

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

Meeting Date: January 28, 2019

Item: Grand Valley, NE corner of S 35th Street and Grand Avenue - Amend the Grand Valley PUD to modify miscellaneous residential bulk area standards- Russell Ver Ploeg (CRVP, LLC) - ZC-004127-2018

Requested Action: Recommend Approval of an amendment to the Grand Valley Planned Unit Development

Case Advisor: J. Bradley Munford, Planner



Applicant's Request: The applicant, Bob Gibson of Civil Design Advantage, on behalf of the property owner, Russ Ver Ploeg of CVRP, L.C., is requesting to amend the Grand Valley Planned Unit Development (PUD) on the 34.5 acres located at the northeast corner of S 35th Street and Grand Avenue to modify miscellaneous residential bulk area standards to accommodate future development.

History: In 1990 the property was zoned to R-5 Multi-Family Residential District (Medium Density). As a condition of approval, in the same year a covenant was created to establish development and density restrictions along the north and west property lines. In 1998 as a part of the larger City-Wide Consistency Zoning, the property was zoned to Residential Medium-Density (RM-7). To clear the title, the developer requested and the City Council approved the release of the recorded covenants at the October 20, 2014 meeting. On December 15, 2014, the City Council approved a rezoning from Residential Medium Density (RM-7) to Planned Unit to establish the Grand Valley PUD and allow for the development of detached Single Family Residential, attached Multi-Family Residential in the form of 3 and 4-plex buildings and apartment buildings. The Preliminary Plat for Grand Valley Plat 1 was approved by the city council on June 1, 2015 and the Final Plat on December 14, 2015. On February 6, 2017, the City Council approved an amendment to the PUD to modify the PUD boundary for Parcel A to add 10 single family lots. On March 6, 2017 The City Council approved a preliminary plat for Grand Valley Plat 2. That entitlements for that plat expired one year later. On January 21, 2019. The City Council reapproved the preliminary plat and approved a final plat for Grand Valley Plat 2 to allow construction of 10 single family lots.

City Council Subcommittee: This request was reviewed by the Development and Planning City Council Subcommittee on November 12, 2018. The Subcommittee was supportive of the request.

Staff Review and Comment: There are no outstanding issues. Staff would note the following:

- **Bulk Area Modifications:** The applicant is requesting to reduce some Bulk Area Standards to accommodate future development. The applicant would like to use a plot plan that would slide the home closer to the street and one side of the lot in order to create a larger more usable side and rear yards. In addition, that applicant is requesting to reduce the rear yard setback for those areas of Parcel D that abut the open space amenity in Parcel E. This will allow more design opportunities for decks and patios to take advantage of the open space amenity.
 - The proposed changes for Parcels B and C will reduce:
 - The detached single family front yard setbacks from 30 feet to 25 feet
 - The side yard setback from 5 feet as measured to the closest element to no less than 5 feet with the minimum sum of both side yards to be no less than 12 feet, as measured to the foundation
 - The rear yard setback from 35 feet to 25 feet for lots that abut a landscape buffer.
 - The proposed changes for Parcels D will reduce:
 - The building setback for Parcel D from 35 feet to 15 feet measured from the shared property line with Parcel E.
 - The minimum required open space from 25% to 20%.

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 January 18, 2019, a notice of the January 28, 2019, Plan and Zoning Commission and February 4, 2019, 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 January 15, 2019.

Staff Recommendations 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 that the Plan and Zoning Commission adopt a resolution recommending the City Council approval of an amendment to the Grand Valley Planned Unit Development to modify miscellaneous residential bulk area standards, subject to the applicant meeting all City Code requirements.

Applicant:

Russ Ver Ploeg
4812 Pleasant Street
Des Moines, Iowa 50312
Rvp@verploegarch.com

Applicant Representative:

Civil Design Advantage
Bob Gibson
3405 SE Crossroads Drive, Suite G
Grimes, IA 50111
bobg@cda-eng.com

Attachments:

- Attachment A - Plan and Zoning Commission Resolution – PUD Amendment
- Exhibit A - Conditions
- Attachment B - Location Map
- Attachment C - Proposed PUD Ordinance Amendment
- Attachment D - PUD Sketch

RESOLUTION NO. PZC -19- 008

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 GRAND VALLEY PLANNED UNIT DEVELOPMENT TO MODIFY MISCELLANEOUS RESIDENTIAL BULK AREA STANDARDS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, CRVP, LLC, has requested approval of an amendment to the Grand Valley PUD for that 34.5 acre property generally located at the northeast corner of S35th Street and Grand Avenue and legally described below to modify miscellaneous residential bulk area standards:

Legal Description

ALL THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF GOVERNMENT LOT 4 IN SECTION 21, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN LYING EAST OF SOUTH 35TH STREET AND NORTH OF GRAND AVENUE, COMPRISING 36 ACRES MORE OR LESS, INCLUDED WITHIN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA; EXCEPT THE NORTH 60 FEET THEREOF

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 January 28, 2019, this Commission held a duly-noticed meeting to consider the request to modify the Grand Valley PUD (ZC-004127-2018);

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 January 28, 2019, or as amended orally at the Plan and Zoning Commission hearing of January 28, 2019, are adopted.

SECTION 2. Rezoning request (ZC-004127-2018) to amend the Grand Valley PUD to modify miscellaneous residential bulk area standards is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated January 28, 2019, 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 January 28, 2019.

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 January 28, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

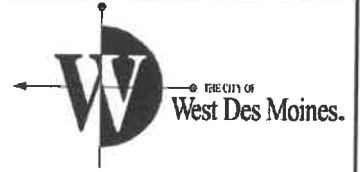
ABSENT:

ATTEST:

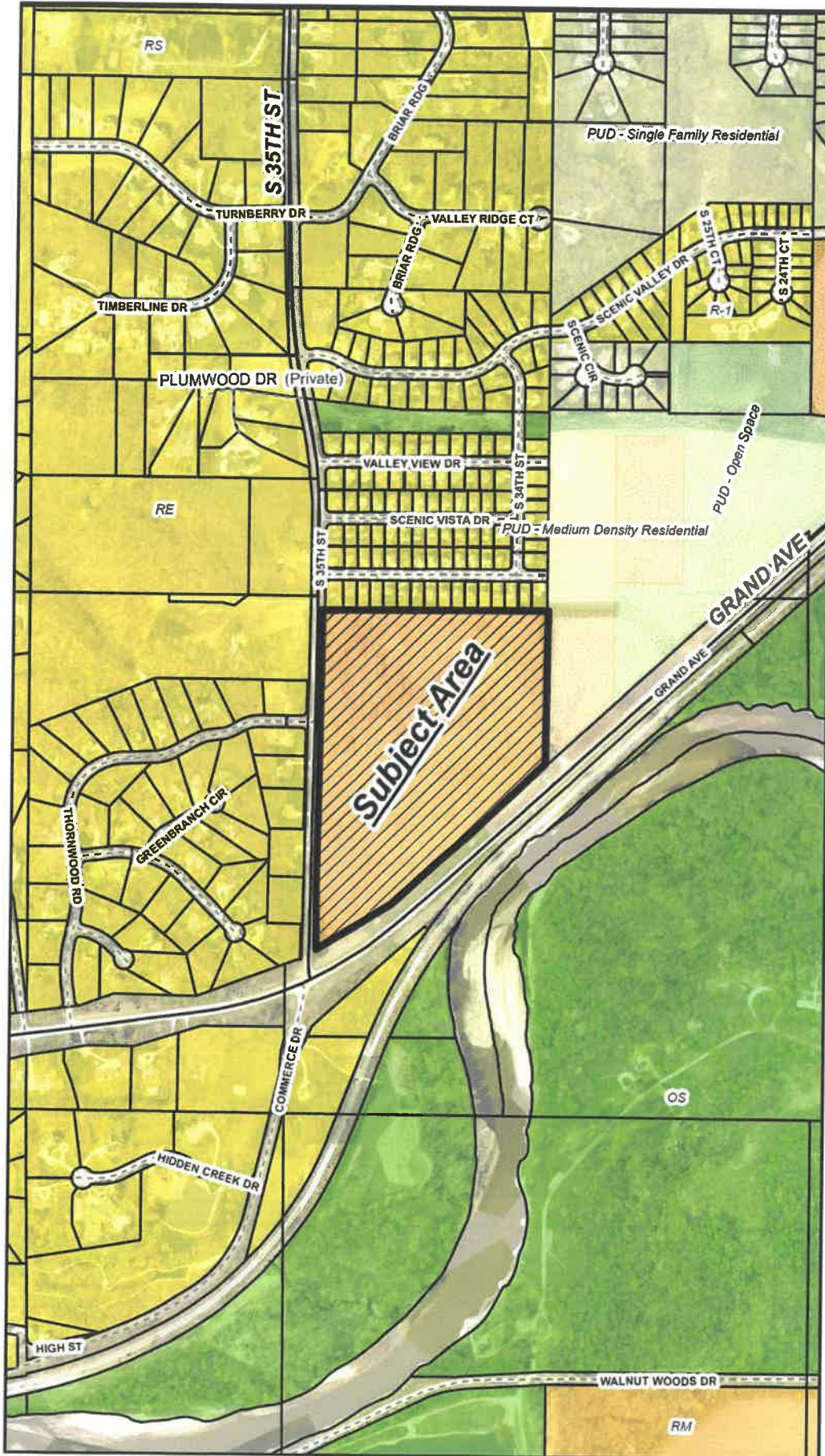
Recording Secretary

**Exhibit A
CONDITIONS OF APPROVAL**

1. No Conditions of Approval



**Grand Valley
Location Map**



Legend

- City Limits
- Unzoned
- Open Space/Agricultural (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Residential (SF-CR)
- Single-Family - Valley Junction Residential (SF-VJ)
- Manufactured Housing (MI-H)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (VJHB)
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce Park (PCP)
- Warehouse Retail (WR)
- Business Park (BP)
- Valley Junction Light Industrial (VJLI)
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space
- PUD - Single Family Residential
- PUD - Medium Density Residential
- PUD - High Density Residential
- PUD - Business and Commercial
- PUD - Office
- PUD - Industrial

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 ORDINANCE #2075 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 #2075 and #2195 pertaining to the Grand Valley Planned Unit Development (PUD), Section 8, *Land Use Design Criteria*, Subsection B, *Parcel B and Parcel C* is hereby amended by deleting the struck through text and inserting the italicized and bolded text:

SECTION 8. LAND USE DESIGN CRITERIA:

B. Parcel B And Parcel C: All general use regulations and provisions set forth in title 9, "Zoning", of the West Des Moines City Code for Residential Medium Density (RM-7) or Residential Single-Family (RS-5), as follows, shall apply to any development proposal for property in Parcels B or C, as shown on the sketch plan, unless noted otherwise in this ordinance. Parcels B and C may be developed with either traditional single-family detached dwellings on individual lots or with horizontally attached multi-family dwelling units with a maximum of four (4) dwellings per building and two (2) stories or less. Multi-family dwelling units may be located on either one (1) large parcel of common ground or postage stamp lots. The first plat within each parcel will determine the type of dwelling unit for that parcel; both single-family detached and multi-family attached dwellings shall not be allowed within the same PUD parcel.

1. ~~Setbacks~~ Bulk Regulations:

a. ~~RS-5 Single Family District: All residential structures shall comply with a thirty foot (30') front yard setback and a thirty five foot (35') rear yard setback as measured from the boundary of Parcel B or Parcel C, respectively. Side yard setbacks shall be a minimum of five feet (5') as measured to the closest element including egress window wells, roof overhangs, bay windows, chimney bump-outs, etc. If a buffer is required for single family detached double frontage lots, the rear yard setback shall be measured from the interior edge of the buffer.~~

a. *Single Family Detached: All single family detached residential structures shall comply with the following:*

i. ***Front Yard Primary Building Setback: A minimum twenty-five foot (25'), excluding porches. Porches are allowed to extend six feet (6') into the front yard setback.***

- ii. ***Rear Yard Primary Building Setback: A minimum thirty-five foot (35') rear yard setback as measured from the perimeter boundary of Parcel B or Parcel C, respectively, except when adjacent to a required buffer. A twenty five foot (25') setback shall be allowed on lots abutting a buffer as measured from interior edge of buffer to the primary structure.***
- iii. ***Side Yard Primary Building Setbacks: The minimum of any one side yard shall be no less than five feet (5'). The minimum sum of both side yards shall be at least twelve feet (12'), as measured to the foundation. The minimum separation between single family detached residential structures shall be ten feet (10'), as measured between the foundations. Building projections may encroach up to two feet (2') into the setback as long as the structures comply with all applicable building codes on fire resistive construction. No window well or any ground mounted mechanical equipment may be located in a side yard that is less than seven feet (7') in width.***
- iv. ***Accessory structures shall comply with regulations for the Residential Single-Family (RS-5) zoning district.***
- v. ***Minimum Lot Width: Minimum lot width shall be fifty feet (50').***

~~b. RM-7 Medium Density District: Shall abide by City Code.~~

b. Horizontally Attached Multi Family: shall abide by City Code for the Residential Medium Density (RM-7); however, no structure shall be greater than two-stories and shall not consist of more than four attached units within a dwelling building.

2. Porches and Balconies: Front porches or balconies for both single-family and multi-family shall have a usable area that is no less than six feet (6') in width and depth. Porches and balconies may be allowed to extend into the front yard building setback a maximum of ~~five feet (5')~~ six feet (6').

SECTION 2. AMENDMENT. Ordinance #2075 and #2195 pertaining to the Grand Valley Planned Unit Development (PUD), Section 8, *Land Use Design Criteria*, Subsection C, *Parcel D* is hereby amended by deleting the struck through text and inserting the italicized and bolded text:

SECTION 8. LAND USE DESIGN CRITERIA:

C. Parcel D: All general use regulations and provisions set forth in title 9, "Zoning", of the West Des Moines City Code for Residential Medium Density (RM-7) shall apply to any development proposal for property in Parcel D, as shown on the sketch plan, unless noted otherwise in this ordinance.

1. Setbacks: All residential structures shall comply with all general use regulations and provisions set forth in title 9, "Zoning", of the City Code for Residential Medium Density District, as well as, zoning district transitioning and compatibility as identified in the Zoning Code, chapter 5, section 7, ***with the following exceptions:***

a. The setback from the common boundary line of Parcel D and Parcel E shall be 15' when Parcel E is utilized as detention or open space and not otherwise incorporated into a residential lot. In any circumstance in which Parcel D directly borders a developable residential lot (Parcels A, B, or C), minimum setbacks shall abide by city code for the Residential Medium-Density district and zoning district transitioning and compatibility as identified in chapter 5, section 7 of this title.

b. Open Space required for Parcel D shall be 20% when Parcel E is utilized as detention or open space.

2. Balconies: Balconies may extend a maximum of five feet (5') into the **front and rear yard** building setback.

3. Maximum Height: The maximum building height shall not exceed three (3) stories.

SECTION 3. 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 4. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this ____ day of _____ 2019.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____ 2019.

Ryan T. Jacobson, City Clerk

GRAND VALLEY PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT SKETCH JANUARY 6, 2016

OWNER:
ENGEL ASSOCIATES, INC.
4812 PLEASANT STREET, DES MOINES, IA 50312
CONTACT: RUSS VER PLOEG
PHONE: 515-274-1010

APPLICANT:
ENGEL ASSOCIATES, INC.
4812 PLEASANT STREET, DES MOINES, IA 50312
CONTACT: RUSS VER PLOEG
PHONE: 515-274-1010

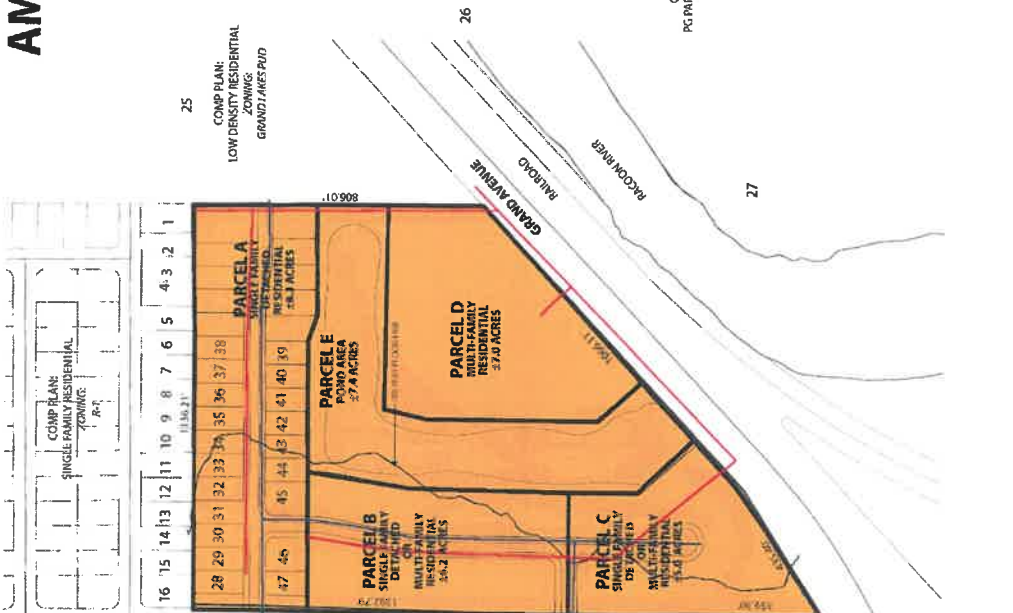
APPLICANT REPRESENTATIVE:
CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, GRIMES, IA 50111
CONTACT: BOB GIBSON
515-369-4400

EXISTING COMPREHENSIVE PLAN DESIGNATION:
MD MEDIUM DENSITY RESIDENTIAL
EXISTING ZONING:
RM-7 MEDIUM DENSITY RESIDENTIAL

LEGAL DESCRIPTION
LOIS 1 - 20 AND OUTLOTS 1 - 2 OF GRAND VALLEY PLAT L, AN OFFPLAN PLAT
IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA
TOTAL ACRES: 34.5

ADJACENT OWNERS

- 1 WILLIAMSON
2320 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 2 WILLIAMS & VAN WAGEN
3900 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 3 JUBERT-HUISLER
10045 JUBERT DRIVE
WEST DES MOINES, IA 50308
- 4 THE SPENCE
2405 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 5 LACRA CALVERT
4775 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 6 JERTY & TALEY HAUGH
1520 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 7 LARSON & RUCKS, BUNEL, AND
WEST DES MOINES, IA 50308
- 8 GREGORY & CONTELLA BARBARY
3425 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 9 ANK-SHALL & FETSH MAJSTELAR
3700 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 10 JUDITH BERGLER, KOWALPARKING
WEST DES MOINES, IA 50308
- 11 JAMES VAN ALLEN & SLODRON
3445 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 12 MOHAMMED SHEBA
3454 GLENWOOD DRIVE
WEST DES MOINES, IA 50308
- 13 CHRISTIAN WAGNER'S MARIEM CHERIE
10045 JUBERT DRIVE
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- 99 WEST DES MOINES AREA PROPERTIES, LLC
10645 JUBERT DRIVE
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- 100 WEST DES MOINES AREA PROPERTIES, LLC
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COMPL PLAN:
PG PARKS & GREENWAYS
ZONING:
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