# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**Date: February 23, 2015**

**ITEM:** Maple Grove West, Southeast corner of the Union Pacific Railroad and 98th Street – Amend the Maple Grove West PUD, Parcel B to modify requirements for setbacks, buffers, and architecture – Rock Equity Holdings, LLC
ZC-002586-2015

**Ordinance: Approval of First Reading**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Rock Equity Holdings, LLC, represented by James Lindgren, is requesting an amendment to the Maple Grove West Planned Unit Development, specifically PUD Parcel B, zoned Residential Medium Density (RM-12) to:

- Reduce the perimeter setback on the north and east property lines to a minimum 25 ft. due to the adjacent uses of the water tower and the railroad;
- To remove the buffer park requirement on the north and east perimeter due to the adjacent uses of the water tower and the railroad;
- To provide for a minimum setback for the garage of 25 feet from the garage door to the back of curb;
- Reduce the minimum building separation from 30 feet to 15 feet; and,
- Amend the architecture section to remove the provision that indicates that garages should not be the predominate feature of the dwelling unit.

Plan and Zoning Commission Action:
Vote: 5-0 approval. Commissioners Crowley and Erickson absent
Date: February 17, 2015
Motion: Adopt a resolution recommending the City Council approve the PUD amendment request.

**OUTSTANDING ISSUES:** There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee *(Development & Planning, January 29, 2015)*
- Staff Review and Comments
  - *North Buffer Requirement*
  - *East Buffer Requirement*
  - *Setbacks*
  - *Building Separation*
  - *Setback from curb*
  - *Architecture*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

**RECOMMENDATION:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council adopt a resolution to approve the first reading to amend the Maple Grove West PUD (Planned Unit Development) as described above, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser

**STAFF REVIEWS:**

| | |
|---|---|
| Department Director | |
| Appropriations/Finance | |
| Legal | |
| Agenda Acceptance | RTG |

**PUBLICATION(S) (if applicable)**

| | | |
|---|---|---|
| Published In | *Des Moines Register* | |
| Date(s) Published | February 6, 2015 | |
| Letter sent to surrounding property owners | | February 3, 2015 |

**SUBCOMMITTEE REVIEW (if applicable)**

| | | | |
|---|---|---|---|
| Committee | Development and Planning | | |
| Date Reviewed | January 29, 2015 | | |
| Recommendation | Yes ☒ | No ☐ | Split ☐ |

**ATTACHMENTS:**

Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Location Map
- Attachment C - Proposed Rezoning Ordinance *(now Exhibit II)*

Exhibit II - Proposed Rezoning Ordinance

**EXHIBIT I**

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

**Meeting Date:** February 17, 2015

**Item:** Maple Grove West, southeast corner of the Union Pacific Railroad and 98th Street – amend the Maple Grove West PUD, Parcel B to modify requirements for setbacks, buffers, and architecture – Rock Equity Holdings, LLC – ZC-002586-2015

**Requested Action:** Approval of a Planned Unit Development (PUD) amendment

**Case Advisor:** Kara Tragesser, AICP KAT

**Applicant's Request:** Rock Equity Holdings, LLC, represented by James Lindgren, is requesting an amendment to the Maple Grove West Planned Unit Development, specifically PUD Parcel B, zoned Residential Medium Density (RM-12) to:

- Reduce the perimeter setback on the north and east property lines to a minimum 25 ft. due to the adjacent uses of the water tower and the railroad;
- To remove the buffer park requirement on the north and east perimeter due to the adjacent uses of the water tower and the railroad;
- To provide for a minimum setback for the garage of 25 feet from the garage door to the back of curb;
- Reduce the minimum building separation from 30 feet to 15 feet; and,
- Amend the architecture section to remove the provision that indicates that garages should not be the predominate feature of the dwelling unit.

**History:** The Maple Grove West PUD was established in 2005 and has been amended four times. The first amendment addressed the placement of fences within required buffer and the following three amendments involved the addition of approximately 32.0 acres into PUD Parcel A from PUD Parcel B. The subject property is governed by the Parcel B regulations of the Maple Grove West PUD and is undeveloped. The underlying zoning of the property is Residential Medium Density (RM-12).

**City Council Subcommittee:** The request to amend the Maple Grove West PUD was reviewed by the Development and Planning City Council Subcommittee at their January 29, 2015, meeting. The Subcommittee was supportive of the request.

**Staff Review and Comment:** There are no outstanding issues. Staff notes the following:

- *North Buffer Requirement:* The north boundary of the property abuts land owned by the City of West Des Moines which is also zoned Residential Medium Density. This city-owned land is for a West Des Moines Water Works water tower site. The subject property is separated from the Union Pacific Railroad by 40 feet of city-owned property that includes a driveway to the water tower, as well as a large Des Moines Water Works water main. When the PUD was written it doesn't appear that that the water tower site was taken into account when setback and buffering requirements were established. With the water works access drive immediately to the north of the subject property and the low traffic on the railroad, staff feels that the separation/buffer from the railroad specified in the PUD can be eliminated.

- *East Buffer Requirement:* In 2013 and 2014, the size of Parcel B was reduced in acreage to add acreage into the PUD Parcel A to allow for the development of single family residences. That action moved the east boundary of Parcel B away from Residential Single Family zoned land that was planned on the east side of the boundary. The east boundary now abuts the water tower site. With the water works site to the east of the subject property and no single family residential development along the east side of Parcel B, staff feels that the separation/buffer specified in the PUD should not be required.

- *Setbacks*: Based on the boundaries on the north and east abutting the water tower site, the applicant has requested that the minimum setback from these boundaries be allowed to be 25 feet instead of the 35 foot

perimeter boundary required by the PUD. Staff is supportive of this request due to the site being used by a water tower with no residential development foreseen to be incorporated on the water tower site. As the buffers and setbacks were put in place in response to the original plan in which the property would immediately abut the railroad or single family development, and such no longer being the case, staff feels that the setback can be reduced without a negative impact on the adjacent property. The 30 foot buffer and 35 foot perimeter setback would remain for the west boundary along 98th Street and the south boundary along the single family development. With a 25' building setback and 85' between the railroad line and the northern property line, and due to the limited number of trains that pass through the area, staff does not feel that a buffer should necessarily be required along the north; however, that applicant will be encouraged nonetheless to incorporate some landscaping to mitigate views from southbound 98th Street of the backs of the buildings.

- *Building Separation:* The applicant has requested that the building separation be reduced from the city code requirement off 30 feet to 15 feet. The PUD references the city code requirement for setbacks, not identified specifically in the PUD, contained in the city code for Residential Medium Density development be applied. The building separation requirement for medium density residential is 30 feet for attached structures. Staff has been contemplating a continuation of the 2013 ordinance amendment in Title 9, Chapter 5, Section 7 Building Form Regulations and Zoning District compatibility for Residential Districts, to allow setbacks adjustmentsbased on building form and mass. While the details of the amendment haven't been determined, the idea that a building form of two stories, even if attached to another dwelling unit, should meet similar setbacks for a detached building form of two stories is being contemplated. Separation between two-story single family detached homes currently is a minimum of 10' and typically 15'. Staff feels that it is appropriate in this case to allow the buildings to be setback or separated by 15 feet.

- *Setback from curb*: The applicant has requested that a provision in the PUD regarding a requirement that states *'garages be set back 25 feet, to be measured from the garage opening to the back of curb or sidewalk, whichever is more restrictive'* be changed to eliminate the wording "or sidewalk". This change would allow the garage opening setback to be 25 feet from the back of curb regardless if there is sidewalk or not. Staff feels that the request can be supported when one considers that a parking space measures 19 feet long, which leaves 6 feet for the provision of a 4 foot sidewalk. Staff has indicated in the ordinance amendment that this setback only be allowed for private streets where the sidewalk is immediately adjacent to the street. For public streets, the sidewalk would not be allowed adjacent to the street and the additional setback from the sidewalk should be required.

- *Architecture:* The applicant has requested that a provision in the PUD for architecture which states, "*Garage doors shall not be the predominate feature of a home*" be removed from the PUD as the product they are proposing does have the garages in front of the main residential portion of the dwelling unit. In support of the request the applicant has angled the units slightly and eliminating a straight bank or row of garages.

  Staff has reviewed the provisions of the architectural section for compatibility with current practices regarding medium density architecture, and has proposed the language in the attached ordinance to replace the provisions in the current PUD ordinance. Staff feels that the proposed PUD language is the beginning point for setting the standard for what the City will require of all medium density development.

  Staff has been working with the applicant to reach agreement on the architecture of the product. Staff does not feel that the elevations seen so far meet or exceed the proposed architectural language for the PUD. Staff will continue to work with the applicant to identify changes in the use of materials and colors, roof elements, entry enhancements, building details, etc. to achieve a product that meets the proposed PUD language.

**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:** On February 6, 2015, notice of the February 17, 2015, Plan and Zoning Commission and the February 23, 2015 City Council public hearings for this project was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property affected by this amendment on February 3, 2015.

**Staff Recommendations and Conditions of Approval:** Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Maple Grove PUD to modify requirements for setbacks, buffers, and architecture, being subject to the applicant meeting all City Code requirements.

**Applicant:** Rock Equity Holdings LLC
720 S, 68th Street, Suite 120
West Des Moines IA 50265-0320
James Lindgren
515-650-0530
james@caliberiowa.com

**Owners:** Same as Applicant

**Applicant's Representatives:** Same as applicant

**Attachments:**

| | | |
|---|---|---|
| Attachment A | - | Plan and Zoning Commission Resolution |
| Attachment B | - | Location Map |
| Attachment C | - | Proposed Rezoning Ordinance |

**ATTACHMENT A**

**RESOLUTION NO. PZC-PZC-15-007**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT ADOPT AN ORDINANCE TO AMEND THE MAPLE GROVE WEST PLANNED UNIT DEVELOPMENT FOR PUD PARCEL B TO MODIFY REQUIREMENTS FOR SETBACKS, BUFFERS AND ARCHITECTURE**

**WHEREAS,** pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Rock Equity Holdings, LLC has requested approval to amend the Maple Grove West Planned Unit Development Ordinance (PUD) ordinance, Parcel B to modify requirements for setbacks, buffers, and architecture;

**Legal Description**

**Outlot W, Maple Grove West Plat 5, an official plat now in and forming a part of the City of West Des Moines, Dallas County, Iowa**

**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 February 17, 2015, this Commission held a duly-noticed hearing to consider the application for an amendment to the Maple Grove West Planned Unit Development (ZC002585-2014);

**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 for this hearing or as amended orally at the hearing are adopted.

SECTION 2. The amendment to Maple Grove West Planned Unit Development is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit B. 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 February 17, 2015.

Erica Andersen, Chair
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 February 17, 2015, by the following vote:

AYES: Andersen, Brown, Costa, Cownie, Hatfield
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: Crowley, Erickson

ATTEST:

Recording Secretary

ATTACHMENT B

# General Location Map
# Maple Grove West PUD
# South of the UP Railroad and
# East of 98th Street

No Scale

**EXHIBIT II**

Prepared by: KTragesser, Community Development, PO Box 65320, W.D.M., IA 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 NO.**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2009, AND ORDINANCE #1646, #1971, #1996, #2033, AND #2050 PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**SECTION 1. AMENDMENT**. Ordinance 1646, 1971, 1996, 2033, and 2050 Maple Grove West PUD, Section 3: *Conditions*, Subsection B: *Land Use Design Criteria*, Paragraph, 2; *Parcel B*, Subparagraph a. *Architecture*, is hereby repealed in its entirety and replaced with the following bolded text:

**Architectural design for multi-family buildings shall express a creative presentation of exterior building materials, colors, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings. The use of building articulation that breaks up the building mass into modules which reflect proportions similar to the single-family residential dwellings shall be required. Methods used to create intervals which reflect individual dwelling units are:**

1. **Facade modulation - stepping back or extending forward a portion of the façade;**
2. **For entrances, projected or recessed entryways, higher rooflines, awnings or changes in materials are example that can create this effect.**
3. **Changing the rooflines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval,**
4. **Changing materials with the change in building plane to vary the look of the individual dwelling units.**
5. **Using paint and materials to reinforce the modulation or articulated intervals.**

**Buildings shall use materials such as brick, stone, vertical or lap siding, shakes and stucco, combining materials along with trim and details to provide visual interest within the development. Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions. Vinyl siding may be used only with appropriately scaled trim. All material, trim and details for a building shall be designed appropriately for chosen architectural style. Materials should change with the change in building planes. Trim and structural elements such as posts or columns shall be sized to the scale of the building. When used, masonry materials shall have the appearance of 3-dimensional elements. Fenestration (door and window openings) shall be sized to the scale of the building, incorporated on all sides of the building and be compatible to the chosen architectural style. Asphaltic shingles shall be allowed provided the shingle materials are of a heavier grade that produces a shake or shadowing effect and is consistent with the color and materials used for the multi-family residential developments**

**Garage doors facing the public street should be set back to minimize the dominance of their appearance or staggered across the building façade to create opportunities for individuality of the dwelling units. The architectural details of garage should incorporate the materials and treatments of the dwelling unit, such as windows, doors, paint and materials, and style of the dwelling unit.**

**All facades of the building in unobstructed view of the public shall be treated with the same level of architectural style and detail.**

**SECTION 2. <u>AMENDMENT</u>.** Ordinance 1646, 1971, 1996, 2033, and 2050 Maple Grove West PUD, Section 3: *Conditions*, Subsection B: *Land Use Design Criteria,* Paragraph 2: *Parcel B*, Subparagraph b. *Setbacks*, and Subparagraph c. *Buffers* are hereby amended by adding the following text as illustrated in bold lettering and deleting the text illustrated by strikethrough lettering.

b. Setbacks: All residential structures and garages shall comply with all general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential medium-density district (RM-~~10~~**12**) shall apply, unless noted otherwise within this section.

A building front yard and perimeter setback of thirty five feet (35') shall apply to any structure within parcel B, **except that the perimeter setback adjacent to municipal property at the time of development of any part of Parcel B shall be twenty five feet (25').** If the property abuts a private street, any residential structure shall be allowed to be located no closer than fifteen feet (15') from the back of a curb or back of a sidewalk, whichever is more restrictive. Garages shall comply with a front yard setback of twenty five feet (25'), to be measured from the garage opening to the back of a curb ~~or sidewalk, whichever is more restrictive~~ **for garages opening onto a private street where the sidewalk is immediately adjacent to the private street. In those cases where the garage opens onto a public street, the front yard setback for garages shall be twenty five (25') to be measured from the garage opening to the back of sidewalk.**

**A building separation of a minimum of fifteen (15') is required for all one and two story structures. Any structure greater than two stories will have a minimum building separation of thirty feet (30').**

c. Buffers: A minimum thirty foot (30') buffer ~~park~~ shall be required ~~to be provided~~ along ~~the~~ **any** boundary that abuts **property zoned for single family development and along 98th Street.** ~~the Union Pacific Railroad right of way, along 98th Street and along the south and east boundary of parcel B at the time that a development plan is submitted for parcel B~~.

**SECTION 3. <u>SAVINGS CLAUSE.</u>** If any section, provision, sentence, clause, phrase or part of the 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 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**SECTION 5. OTHER REMEDIES.** In addition to the provisions set out in 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 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the ____day of _____ 2015.

_____
Steven K. Gaer, Mayor
**ATTEST:**

_____
Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____on the ___day of _____ 2015.

_____
Ryan T. Jacobson
City Clerk