CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 30, 2015

ITEM: Tallyn's Reach, NW corner of S. 88th Street and Sugar Creek Drive – Amend the Comprehensive Plan Land Use Map to change approximately 14.6 acres from Medium Density and High Density Residential to Single Family Residential, approximately 12.6 acres from High Density to Medium Density Residential, and approximately 15.4 acres from Neighborhood Commercial to Medium Density Residential, and reclassify portions of Harper Lane and S92nd from Minor Collector to Local street, and amend the Tallyn's Reach Planned Unit Development (PUD) to modify regulations to accommodate development of 250 townhomes and rowhouses and 60 single family homes – Miller Land Partnership – CPA-002830-2015/ZC-002831-2015

RESOLUTION: Approval of Comprehensive Plan Amendment
ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Miller Land Partnership, represented by Josh Trygstad of Civil Design Advantage, is requesting approval of an amendment to the Tallyn's Reach Planned Unit Development (PUD) to add 24 acres of property and to amend land uses between approximately S. 88th Street to S. 92nd Street and from Sugar Creek Drive to Stagecoach Drive. More specifically, the applicant is requesting the following:

- A Comprehensive Plan Amendment to change approximately 14.6 acres from Medium and High Density Residential to Single Family Residential;
- A Comprehensive Plan Amendment to change approximately 12.6 from High Density Residential to Medium Density Residential;
- A Comprehensive Plan Amendment to change approximately 15.4 acres of Neighborhood Commercial to Medium Density Residential;
- A Comprehensive Plan Amendment to reclassify portions of Harper Lane and S92nd Street from a Minor Collector to a Local street classification; and,
- Amend the Tallyn's Reach PUD to:
  - Revise the legal description to incorporate the approximately 24 acre Miller ground into the PUD:
  - Reduce the building separation from 14' to 10' between townhomes and rowhouses;
  - Increase the maximum acreage indicated for Parcel G and the maximum number of allowed medium density units from 228 to 250 to reflect the addition of the Miller ground into the PUD.
  - Increase the maximum acreage indicated for Parcel J and the maximum number of allowed dwellings to reflect the addition of single family residential within this amendment area.

PLAN AND ZONING COMMISSION ACTION:
Vote: 6-0 approval, with Commissioner Erickson absent.
Date: November 23, 2015
Motion: Adopt a resolution recommending the City Council approve an amendment to the Comprehensive Plan, Land Use Map to change approximately 14.62 acres from Medium Density and High Density Residential to Single Family Residential, change approximately 12.63 acres from High Density Residential to Medium Density Residential, change approximately 15.39 acres from Neighborhood Commercial to Medium Density Residential, and reclassify portions of Harper Lane and S. 92nd Street from a Minor Collector to a Local street classification.

Motion: Adopt a resolution recommending the City Council approve an amendment to the Tallyn's Reach Planned Unit Development (PUD) to add ground into the PUD and modify regulations to accommodate development of 250 townhomes and rowhouses and 60 single family homes.

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 and Planning, September 24 and November 19, 2015*
- Staff Review and Comments

- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION AND CONDITIONS OF APPROVAL – COMPREHENSIVE PLAN AMENDMENT: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve an amendment to the Comprehensive Plan Land Use Map to change approximately 14.62 acres from Medium Density and High Density Residential to Single Family Residential, change approximately 12.63 acres from High Density Residential to Medium Density Residential, change approximately 15.39 acres from Neighborhood Commercial to Medium Density Residential, and reclassify portions of Harper Lane and S. 92nd Street from a Minor Collector to a Local street classification, subject to the applicant meeting all City Code requirements

RECOMMENDATION AND CONDITIONS OF APPROVAL – TALLYN'S REACH PUD AMENDMENT: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve an amendment to the Tallyn's Reach Planned Unit Development (PUD) to add ground into the PUD and modify regulations to accommodate development of 250 townhomes and rowhouses and 60 single family homes, subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	11/13/15	
Letter sent to surrounding property owners		11/10/15

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	*11/19/15*		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan and Zoning Commission Resolution - Comprehensive Plan Amendment
  - Exhibit A - Conditions of Approval
- Attachment B - Plan and Zoning Commission Resolution – PUD Amendment
  - Exhibit A - Conditions of Approval
- Attachment C - Location Map
- Attachment D - Current Comprehensive Plan
- Attachment E - Proposed Comprehensive Plan
- Attachment F - Current Zoning Designations
- Attachment G - Proposed Zoning Designations
- Attachment H - Proposed Street Reclassification
- Attachment I - Proposed PUD Amendment

Exhibit II - Memo provided to Plan & Zoning Commission
Exhibit III - Resolution: Approve Comprehensive Plan Land Use Map Amendment
Exhibit IV - Proposed PUD Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: November 23, 2015

Item: Tallyn's Reach, NW corner of S. 88th Street and Sugar Creek Drive – Amend the Comprehensive Plan Land Use Map to change approximately 14.6 acres from Medium Density and High Density Residential to Single Family Residential, approximately 12.6 acres from High Density to Medium Density Residential, and approximately 15.4 acres from Neighborhood Commercial to Medium Density Residential, and reclassify portions of Harper Lane and S92nd from Minor Collector to Local street, and amend the Tallyn's Reach Planned Unit Development (PUD) to modify regulations to accommodate development of 250 townhomes and rowhouses and 60 single family homes – Miller Land Partnership – CPA-002830-2015/ZC-002831-2015

Requested Action: Approval of a Comprehensive Plan Amendment and Rezoning request to amend the Tallyn's Reach Planned Unit Development.

Case Advisor: J. Bradley Munford, Planner JBM

Applicant's Request: The applicant, Miller Land Partnership, represented by Josh Trygstad of Civil Design Advantage, is requesting approval of an amendment to the Tallyn's Reach Planned Unit Development (PUD) to add 24 acres of property and to amend land uses between approximately S. 88th Street to S. 92nd Street and from Sugar Creek Drive to Stagecoach Drive. More specifically, the applicant is requesting the following:

- A Comprehensive Plan Amendment to change approximately 14.6 acres from Medium and High Density to Single Family Residential;
- A Comprehensive Plan Amendment to change approximately 12.6 from High Density to Medium Density Residential;
- A Comprehensive Plan Amendment to change approximately 15.4 acres of Neighborhood Commercial to Medium Density Residential;
- A Comprehensive Plan Amendment to reclassify portions of Harper Lane and S92nd Street from a Minor Collector to a Local street classification; and,
- Amend the Tallyn's Reach PUD to:
    - Revise the legal description to incorporate the approximately 24 acre Miller ground into the PUD:
    - Reduce the building separation from 14' to 10' between townhomes and rowhouses;
    - Increase the maximum acreage indicated for Parcel G and the maximum number of allowed medium density units from 228 to 250 to reflect the addition of the Miller ground into the PUD.
    - Increase the maximum acreage indicated for Parcel J and the maximum number of allowed dwellings to reflect the addition of single family residential within this amendment area.

History: The City Council approved a Rezoning Request to establish the Tallyn's Reach PUD (aka Michael's Landing and/or Woodland Hills development) on June 19, 2006. The Tallyn's Reach PUD has been amended five times since its adoption. The most recent amendment removed the 55 year old age requirement from Parcel F (aka, Outlots G, H, I and K, Corrected Michael's Landing Plat 1).

City Council Subcommittee: This request to amend the Comprehensive Plan Land Use and amend the Tallyn's Reach Planned Unit Development was reviewed by the Development and Planning City Council Subcommittee on September 24, 2015. The Subcommittee was supportive of the request. At the November 19, 2015 Subcommittee meeting, the reclassification of a portion of Harper Lane and S. 92nd Street from a Minor Collector classification to a Local street classification was discussed. The basis for the request is the downzoning of the properties along these streets to less intense uses, because Harper Lane will terminate and no longer connect to S88th Street, and because S92nd Street will not extend north of Stagecoach Drive. It was explained that a Minor Collector requires 31' of pavement and 70' of right-of-way, while a local street is 26' in width within a 60' right-of-way. The applicant will be constructing 26' wide streets and dedicating 60' of right-of-way with 5' utility easements adjacent to the right-of-

way being located on each side of the street. The subcommittee representatives were in agreement with the reclassification.

Staff Review and Comment: There are no outstanding issues. Staff would note that subsequent to the Comprehensive Plan and PUD Amendments, the applicant will be submitting Preliminary and Final Plats to create the residential lots and Site Plans detailing the development of the Medium Density ground.

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 November 13, 2015, a notice of the November 23, 2015, Plan and Zoning Commission and November 30, 2015, City Council public hearings 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 on November 10, 2015.

Staff Recommendations and Conditions of Approval – Comprehensive Plan Amendment: 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 Comprehensive Plan Land Use Map to change approximately 14.62 acres from Medium Density and High Density Residential to Single Family Residential, change approximately 12.63 acres from High Density to Medium Density Residential, change approximately 15.39 acres from Neighborhood Commercial to Medium Density Residential, and reclassify portions of Harper Lane and S. 92nd Street from a Minor Collector to a Local street classification, subject to the applicant meeting all City Code requirements.

Staff Recommendation and Conditions of Approval – Tallyn's Reach PUD Amendment: 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 Tallyn's Reach Planned Unit Development (PUD) to add ground into the PUD and modify regulations to accommodate development of 250 townhomes and rowhouses and 60 single family homes, subject to the applicant meeting all City Code requirements.

Owner: Miller Land Partnership
1390 South 88th Street
West Des Moines, Iowa 50266

Applicant: Hubbell Realty Company
Attn: Joe Pietruszynski
6900 Westown Parkway
West Des Moines, Iowa 50266
Joe.pietruszynski@hubbellrealty.com

Applicant Representative: Civil Design Advantage
Attn: Josh Trygstad
3405 SE Crossroads Drive, Suite G
Grimes, Iowa 50322
JoshT@cda-eng.com

Attachments:

Attachment A - Plan and Zoning Commission Resolution - Comprehensive Plan Amendment
Exhibit A - Conditions of Approval
Attachment B - Plan and Zoning Commission Resolution – PUD Amendment
Exhibit A - Conditions of Approval
Attachment C - Location Map
Attachment D - Current Comprehensive Plan
Attachment E - Proposed Comprehensive Plan
Attachment F - Current Zoning Designations
Attachment G - Proposed Zoning Designations
Attachment H - Proposed Street Reclassification
Attachment I - Proposed PUD Amendment

RESOLUTION NO. PZC-15-088

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP TO CHANGE APPROXIMATELY 14.6 ACRES FROM MEDIUM DENSITY AND HIGH DENSITY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL, CHANGE APPROXIMATELY 12.6 ACRES FROM HIGH DENSITY TO MEDIUM DENSITY RESIDENTIAL, CHANGE APPROXIMATELY 15.4 ACRES FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL, AND RECLASSIFY A PORTION OF HARPER LANE AND S. 92ND STREET FROM A MINOR COLLECTOR TO A LOCAL STREET CLASSIFICATION.

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hubbell Realty Company in cooperation with Miller Land Partnership has requested an amendment to the Comprehensive Plan Land Use Map (CPA-002830-2015) to change the land use designation of approximately 14.6 acres from Medium and High Density Residential to Single Family Residential, change approximately 12.6 acres from High Density to Medium Density Residential, change approximately 15.4 acres from Neighborhood Commercial to Medium Density Residential, and reclassify a portion of Harper Lane and S. 92nd Street from a Minor Collector to a Local street classification, for that property located within the Tallyn's Reach development and legally described as:

Legal Description

A PART OF STREET LOT 'B', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID STREET LOT 'B'; THENCE NORTH 89°24'59" WEST ALONG THE SOUTH LINE OF SAID STREET LOT 'B', 163.28 FEET; THENCE WESTERLY ALONG SAID SOUTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 4060.00 FEET, WHOSE ARC LENGTH IS 512.49 FEET AND WHOSE CHORD BEARS NORTH 85°48'01" WEST, 512.15 FEET; THENCE NORTH 7°48'58" EAST, 120.00 FEET TO THE NORTH LINE OF SAID STREET LOT 'B'; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 3940.00 FEET, WHOSE ARC LENGTH IS 497.34 FEET AND WHOSE CHORD BEARS SOUTH 85°48'01" EAST, 497.01 FEET; THENCE SOUTH 89°24'59" EAST ALONG SAID NORTH LINE, 163.10 FEET TO THE NORTHEAST CORNER OF SAID STREET LOT 'B'; THENCE SOUTH 00°29'50"WEST ALONG THE EAST LINE OF SAID STREET LOT 'B', 120.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.84 ACRES (80,173 SQUARE FEET).

AND

A PART OF STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF OUTLOT 'O', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT; THENCE NORTH 00°37'08" EAST, 70.41 FEET TO THE NORTHERLY LINE OF SAID STREET LOT 'F'; THENCE EASTERLY ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 2515.00 FEET, WHOSE ARC LENGTH IS 597.23 FEET AND WHOSE CHORD BEARS SOUTH 89°53'48" EAST, 595.82 FEET; THENCE NORTH 83°18'02" EAST ALONG SAID NORTHERLY LINE, 87.53 FEET; THENCE SOUTH 00°29'50" WEST ALONG SAID NORTHERLY LINE, 35.28 FEET; THENCE NORTH 83°18'02" EAST ALONG SAID NORTHERLY LINE, 1035.15 FEET TO THE NORTHEAST CORNER OF SAID STREET LOT 'F'; THENCE SOUTH 00°29'50" WEST

ALONG THE EAST LINE OF SAID STREET LOT 'F', 101.41 FEET TO THE SOUTHEAST CORNER OF SAID STREET LOT 'F'; THENCE NORTH 44°32'36" WEST ALONG THE SOUTHERLY LINE OF SAID STREET LOT 'F', 70.66 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1465.00 FEET, WHOSE ARC LENGTH IS 169.64 FEET AND WHOSE CHORD BEARS SOUTH 86°37'04" WEST, 169.54 FEET; THENCE SOUTH 83°18'02" WEST ALONG SAID SOUTHERLY LINE, 892.95 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 2585.00 FEET, WHOSE ARC LENGTH IS 606.14 FEET AND WHOSE CHORD BEARS NORTH 89°58'55" WEST, 604.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.99 ACRES (86,625 SQUARE FEET).

AND

OUTLOTS 'L', 'M', 'N', 'O', 'P', 'Q', 'R', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

STREET LOT 'I', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

THE NORTH 1010.00 FEET OF THE EAST 1087.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; EXCEPT THE ACQUISITION PLAT RECORDED IN BOOK 2008, PAGE 5204 SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

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 November 23, 2015, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-002830-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The request for a change in the land use designation of approximately 14.6 acres from Medium and High Density Residential to Single Family Residential change approximately 12.6 acres from High Density to Medium Density Residential, change approximately 15.4 acres from Neighborhood Commercial to Medium Density Residential, and reclassify portions of Harper Lane and S. 92nd Street from a Minor Collector to a Local street classification for that property generally located at the Southwest corner of S. 88th Street and Stagecoach Drive is recommended to the City Council for approval.

PASSED AND ADOPTED on November 23, 2015.

Michele Brown

Michele Brown, Vice Chairperson
Plan and Zoning Commission

ATTEST:

Hans Taylor

Recording Secretary

S:__Development Projects\Tallyns Reach\PUD Amendment and Comprehensive Plan Amendment (Addition of Miller property SWC of S88th and Stagecoach Dr)\ZC-002831-2015_CPA-002830-2015_SR_Tallyn's Reach PUD Amendment_Woodland Hills Comp Plan Amendmen_11-23-2015_PZ.docx

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 November 23, 2015, by the following vote:

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

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

No conditions of approval.

ATTACHMENT B

RESOLUTION NO. PZC-15-089

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE TALLYN'S REACH PLANNED UNIT DEVELOPMENT (PUD) TO ACCOMODATE DEVELOPMENT OF 250 TOWNHOMES AND ROWHOMES AND 60 SINGLE FAMILY HOMES

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hubbell Realty Company, in cooperation with Miller Land Partnership, has requested an amendment to the Tallyn's Reach PUD (ZC-002831-2015) to modify regulations to accommodate development of 250 townhomes and rowhouses and 60 single family homes;

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 November 23, 2015, this Commission held a duly-noticed hearing to consider the application for Rezoning Request ZC-002831-2015;

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, dated November 23, 2015, or as amended orally at the Plan and Zoning Commission hearing of November 23, 2015, are adopted.

SECTION 2. REZONING REQUEST ZC-002831-2015 to amend the Tallyn's Reach PUD to accommodate development of 250 townhomes and rowhouses and 60 single family homes is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated November 23, 2015, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. 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 November 23, 2015.

Michele Brown, Vice Chairperson
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 November 23, 2015, by the following vote:

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

ATTEST:

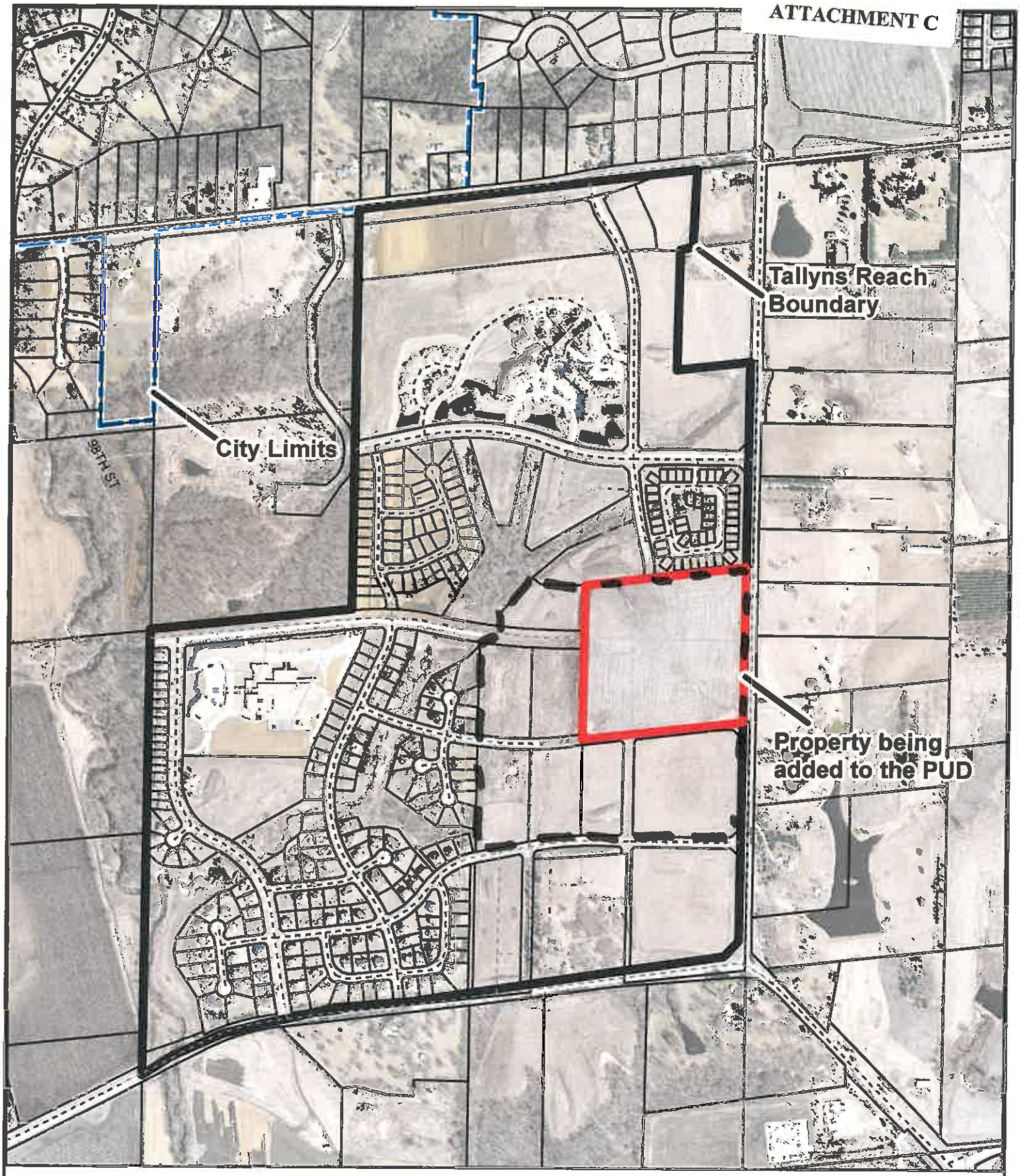
Recording Secretary

S:___Development Projects\Tallyns Reach\PUD Amendment and Comprehensive Plan Amendment (Addition of Miller property SWC of S88th and Stagecoach Dr)\ZC-002831-2015_CPA-002830-2015_SR_Tallyn's Reach PUD Amendment_Woodland Hills Comp Plan Amendmen_11-23-2015_PZ.docx

Exhibit A
CONDITIONS

No Conditions of Approval

ATTACHMENT C



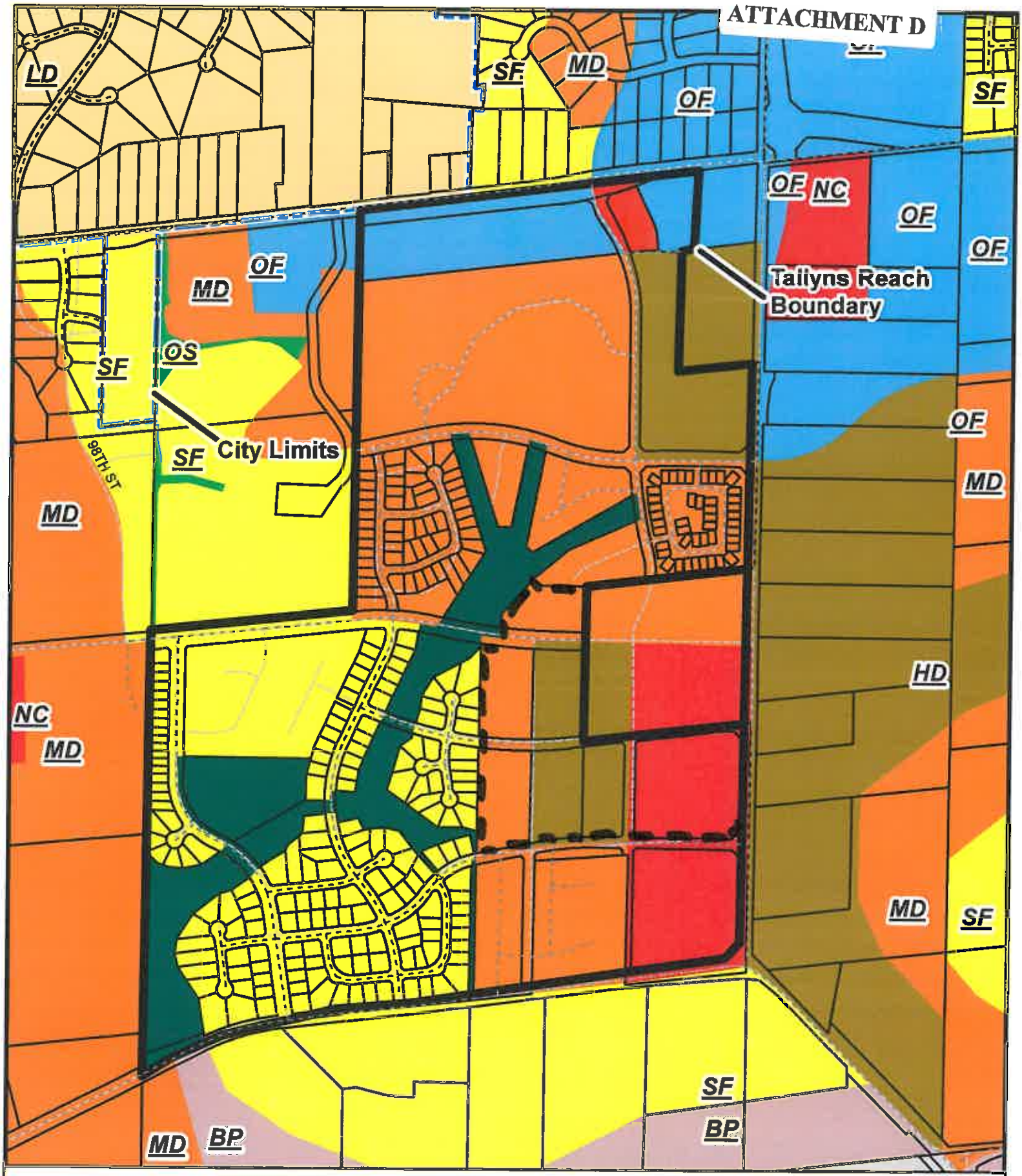
THE CITY OF West Des Moines.

Tallyns Reach/ Woodland Hills Location Map

N

NOT TO SCALE

ATTACHMENT D

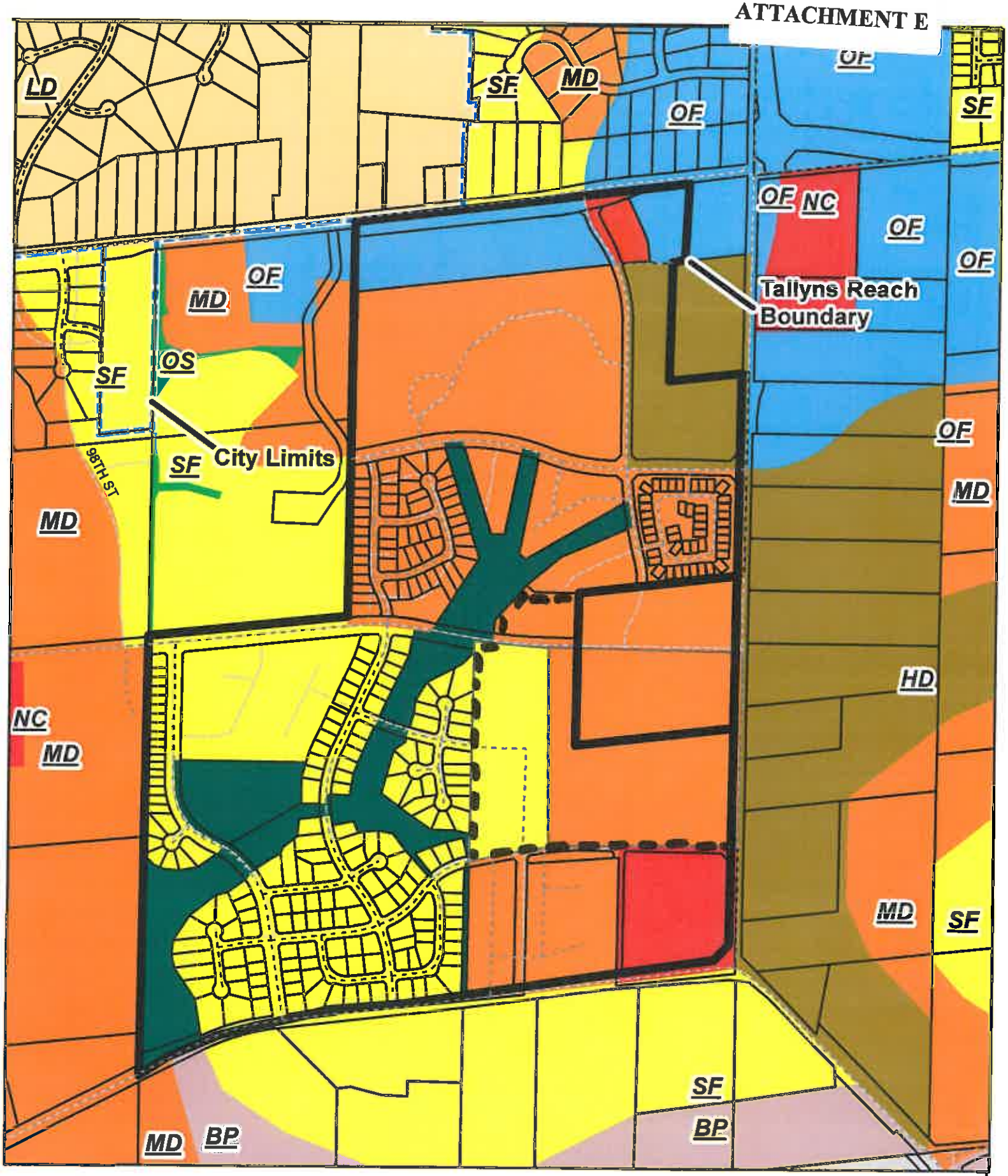


THE CITY OF West Des Moines.

Tallyns Reach/ Woodland Hills ComprehensivePlan Current Land Use Map

NOT TO SCALE

ATTACHMENT E



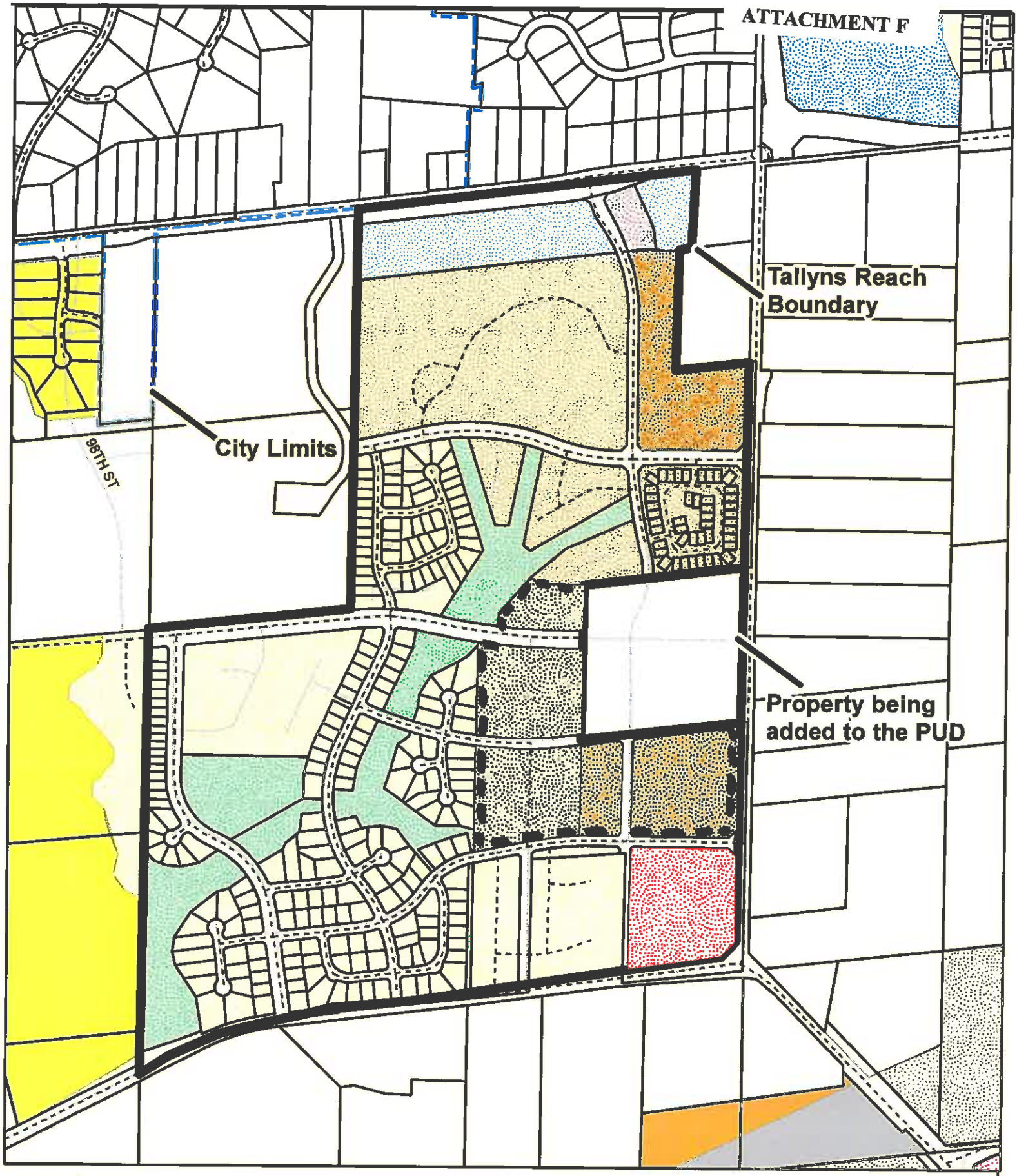
THE CITY OF West Des Moines.

Tallyns Reach/ Woodland Hills ComprehensivePlan Proposed Land Use Map

N

NOT TO SCALE

ATTACHMENT F



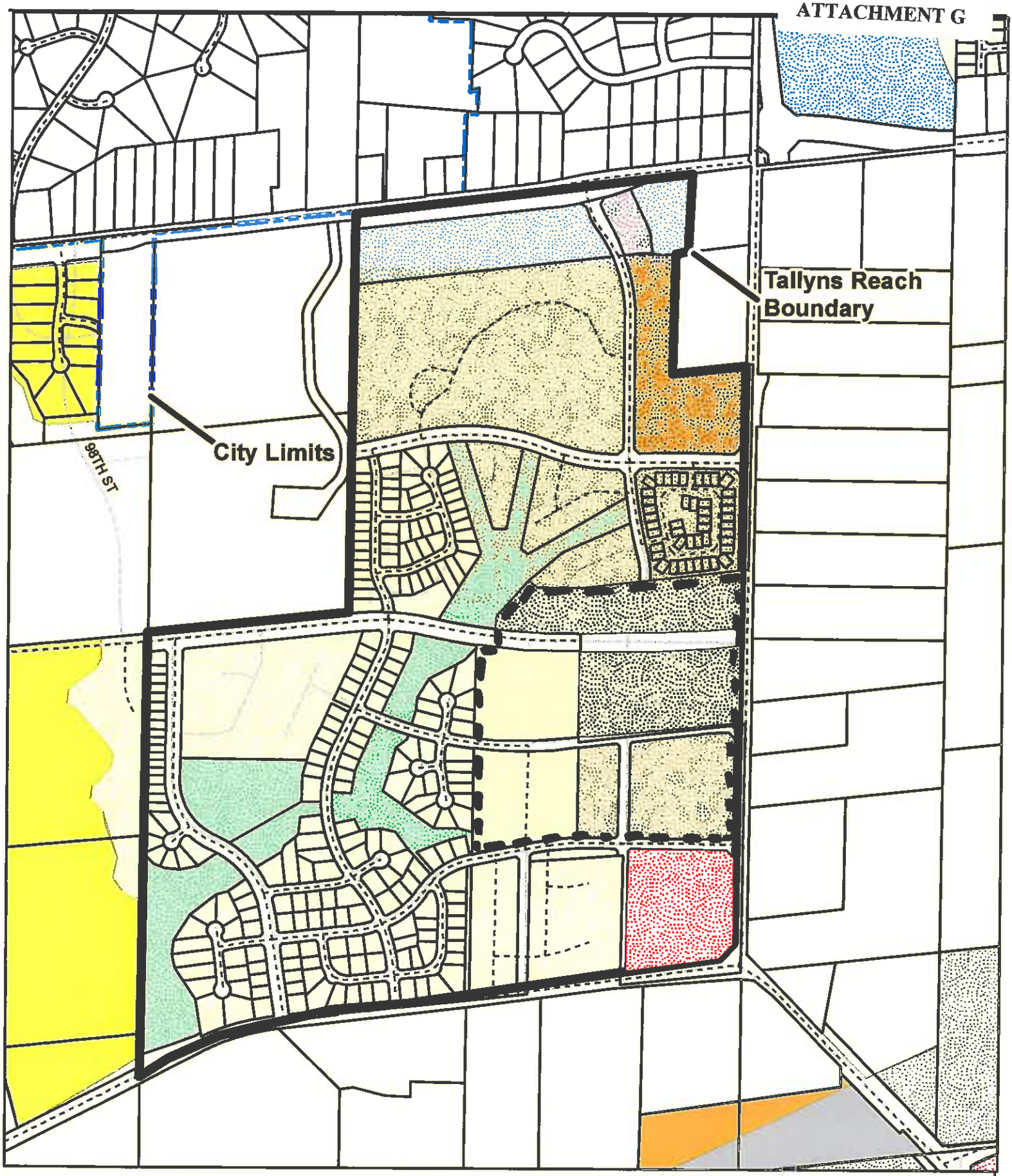
THE CITY OF West Des Moines.

Tallyns Reach/ Woodland Hills Current Zoning

N

NOT TO SCALE

ATTACHMENT G

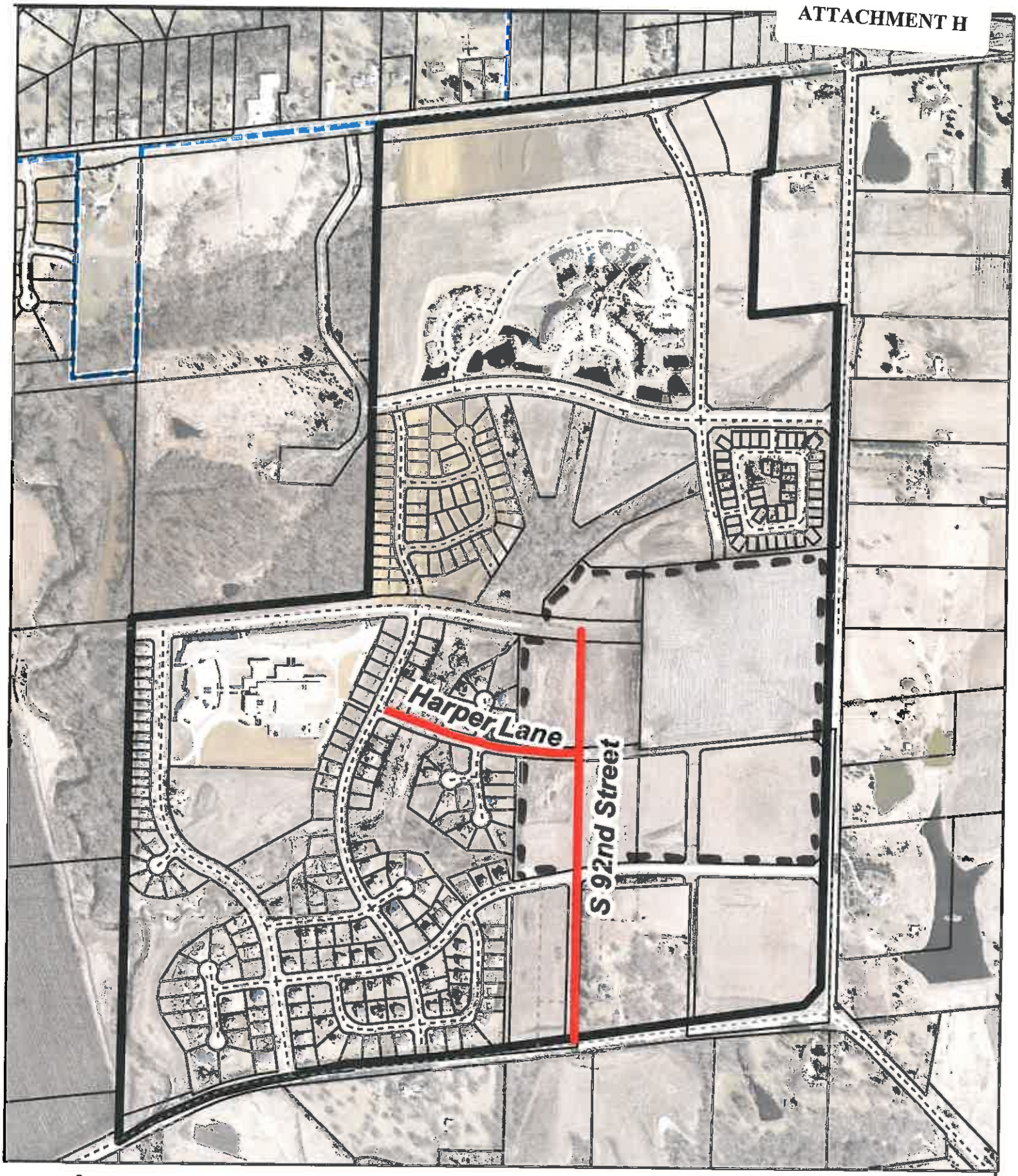


THE CITY OF
West Des Moines.

Tallyns Reach/ Woodland Hills
Proposed Zoning

NOT TO SCALE

ATTACHMENT H



THE CITY OF West Des Moines.

Tallyns Reach/ Woodland Hills
Proposed sections of Harper Lane and S 92nd Street to be reclassified

N

NOT TO SCALE

ATTACHMENT 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, 2014, AND ORDINANCES #1699, #1772, #2000, #2046, #2047 AND #2089 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 #1699, #1772, #2000, #2046, #2047 and #2089 pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 1, *Legal Description* is hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

Section 1: LEGAL DESCRIPTION:

~~CORRECTED MICHEAL'S LANDING PLAT 1, AN OFFICIAL PLAT IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA. PROPERTY CONTAINING 344.51 ACRES MORE OR LESS~~

~~AND~~

~~PARCEL 'A' OF SW¼ NE¼ AND SW¼ NE¼ BOOK 777, PAGE 912, AS RECORDED AT DALLAS COUNTY, IOWA. PROPERTY CONTAINING 12.00 ACRES MORE OR LESS.~~

CORRECTED MICHEAL'S LANDING PLAT 1, AN OFFICIAL PLAT IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.
PROPERTY CONTAINING 344.51 ACRES MORE OR LESS

AND

PARCEL 'A' OF SE1/4 NE1/4 AND SW1/4 NE1/4 OF SECTION 22, TOWNSHIP 78 NORTH RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 777, PAGE 912, AS RECORDED AT DALLAS COUNTY, IOWA. PROPERTY CONTAINING 12.00 ACRES MORE OR LESS

AND

THE NORTH 1010.00 FEET OF THE EAST 1087.00 FEET OF THE N QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WE P.M., DALLAS COUNTY, IOWA; EXCEPT THE ACQUISITION PLAT BOOK 2008, PAGE 5204 SUBJECT TO ANY AND ALL EASEMENTS, N AND COVENANTS OF RECORD.

New ? 24 acres?

SECTION 2. AMENDMENT. Ordinance #1699, #1772, #2000, #2046, #2047 and #2089, pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 3: *Required Plans*; Subsection C: *PUD Map*; is hereby amended by repealing the existing illustration and replacing with that attached to this ordinance as Exhibit 'A':

SECTION 3. AMENDMENT. Ordinance #1699, #1772, #2000, #2046, #2047 and #2089 pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 11, *Land Use Design Criteria,* Subsection F, *Parcel G,* Subsection G, *Parcel H and* Subsection I, *Parcel J* are hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

Section 11: LAND USE DESIGN CRITERIA:

F. Parcel G: Residential Medium-Density: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential medium-density (RM-***12***) shall apply to any development proposal for property within parcel G as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.

1. Setbacks: Building setbacks and separation shall abide by city code with the exception that should this property develop with urban rowhouses or townhomes the setback and separation may be reduced as follows, subject to city council approval at the time of site plan and preliminary plat, unless otherwise required by building and/or fire codes:

a. Fifteen foot (15') front yard. Front porches, stoops and balconies may extend into the front yard setback, yet may be no closer than ten feet (10') to the front property line.

b. ~~Fifteen feet (15') between buildings.~~ ***A minimum five foot (5') side and rear yard setback as measured from the lot line to the closest building element shall be provided.***

(1) "Rowhouses" shall be defined as a series of one and one-half-, two or three-story units attached in a row by no more than two (2) common walls where a front porch or front stoop faces the public street or public green space.

(2) " Townhomes" shall be defined as dwelling units which are attached horizontally, and not vertically to one or more other dwelling.

2. Building Separation: ~~Should this property develop with townhomes,~~ The required building separation may be ~~reduced~~ as follows, ~~subject to city council approval at the time of site plan and preliminary plat~~ unless otherwise required of building and/or fire codes:

a. ~~A fourteen foot (14') minimum separation between biattached units is applicable for building side yards at conditions where neither opposing unit has outdoor living spaces on the building side that determines the separation requirements~~. ***For dwelling buildings 2 story or less,*** a minimum ten foot (10') separation between primary attached dwelling structures and between primary dwelling structures and accessory structures is applicable for building side yards at conditions where neither opposing unit has outdoor living spaces on the building side that determines the separation requirements. ***Dwelling buildings which have outdoor living spaces within the side yard of the building shall provide a minimum twenty-five feet (25') of separation between structures.*** Separation distance between structures shall be measured from the closest element of each structure/building. All components of the structure, including foundations shall be located entirely within the lot's boundary.

b. For 2 story or greater dwelling buildings, a minimum fourteen foot (14') separation between primary attached dwelling structures and between primary dwelling

structures and accessory structures is applicable for building side yards at conditions where neither opposing unit has outdoor living spaces on the building side that determines the separation requirements. Dwelling buildings which have outdoor living spaces within the side yard of the building shall provide a minimum thirty feet (30') of separation between structures. Separation distance between structures shall be measured from the closest element of each structure/building. All components of the structure, including foundations shall be located entirely within the lot's boundary.

~~b.~~ *c.* The applicant will need to comply with all other required standards as noted in the setback and bulk density regulations in the city's zoning ordinance in addition to any building code separation requirement in effect at the time of site plan submittal.

3. Garage Setback/Driveway Length: The distance between the opening of the garage and pedestrian pathway or curb shall be consistent with the following:

   a. A distance of twenty five feet (25') or greater, measured perpendicularly from the garage opening to the closest point of the sidewalk or back of curb of the intersecting private street or drive, whichever is more restrictive; or

   b. A distance of ten feet (10') or less, measured perpendicularly from the garage opening to the closest point of the back of curb of the intersecting private street or drive.

   Garages set back within a range of distance of ten (10) and twenty five feet (25') from the sidewalk or back of curb shall not be permitted due to concerns that vehicles parked in front of a garage set back within this range of distance may block or obstruct safe vehicle or pedestrian movement on the private street/drive or sidewalk. Garages shall be set back no less than twenty five feet (25') from the right of way line of a public street.

   If garages are not set back sufficiently to allow for the parking of a vehicle in front of the garage, multiple garage spaces or additional parking spaces will need to be provided within the site to provide, at a minimum, the required number of parking spaces per dwelling unit based on the number of bedrooms as identified in section 9-15-7 of the city code.

4. Allowed Development Size: No more than two hundred ~~twenty eight (228)~~ ***fifty (250)*** units within ~~22.8~~ ***39.33*** acres shall be permitted.

G. Parcel H: ~~All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential high-density (RH) shall apply to any development proposal for property within parcel H as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.~~

~~1. Allowed Development Size: No more than two hundred fifty six (256) units and 15.1 acres shall be permitted.~~ ***There is no Parcel H***

I. Parcel J; Single-Family: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential single-family with a minimum of five thousand (5,000) square foot lots (RS-5) shall apply to any development proposal for property within parcel J as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.

1. Setbacks: Setbacks for all single-family shall be:

   a. Twenty five foot (25') minimum and thirty five foot (35') maximum front yard.

b. Thirty five foot (35') rear yard except for those lots along Booneville Road and Cascade Avenue, which may have a twenty five foot (25') rear yard as measured from the interior line of any required buffer park.

c. Five foot (5') side yard as measured to the overhang.

d. Front porches, stoops and balconies may extend into the front yard setback, yet may be no closer than fifteen feet (15') to the front property line.

2. Allowed Development Size: No more than ~~two hundred sixty one (261)~~ ***three hundred thirty three (333)*** ~~units of~~ single-family residential ***dwellings*** within ~~ninety one (91)~~ ***one hundred and three (103)*** acres shall be permitted.

SECTION 4. 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 5. 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 6. 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 7. 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.

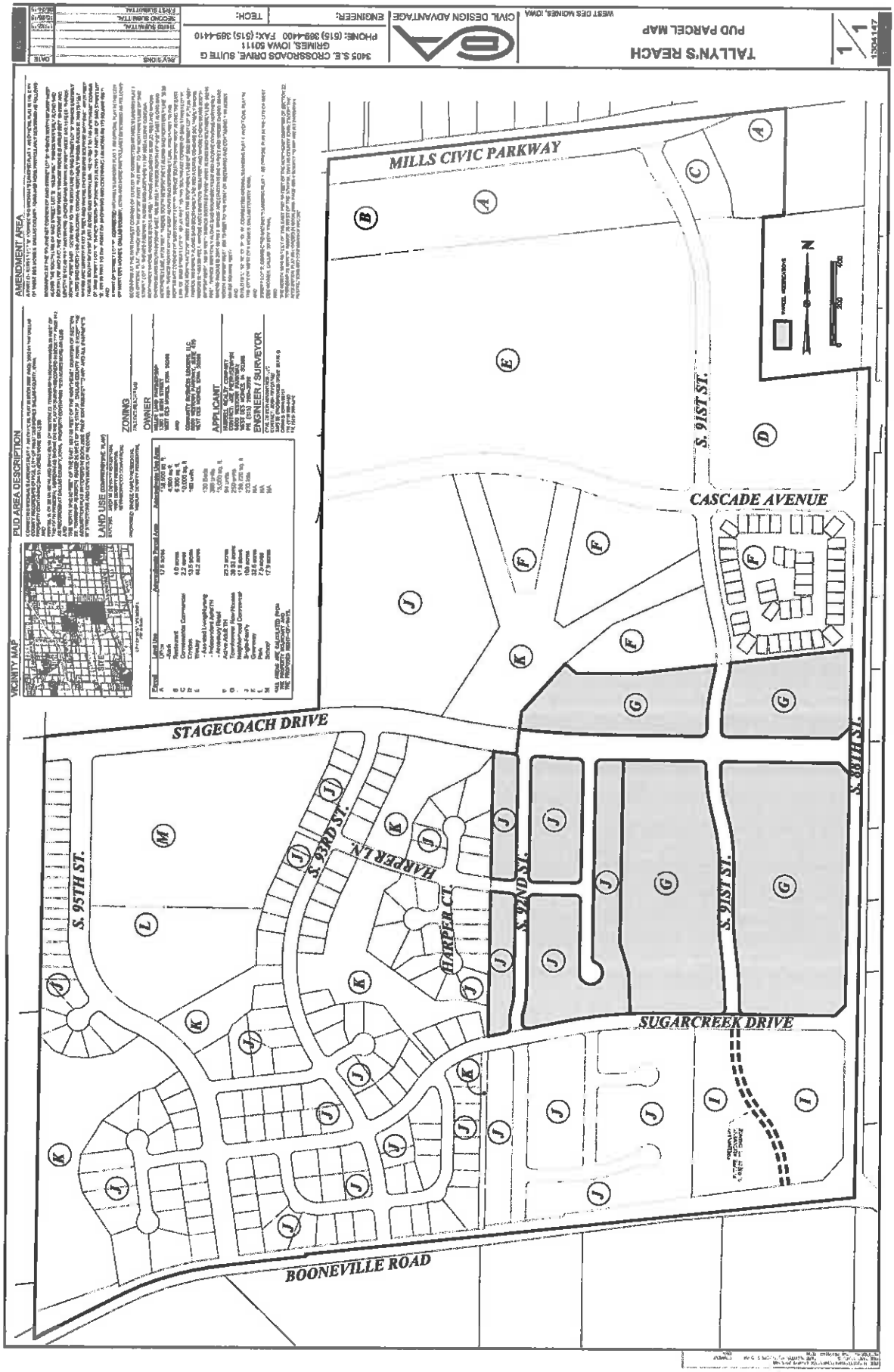
_____
Steven K. Gaer, Mayor

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



S:___Development Projects\Tallyns Reach\PUD Amendment and Comprehensive Plan Amendment (Addition of Miller property SWC of S88th and Stagecoach Dr)\ZC-002831-2015_CPA-002830-2015_SR_Tallyn's Reach PUD Amendment_Woodland Hills Comp Plan Amendmen_11-23-2015_PZ.docx

EXHIBIT II

CITY OF WEST DES MOINES
MEMORANDUM

TO: Chairperson Erickson and Members of the Plan and Zoning Commission

FROM: J. Bradley Munford

DATE: November 23, 2015

RE: Item 2a – Tallyn's Reach

The applicant and staff have had discussions since the Tallyn's Reach staff report was provided to the Commission. Those discussion revolve around the side yard setbacks for outdoor living spaces such as decks and patios. The proposed ordinance language included in the staff report specified that when an outdoor living space is located within a side yard, a minimum twenty-five feet (25') of building separation, as measured to the foundation is required between the structures. The applicant raised concern with this as a handful of the units are less than 25' apart and they would not be able to provide the 25' without losing units. There is another provision in the ordinance that states that a minimum five foot side and rear yard setback from the closest building element is required; however, the language did not clarify whether this was to the outdoor living space or to actual building components such as overhangs, window bump-outs, etc. This language did not provide certainty that there would be any separation between outdoor living spaces of adjacent dwellings. The 25' building separation was initially thought to provide better separation between outdoor living spaces, but upon further analysis, is was determined that by measuring between the foundations, the outdoor living spaces could end up being as close as 2' from each other (paving for at-grade patios can be placed within 1' of property line). It was determined that establishing a 5' setback from the property line to the closest element, including decks and/or patios of outdoor living spaces would provide a guaranteed separation between outdoor living spaces of a minimum of 10'. The applicant has indicated agreement with providing the setback to the closest element, including patios and decks.

Staff and the applicant agreed to the following changes to the proposed PUD for *Section 11, Land Use Design Criteria, Subsection F, Parcel G, number 1b and Section 11, Land Use Design Criteria, Subsection F, Parcel G, number 2* by inserting the italicized and bolded text to clarify what the setback is measured to and deleting the section on Building Separation:

Section 11: LAND USE DESIGN CRITERIA:

F. Parcel G: Residential Medium-Density: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential medium-density (RM-*12*) shall apply to any development proposal for property within parcel G as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.

1. Setbacks: Building setbacks and separation shall abide by city code with the exception that should this property develop with urban rowhouses or townhomes the setback and separation may be reduced as follows, subject to city council approval at the time of site plan and preliminary plat, unless otherwise required by building and/or fire codes:

   a. Fifteen foot (15') front yard. Front porches, stoops and balconies may extend into the front yard setback, yet may be no closer than ten feet (10') to the front property line.

   b. A minimum five foot (5') side and rear yard setback as measured from the lot line to the closest building element ***including but not limited to decks, patios, window wells, etc.*** shall be provided.

(1) "Rowhouses" shall be defined as a series of one and one-half-, two or three-story units attached in a row by no more than two (2) common walls where a front porch or front stoop faces the public street or public green space.

(2) " Townhomes" shall be defined as dwelling units which are attached horizontally, and not vertically to one or more other dwelling.

c. ***The applicant will need to comply with all other required standards as noted in the setback and bulk density regulations in the city's zoning ordinance in addition to any building code separation requirement in effect at the time of site plan submittal.***

~~2. Building Separation: Should this property develop with townhomes, The required building separation may be reduced as follows, subject to city council approval at the time of site plan and preliminary plat unless otherwise required of building and/or fire codes:~~

~~a. A fourteen foot (14') minimum separation between biattached units is applicable for building side yards at conditions where neither opposing unit has outdoor living spaces on the building side that determines the separation requirements. For dwelling buildings 2 story or less, a minimum ten foot (10') separation between primary attached dwelling structures and between primary dwelling structures and accessory structures is applicable for building side yards at conditions where neither opposing unit has outdoor living spaces on the building side that determines the separation requirements. Dwelling buildings which have outdoor living spaces within the side yard of the building shall provide a minimum twenty-five feet (25') of separation between structures. Separation distance between structures shall be measured from the closest element of each structure/building. All components of the structure, including foundations shall be located entirely within the lot's boundary.~~

~~b. For 2 story or greater dwelling buildings, a minimum fourteen foot (14') separation between primary attached dwelling structures and between primary dwelling structures and accessory structures is applicable for building side yards at conditions where neither opposing unit has outdoor living spaces on the building side that determines the separation requirements. Dwelling buildings which have outdoor living spaces within the side yard of the building shall provide a minimum thirty feet (30') of separation between structures. Separation distance between structures shall be measured from the closest element of each structure/building. All components of the structure, including foundations shall be located entirely within the lot's boundary.~~

~~b. c. The applicant will need to comply with all other required standards as noted in the setback and bulk density regulations in the city's zoning ordinance in addition to any building code separation requirement in effect at the time of site plan submittal.~~

Cc: Lynne Twedt, Development Services Director

EXHIBIT III

Prepared by: J.B. Munford, Development Services PO Box 65320 West Des Moines IA 50265-0320 (515)222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING THE COMPREHENSIVE PLAN AMENDMENT (CPA-002830-2015) TO CHANGE APPROXIMATELY 14.6 ACRES FROM MEDIUM DENSITY AND HIGH DENSITY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL, CHANGE APPROXIMATELY 12.6 ACRES FROM HIGH DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, CHANGE APPROXIMATELY 15.4 ACRES FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL, AND RECLASSIFY A PORTION OF HARPER LANE AND S. 92ND STREET FROM A MINOR COLLECTOR TO A LOCAL STREET CLASSIFICATION.

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et sea, of the West Des Moines Municipal Code, the property owner, Hubbell Realty Company in cooperation with Miller Land Partnership has requested an amendment to the Comprehensive Plan Land Use Map (CPA-002830-2015) to change the land use designation of approximately 14.6 acres from Medium and High Density Residential to Single Family Residential, change approximately 12.6 acres from High Density Residential to Medium Density Residential, change approximately 15.4 acres from Neighborhood Commercial to Medium Density Residential, and reclassify a portion of Harper Lane and S. 92nd Street from a Minor Collector to a Local street classification, for that property located within the Tallyn's Reach development and legally described as:

Legal Description

A PART OF STREET LOT 'B', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID STREET LOT 'B'; THENCE NORTH 89°24'59" WEST ALONG THE SOUTH LINE OF SAID STREET LOT 'B', 163.28 FEET; THENCE WESTERLY ALONG SAID SOUTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 4060.00 FEET, WHOSE ARC LENGTH IS 512.49 FEET AND WHOSE CHORD BEARS NORTH 85°48'01" WEST, 512.15 FEET; THENCE NORTH 7°48'58" EAST, 120.00 FEET TO THE NORTH LINE OF SAID STREET LOT 'B'; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 3940.00 FEET, WHOSE ARC LENGTH IS 497.34 FEET AND WHOSE CHORD BEARS SOUTH 85°48'01" EAST, 497.01 FEET; THENCE SOUTH 89°24'59" EAST ALONG SAID NORTH LINE, 163.10 FEET TO THE NORTHEAST CORNER OF SAID STREET LOT 'B'; THENCE SOUTH 00°29'50"WEST ALONG THE EAST LINE OF SAID STREET LOT 'B', 120.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.84 ACRES (80,173 SQUARE FEET).

AND

A PART OF STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF OUTLOT 'O', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT; THENCE NORTH 00°37'08" EAST, 70.41 FEET TO THE NORTHERLY LINE OF SAID STREET LOT 'F'; THENCE EASTERLY ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 2515.00 FEET, WHOSE ARC LENGTH IS 597.23 FEET AND WHOSE CHORD BEARS SOUTH 89°53'48" EAST, 595.82 FEET; THENCE NORTH 83°18'02" EAST ALONG SAID NORTHERLY LINE, 87.53 FEET; THENCE SOUTH 00°29'50" WEST ALONG SAID NORTHERLY LINE, 35.28 FEET; THENCE NORTH 83°18'02" EAST ALONG SAID NORTHERLY LINE, 1035.15 FEET TO THE NORTHEAST CORNER OF SAID STREET LOT 'F'; THENCE SOUTH 00°29'50" WEST
ALONG THE EAST LINE OF SAID STREET LOT 'F', 101.41 FEET TO THE SOUTHEAST CORNER OF SAID STREET LOT 'F'; THENCE NORTH 44°32'36" WEST ALONG THE SOUTHERLY LINE OF SAID STREET LOT 'F', 70.66 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1465.00 FEET, WHOSE ARC LENGTH IS 169.64 FEET AND WHOSE CHORD BEARS SOUTH 86°37'04" WEST, 169.54 FEET; THENCE SOUTH 83°18'02" WEST ALONG SAID SOUTHERLY LINE, 892.95 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 2585.00 FEET, WHOSE ARC LENGTH IS 606.14 FEET AND WHOSE CHORD BEARS NORTH 89°58'55" WEST, 604.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.99 ACRES (86,625 SQUARE FEET).

AND

OUTLOTS 'L', 'M', 'N', 'O', 'P', 'Q', 'R', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

STREET LOT 'I', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

THE NORTH 1010.00 FEET OF THE EAST 1087.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; EXCEPT THE ACQUISITION PLAT RECORDED IN BOOK 2008, PAGE 5204 SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

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 November 23, 2015, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment (CPA-002830-2015);

WHEREAS, on November 30, 2015, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-002830-2015);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report for the hearing or as amended orally at the City Council hearing are adopted.

SECTION 2. The amendment of the Comprehensive Plan Land Use Map as described above is hereby adopted.

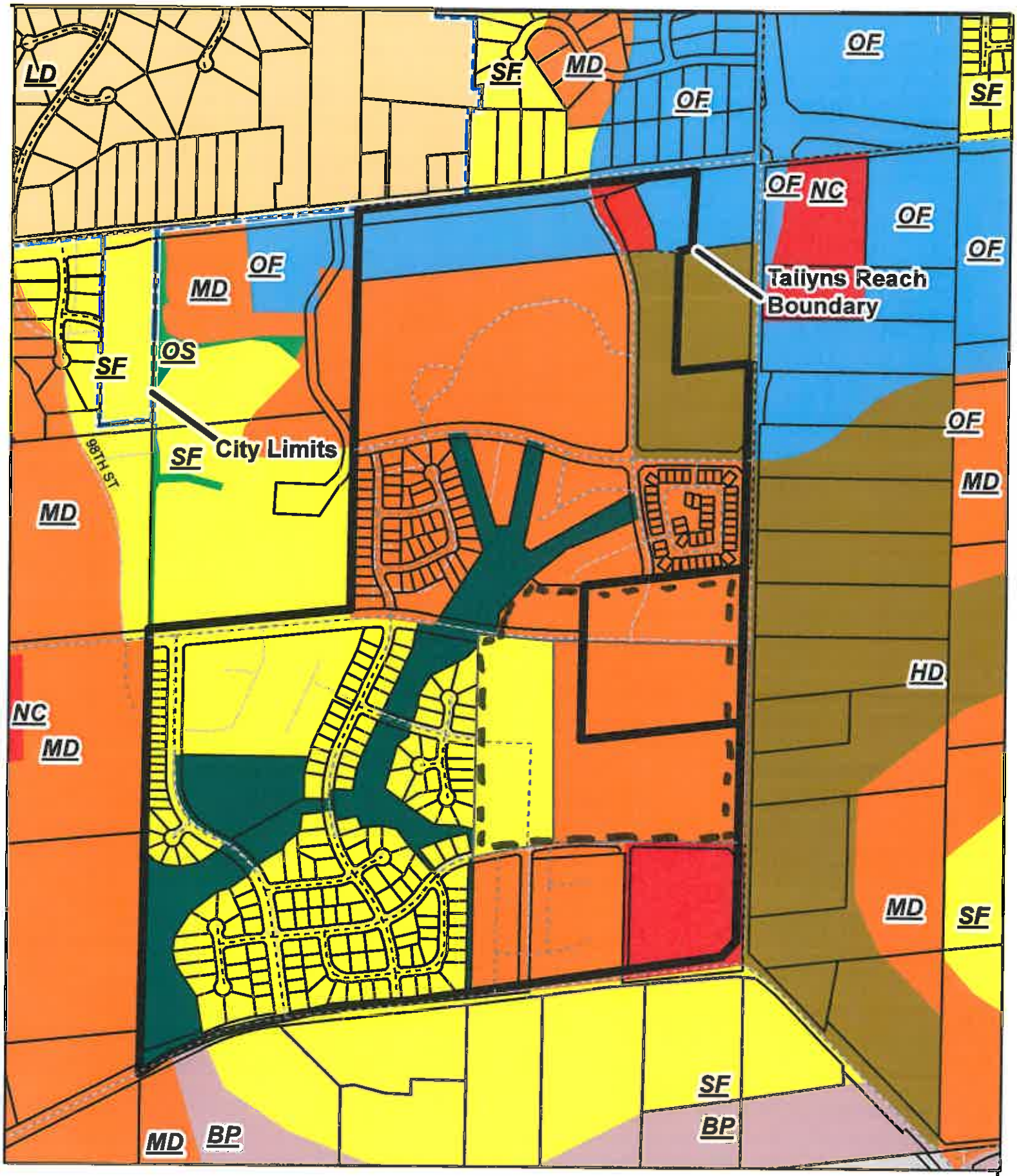
PASSED AND ADOPTED on November 30, 2015.

_____
Steven K. Gaer
Mayor

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on November 30, 2015, by the following vote:

ATTEST:

_____
Ryan Jacobson
City Clerk



THE CITY OF West Des Moines.

Tallyns Reach/ Woodland Hills ComprehensivePlan Proposed Land Use Map

NOT TO SCALE

EXHIBIT IV

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, 2014, AND ORDINANCES #1699, #1772, #2000, #2046, #2047 AND #2089 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 #1699, #1772, #2000, #2046, #2047 and #2089 pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 1, *Legal Description* is hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

Section 1: LEGAL DESCRIPTION:

~~CORRECTED MICHEAL'S LANDING PLAT 1, AN OFFICIAL PLAT IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA. PROPERTY CONTAINING 344.51 ACRES MORE OR LESS~~

~~AND~~

~~PARCEL 'A' OF SW¼ NE¼ AND SW¼ NE¼ BOOK 777, PAGE 912, AS RECORDED AT DALLAS COUNTY, IOWA. PROPERTY CONTAINING 12.00 ACRES MORE OR LESS.~~

CORRECTED MICHEAL'S LANDING PLAT 1, AN OFFICIAL PLAT IN BOOK 2007, PAGE 3042 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.
PROPERTY CONTAINING 344.51 ACRES MORE OR LESS

AND

PARCEL 'A' OF SE1/4 NE1/4 AND SW1/4 NE1/4 OF SECTION 22, TOWNSHIP 78 NORTH RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 777, PAGE 912, AS RECORDED AT DALLAS COUNTY, IOWA. PROPERTY CONTAINING 12.00 ACRES MORE OR LESS

AND

THE NORTH 1010.00 FEET OF THE EAST 1087.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY,

IOWA; EXCEPT THE ACQUISITION PLAT RECORDED IN BOOK 2008, PAGE 5204 SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

SECTION 2. AMENDMENT. Ordinance #1699, #1772, #2000, #2046, #2047 and #2089, pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 3: *Required Plans*; Subsection C: *PUD Map*; is hereby amended by repealing the existing illustration and replacing with that attached to this ordinance as Exhibit 'A':

SECTION 3. AMENDMENT. Ordinance #1699, #1772, #2000, #2046, #2047 and #2089 pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 11, *Land Use Design Criteria,* Subsection F, *Parcel G,* Subsection G, *Parcel H and* Subsection I, *Parcel J* are hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

Section 11: LAND USE DESIGN CRITERIA:

F. Parcel G: Residential Medium-Density: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential medium-density (RM-*12*) shall apply to any development proposal for property within parcel G as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.

1. Setbacks: Building setbacks and separation shall abide by city code with the exception that should this property develop with urban rowhouses or townhomes the setback and separation may be reduced as follows, subject to city council approval at the time of site plan and preliminary plat, unless otherwise required by building and/or fire codes:

a. Fifteen foot (15') front yard. Front porches, stoops and balconies may extend into the front yard setback, yet may be no closer than ten feet (10') to the front property line.

b. ~~Fifteen feet (15') between buildings.~~ ***A minimum five foot (5') side and rear yard setback as measured from the lot line to the closest building element, including but not limited to decks, patios, window wells, etc. shall be provided.***

(1) "Rowhouses" shall be defined as a series of one and one-half-, two or three-story units attached in a row by no more than two (2) common walls where a front porch or front stoop faces the public street or public green space.

(2) " Townhomes" shall be defined as dwelling units which are attached horizontally, and not vertically to one or more other dwelling.

c. The applicant will need to comply with all other required standards as noted in the setback and bulk density regulations in the city's zoning ordinance in addition to any building code separation requirement in effect at the time of site plan submittal.

~~2. Building Separation: Should this property develop with townhomes, the required building separation may be reduced as follows, subject to city council approval at the time of site plan and preliminary plat unless otherwise required of building and/or fire codes:~~

~~a. A fourteen foot (14') minimum separation between biattached units is applicable for building side yards at conditions where neither opposing unit has outdoor living spaces on the building side that determines the separation requirements.~~

~~b. The applicant will need to comply with all other required standards as noted in the setback and bulk density regulations in the city's zoning ordinance in addition to any building code separation requirement in effect at the time of site plan submittal.~~

3. Garage Setback/Driveway Length: The distance between the opening of the garage and pedestrian pathway or curb shall be consistent with the following:

   a. A distance of twenty five feet (25') or greater, measured perpendicularly from the garage opening to the closest point of the sidewalk or back of curb of the intersecting private street or drive, whichever is more restrictive; or

   b. A distance of ten feet (10') or less, measured perpendicularly from the garage opening to the closest point of the back of curb of the intersecting private street or drive.

   Garages set back within a range of distance of ten (10) and twenty five feet (25') from the sidewalk or back of curb shall not be permitted due to concerns that vehicles parked in front of a garage set back within this range of distance may block or obstruct safe vehicle or pedestrian movement on the private street/drive or sidewalk. Garages shall be set back no less than twenty five feet (25') from the right of way line of a public street.

   If garages are not set back sufficiently to allow for the parking of a vehicle in front of the garage, multiple garage spaces or additional parking spaces will need to be provided within the site to provide, at a minimum, the required number of parking spaces per dwelling unit based on the number of bedrooms as identified in section 9-15-7 of the city code.

4. Allowed Development Size: No more than two hundred ~~twenty eight~~ ~~(228)~~ ***fifty (250)*** units within ~~22.8~~ ***39.33*** acres shall be permitted.

G. Parcel H: ~~All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential high density (RH) shall apply to any development proposal for property within parcel H as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.~~

   ~~1. Allowed Development Size: No more than two hundred fifty six (256) units and 15.1 acres shall be permitted.~~ ***There is no Parcel H***

H. Parcel I: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for Neighborhood Commercial (NC) shall apply to any development proposal for property within parcel I as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.

I. Parcel J; Single-Family: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential single-family with a minimum of five thousand (5,000) square foot lots (RS-5) shall apply to any development proposal for property within parcel J as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.

   1. Setbacks: Setbacks for all single-family shall be:

      a. Twenty five foot (25') minimum and thirty five foot (35') maximum front yard.

      b. Thirty five foot (35') rear yard except for those lots along Booneville Road and Cascade Avenue, which may have a twenty five foot (25') rear yard as measured from the interior line of any required buffer park.

      c. Five foot (5') side yard as measured to the overhang.

d. Front porches, stoops and balconies may extend into the front yard setback, yet may be no closer than fifteen feet (15') to the front property line.

2. Allowed Development Size: No more than ~~two hundred sixty one (261)~~ ***three hundred thirty three (333)*** ~~units of~~ single-family residential ***dwellings*** within ~~ninety one (91)~~ ***one hundred and three (103)*** acres shall be permitted.

SECTION 4. 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 5. 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 6. 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 7. 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.

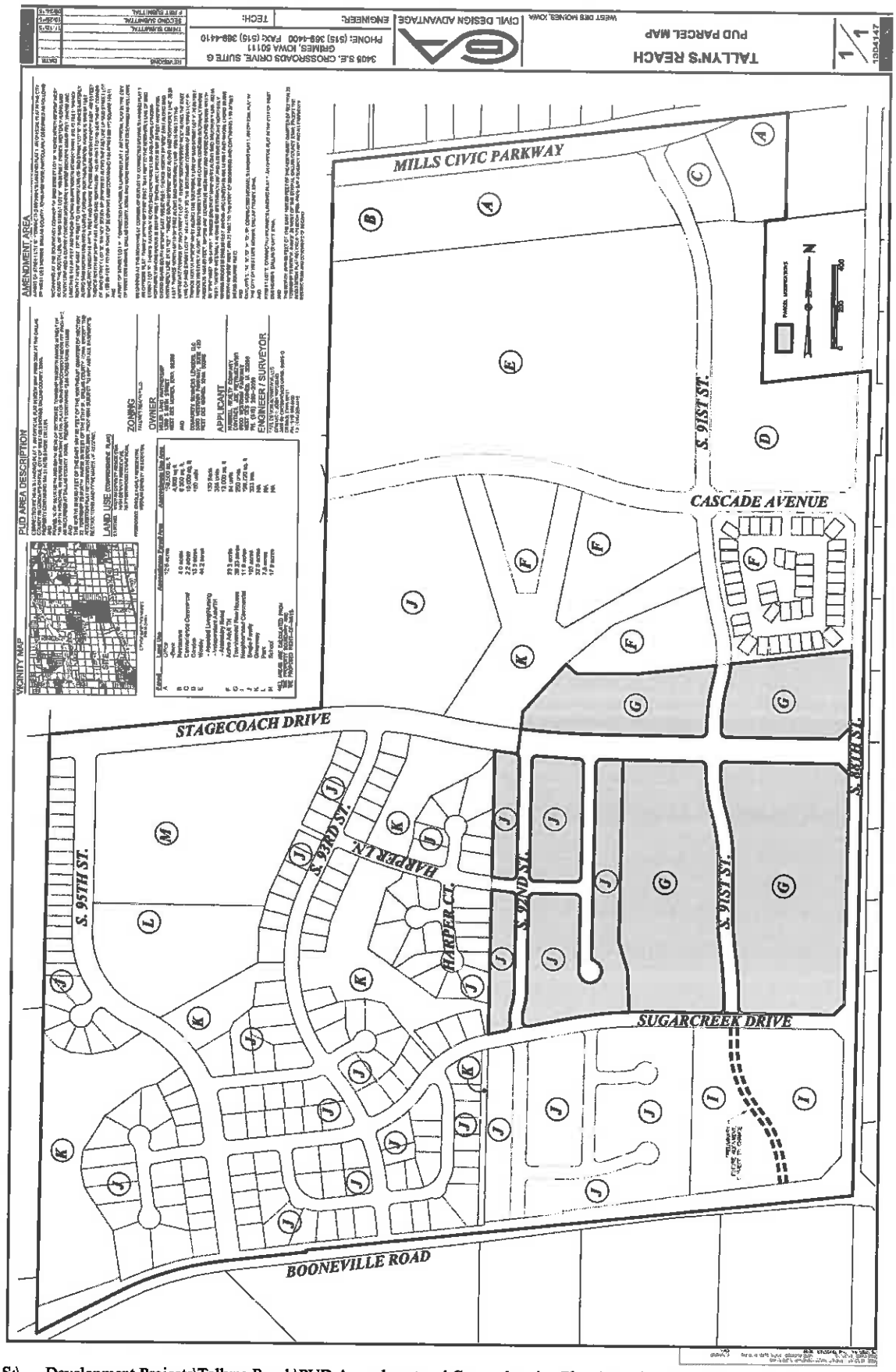
_____
Steven K. Gaer, Mayor

ATTEST:

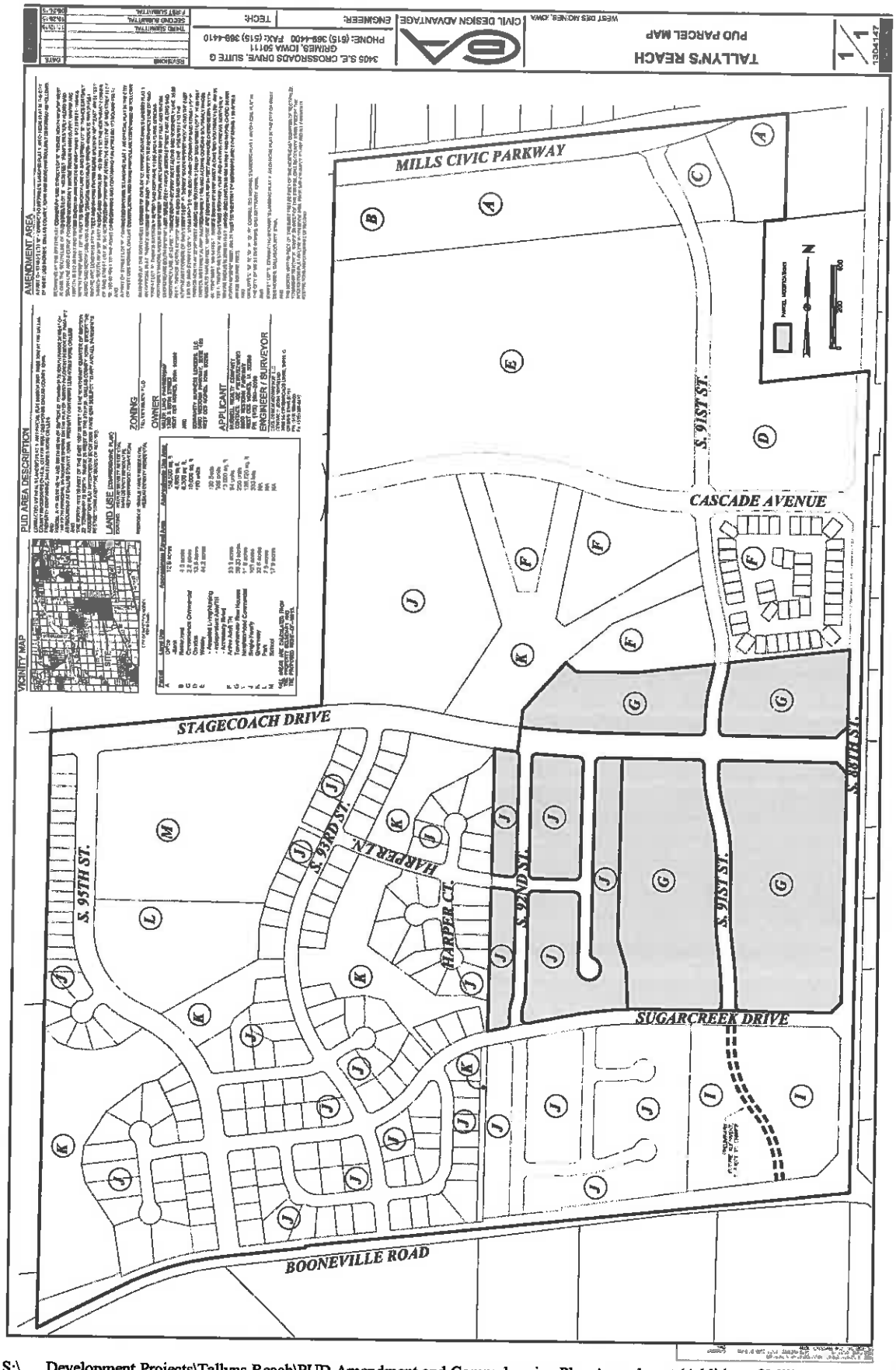
_____
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____ 2015.

_____
Ryan T. Jacobson, City Clerk



S:___Development Projects\Tallyns Reach\PUD Amendment and Comprehensive Plan Amendment (Addition of Miller property SWC of S88th and Stagecoach Dr)\ZC-002831-2015_CPA-002830-2015_SR_Tallyn's Reach PUD Amendment_Woodland Hills Comp Plan Amendmen__CC_11-30-2015_ 1st Reading.docx



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