



Council Communication

Office of the City Manager

Date

October 9, 2006

Agenda Item No. 64

Roll Call No. 06-

Communication No. 06-656

Submitted by: Larry Hulse

Community Development Director

AGENDA HEADING:

Hearing on Voluntary Annexation of approximately 18 acres of land in unincorporated Polk County, located south of E. Watrous Drive and west of S.E. Brooks Drive, together with portions of the adjoining rights-of-way (Junior Wright as Co-Trustee of the J & K Wright Family Trust, and Darrell Lawrence, owners).

SYNOPSIS:

Staff recommends approval of the Voluntary Annexation. If the annexation is approved by the City Council, and unless the Application for Voluntary Annexation is withdrawn by Junior Wright, as Co-Trustee of the J & K Wright Family Trust, and Darrell Lawrence, within five business days after Council approval, the City Clerk shall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, which will seek approval of this voluntary annexation by the City Development Board in accordance with the procedures established in Iowa Code Chapter 368.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The property proposed for annexation adjoins the boundaries of the City of Des Moines. It is not within the boundaries of any city, but is located within two miles of the boundaries of the Cities of Pleasant Hill and Carlisle.

The legal description of the property is Lots 1 through 7 and Outlot X, Darrell Acres, an Official Plat, and the adjoining portion of any other secondary roads extending to the centerline. Lots 1-7 are each approximately 1 acre in size. There is an existing single-family dwelling on Lot 5; its address is 4110 SE Brooks Drive. Currently, Lots 1-4, 6-7, and Outlot X are used for agricultural production.

The property is designated as Agricultural on the Des Moines' 2020 Community Character Plan Land Use Map. It would be zoned A-1, Agricultural, upon annexation to the City of Des Moines. Any development on Lots 1-4, 6-7, and Outlot X or any redevelopment of Lot 5 would have to comply with uses permitted in the A-1, Agricultural district or request a land use plan amendment and rezoning at a later time.

On September 27, 2006, the Des Moines Zoning Board of Adjustment approved a conditional use application from Verizon Wireless to construct a 180-foot tall monopole on a portion of Outlot X that provides the capability to co-locate four wireless carriers, subject to annexation by the City of Des

Moines. Any other development of Outlot X would require a subdivision of Outlot X in compliance with the City's subdivision regulations.

Notice of the proposed annexation was given to the Polk County Board of Supervisors and the Allen Township Board of Trustees by letter of July 6, 2006. They were invited to a consultation meeting with City staff held on July 13, 2006. Charles Wong appeared on behalf of Polk County. No one appeared at the consultation meeting on behalf of Allen Township. On August 1, 2006, the Polk County Board of Supervisors voted in support of Resolution No. 190-06 requesting that the City Development Board approve the petition for voluntary annexation as being consistent with the Polk County Comprehensive Plan.

Notice of the hearing was sent by certified or regular mail on August 9, 2006, to all affected utilities, all other cities located within two miles of the property, the Polk County Board of Supervisors, the County Attorney, and all applicants and owners of land adjoining the property proposed to be annexed as required by Sections 368.5 and 368.7 of the Iowa Code.

Notice of the September 11, 2006 public hearing was published in the Des Moines Register on August 9, 2006, as provided by law.

On September 11, 2006, by Roll Call No. 06-1818, the City Council continued the public hearing until October 9, 2006, at 5:00 p.m.

PREVIOUS COUNCIL ACTION(S):

Date: September 11, 2006.

Roll Call Number: 06-1818.

Action: [On](#) application from Junior Wright as Co-Trustee of the J & K Wright Family Trust and Darrell Lawrence for Voluntary Annexation of land in Polk County, located south of E. Watrous Drive and west of SE Brooks Drive. Moved by Vlassis to continue the public hearing on the proposed annexation of the territory to the 10-9-06 Council meeting at 5:00 P.M. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Date: September 27, 2006.

Zoning Board of Adjustment Docket: ZON2006-00117.

Action: Approval of conditional use application for a 180-foot tall monopole on a portion of Outlot X that provides the capability to co-locate four wireless carriers, subject to annexation by the City of Des Moines.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE