**NO CHANGE FROM PREVIOUS READING**

# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**Date: July 1, 2019**

**ITEM:** Grand Ridge PUD, 1809 S. 50th Place – Establish a Planned Unit Development (PUD) Ordinance to preserve trees and adjust bulk standards – Lowry Company LLC – ZC-004310-2019

**ORDINANCE:** **Approval of Second Reading, Waive Third Reading, and Adopt in Final Form to Establish PUD**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** Bill Lowry of the Lowry Company LLC is requesting that a Planned Unit Development (PUD) ordinance be established for the remaining portion of the Boone Family Farm located at 1809 S. 50th Place. The developer is requesting a PUD to modify the minimum lot square footage required and front and rear yard setbacks for select lots to respect topography and trees. The PUD will reduce the minimum lot size from 40,000sf to 30,000sf for lots 1, 2 and 10; and the front and rear yard setbacks for lots 1, 2, 7, and 10 to be reduced from 50 feet to 35 feet.

Previous Council Action:
Vote: 5-0 approval
Date: June 17, 2019
Motion: Approval of the First Reading of the ordinance

**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: Kara Tragesser, AICP

**Staff Reviews:**

| | |
|---|---|
| Department Director | |
| Appropriations/Finance | |
| Legal | |
| Agenda Acceptance | |

**PUBLICATION(S) (if applicable)**

| | | |
|---|---|---|
| Published In | Des Moines Register | |
| Date(s) Published | May 17, 2019 | |
| Letter sent to surrounding property owners | | May 14, 2019 |

**SUBCOMMITTEE REVIEW (if applicable)**

| | | | |
|---|---|---|---|
| Committee | Development & Planning | | |
| Date Reviewed | May 20, 2019 | | |
| Recommendation | Yes ☒ | No ☐ | Split ☐ |

ATTACHMENT:
Exhibit I – ORDINANCE
Attachment A – Rezoning Sketch

**Exhibit I**

Prepared by: K Tragesser, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019 BY AMENDING TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES TO ESTABLISH THE GRAND RIDGE PUD**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**SECTION 1. AMENDMENT:** Amend the Zoning Map of the City of West Des Moines, Iowa, to change the zoning of the following legally described property from Residential Estate (RE-IA) to Grand Ridge Planned Unit Development (PUD):

**Legal Description**

THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M,, POLK COUNTY, IOWA, LYING NORTH OF THE CENTERLINE OF GRAND AVENUE AS IT PRESENTLY EXISTS, EXCEPT THAT PART LYING WEST OF INTERSTATE NO. 35 AND EXCEPT THOSE PARTS CONVEYED TO THE STATE OF IOWA BY WARRANTY DEEDS RECORDED IN BOOK 3005, PAGE 491 AND BOOK 13732, PAGE 407 IN THE OFFICE OF THE POLK COUNTY RECORDER, POLK COUNTY, IOWA

AND

THE EAST 33 FEET OF THE SOUTH 1/2 SE1/4 OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. EXCEPT THE SOUTH 740 FEET, WEST DES MOINES, POLK COUNTY, IOWA THAT IS ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF QUAIL COVE PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 9044, PAGE 204 AT THE POLK COUNTY RECORDER'S OFFICE, SAID SE CORNER ALSO BEING ON THE WEST LINE OF QUAIL RIDGE PARK, AN OFFICIAL PLAT RECORDED IN BOOK 7836, PAGE 74 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE S00°26'13"E, 652.81 FEET ALONG A LINE THAT COINCIDES THE WEST LINE OF SAID QUAIL RIDGE PARK AND THE WEST LINE OF QUAIL MEADOWS WEST, AN OFFICIAL PLAT RECORDED IN BOOK 8006, PAGE 121 AT THE POLK COUNTY RECORDER'S OFFICE, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S89°49'15"W, 40.38 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE S08°59'54"W 335.71 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE S89°55'23"W, 360.67 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF US INTERSTATE I-35; THENCE N47°49'29"W, 587.13 FEET ALONG SAID

EAST RIGHT-OF-WAY LINE TO A POINT; THENCE N19°36'41"W, 622.63 FEET ALONG THE SAID EAST RIGHT-OF-WAY LINE AS ESTABLISHED IN THE ACQUISITION PLAT RECORDED IN BOOK 13732, PAGE 407 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N22°54'18"W, 1.00 FEET ALONG SAID EAST RIGHT-OF-WAY LINE AS ESTABLISHED IN THE ACQUISITION PLAT RECORDED IN BOOK 13581, PAGE 26 AT THE POLK COUNTY RECORDER'S OFFICE TO A POINT ON THE SOUTH LINE OF SAID QUAIL COVE PLAT 1; THENCE N89°49'28"E, 1093.06 FEET ALONG SAID SOUTH LINE OF QUAIL COVE PLAT 1 TO THE POINT OF BEGINNING AND CONTAINING 18.96 ACRES MORE OR LESS.

**SECTION 2. SKETCH PLAN:** Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan document for the Grand Ridge PUD marked Exhibit "A". The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the PUD Parcels for the purpose of easier reference for the applicable regulations of this Ordinance. Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail.

**SECTION 3. DEVELOPMENT INTENT:** To provide the framework for a large lot single-family residential neighborhood that allows for development while encouraging preservation of the site's natural characteristics and accommodates the channel pattern of the creek dividing the site.

**SECTION 4. REQUIRED PLANS:** Prior to or in conjunction with development or transfer of ownership of any portion of the property covered by this PUD, the following plans shall be required:

A. Preliminary Plat and Final Plat: The PUD area shall be platted in accordance with the City's Subdivision Ordinance. Parcels created via the Plat-of-Survey process and platted Outlots identified on a plat shall be unbuildable until such time that the plat-of-survey parcel and/or Outlot is re-platted into a developable lot through the preliminary plat and final plat process.

**SECTION 5. CONDITIONS**: Whereas, Title 9, Chapter 9, PUD Planned Unit Development District of the City Code, establishes certain regulations and guidelines pertaining to accompanying information required on plat and site plan documents. Now, therefore, the following conditions, restrictions, and regulations are adopted as part of this approval in addition to the PUD Sketch Plan.

1. General Conformance To Subdivision Ordinance: All subdivisions, public and private streets, public or private street rights-of-way and general development shall adhere to the standards and design criteria set forth in the West Des Moines Subdivision Ordinance and/or established City policies pertaining thereto, unless otherwise stated within this Ordinance.

2. General Conformance to Zoning Ordinance: Unless otherwise specified herein, the development of the PUD shall comply with the provisions of the West Des Moines Zoning Ordinance.

3. Flood Hazard: In all areas within a 100-year frequency flood hazard zone, or adjoining drainage ways, and detention ponding areas involving potential flood hazards, no building shall be erected which has a lowest level floor, including basements, less than one foot (1') above the determined level of the 100-year frequency flood event. Buildings shall not be permitted within twenty five feet (25') of any easement or property boundary of a major drainage way, storm water detention basin or pond unless said location is approved as part of the development entitlement by the city council and said building is structurally designed accordingly.

4. Developer Responsibilities: The Developer, their successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development, as required by this Ordinance and approved site plans. Developer shall be responsible for cost of all streets, storm sewers, sanitary sewers, drainage way improvements, detention basins, water mains, buffers and other improvements as required of the development. Developer shall dedicate appropriate rights-of-way and/or public easements required within the PUD, unless otherwise approved by the City Council.

5. Sanitary Sewer: Any proposed change in approved land use densities for the PUD will require an analysis of the downstream sanitary sewer capacity to assure that adequate capacity is available for the proposed change in approved land use densities.

6. Private On-Site Sewer: Private on-site sewer systems will be allowed on platted lots 8, 9, and 10 or lots on the northwest corner of the site gaining access from Cherrywood Drive.

7. Street Lighting: The Developer shall be responsible for all costs associated with the installation of public street lights within or adjacent to any area proposed to be platted or included within a development.

8. Mailboxes: The Developer shall be responsible for installation of any required Cluster Box Units (CBUs / mailboxes) required by the local U.S. Postal Service Post Office.

9. All homes within the PUD must have a fire sprinkler system in accordance with West Des Moines Fire Code provisions due to the length of the streets accessing the development.

**SECTION 6. LAND USE DESIGN CRITERIA:** In addition to the general criteria as stated above, the following land use regulations, development standards, and design criteria shall apply to the development of all areas designated on the Sketch Plan:

All general use regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for Residential Estate (RE-1A) shall apply to any development proposal for the property, unless noted otherwise in this ordinance.

1. The minimum lot size permitted in this development shall be 40,000 square feet, except lots 1, 2, and 10 which shall be no less than 30,000 square feet.
2. Minimum lot width shall be no less than 100' as measured at the front building setback line.
3. Building height shall be in accordance with the requirements for the Residential Estate zoning district as set forth in Title 9, Chapter 7.
4. Building Setbacks: Setbacks for all residential development shall be as follows:
   a. Front Yard: a minimum of 50', except lots 1, 2, 7, and 10, which will be allowed a minimum 35' front yard setback
   b. Rear Yard: a minimum of 50', except lots 1, 2, 7, and 10 which will be allowed a minimum 35' rear yard setback
   b. Side Yard: 20' as measured to the foundation with no other element of the building encroaching into the setback by more than two feet.
   c. For detached structures on lots 1 and 2, the maximum size of the total of all structures is 1,000 gross square feet.

**SECTION 7. BUFFERS:** No buffers will be required in this development. The developer or individual property owner may install additional landscaping along the east boundary adjacent to the medium density/townhome development and along the interstate right-of-way as they deem appropriate to mitigate views or buffer adjacent higher intensity uses.

**SECTION 8. PARKLAND DEDICATION:** An area of land calculated by a set formula based upon the density (total number of dwelling units) of the proposed development is required to be dedicated for purposes of a public park and greenway as per city code. A Parkland Dedication Agreement, acceptable to the Park and Recreation Department, detailing the specifics related to the Parkland Dedication requirements for the development of any area contained within the PUD is required to be executed in conjunction with the Final Platting of the subdivision.

**SECTION 9. MASTER PROPERTY OWNERS ASSOCIATION:** If deemed applicable, proper action shall be taken to establish a master property owners association. The property owners association shall be responsible for the

ongoing upkeep and maintenance of any common grounds as outlined in the association documents and any other specific development improvements noted as their responsibility in this ordinance.

**SECTION 10. TREE PRESERVATION:** The intent of this section is to recognize existing areas containing trees of significant size, value, and quantity such that the environmental aesthetic is enhanced by these areas. At the time of platting, existing tree cover on the site shall be protected and any loss mitigated. Removal of trees will be permitted for diseased, dead, damaged, or of a species not commonly recognized as being desirable. For all other trees removed one inch of caliper at breast height of overstory trees shall be provided for every inch of caliper at breast height of removed trees. At the time of Building Permit Application for each home, documentation from a certified arborist or ASLA licensed landscape professional shall be provided to the Development Services department of the City, indicating trees to be removed, the reason for tree removal and whether replacement is required. Tree replacement shall occur prior to issuance of a final occupancy permit for the home.

A. Trees shall not be planted closer than five feet (5') to a sidewalk as measured from the center of the tree.

B. No vegetation which obstructs visibility shall be located within the site triangle of intersecting streets and private drives, including residential driveways.

**SECTION 11: ARCHITECTURE:** The intent of these regulations is to create building façades throughout this development that are varied and articulated to provide visual interest. Architectural design for single family dwellings shall accomplish this by careful attention to exterior building materials and details, use of windows and doors, and change in building mass within the plan and roof design. Non – masonry materials, fenestration, and trim used on the front façade shall be continued around all sides of the building. However, the level of detail can be reduced on the facades not facing a street. Care should be taken in the design of the building to keep grading and tree removal to a minimum.

Exteriors of the dwellings and accessory structures shall incorporate materials such as brick, stone, lap or vertical siding, shakes, decorative trim or similar combination of material which incorporates elements typical of the chosen architectural style. 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 and detailed trim and not as the primary cladding material. Changes in materials should be aligned with changes in plan or roof form to emphasize these changes in building mass and shall have the appearance of 3-dimensional elements. Trim and structural elements such as posts or columns shall be sized to the scale of the building and detailed appropriately to the style. Masonry shall be incorporated into the building architecture on the front and side facades, and in a proportion that provides a strong visual presence. Fenestration (door and window openings) shall be sized to the scale of the building and be compatible with the chosen architectural style.

Detached garages or accessory structures should incorporate architectural details of the primary building with the use of roof forms, materials, fenestration and other facade detailing.

Garage Orientation: Garages shall be sited to minimize the visual presence to the street. To facilitate this requirement, acceptable garage orientations include:

A. Street Oriented Garage: garages that open to the street are strongly encouraged and desired to be recessed behind the front plane of the house a minimum of five feet (5'). In no case shall the garage project more than five feet (5') in front of the plane of the house.

   1. In situations where the garage is located less than five feet (5') behind the front plane of the house, the third car garage, if applicable, must be stepped back a minimum of four feet (4') from the front of the two (2) car garage with all garage doors to be individual one car doors.

   2. In situations where the garage projects up to five (5') in front of the plane of the house, a covered porch shall be constructed that is at least the width equal to twenty five percent (25%) of the total width of the house and at least five unobstructed feet (5') in depth.

B. Side Loaded Garage: garages that open to a side yard. This garage orientation can be located in front of the house equal to the building setback for the house. Side loaded garages should incorporate architectural details such as windows, doors, and other detailing on the street facade in order to present a house appearance thus disguising the garage function.

**SECTION 12. SIGNAGE REGULATION:** Signage shall comply with all provisions and standards of Title 9, Chapter 18 for the Residential Estate (RE) Zoning District.

**SECTION 13. STORM WATER MANAGEMENT:** A Storm Water Management Plan will be required with the platting of this property. The Developer will have said Storm Water Management Plan prepared by a Professional Engineer licensed in the State of Iowa, in conjunction with the submittal of a preliminary plat for the development of the property. The Storm Water Management Plan shall comply with the City's current design standards for storm water management. The method of storm water management and the storm water conveyance system shall be determined prior to City approval of a preliminary plat.

At time of platting, ownership and responsibility for all storm water detention areas and private storm water detention outlet structures will need to be established through the execution of a Storm Water Facility Maintenance Agreement prepared by the City with information provided by the developer. This agreement essentially provides that the property owner will maintain and repair their storm water facilities. If they fail to do so, the city will make repairs or perform maintenance and assess all costs back to the property owner. As part of the maintenance agreement, the property owner will be responsible to provide a letter certifying the detention facility in in conformance with the approved Storm Water Management Plan. The property owner also will need to provide as-built drawings of the detention facilities. Both the letter and as-builts will need to be signed and sealed in accordance with Chapter 6, 193c-6.1(542B) of the Iowa Code.

**SECTION 14. PUBLIC IMPROVEMENTS:** The developer shall be responsible for constructing and/or installing the public infrastructure necessary to support development within the subdivision in a manner that will assure that the public infrastructure functions at an acceptable level of service (per the City's Comprehensive Plan) and that it complies with all City Ordinances. Public improvements must be accepted by the city prior to issuance of any occupancy permit, including temporary occupancy permits.

**SECTION 15. REPEALER:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 16. 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 17. VIOLATIONS AND PENALTIES:** Any person who violates the provision 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 18. 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 19. EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

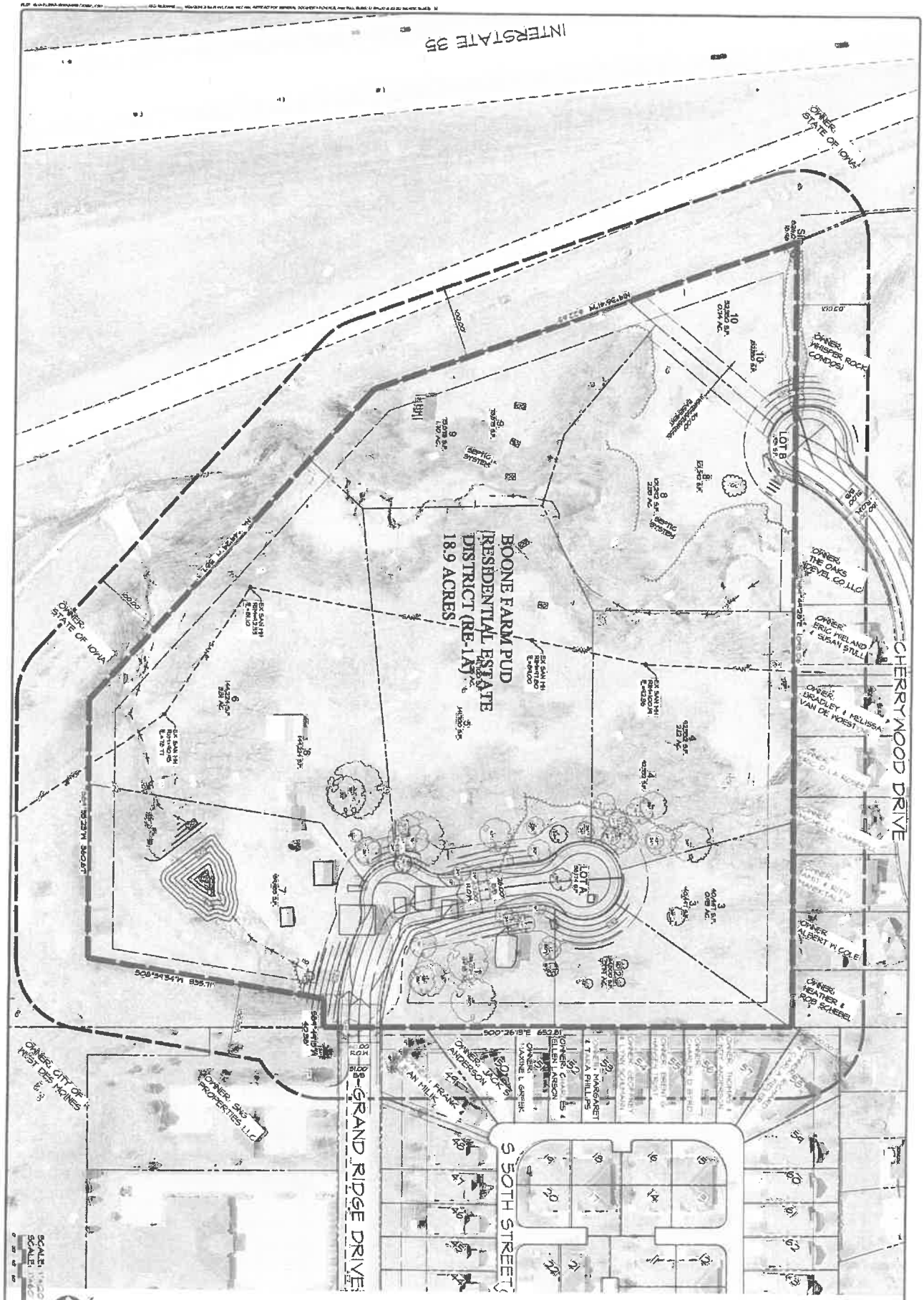
Passed and approved by the City Council on this _____ day of _____ 2019.

_____
Steve 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

# ATTACHMENT A