



**Council
Communication**
Office of the City Manager

Date

July 10, 2006

Agenda Item No. **66C**
Roll Call No. **06-**
Communication No. **06-425**
Submitted by: **Larry Hulse, Community
Development Director**

AGENDA HEADING:

Hearing on Voluntary Annexation of approximately 9.11 acres of land in unincorporated Polk County, located in the 1101 block of NE 46th Avenue (NE Broadway Avenue) west of NE 14th Street in Saylor Township requested by Ronald Lamb of Broadway Distributing Company (contract buyer) and Donald Lamberti (owner).

SYNOPSIS:

Recommend approval of the Voluntary Annexation of 9.11 acres in unincorporated Polk County. The Application for Voluntary Annexation is consistent with the City's long-range plans for urban development of the area. If the annexation is approved by the City Council, and unless the Application for Voluntary Annexation is withdrawn by Ronald Lamb and Donald Lamberti within 5 business days after Council approval, the City Clerk shall forward a certified copy of the resolution and the accompanying exhibits to the City Legal Department. Legal staff will seek approval of this voluntary annexation by the City Development Board in accordance with the procedures established in Iowa Code Chapter 368. The City Council is also scheduled to hold a public hearing on the proposed land use plan amendments and rezoning of the subject property and additional property on July 10, 2006. The Plan and Zoning Commission will make a recommendation on the proposed land use plan amendments and rezoning on July 6, 2006. The Commission's recommendation will be forwarded to the City Council prior to the July 10, 2006 hearing.

FISCAL IMPACT: NONE

Amount:

Funding Source:

ADDITIONAL INFORMATION:

The territory proposed for annexation adjoins the boundaries of the City of Des Moines. It is not located within the boundaries of any city but is located within two miles of the boundary of the City of Ankeny.

The property is currently vacant and adjoins additional property owned by the same entity that is already within the Des Moines' city limits. The 9.11 acres proposed for annexation would be zoned "A-1" Agricultural upon annexation and the adjoining property is currently zoned "M-1" Light Industrial. The subject property is located to the south of the proposed Northridge PUD site.

Vista Real Estate and Investment Corporation (represented by Al Rivers) has obtained a contract to purchase the 9.11 acres proposed for annexation and the adjoining property and is seeking to rezone all of the property to a Limited "M-1", Light Industrial District. The City Council is also scheduled to hold a public hearing on proposed land use plan amendments and rezoning on July 10, 2006.

The Plan and Zoning Commission held a public hearing on June 1, 2006 regarding land use amendments and rezoning proposed by Mr. Rivers. The Commission continued the hearing until July 6, 2006 so that City staff could attempt to reach an agreement with Mr. Rivers on appropriate zoning limitations. The Planning and Zoning Commission's recommendation on land use plan amendments and rezoning will be forwarded to the City Council prior to the July 10, 2006 public hearing.

Notice of the proposed annexation was given to the Polk County Board of Supervisors, the Saylor Township Board of Trustees, and the City of Ankeny by letter of May 8, 2006, and they were invited to a consultation meeting with City staff held on May 25, 2005. Saylor Township and the City of Ankeny did not send representatives, and Polk County sent Brent Bean from its Public Works Department as its representative to the consultation meeting.

On June 6, 2006, the Polk County Board of Supervisors approved Resolution No. 136-06 to recommend this petition for annexation to the City of Des Moines.

Notice of the public hearing was sent by certified or regular mail on June 16, 2006, to all affected utilities, to all other cities located within two miles of the Property, to the Polk County Board of Supervisors and County Attorney, to the Saylor Township Board of Trustees, and to all applicants and owners of land adjoining the territory proposed to be annexed as required by Sections 368.5 and 368.7 of the Iowa Code. Notice of the July 10, 2006 public hearing was also published in the Des Moines Register on June 16, 2006, as provided by law.

PREVIOUS COUNCIL ACTION(S):

Date: May 22, 2006

Roll Call Number: 06-1005

Action: Setting date of hearing [on](#) request from Broadway Distributing Company regarding voluntary annexation of land south of NE 46th Avenue (Broadway Avenue) and west of NE 14th Street, (7-10-06). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: June 19, 2006

Roll Call Number: 06-1206

Action: Setting date of hearing [on](#) request from Vista Real Estate and Investment Corporation, and from the Plan and Zoning Commission, to rezone all or portions of property in the vicinity of the 1101 block of NE 46th Avenue in Saylor Township, from "A-1" (Agricultural) and "M-1" (Light Industrial) to Ltd.

“M-1” or “C-2” (General Retail and Highway Oriented Commercial), (7-10-06). ([Council Communication No. 06-393](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: July 6, 2006

Roll Call Number: N/A

Action: Plan and Zoning Commission recommendation regarding land use plan amendments and rezoning of the subject property.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

The City Council will be asked to consider an amendment to the City-wide Urban Revitalization Plan to make commercial tax abatement available for development on the subject property. Staff has been working diligently to ensure that any proposed zoning conditions are consistent with the objectives of the proposed Urban Revitalization Plan Amendment to assure higher quality development.