NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 19, 2019

ITEM: Grand Valley PUD, Generally located at the NE corner of S 35th Street and Grand Avenue - Amend the Grand Valley PUD to modify residential bulk area standards for Parcels B, C and D - Russell Ver Ploeg (CRVP, LC) - ZC-004127-2018

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: 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 generally located at the northeast corner of S 35th Street and Grand Avenue to modify residential bulk area standards for PUD Parcels B, C and D to accommodate future development.

Previous Council Action:
Vote: 4-0 approval, with Councilmember Sandager absent
Date: February 4, 2019
Motion: Approval of the First Reading of the amendment to City Code.

OUTSTANDING ISSUES: There are no outstanding issues.

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

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	1/18/19	
Letter sent to surrounding property owners		1/15/19

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	11/12/18		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Amended PUD Ordinance

EXHIBIT I

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

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, AND ORDINANCE #2075 AND #2195 PERTAINING TO THE GRAND VALLEY P.U.D. (#104) (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:

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: Minimum twenty-five feet (25'), excluding porches. Porches are allowed to extend a maximum of 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 the 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') and 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.~~ ***Horizontally Attached Multi Family: Shall abide by City Code for the Residential Medium Density (RM-7) district.***

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 ~~five (5')~~ ***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')***.

3. Maximum Height: The maximum height of dwelling buildings within Parcels B and C shall not exceed two (2) stories.

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:

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 fifteen feet (15') when Parcel E is utilized as detention or open space and not otherwise incorporated into a residential lot that is to be developed. 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, or 25% if Parcel E is developed with anything other than 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 Title 1, Chapter 4, Section 1 and Section 2 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