NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 21, 2017

ITEM: Hurd Wellmark, Northwest corner S. Jordan Creek Parkway and Mills Civic Parkway – Amend the Bridgewood PUD to remove Parcel L from the PUD - Hurd Real Estate Services – ZC-003323-2016

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Hurd Real Estate Services, in association with the property owner, Wellmark Holdings, Inc., is requesting approval of an amendment to the Bridgewood PUD. The applicant is requesting to amend the Bridgewood PUD to remove PUD Parcel L as it is not intended to be developed with additional Medium Density dwellings, but rather incorporated into a separate office and commercial development. The property will subsequently be included in a Specific Plan Ordinance along with the remaining vacant property located between this subject area and S. 81st Street (see Attachment D: Future Specific Plan area).

Previous Council Action:
Vote: 4-0 approval, with Councilmember Sandager absent
Date: February 6, 2017
Motion: Approval of the First Reading of the Ordinance.

At the February 6, 2017 City Council meeting, the City Council also voted to approve a Comprehensive Plan Land Use Map Amendment to change approximately 15.9 acres of Office (OF) and 12.3 acres of Support Office (SO) to Community Commercial (CMC) and change approximately 1.75 acres of Office (OF) and 0.71 acres of Medium Density Residential (MD) to Open Space (OS).

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 approving the amendment to the Bridgewood PUD to remove Parcel L from the PUD, subject to the applicant meeting all City Code requirements and the following:

1. The applicant acknowledging and agreeing that no development of the property, other than mass grading and construction of public improvements, including all appurtenances, may occur until such time that the associated Specific Plan Ordinance for the property is officially approved and adopted by the City Council. The applicant further acknowledging and agreeing that the appropriate plans and applications for grading and public improvement construction shall be submitted to the City for review and approval by the appropriate authority prior to initiating any work within the property.

Lead Staff Member: Brian S. Portz, AICP BP

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	January 20, 2017	
Letter sent to surrounding property owners		January 18, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	January 9, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS: Attachment A - PUD Ordinance Amendment
Exhibit A - Bridgewood PUD Sketch Plan

ATTACHMENT A

Prepared by: B. Portz, 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 ORDINANCE #1276, 1322, 1335, 1401, 1438, 1482, 1628, 1748, 1809, AND 1962, 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 #1276, 1322, 1335, 1401, 1438, 1482, 1628, 1748, 1809, and 1962, pertaining to the **Bridgewood Planned Unit Development (PUD)**, Section 048-01: *Legal Description*; is hereby amended by adding the following bolded italicized text:

The legal description for the Bridgewood PUD is as follows:

A parcel of land in the NW$^1/_4$NE$^1/_4$ and the NE$^1/_4$NE$^1/_4$ and the SE$^1/_4$NE$^1/_4$, section 14, township 78 north, range 26 west of the 5th P.M., Dallas County, Iowa, that is more particularly described as follows:

Beginning at the N$^1/_4$ Corner of said Section 14; thence N83°04'23"E, 2564.33 feet along the North line of said Section 14 to a point on the West right-of-way (R.O.W.) line of Jordan Creek Parkway, said point being 55.00 feet West of the East line of said Section 14; thence S00°07'43"E, 2431.26 feet along said West R.O.W. line of Jordan Creek Parkway to a point; thence S83°52'35"W, 193.63 feet to a point; thence N03°27'25"W, 108.40 feet to a point; thence S80°40'35"W, 200.20 feet to a point; thence S02°26"25"E, 252.35 feet to a point on the North R.O.W. line of 335th Street, said point being 50.00 feet North of the centerline of said Street; thence S82°57'35"W, 867.44 feet along said North R.O.W. line of 335th Street to a point; thence N00°05'29"W, 1266.45 feet along the West line of said SE$^1/_4$NE$^1/_4$ to the NW Corner of the SE$^1/_4$NE$^1/_4$ of Section 14; thence S83°00'59"W, 1310.99 feet along the South line of said NW$^1/_4$NE$^1/_4$ to the SW Corner of NW$^1/_4$NE$^1/_4$ of Section 14; thence N00°03'16"W, 1318.23 feet along the West line of said NW$^1/_4$NE$^1/_4$ to the point of beginning and containing 111.404 acres more or less.

AND

A parcel of land in the SE $^1/_4$ of Section 11, Township 78 North, Range 26 West of the 5th P.M., Dallas County, Iowa, more particularly described as follows:

Beginning at the South $^1/_4$ Corner of said Section 11; thence N00°00'12"E, 2630.82 feet along the West line of said SE$^1/_4$ to the NW Corner of SE$^1/_4$ of Section 11; thence N83°16'21"E, 1194.98

feet along the North line of said SE$^1/_4$ to a point; thence S00°00'00"E, 309.05 feet to a point; thence N83°16'21"E, 1368.13 feet to a point on the West right-of-way (R.O.W.) line of Jordan Creek Parkway, said point being 55.00 feet West of the East line of said Section 11; thence S00°00'00"E, 296.99 feet along said West R.O.W. line to a point; thence S02°51'45"W, 300.37 feet along said West R.O.W. line to a point; thence S04°17'21"E, 200.56 feet along said West R.O.W. line to a point; thence S23°44'58"E, 54.63 feet along said West R.O.W. line to a point; thence S00°00'00"E, 215.00 feet along said West R.O.W. line to a point; thence S90°00'00"W, 22.00 feet along said West R.O.W. line to a point; thence S00°00'00"E, 1250.78 feet along said West R.O.W. line to a point on the South line of said SE$^1/_4$ of Section 11, said point being 55.00 feet West of the East line of Section 11; thence S83°04'23"W, 2564.33 feet along the South line of said Section 11 to the point of beginning and containing 143.870 acres more or less.

EXCLUDING

Parcel A of the survey of parcel Z in the SE $^1/_4$ of section 11, township 78 north, range 26 west of the 5th P.M., city of West Des Moines, as shown in book 2002, page 17509 in the office of the recorder of Dallas County, Iowa, except that part of said parcel A conveyed to the city of West Des Moines in deed filed in book 2004, page 3761.

Said property is more particularly described as follows:

Commencing as a point of reference at the E $^1/_4$ corner of section 11-78-26; thence S00°00'07"W, 855.09 feet along the east line of section 11 to a point; thence N89°59'59"W, 82.67 feet to the point of beginning on the west right-of-way line of Jordan Creek Parkway; thence S00°00'07"W, 1105.69 feet along said west right-of-way line to a point on the north line of lot 33, Bridgewood plat 1, an official plat; thence N89°59'53"W, 592.24 feet along said north line to a point; thence S45°05'04"W, 94.76 feet to a point; thence N45°01'53"W, 126.89 feet to a point; thence N69°32'48"W, 204.69 feet to a point; thence N44°10'53"W, 1027.22 feet to a point on the south line of Bridgewood School, an official plat; thence N40°54'26"E, 186.35 feet along said south line to a point; thence N12°58'12"W, 276.547 feet along the east line of Bridgewood School to a point; thence N25°57'55"E, 204.18 feet along said east line to a point on the south right-of-way line of E.P. True Parkway; thence S62°11'29"E, 371.10 feet along said south right-of-way line to a point of curvature; thence easterly along a curve to the left having a radius of 960.00 feet, an arc length of 465.91 feet and a chord bearing of S76°05'41"E to a point of tangency; thence S89°59'53"E, 696.41 feet along said south right-of-way line to a point; thence S44°52'19"E, 49.61 feet to the point of beginning and containing 37.246 acres more or less.

AND

A parcel of land being a part of and lying entirely within the Southeast 1/4 Quarter (SE 1/4), of the Northeast Quarter (NE 1/4), of Section 14, Township 78 North, Range 26 West of the 5th P.M., West Des Moines, Dallas County, Iowa, and is more particularly described as follows;

Commencing at the East 1/4 Corner of Section 14,

Thence along and upon the South line of the Northeast Quarter (NE 1/4) of said Section 14, N 83°41'21" E, a distance of 1312.13 feet to the Southwest corner of the Southwest Quarter (SW 1/4), of the Northeast Quarter (NE 1/4), of said Section 14;

Thence along the East line of the West 1/2, of the Northeast 1/4 of said Section 14 & the West line of Parcel "K", a distance of 83.11 feet to the Northerly Right-of-Way line of "Mills Civic Parkway" as presently established, also being the Point of Beginning;

Thence continuing along said East line N 00°39'35" E for a distance of 1233.25 feet, to the South line of "Bridgewood South" subdivision;

Thence along said South line N 83°45'28" E, a distance of 95.63 feet to a point on a non-tangent curve concave Northeasterly, having a radius of 328.00 feet, said point being the Westerly corner of Lot 5 of "Gardens at Bridgewood" Plat #2, an official plat, now forming and being a part of the City of West Des Moines;

Thence running along a curve, said curve being the Southwesterly line of said Lot 5, a distance of 259.39 feet, whose chord bears N 66°38'49" E, 252.68 feet;

Thence continuing along the Southerly line of said Lot 5, S 89°21'18" E, a distance of 112.77 feet to the beginning of a curve concave Northerly, having a radius of 371.00 feet, said point also being the Southeast corner of said Lot 5 and the Southwest corner of Lot 4;

Thence running along a curve, said curve being the Southerly line of said Lot 4, a distance of 100.53 feet, whose chord bears N 82°52'57" E, 100.22 feet to the beginning of a curve concave Southerly, having a radius of 85.00;

Thence running along a curve, said curve being the Southerly line of said Lot 4, a distance of 58.87 feet, whose chord bears S 84°58'34" E, 57.70 feet;

Thence running along the extension of Southwesterly Right-of-Way line of "South 76th Street" S 65°05'41" E, a distance of 39.03 feet;

Thence S 08°55'37" E, a distance of 99.88 feet to a point on a non-tangent curve concave Northwesterly, having a radius of 650.00 feet;

Thence along said curve a distance of 179.84 feet, whose chord bears N 73°06'49" E, 179.27 feet;

Thence N 64°55'34" E, a distance of 53.93 feet to the beginning of a curve concave Southeasterly, having a radius of 550.00 feet;

Thence along said curve a distance of 239.33 feet, whose chord bears N 77°53'36" E, 237.44 feet;

Thence S 89°24'29" E, a distance of 82.46 feet;

Thence S 44°26'06" E, a distance of 49.47 feet to a point on the Westerly Right-of-Way line of "Jordan Creek Parkway" as presently established;

Thence along said Westerly Right-of-Way line, S 00°34'53" W, a distance of 870.88 feet to the Southerly corner on the East line of Parcel "L', as recorded in Book 2005, Page 13730;

Thence along the North line of said Parcel "L", S 84°39'40" W, a distance of 166.17 feet;

Thence along the East line of said Parcel "L", N 02°43'21" W, a distance of 108.59' feet;

Thence along the North line of said Parcel "L", S 81°25'57" W, a distance of 200.34 feet;

Thence along the West line of Parcel "L", S 01°48'45" W, a distance of 220.13 feet, to a point on the Northerly Right-of-Way line of "Mills Civic Parkway" as presently established;

Thence along said Northerly Right-of-Way line, S 83°41'21" W, a distance of 866.11 feet to the Point of Beginning.

Containing 28.646 acres, more or less. Subject to all easements of record.

AND

A parcel of land being a part of and lying entirely within Parcel "J" of the Southeast (SE 1/4), of the Northeast Quarter (NE 1/4), of Section 14, Township 78 North, Range 26 West of the 5th P.M., West Des Moines, Dallas County, Iowa, as recorded in Book 2002, Page 13008, and is more particularly described as follows;

Commencing at the East Quarter of Section 14,

Thence along and upon the East Line of the Southeast Quarter (SE ¼), of the Northeast Quarter (NE ¼), of said Section 14, N 00°34'53" E, a distance of 1186.15 feet;

Thence N 89°25'07" E, a distance of 60.00 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 25.00 feet, said point also being on the East line of said Parcel "J";

Thence along said curve a distance of 39.28 feet, whose chord bears N 44°25'49" W, 35.36 feet;

Thence along the north line of said Parcel "J", also being the Southerly Right-of-Way Line of "Wistful Vista Drive", N 89°26'32" W, a distance of 81.01 to the Point-of Beginning;

Thence continuing along the said Northerly line of said Parcel "J", N 89°26'32" W, a distance of 243.77 feet to the beginning of a curve concave Northerly, having a radius of 285.00 feet;

Thence along said curve a distance of 98.27 feet, whose chord bears N 79°26'54" W, 97.78 feet, to the beginning of a curve concave Southerly, having a radius of 25.00;

Thence along said curve a distance of 32.05 feet, whose chord bears S 74°29'06" W, 29.90 feet to the beginning of a curve concave Easterly, having a radius of 140.00 feet;

Thence along said curve a distance of 70.87 feet, whose chord bears S 17°09'47" W, 70.12 feet to the beginning of a curve concave Northeasterly, having a radius of 35.00 feet;

Thence along said curve a distance of 71.95 feet, whose chord bears S 56°12'06" E, 59.93 feet;

Thence N 65°02'12" E, a distance of 33.58 feet to the beginning of a curve concave Southeasterly, having a radius of 650.00 feet;

Thence along said curve a distance of 283.33 feet, whose chord bears N 77°50'04" E, 281.09 feet;

Thence S 89°14'04" E, a distance of 34.28 feet;

Thence N 00°16'23" E, a distance of 15.11 feet to the Point of Beginning.

Containing 0.412 Acres, more or less. Subject to all easements of record.

SECTION 2. <u>AMENDMENT</u>. Ordinance #1276, 1322, 1335, 1401, 1438, 1482, 1628, 1748, 1809, and 1962, pertaining to the **Bridgewood Planned Unit Development (PUD)**, Section 048-03: *Conditions*; Subsection A: *General Conditions;* Subsection 1; is hereby amended by deleting the following strike-thru highlighted text and adding the bolded italicized text:

A. General Conditions: The sketch plan incorporates land uses which shall be distributed by area, types and location according to the sketch plan. Wherever conflict occurs between the written text in this document and the notations on the sketch plan, the written text shall prevail.

   In addition, the following general site plan criteria shall be integrated into and made a part of the development criteria for the Bridgewood PUD.

1. The PUD shall incorporate a maximum of ~~one thousand one hundred sixty eight (1,168)~~ ***eight hundred thirty eight (838)*** residential dwelling units which shall be distributed by types and location according to the sketch plan as presented. Parcel M has been shown in the sketch plan to be developed as a church/daycare site. Should this parcel not be developed as a church and/or a daycare facility, a maximum of thirty five (35) additional single-family detached residential units may be developed in parcel M. Parcel A has been shown as a school/park site on the sketch plan. Should parcel A not be developed as a school/park site, a maximum of ninety five (95) additional single-family detached residential units may be developed in parcel A under the development standards stated herein for parcel A. The standards for development of each parcel is further defined in the land use design criteria section of this document.

SECTION 3. AMENDMENT. Ordinance #1276, 1322, 1335, 1401, 1438, 1482, 1628, 1748, 1809, and 1962, pertaining to the **Bridgewood Planned Unit Development (PUD)**, Section 048-05: *Land Use Design Criteria*; Subsection I: *Parcel L*; is hereby amended by deleting the following highlighted text and replacing with the bolded italicized text:

I. Parcel L: ***Parcel L is hereby removed from the Bridgewood PUD.*** ~~While parcel L is incorporated into the Bridgewood PUD, the layout of the parcel has not been presented as a part of the illustrative plan. Prior to the development of parcel L, an amendment to the illustrative plan or a master plan for the parcel shall be required to be reviewed and approved by the West Des Moines city council following a review and recommendation of the planning and zoning commission. The general use regulations and provisions set forth in title 9, "Zoning", of the city code for RM residential medium density district shall apply to any development proposal for all property within parcel L.~~

~~1. Density: Parcel L shall incorporate approximately thirty three (33) acres, with a density of ten (10) dwelling units per acre or a maximum of three hundred thirty (330) dwelling units permitted.~~

~~The overall development standards shall be consistent with the standards established for parcel K; however, at the time of the review of the master plan for parcel L, the specifics of the buffer parks and buffer easements, setbacks and architecture shall be refined to be site specific for parcel L based upon the current development trends in the area. It should be noted that as a part of the development of parcel L, a public street connection shall be required from the public street shown on the sketch plan along the southern boundary of parcel K and the northern boundary of parcel L, that shall extend southward to Mills Civic Parkway to provide for vehicular movement through the development. This street shall be considered a minor collector with a minimum of seventy feet (70') of right of way. The required right of way shall be dedicated to the city and all costs associated with the paving of a thirty one foot (31') b/b public street and associated improvements shall be the responsibility of the developer at the time of platting.~~

~~2. Setbacks: Residential structures and garages shall meet a minimum front yard setback of twenty five feet (25') and porches shall meet a minimum front yard setback of twenty feet (20') from the property line for those properties that front on public streets.~~

~~If the property abuts a private street, garages shall meet a front yard setback of twenty five feet (25'), to be measured from the garage opening to the back of a curb or to the back of a sidewalk, whichever is more restrictive. In no case shall any residential structure be located any closer than fifteen feet (15') from the back of a curb or back of a sidewalk. (Ord. 1322, 8-10-1998)~~

SECTION 4. AMENDMENT. Ordinance #1276, 1322, 1335, 1401, 1438, 1482, 1628, 1748, 1809, and 1962 pertaining to the **Bridgewood PUD**, complete ordinance; is hereby amended by replacing the PUD sketch plan with Exhibit A.

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. <u>OTHER REMEDIES.</u> 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. <u>EFFECTIVE DATE.</u> 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 _____, 2017.

_____
Steven K. Gaer, Mayor

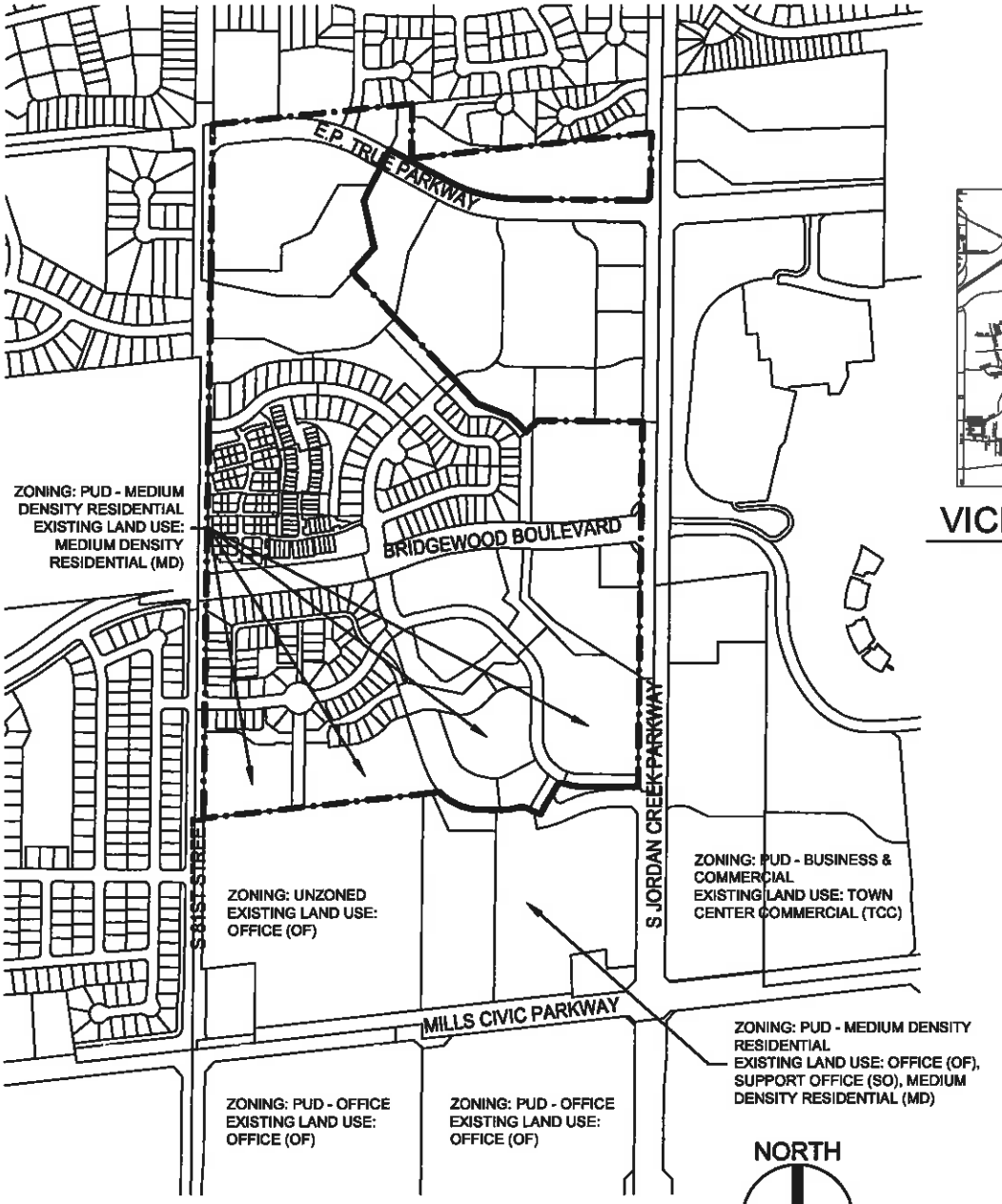
ATTEST:

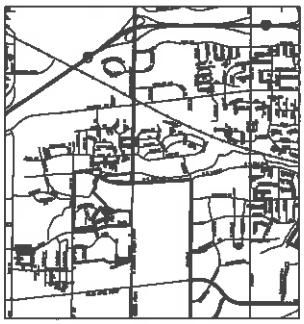
_____
Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2017.

_____
Ryan T. Jacobson
City Clerk

EXHIBIT A





VICINITY MAP

NORTH

LEGEND

BRIDGEWOOD PUD LIMITS

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Printed: Jan 27, 2017 - 8:57am

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BRIDGEWOOD PUD REMOVAL SKETCH JORDAN CREEK PARKWAY AND MILLS CIVIC PARKWAY DEVELOPMENT				PROJECT NO. 416568-0
DATE	01/27/17	SCALE	AS SHOWN	SHEET NO.
DRAWN	KAR	FIELD BOOK		EX 1
APPROVED	CRB	REVISION		