NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 30, 2015

ITEM: Delavan Townhomes, Southeast corner of EP True Parkway and S26th Street – Amend the Comprehensive Plan Land Use Map to change approximately 2.24 acres from Office to Medium Density Residential and amend the BEH II Planned Unit Development (PUD) to modify regulations to allow development of 16 attached townhome units – Capital Homes of Iowa – CPA-002815-2015/ZC 002816-2015

ORDINANCE: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Capital Homes of Iowa, represented by Ed Arp of Civil Engineering Consultants Inc., is requesting approval of both a Comprehensive Plan Land Use amendment and an amendment to the BEH II Planned Unit Development for that property located at the southeast corner of EP True Parkway and S26th Street. The applicant is requesting a Comprehensive Plan Amendment to change approximately 2.24 acres from Office (OF) to Medium Density Residential (MD). The PUD amendment modifies regulations to allow the development of 16 attached townhomes within PUD Parcel B.

Previous Council Action:
Vote: 5-0 approval
Date: November 16, 2015
Motion: Approval of the First Reading of the ordinance.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: : Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and adopt the ordinance in final form.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	10/2/15	
Letter sent to surrounding property owners		10/1/15

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	9/24/15		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Proposed Rezoning Ordinance

EXHIBIT I

Prepared by: J. B. Munford, Development Services, 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, 2015, AND ORDINANCES #846 AND #1430 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 #846 and #1430 pertaining to the **BEH II Planned Unit Development (PUD)**, Section 3, *Conditions,* Subsection A, *General Conditions* is hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

SECTION 3: CONDITIONS:

A. General Conditions: The sketch plan incorporates multi-family residential use and approximately ~~4.1~~ ***1.86*** acres of land reserved for nonresidential development which shall be distributed by area, type, use and location according to the sketch plan as presented.

1. All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the West Des Moines subdivision ordinance and the Des Moines metropolitan design standards as adopted by the city of West Des Moines pertaining thereto, unless otherwise stated within this ordinance.

2. **Unless otherwise specified herein, the development of the BEH II PUD shall comply with** ~~**chapter 15 (off-street parking and loading areas), chapter 3 (general zoning provisions), and chapter 1 (entitlement process and procedures) of**~~ title 9, zoning, of the West Des Moines city code.

3. In all areas within a 100-year frequency flood hazard zone, or adjoining drainageways, and detention ponding areas involving potential flood hazards, no building shall be erected which has a lowest floor, including basements, less than one foot (1') above the determined level of the 100-year frequency flood event, and no building shall be located within twenty five feet (25') of any easement or property boundary of a major drainageway, storm water detention basin or pond, unless said location is approved as part of a development entitlement by the city council and said building is structurally designed accordingly.

4. The developer, their successors and assigns, if any, shall pay all planning, engineering, and construction costs for the interior development of the planned unit development, for all streets, storm sewers, sanitary sewers, drainageway improvements, detention basins, water mains, buffers and other improvements within parcels A, B, and C of the PUD as may be required by this ordinance, the subdivision ordinance, the zoning ordinance, or the Des Moines metropolitan design standards as adopted by the city of West Des Moines

SECTION 2. AMENDMENT. Ordinance #846 and #1430 pertaining to the **BEH II Planned Unit Development (PUD)**, Section 3, *Conditions,* Subsection B, *Land Use Criteria*, number 2: *Parcel B* and number 3: *Parcel C* are hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

2. ~~Parcel B: The following general use regulations, performance standards, and provisions shall apply to all development proposals for that property within parcel B as shown on the sketch plan of the BEH II planned unit development:~~

~~a. The following uses shall be allowed within parcel B:~~

~~(1) Buildings and uses owned by a city, county, state, federal or other political subdivision which are operated for the social benefit of the public including: libraries, fire stations, postal distribution centers, and governmental offices, provided outdoor material and equipment storage yards shall be prohibited.~~

~~(2) Churches, with the approval of a permitted conditional use permit.~~

~~(3) Nursery schools for the day care or temporary overnight care of children, with the approval of a permitted conditional use permit.~~

~~(4) Private clubs, athletic and health centers, lodges and fraternal buildings, provided no retail sale and distribution of consumer products to the general public shall occur from the site.~~

~~(5) Professional and semiprofessional office buildings as allowed within the office (OF) zoning district, except depository institutions (SIC 60), and provided that no wholesale or retail sale and distribution of consumer products shall occur from the site.~~

~~b. Architecture and use of materials for the construction of any building shall be accomplished in a manner compatible and not conflicting with the residential uses within the neighborhood.~~

~~Architectural design shall be acceptable to the city, with all buildings required to use materials residential in character, materials of wood and/or brick exterior veneer and roof principally of a gable, mansard or hip style design. Regardless of use, all heating, ventilation, and air-conditioning mechanical units shall be screened as practical from adjoining residential developments.~~

~~c. No building shall be set closer than forty feet (40') from the ultimate right-of-way of E.P. True Parkway and South 26th Street; twenty feet (20') from the railroad right-of-way; thirty five feet (35') from the east parcel line, unless parcels B and C are developed jointly as a single site without any light industrial uses, in which case there shall be no setback; and fifty feet (50') from any residential lot along the south boundary of the parcel. The maximum building height for any building within parcel B shall be twenty four feet (24'). All accessory structures shall meet minimum setback requirements as set forth in chapter 7, setback and bulk density regulations, title 9, zoning, of the city code. Off street parking lots shall be sufficiently set back from E.P. True Parkway a minimum of twenty feet (20') and buffered as practical from all public streets and adjoining residential developments with the use of landscaping, earthberming and/or wall structures as may be required by the city.~~

2. ***Parcel B: All general use regulations, performance standards and provisions set forth in title 9, zoning ordinance, of the West Des Moines city code for the medium density residential district (RM) shall apply to any development proposal for the property within parcel B as shown on the sketch plan, except as otherwise provided herein. This area involves approximately 2.24 acres.***

All non-residential uses shall be prohibited within parcel B.

This parcel shall encompass a maximum of sixteen (16) horizontal attached dwelling units (no living above living) which shall be developed with residential buildings no greater than two (2) stories in height, and of a design, scale and dwelling unit type as shall be determined as part of a Site Plan review by the city for the

entire parcel and shall be approved by the plan and zoning commission and city council.

This parcel shall be developed as a single master planned project with each building compatible in design, scale and use of cohesive materials. Design and use of materials for the construction of any building within parcel B shall be acceptable to the city and accomplished in a manner compatible with the adjoining residential uses in the neighborhood. Architectural design, materials, exterior details and textures, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design shall be residential in character. All ground mechanical units shall be screened from view from adjoining residential developments, all streets and private drives.

No building shall be set closer than fifty feet (50') from the right-of-way of E.P. True Parkway; thirty-five feet (35') from right-of-way of South 26th Street; twenty feet (20') from the railroad right-of-way; twenty five feet (25') from the east and thirty-five feet (35') from the south parcel line. All detached accessory structures shall meet minimum setback requirements as set forth in chapter 7, setback and bulk density regulations, title 9, zoning, of the city code. Off-street parking lots shall be sufficiently set back from E.P. True Parkway and S. 26th Street a minimum of thirty feet (30') and buffered as practical from all public streets and adjoining residential developments with the use of landscaping, earth berming and/or wall structures as may be required by the city.

Buffering and transition methods shall be required as set forth in Title 9, Chapter 19, Section 8E and Title 9, Chapter 5, Section 7C of city code unless noted otherwise below:

1. ***Minimum 30' buffer shall be required along EP True Parkway and S. 26th Street. Plantings shall be equal to that required per City Code for a standard 30' wide buffer.***
2. ***Minimum 20' buffer along the north adjacent to the railroad tracks. Buffer plantings shall be equal to that required per City Code for a standard 30' wide buffer. In lieu of buffer plantings, a 6' solid fence may be constructed at the property line. Prior to installation of the fence, the developer shall execute an Indemnity/Hold Harmless Agreement releasing the City of any responsibility for damages, repair, removal, or reinstallation should access to utilities within the easement area be necessary.***
3. ***No buffer shall be required along the east although mitigation of the future light industrial use is encouraged.***
4. ***No buffer shall be required along the south; however, landscape vegetation shall be located immediately north of the access drive to interrupt views from the existing single family homes. Vegetation in this area shall be equal to that required per City Code for a standard 60' wide buffer.***
5. ***The placement of vegetation within any public easement shall be limited to understory trees, shrubs, grasses and perennials unless otherwise further restricted per the easement document. No overstory or evergreen trees are allowed within a public easement.***

3. Parcel C: The following general use regulations, performance standards, and provisions shall apply to all development proposals for that property within parcel C as shown on the sketch plan of the BEH II planned unit development:

   a. The following uses shall be allowed within parcel C:
      ~~(1) Any use allowed in parcel B.~~
      ~~(2)~~ *(1)* All permitted and permitted conditional uses allowed within the light industrial (LI) zoning district, except the following uses which shall be prohibited:

      Construction and contractor's operations and storage yards (SIC 15, 16, and 17)

      Fabricated metal products, except machinery and transportation equipment (SIC 34)

      Grain mill products (SIC 204)

      Ready-mixed concrete (SIC 3273)

Tobacco products (SIC 21)

Fuel dealers (SIC 598)

Automotive repair, services, and parking (SIC 75)

Heavy construction equipment rental and leasing (7353)

Guard dogs (part of SIC 7381)

Photo finish labs (SIC 7384)

Welding repair (SIC 7692)

Tank repair and cleaning services, metal reshaping and replating services, recreation vehicle repair services, agricultural equipment repair services, miscellaneous automotive repair services (all part of SIC 7694)

Personal services (SIC 72)

Bus terminal operations (part of SIC 41)

Railroad transportation (SIC 40)

Transportation by air (SIC 45)

Transportation services (SIC 47)

Special warehousing and storage, not elsewhere classified (SIC 4226)

Terminal and joint terminal maintenance facilities for motor freight transportation (SIC 423)

b. Architecture and use of materials for the construction of any building shall be accomplished in a manner compatible and not conflicting with the residential uses within the neighborhood.

Architectural design shall be acceptable to the city, with all uses which are allowed in parcel C being required to use materials which are residential in character, materials of wood and/or brick exterior veneer and a roof principally of a gable, mansard or hip style design. Regardless of use, all heating, ventilation, and air-conditioning mechanical units shall be screened as practical from adjoining residential developments.

c. No building shall be set closer than forty five feet (45') from the ultimate right-of-way of Delavan Drive; twenty feet (20') from the railroad right-of-way; thirty five feet (35') from the west parcel line, ~~unless parcels B and C are developed jointly as a single site without any light industrial uses, in which case there shall be no setback~~; and thirty five feet (35') from the east and south parcel boundary lines. The maximum building height for any building within parcel C shall be twenty four feet (24'). All accessory structures shall meet minimum setback requirements as set forth in chapter 7, setback and bulk density regulations, title 9, zoning, of the city code. Off-street parking lots shall be sufficiently set back from Delavan Drive a minimum of ten feet (10') and buffered with the use of landscaping, earthberming and/or wall structures as may be required by the city. (Ord. 1430, 1-8-2001)

SECTION 3. AMENDMENT. Ordinance #846 and #1430 pertaining to the **BEH II Planned Unit Development (PUD)**, Section 4, *Review Process* is hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

SECTION 4: REVIEW PROCESS:
As part of the approval process, any development which shall occur on parcels A, B, and C shall be submitted through the site plan or permitted conditional use permit review process and approved by the ~~city council after a recommendation from the plan and zoning commission~~ ***appropriate authority*** in accordance with chapter 1, entitlement, title 9, zoning, of the West Des Moines city code.

SECTION 4. AMENDMENT. Ordinance #846 and #1430 pertaining to the **BEH II Planned Unit Development (PUD)**, Section 10, *Traffic Reports,* is hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

SECTION 10: TRAFFIC REPORTS:
~~Prior to, or in conjunction with the development of any parcel, or portion of a parcel, the developer shall have the traffic report reviewed by a traffic consultant to ensure that the provisions and assumptions of the original traffic report are not negatively impacted or changed by the proposed development. A written evaluation shall be submitted to the city that shall identify what the impacts of the development of that parcel will have on the existing street system and what improvements are necessary for the safe and orderly movement of traffic in and around the area. The developer shall be responsible for the full cost associated with any improvements necessary to mitigate additional traffic generated as a result of the development.~~

Prior to development of any parcel within the PUD, a Traffic Analysis completed by the City for the purpose of determining traffic impacts and required improvements that would be necessary for the safe and orderly movement of vehicles into and around the proposed development. The developer shall be responsible for the full cost associated with any improvements necessary to mitigate additional traffic generated as a result of the development.

SECTION 5. SAVINGS CLAUSE. 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 6. 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 7. 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 8. 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 this ____ 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

REVISED BEH II P.U.D.

LEGAL DESCRIPTION

A parcel of land in the southwest ¼ of Section 9, T-78N, R-25W of the 5th P.M. City of West Des Moines, Polk County, Iowa, that is more particularly described as follows:

Commencing as a point of reference at the southeast corner of said Section 9; thence N89°58'30"W, 1483.70 feet along the south line of Section 9 to a point; thence N00°01'30"E, 33.00 feet to a point on the right-of-way (R.O.W.) line of Delavan Drive and the point of beginning; thence N89°58'30"W, 1183.65 feet along said north R.O.W. line to the south ¼ corner of Section 9; thence S89°59'10"W, 1328.01 feet along said north R.O.W. line to the southwest corner of the southeast ¼ of the southwest ¼ of Section 9; thence N00°07'36"E, 526.72 feet along the west line of the southeast ¼ of the southwest ¼ of Section 9 to a point on the south R.O.W. line of the C & NW Railroad; thence S81°46'00"E, 2536.71 feet along said south R.O.W. line to a point; thence S00°01'30"W, 163.64 feet to the point of beginning and containing 19.889 acres more or less.

and,

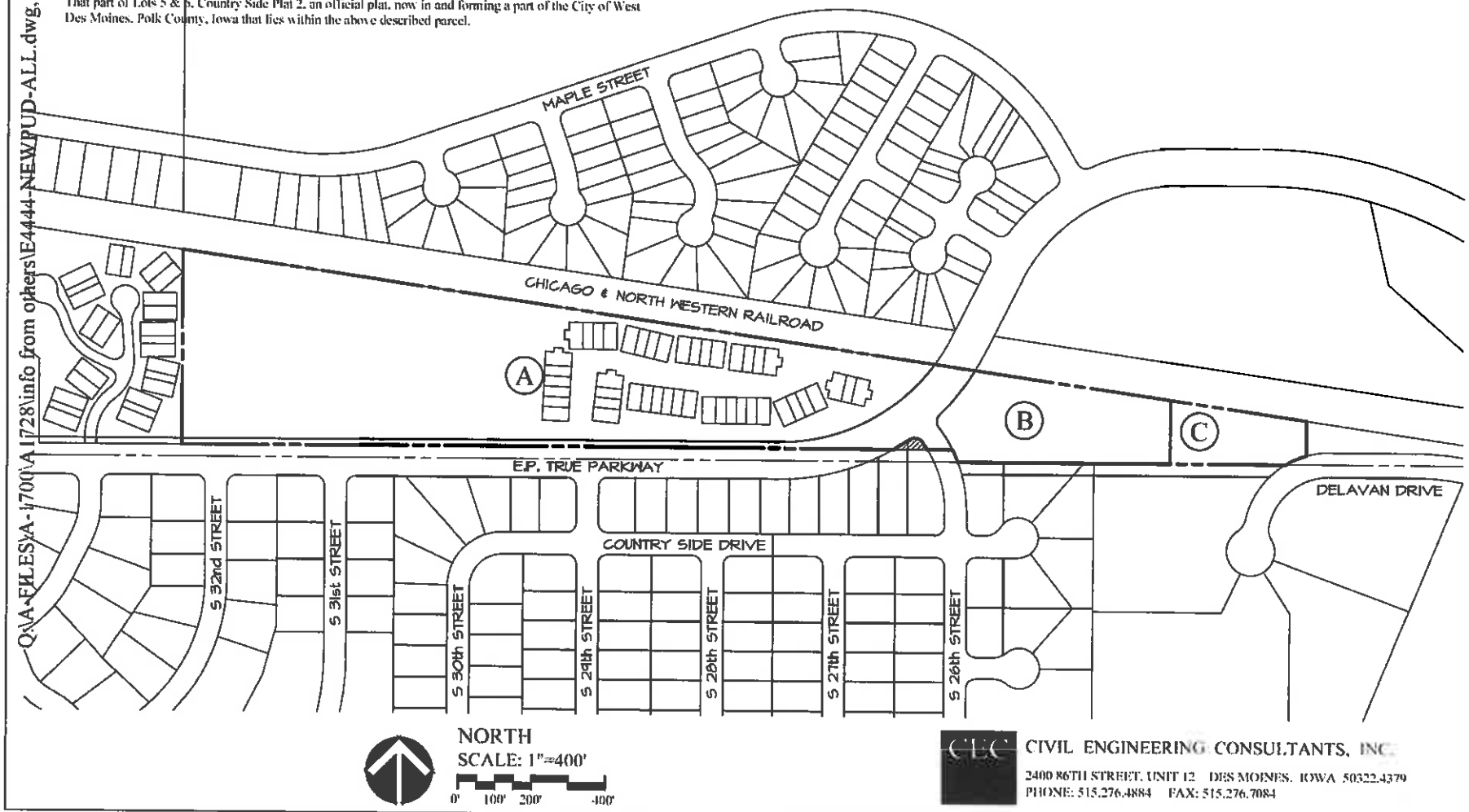
that part of Lot 1 not included in the above described parcel, Lot 2, Outlot "B" and Outlot "D", of said Delavan Plat 1 an official plat, now in and forming a part of the City of West Des Moines, Polk County, Iowa

except,

That part of Lots 5 & 6, Country Side Plat 2, an official plat, now in and forming a part of the City of West Des Moines, Polk County, Iowa that lies within the above described parcel.

LEGEND

- P.U.D. boundary
- Section line



CIVIL ENGINEERING CONSULTANTS, INC.
2400 86TH STREET, UNIT 12 DES MOINES, IOWA 50322-4379
PHONE: 515.276.4884 FAX: 515.276.7084

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