



Council Communication

Office of the City Manager

Date

November 20, 2006

Agenda Item No. 48

Roll Call No. 06-

Communication No. 06-724

Submitted by: Larry Hulse,
Community Development Director

AGENDA HEADING:

Hearing on Voluntary Annexation of approximately 3.6 acres of land in unincorporated Polk County, located in the vicinity of 5475 Meredith Drive, together with a portion of adjoining Meredith Drive right-of-way (Mid-America Group owner, 4700 Westown Parkway, West Des Moines, IA 50266, Teresa Wahlert, President).

SYNOPSIS:

Staff recommends approval of this voluntary annexation. If the annexation is approved by the City Council, and if the Application for Voluntary Annexation is not withdrawn by the Mid-America Group within 5 business days after Council approval, the City Clerk shall forward a certified copy of the resolution and the accompanying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 who 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 territory proposed for annexation adjoins the boundaries of the City of Des Moines. The property is located within two miles of the boundaries of the cities of Johnston, Urbandale and Windsor Heights.

There is an existing office/warehouse building on the subject property that is occupied by Qwest Communications. The subject property does not currently have a land use designation on the Des Moines' 2020 Community Character Plan Land Use Map. Upon annexation, the subject property will be zoned A-1, Agricultural. Therefore, the existing office/warehouse use will become a legal non-conforming use (grandfathered). The primary purpose for annexation is to allow connection to the sanitary sewer system. It is anticipated that the owner will submit a request for a Land Use Map designation and rezoning in the future that will allow the existing office/warehouse building to be a legal, permitted use.

Notice of the proposed annexation was given to the Polk County Board of Supervisors and to the Webster Township Board of Trustees by letter on September 25, 2006 and they were invited to a consultation meeting with city staff held on October 5, 2006. Neither the County nor the Township sent representatives to the consultation meeting.

Notice of the hearing was sent by certified or regular mail on October 26, 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, 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 November 20, 2006 public hearing was published in the Des Moines Register on October 26, 2006, as provided by law.

PREVIOUS COUNCIL ACTION(S):

Date: October 9, 2006.

Roll Call Number: 06-1977.

Action: On voluntary annexation of 5475 Meredith Drive and approving agreement for immediate connection to the City sewer system, (11-20-06). (Council Communication No. 06-638) Moved by Vlassis to adopt. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Consideration by the Plan and Zoning Commission and City Council of a request for Land Use Map designation and rezoning that will allow the existing office/warehouse building to be a legal, permitted use.