4 Fairmont Estates; and

The East 321 feet of Lot 5 Fairmont Estates; and

The East 324 feet of Lot 6 Fairmont Estates, all being official plats now in and forming a part of the City of West Des Moines, Polk County, Iowa

And

The East 335 feet or the following described property: -EX HEDDINGER PLAT 1- & -EX N 300F S 330F E 300F W 345F- N 1/2 NE 1/4 SE 1/4 SEC 27-78-25; and

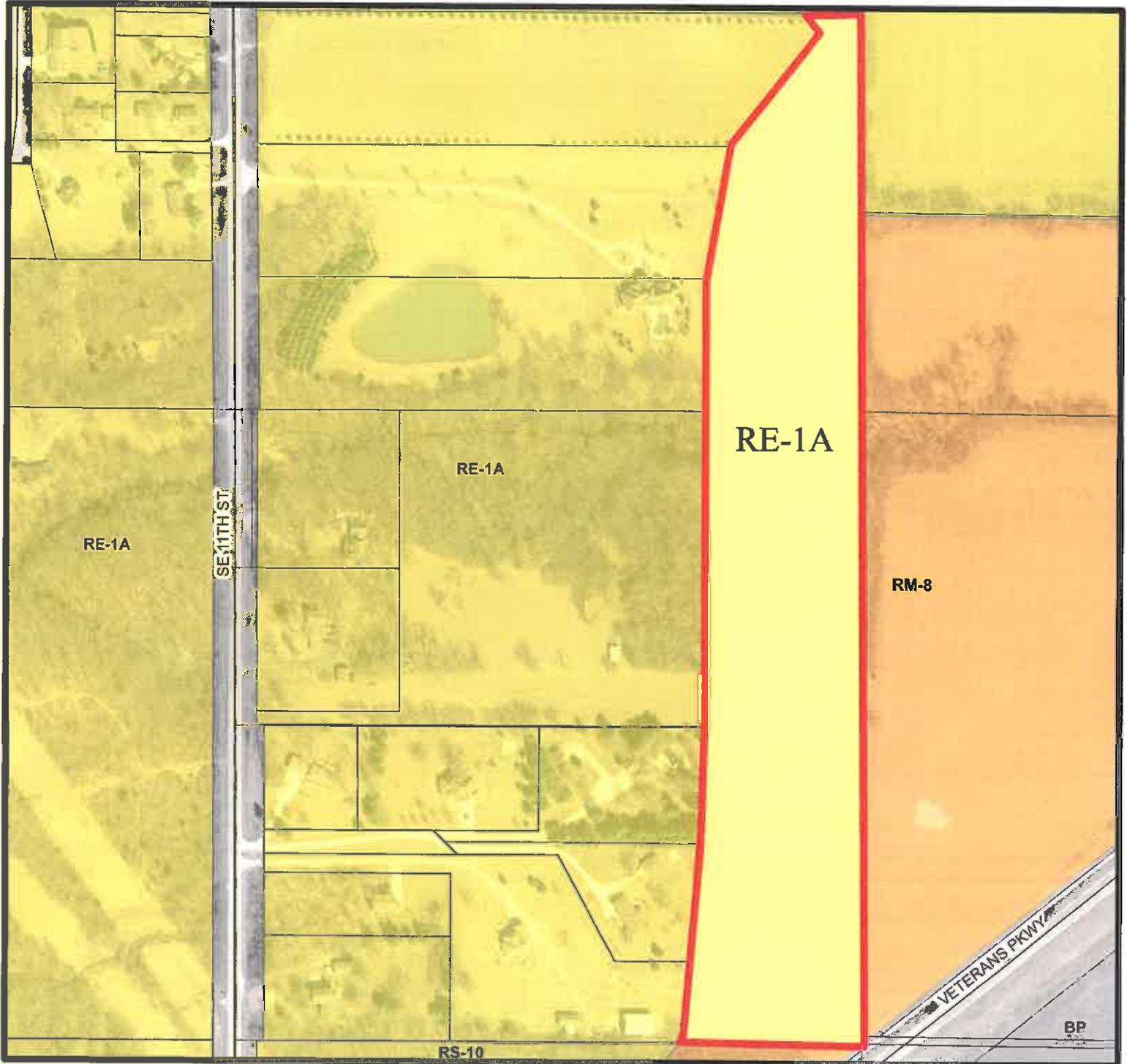
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All in and forming a part of the City of West Des Moines, Polk County, Iowa

**EXHIBIT C**

**Munro et.al. Rezoning  
Proposed Zoning**



# EXHIBIT D

Prepared by: K Tragesser, Development Services, P.O. 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

## ORDINANCE NO.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9: ZONING, CHAPTER 4: ZONING DISTRICTS AND MAP**

**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 changing the zoning of part of the property located at 2480, 2580, 2640, and 2720 SE 11<sup>th</sup> Street from Residential Medium Density (RM-8) to residential single family (RE-1A) and as illustrated in Exhibit B;

### Legal Description

SEE EXHIBIT A

**SECTION 2. 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 3. 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 4. 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 5. 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 \_\_\_\_\_, 2016

\_\_\_\_\_  
Steven K. Gaer, Mayor

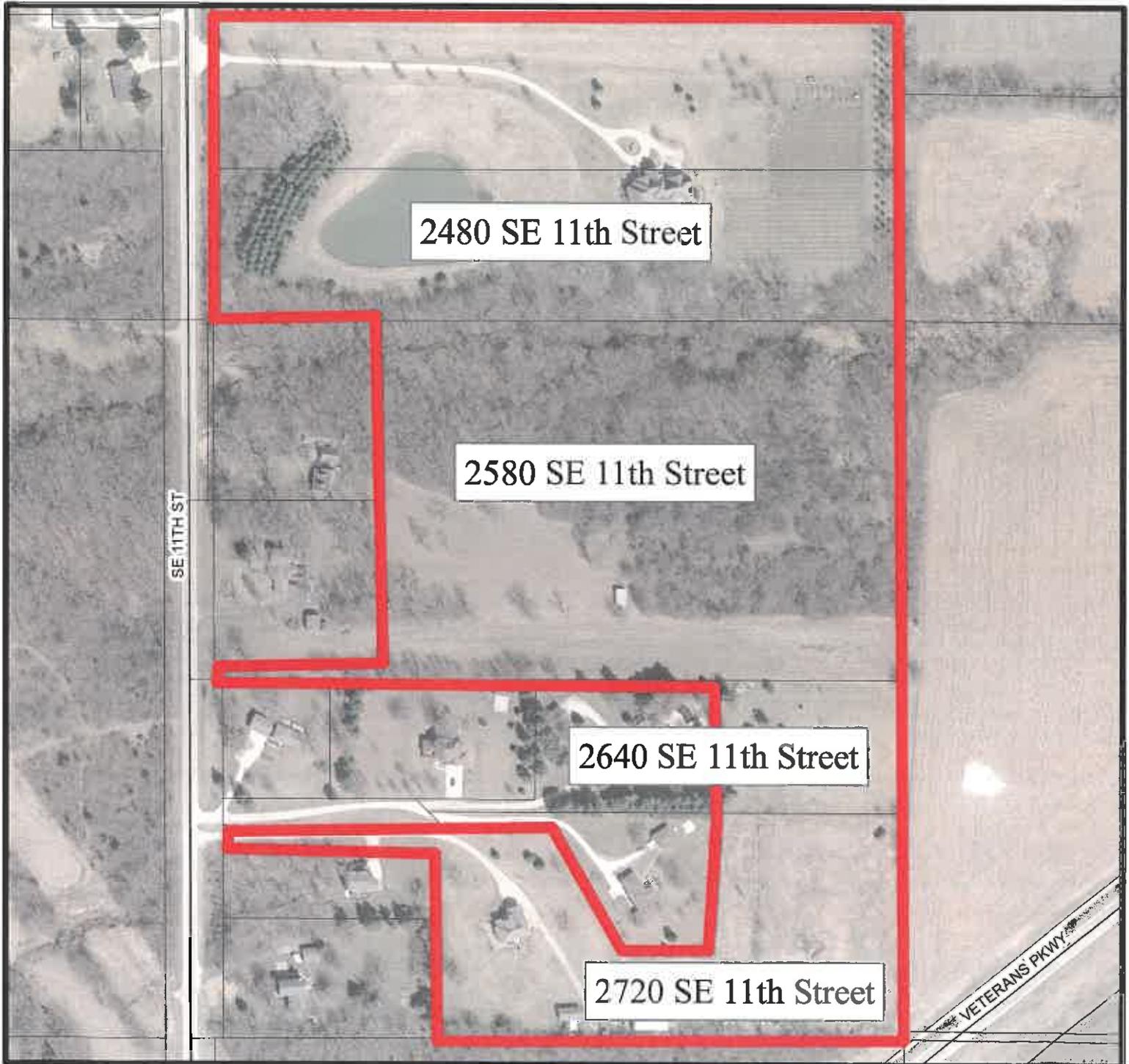
**ATTEST:**

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

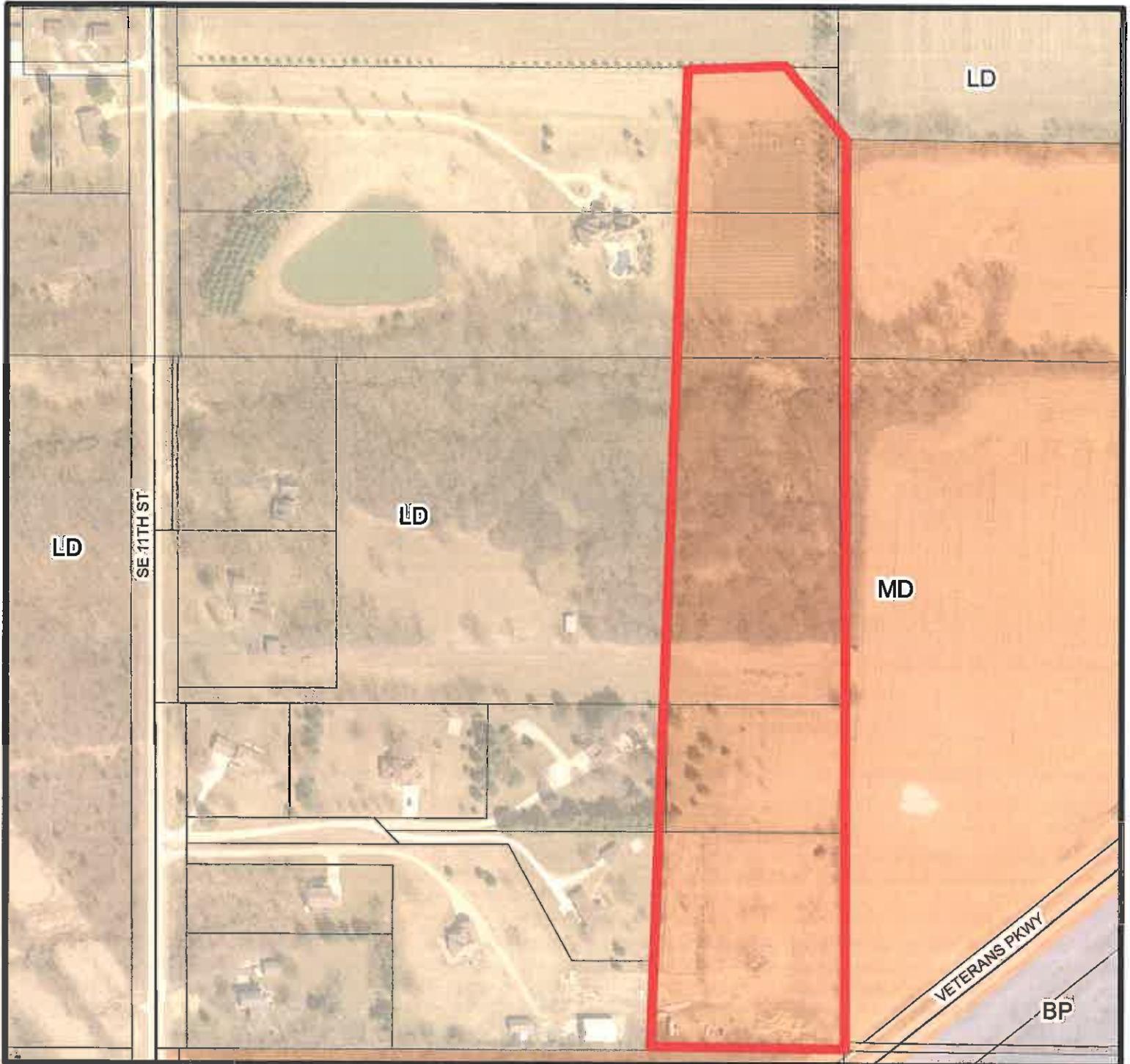
I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2016.

\_\_\_\_\_  
**Ryan T. Jacobson**  
City Clerk

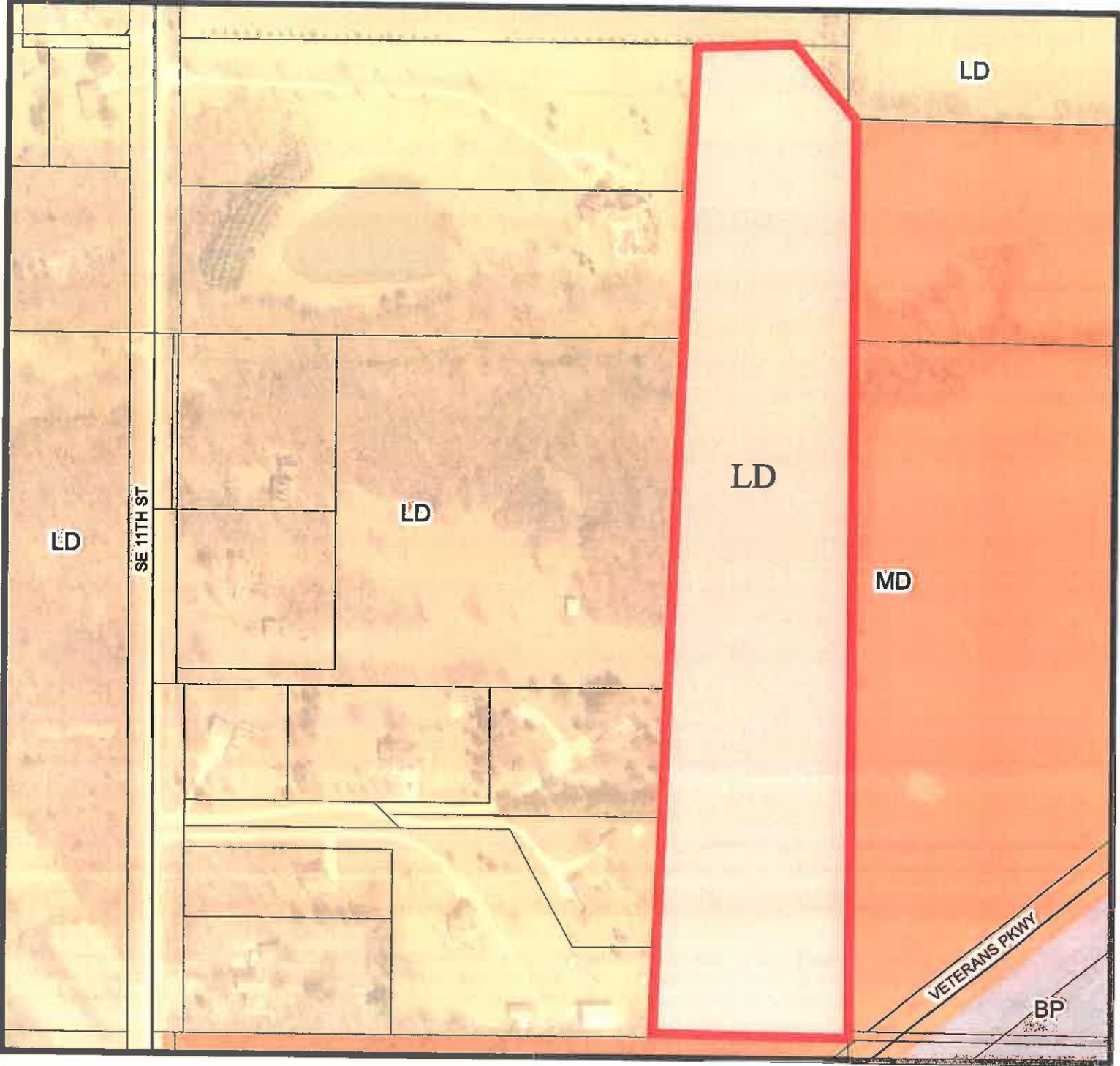
# Munro et.al. Rezoning Location Map



Munro et.al. Rezoning  
Current Land Use

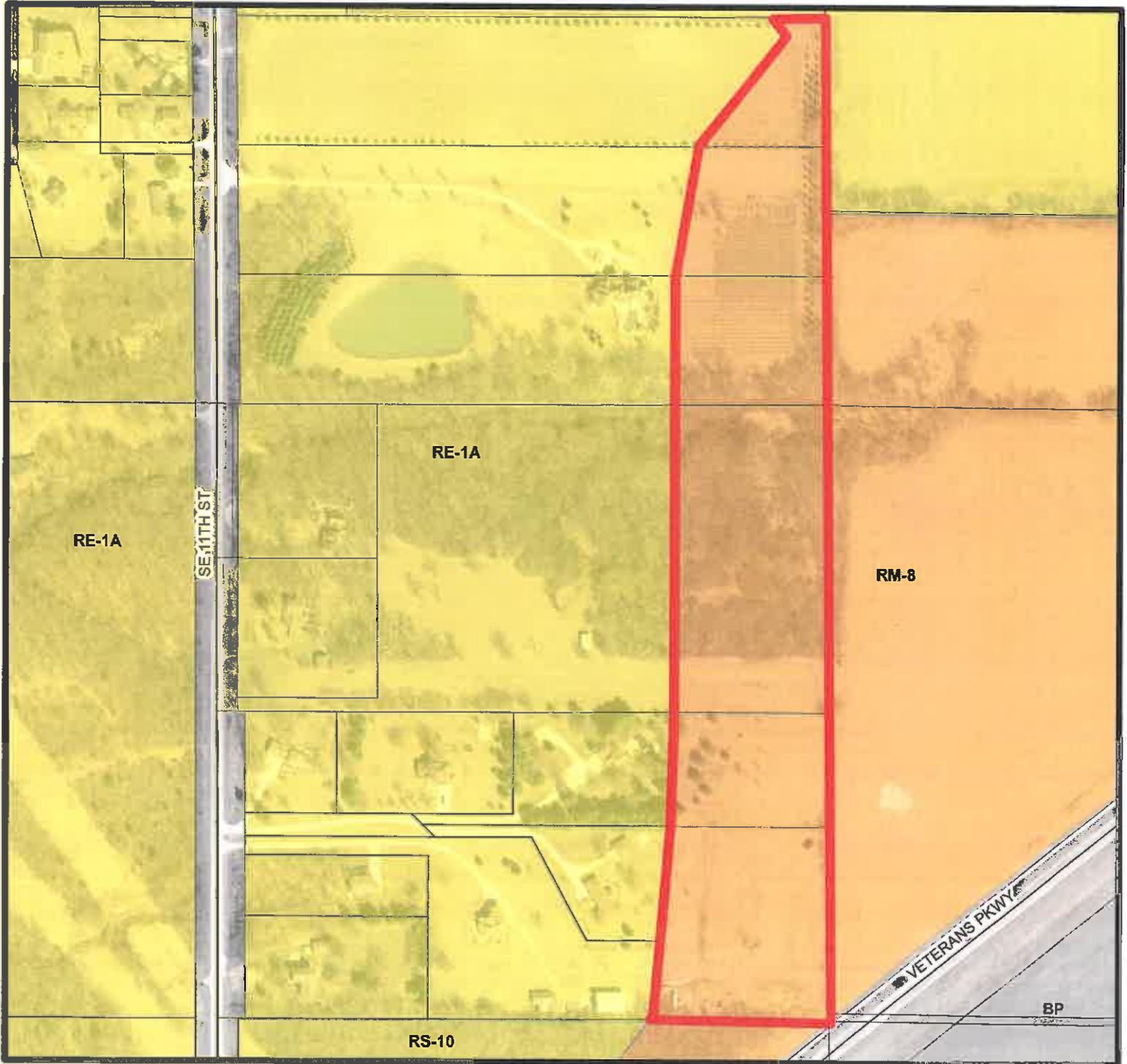


Munro et.al. Rezoning  
Proposed Land Use

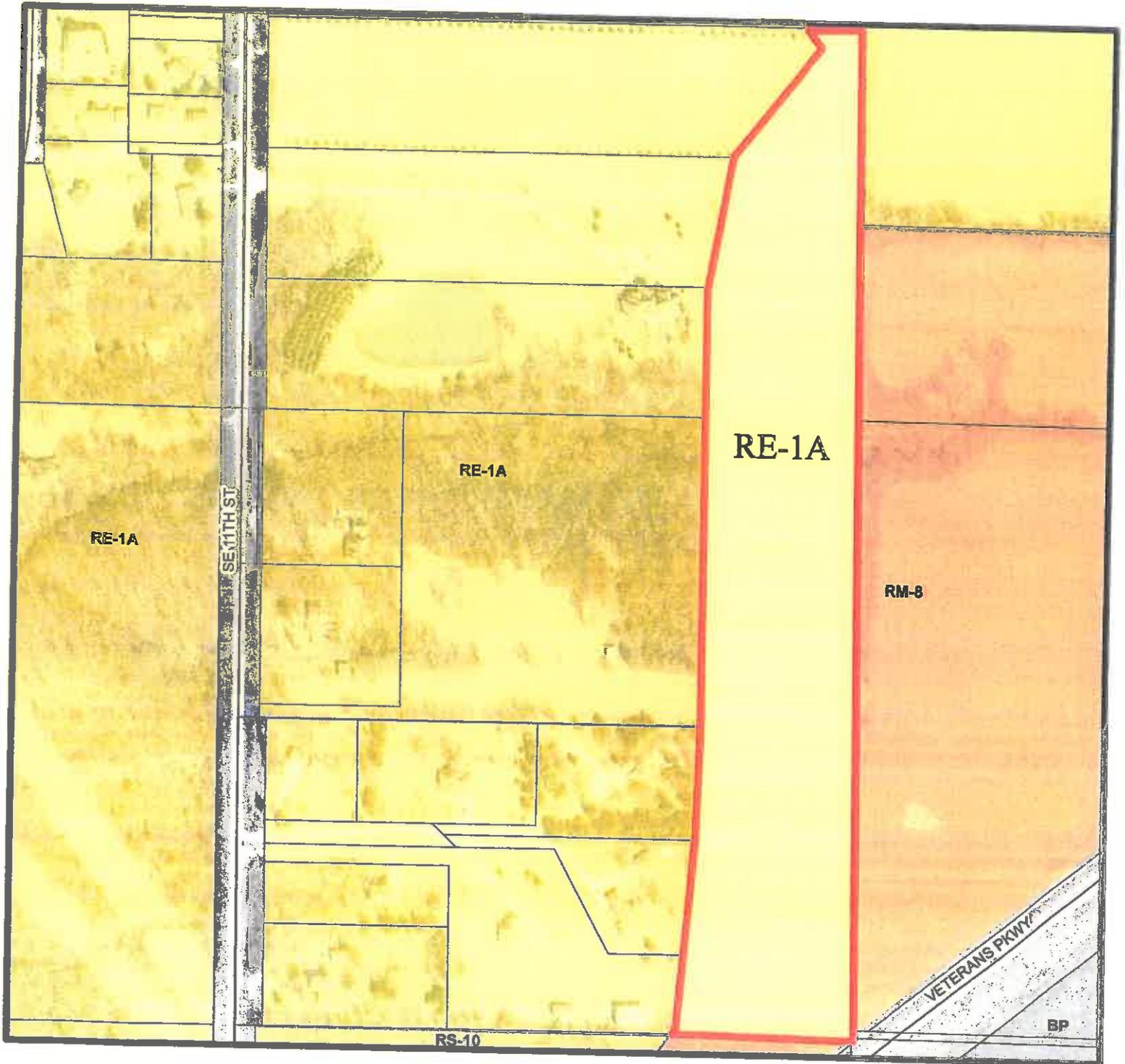


**ATTACHMENT E**

**Munro et.al. Rezoning  
Current Zoning**



# Munro et.al. Rezoning Proposed Zoning



To: Development Services of West Des Moines  
Project: Munro Rezoning  
November 14, 2016

RECEIVED  
CITY OF WDM

NOV 15 2016

DEVELOPMENT  
SERVICES

Until the City of West Des Moines planned a road behind our properties, our entire piece of land was zoned RE-1A. The city changed a portion of our land to RM-8. We would like to make our land unified again by rezoning it back to RE-1A.

We were not aware of this change. We were aware of the Southwest Connector road plans but not understanding that our personal property was being rezoned. We did attend the public hearings on the road but our property was never mentioned.

I had recently attended the numerous rezoning meetings dealing with the Grubb rezoning. At this time I inquired with Lynn Twedt why our land had this line through it. Through research I found out that that line portion of our properties was rezoned when the city was planning the Southwest connector (now Veterans Parkway) to RM-8.

We are respectfully requesting the fees for rezoning to be waived. We believe that our properties should never been changed and would like them back to there original zoning.

Thank you for your time,

Margaret Munro

*[Handwritten signature]*

Greg Heddeng

*[Handwritten signature]*