CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: July 24, 2017

ITEM: Phenix, NE corner of 7th Street between Walnut Street and Locust Street - Amend the Phenix Planned Unit Development to remove allowances for development of single-family – City Initiated – ZC-003495-2017

ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: In response to requests from residents to keep the City-owned areas as open space and/or recreational use (playground and open area for soccer and such), Development Services staff is seeking approval of modifications to the Phenix Planned Unit Development (PUD) to remove allowances within the PUD for the development of single-family homes in parcels B and C, and possibly A-1 and A-2. Removing the allowance from the PUD now ensures that additional conversations will need to happen before any development of single-family within the property can occur. If at some point in the future the City wishes to allow single-family homes within any of these parcels, an amendment to the PUD would be required. That amendment would be a public hearing matter giving residents an opportunity to express their wishes.

Plan and Zoning Commission Action:
Vote: 5-0 approval, Commissioners Crowley and Brown absent
Date: July 17, 2017
Motions: Adopt a resolution recommending the City Council approve the rezoning request to amend the PUD to remove allowances for single-family development.

Plan and Zoning Commission Discussion: One resident spoke regarding keeping the allowance for single family homes in the PUD, and two residents spoke indicated preference for open space/recreation area.

OUTSTANDING ISSUES: There are no outstanding issues.

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.

STAFF RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan Staff recommends that the City Council approve the amendment to the Phenix Planned Unit Development (PUD) to remove allowances for the development of single family.

Lead Staff Member: Lynne Tweed

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	July 7, 2017	
Letter sent to surrounding property owners		July 6, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	n/a		
Date Reviewed	n/a		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Resolution
  - Exhibit A - Conditions of Approval
- Attachment B - Proposed PUD Ordinance *(moved to Exhibit II)*

Exhibit II - Proposed Phenix Planned Unit Development Ordinance

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 17, 2017

Item: Phenix, NE corner of 7th Street between Walnut Street and Locust Street - Amend the Phenix Planned Unit Development to remove allowances for development of single-family – City Initiated – ZC-003495-2017

Requested Action: Resolution: Approval of Rezoning Request

Case Advisor: Lynne Twedt

Applicant's Request: In response to requests from residents to keep the City-owned areas as open space and/or recreational use (playground and open area for soccer and such), Development Services staff is seeking approval of modifications to the Phenix Planned Unit Development (PUD) to remove allowances within the PUD for the development of single-family homes in parcels B and C, and possibly A-1 and A-2. Removing the allowance from the PUD now ensures that additional conversations will need to happen before any development of single-family within the property can occur. If at some point in the future the City wishes to allow single-family homes within any of these parcels, an amendment to the PUD would be required. That amendment would be a public hearing matter giving residents an opportunity to express their wishes.

History: The PUD amendment request to modify the boundaries of Parcels B and C and remove allowances for single family development on city owned parcels was presented to the Plan and Zoning Commission on June 5th and to the City Council on June 12th. The Plan and Zoning Commission approved of the modification to the parcel boundaries, but deferred action on the request to remove allowances for the development of single-family until more direction from the City Council was known. On June 12th, the City Council voted in favor of adjusting the parcel boundaries and referred the request to remove single family allowances back to the Plan and Zoning Commission (final Council approval on the parcel boundary adjustment occurred at the July 10th meeting). All five Council members indicated a desire to keep the city owned parcels as open space/recreation areas at this time.

City Council Subcommittee: This original PUD amendment request to modify parcel boundaries and eliminate allowances for single family homes was presented to the Development and Planning City Council Subcommittee at the May 30, 2017 meeting. This second amendment request to remove allowances for single family was not presented to the Subcommittee since the direction to eliminate single family came from the full Council at the June 12th meeting.

Staff Review and Comment: There are no outstanding issues.

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 July 7, 2017, notice for the July 17, 2017, Plan and Zoning Commission and the July 24, 2017, City Council public hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property and every person who signed petitions at previous City Council meetings, including the latest petition filed at the June 12th Council meeting regarding the Phenix site on July 6, 2017.

Staff Recommendation and Conditions of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending to the City Council approval of an amendment to the Phenix Planned Unit Development (PUD) to remove allowances for the development of single-family dwellings.

ATTACHMENTS:

Attachment A	-	Plan and Zoning Commission Resolution – Rezoning Request
Exhibit A	-	Conditions of Approval
Attachment B	-	Proposed Phenix Planned Unit Development Ordinance

ATTACHMENT A

RESOLUTION NO. PZC-17-057

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING REQUEST (ZC-003495-2017) FOR THE PURPOSE OF AMENDING THE PHENIX PLANNED UNIT DEVELOPMENT (PUD)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the City of West Des Moines requests approval of a Rezoning Request for that approximately 3.51 acre property located the northeast corner of 7th Street between Walnut Street and Locust Street and located within the area legally described as follows to amend the Phenix Planned Unit Development (PUD) to remove allowances for the development of single-family dwellings:

Legal Description

Lots 1 through 20, Block 23, 1st Addition to Valley Junction, an Official Plat now in and forming a part of the City of West Des Moines, Polk County, Iowa

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on July 17, 2017, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003495-2017);

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 July 17, 2017, or as amended orally at the Plan and Zoning Commission hearing of July 17, 2017, are adopted.

SECTION 2. REZONING REQUEST (ZC-003495-2017) to amend the Phenix PUD to remove allowances for the development of single family dwellings is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated July 17, 2017, 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 July 17, 2017.

Craig Erickson, 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 July 17, 2017, by the following vote:

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

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

No conditions of approval.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014, AND ORDINANCE #2205 & #2234, 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 #2205 & #2234, Phenix PUD, Section 6: *Land Use and Design Criteria* is hereby amended by deleting the following highlighted struck-through text and adding the italicized bolded text:

SECTION 6. LAND USE AND DESIGN CRITERIA. In addition to the general conditions requirements stated within this document, the following land use design criteria shall apply to development areas, Parcels A, A-1, A-2, B, and C as indicated on the sketch plan.

A. Land Use:

1. Parcel A, A-1, and A-2: All general use regulations and provisions set forth in Title 9, Zoning, of the West Des Moines City Code for the Residential Medium Density (RM-12) district, shall apply to any development proposal for this parcel as shown on the sketch plan for the PUD Ordinance, unless noted elsewhere within this Ordinance. A maximum of seventeen (17) dwelling units shall be allowed within the former Phenix School building.

   a. Uses:

      ~~1) Single-family homes consistent with Single-Family Valley Junction Residential zoning and bulk regulations, unless otherwise modified within this PUD.~~

      2) Ancillary space within the building (gymnasium) shall abide by the following:

         a) Unless otherwise modified here within, any Permitted (P) or Permitted Conditional (Pc) use otherwise allowed per City Code within the Residential Medium Density (RM) zoning district shall be allowed with approval by the appropriate review body if it is demonstrated that the proposed use will not have a negative effect on the surrounding single family residential neighborhood. Negative effects will include, but is not limited to inadequacies in parking resulting in excessive on-street parking, noise audible to the surrounding neighborhood, late evening or early morning activities that are atypical and potentially disruptive to traditional residential neighborhoods, etc.

         b) Public uses under the direction of any department of the City shall be allowed, with the exception of law enforcement holding facilities, if adequate on-site parking facilities are provided and exterior impacts of the use are negligible.

         c) No dwelling uses may be located within the gymnasium.

3) The following uses shall be prohibited within the former Phenix School building:

a) Any use not otherwise Permitted or Permitted Conditionally per City Code in the RM zoning district.

b) Commercial and noncommercial greenhouses

c) Funeral services of any nature (SIC 7261)

d) Individual and Family Social Services (SIC 8322)

e) Job Training – vocational rehabilitation services (SIC 8331)

f) Social Services not elsewhere classified (SIC 8399)

2. Parcels B and C: ~~All general use regulations and provisions set forth in Title 9, Zoning, of the West Des Moines City Code for the Single-Family Valley Junction Residential (SF-VJ) district, shall apply to any development proposal for parcels B and C as shown on the sketch plan for the PUD Ordinance, unless noted elsewhere within this Ordinance. To reinforce and respect the existing context of the area and create a neighborhood identity that recognizes the area's original development history, no lot shall be combined or lot tied with any adjacent lot or lots to increase buildable area for a dwelling.~~ ***These parcels shall remain as open space. Recreational and uses beneficial to the community such as community gardens may be allowed with proper City approvals.***

3. ~~In the event Parcels A-1 and A-2 are used for single family detached homes, development of the properties shall abide by all regulations as provided in this ordinance for Parcels B and C.~~

B. Minimum Lot Size and Frontage:

1. Phenix school and related parking shall be provided within a lot which is a minimum of 80,000sf in size and provides a minimum of 150 feet of street frontage.

2. ~~Single family uses shall be provided on residential lots which meet the minimum lot size and frontage required by City Code for the Single-Family Valley Junction (SF-VJ) zoning district.~~ ***Parcels B & C shall have no minimum lot size requirements as long as they are used as open space and/or for recreational or community uses.***

C. Building Setbacks:

1. Phenix Building:
   a. Existing Building: Minimum 10' setback from any property line.
   b. New Structures or Additions to Existing Building: Minimum 30' Front and Side Yard setback, Minimum 35' Rear Yard setback.
2. ~~Single Family Dwellings:~~
   ~~a. Front: Minimum 20' setback.~~

   ~~In any existing platted property where the average front yard setback is different than the minimum 20' setback, the front yard setback for the subject lot shall be equal to the average of the front yard depths of any existing dwellings within 200 feet on the same side of the street. Front yard setback measured between the lot line and the face of any garage accessed from the street shall be a minimum of 25 feet regardless of the averaged front yard depth of adjacent existing dwellings.~~

   ~~b. Rear: Minimum 35' setback.~~
   ~~c. Side: Minimum 5' setback.~~
   ~~d. No part of any structure, including eaves and overhangs, may be closer than 5 feet to a property line.~~

D. Building Height: All exterior modifications or building additions to the Phenix building shall not exceed the current height of the building, excluding roof-top mechanical unit (RTU) enclosures, communication equipment, and penthouse elements. ~~Single family dwellings shall not exceed 35 feet in height.~~ Accessory structures shall comply with the height requirements as noted in Title 9 of City Code.

E. Parking:
1. Required:
   a. Phenix Dwelling Parking:
      1) 1.5 spaces per efficiency unit
      2) 2.0 spaces per 1-2 bedroom unit
      3) 2.5 spaces per 3+ bedroom unit
      4) 1 space per 100sf GFA of multi-purpose recreational use areas
      5) Unless otherwise waived by the City Council, any dwelling which is owner-occupied, shall provide a minimum of one 9'x19' enclosed parking space.
   b. Phenix Gymnasium Parking: Per city code for the primary, or highest generating use if multiple activities/uses are implemented.
   ~~c. Single Family residentially developed properties shall comply with Title 9 of City Code.~~ ***Parking for parcels B & C shall be provided on-street unless the use of the property is determined to warrant more parking than can be safely provided on-street. Minimum off-street parking requirements for parcels B and C shall be as determined by the City Council.***

2. Setbacks: Off-street parking lots shall be setback so as to provide a minimum of fifteen feet (15') from the ultimate street right-of-way of the surrounding streets and fifteen feet (15') from any common property line with single family developed property.

3. A landscaped edge or 'streetscape' shall be provided to screen parking lots adjacent to a street ~~or developed single family lot~~. These streetscapes are intended to provide desired green to the City and provide visual screening of parking and other negative site elements. Landscape vegetation shall be implemented within the area to provide screening of off-street parking areas to a minimum height of three (3) feet. To aid in achieving this, a minimum of two (2) trees and ten (10) shrubs shall be required for every fifty linear feet (50 lf) of streetscape distance. A minimum of 50% of the shrubs shall be evergreen in nature. Of the required number of trees, at least one-half (1/2) must be overstory in nature unless prevented by overhead utilities or underground utility easements. No substitution of shrubs for required trees shall be allowed. Landscaping plan must accommodate required vision clearances at street and drive intersections.

4. Dimension, design, landscaping, and surfacing of new parking lots shall be in accordance with city code.

F. Buffers: No buffers to separate different land uses shall be required between the former Phenix School building and adjacent ~~single family designated~~ properties.

G. Lighting: As a part of the review of any Site Plan, if new exterior lighting is proposed, a photometric plan must be submitted. During the review, the applicant must demonstrate how lighting will not adversely affect adjoining properties or patrons utilizing the public street system.

1. Site Lighting: Fixtures shall be of a design to direct light downward (full cut-off) and shall not have bulbs which are exposed and extend below the frame of the light fixture. Said fixtures shall not exceed twenty five feet (25') in height as measured from the ground to the top of the light structure.

2. Building Lighting: No wall packs, or floodlighting without shields to direct the light to its intended target are allowed. In addition to cut-off fixtures, particular attention shall be given to eliminate hot spots and light glare. Decorative building lighting is allowed and will be reviewed as part of a Site Plan.

H. Screening of Negative Site Elements: Electrical transformers, trash dumpsters, service areas and loading docks, heating, ventilation, air conditioning, generators, utility meters, and other mechanical equipment which is located on, besides or adjacent to any building shall be visually screened from views from

adjacent roadways and properties.

I. Open Space: Due to the nature of the intended redevelopment in respect to existing development patterns and improvements, the amount and locations of open space and green space/vegetation within the redevelopment area will vary. As a general rule, the maximum amount of 'green' (open lawn areas and vegetation) should be provided within a site. To allow the most flexibility in planning, Parcel A shall attempt to provide a minimum of twenty-five percent (25%) open space; however, no less than twenty percent (20%) open space or more than eighty-five percent (80%) impervious surface will be allowed. Vegetation required as part of the open space is in addition to, streetscape and parking areas or required landscape for screening. Required open space landscape can utilize existing plant material, with the remainder needed to be in conformance with city code to be installed within PUD Parcel A prior to issuance of a Temporary Occupancy Permit for any dwelling unit within the former Phenix School building.

SECTION 2. AMENDMENT. Ordinance #2205 & #2234, Phenix PUD, Section 8: *Architecture* is hereby amended by deleting the following highlighted struck-through text and adding the italicized bolded text:

SECTION 8. ARCHITECTURE. The architecture of any new construction within the Phenix PUD shall build on and reinforce the context of the existing building or of the surrounding residential area to create a development identity that recognizes the history and incorporates the forms and elements typical of the original development period of the area (1900's to the 1930's). ~~In addition to the architectural language below, illustrative examples of the architectural precedent images shall serve to guide the design of all buildings within the Phenix PUD. Specific architecture for all multi & single family buildings shall be evaluated as part of the Site Plan for Parcel A or Building Permit review and approval process for Parcels B, C and A-1 and A-2 if developed with single family homes.~~

A. Phenix Building (Parcel A): All exterior modifications, building additions or accessory structures to the former Phenix School building shall be compatible with the historic character of the existing building. Building design for new construction should incorporate the form, scale, elements and detailing typical to a 1930's art deco concrete structure. Materials should be high quality, durable, and maintain their appearance over a prolonged time. Repair and/or replacement shall be of like kind or revert back to the original historic appearance if not replacing original material. It is strongly recommended that any alterations or additions follow *The Secretary of the Interior's Standards for Rehabilitation* by the National Park Service.

B. ~~Single Family Residential Buildings (Parcels A-1, A-2, B, and C): Attached to this ordinance as Exhibit B (or on file with the City) are illustrative examples of acceptable single family detached home designs. Alterative home designs to these examples may be deemed appropriate by the City if designs incorporate the form, scale, elements and detailing typical to a 1900's to 1930's wood framed home. Appropriate massing includes one story, story and a half, and two story dwellings. Roofs shall be pitched with overhangs as typical for the period. Building design should give the appearance of brick, stucco or concrete masonry units for the exposed foundation, lap siding, stucco or shakes for the remainder of the exterior walls. Decorative trim which represents a variation of architectural styles or elements shall be incorporated on all sides. Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions. Vinyl siding may be used only with appropriately scaled trim. Changes in materials should be aligned with changes in plan or roof form to emphasize these changes in building mass. Trim and structural elements such as posts or columns shall be sized to the scale of the building and detailed appropriately to the style. When used, masonry materials shall be limited to the foundation or main level of the home. Masonry materials shall start and stop at changes in wall plane or wrap structural elements to give authenticity to the material. Fenestration (door and window openings) shall be sized to the scale of the building and be compatible to the chosen architectural style. Detached garage buildings are preferred, with exterior design and detailing similar to the associated dwelling unit.~~

SECTION 3. AMENDMENT. Ordinance #2205 & #2234, Phenix PUD, Section 10: *Sanitary Sewer Easement* is hereby amended by deleting the following highlighted struck-through text and adding the italicized bolded text:

> **SECTION 10. SANITARY SEWER EASEMENT.** City Code requires utility easements for sewers to be a minimum of 30 feet wide or twice the depth, whichever is greater. Prior to issuance of an occupancy permit, including temporary occupancy of any dwelling within the former Phenix School building ~~or a new single family home within the PUD~~, a 30 foot wide sanitary sewer easement, centered on the sewer pipe shall be established for the existing north-south line located immediately east of the Phenix building. Due to the proximity of the Phenix building to the existing line, a full 30 foot wide easement may not be possible adjacent to the building, thus adjacent to the building only, a narrower easement may be accepted. In the event that the Phenix building is ever demolished, the additional width necessary to achieve a minimum 30 foot wide easement, or greater if determined necessary at that time, shall be granted at no cost to the City.

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 Section 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 by the City Council on the _____ day of _____, 2017, and approved this _____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