

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

Meeting Date: February 24, 2020

Item: TWG Development, 520 88th Street – Amend Comprehensive Plan Land Use Map from Neighborhood Commercial (NC) to High Density Residential (HD) and amend the Robel Farm Planned Unit Development to allow for multi-family development – RBJ, LLC – CPA-004595-2020/ZC-004596-2020

Requested Action: Recommend Approval of Comprehensive Plan Land Use Map Amendment and PUD Amendment

Case Advisor: Brian Portz, AICP *BP*

Applicant's Request: The applicant, TWG Development, LLC, in association with the property owner, RBJ, LLC, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning of a 3.56 acre property located at 520 88th Street. The Comprehensive Plan Land Use Amendment will change the land use designation for the property from Neighborhood Commercial (NC) to High Density Residential (HD). The Rezoning includes an amendment to the existing Robel Farm Planned Unit Development (PUD) to consistency zone the property with the new Comprehensive Plan Land Use designation (designating RH-14). The changes are in anticipation of the applicant proposing a 3-story, 49-unit multi-family building on the property. Access to the site will be from drives off of EP True Parkway and Century Drive which are shared accesses with the property to the east. Once within the site, internal drives separate from the adjoining property will be utilized to access parking.

History: The property was annexed into the City in 2000 as a part of the 88th Street annexation. In 2004, the property was included within the Robel Farm Planned Unit Development (PUD) and was designated with an underlying zoning of Neighborhood Commercial (NC). In 2014, the eastern 2.7 acres which once was part of this parcel was divided off and the land use and PUD changed to allow for the attached multi-family buildings, which exist today. It should be noted, the subject property is a property that staff considered changing to a Medium Density Residential designation several years ago when commercial development was being explored for ground to the north at the southeast corner of 88th Street and Ashworth. No inquiries for commercial development on the property had occurred over the years and the commercial being considered for the north would have been ample acres to provide for the area. At the request of the property owner to leave as is for the time being, no change was pursued.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee at their January 21, 2020 meeting as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key points of interest:

- *Buffers:* Thirty-foot wide buffers will be required on all four sides of the site to buffer the use from adjacent streets and land uses. To push the building and parking farther away from the townhomes to the east, the buffer along the east property line of the subject property is being increased from the current 20 feet required to 30 feet. To accommodate the increased buffer along the east property line, the PUD proposes to allow a 40-foot setback along 88th Street instead of the Code required 60 feet. The multi-family buildings immediately to the south (The Mansions) and the townhomes within the Park 88 development immediately to the north are both set back approximately 45' from 88th Street.
- *PUD Sketch Map:* The PUD Sketch Map is proposed to be amended with this action to show the subject property (Parcel B) as High Density Residential (HD).

- **88th Street Improvement:** 88th Street and S 88th Street between Ashworth Road and Mills Civic Parkway is a mix of paved, asphalt top-coated, and gravel. The section of 88th adjacent to this property is gravel. City staff has identified the improvement/pavement of 88th Street/S 88th Street as a high priority in the Capital Improvements Plan. It is anticipated that the improvements will be paid for through a combination of financial contribution from adjoining property owners to the unimproved sections and City funding. The City is responsible for that portion of the roadway adjacent to Valley View Park which is located approximately immediately to the south of The Mansions multi-family development.

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 February 14, 2020, notice for the February 24, 2020, Plan and Zoning Commission and March 2, 2020, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on February 12, 2020.

Staff Recommendation And Conditions Of Approval – Comprehensive Plan Amendment: 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 to recommend the City Council approve the Comprehensive Plan Land Use Map amendment for the property at 520 88th Street to change from Neighborhood Commercial (NC) to High Density Residential (HD) land use, subject to the applicant meeting all City Code requirements.

Staff Recommendation And Conditions Of Approval – Rezoning: 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 to recommend the City Council approve the rezoning request to amend the Robel Farm Planned Unit Development to change the underlying zoning of 3.56 acres located at 520 88th Street from Neighborhood Commercial (NC) to Residential High Density (RH-14), subject to the applicant meeting all City Code requirements.

Property Owner: RBJ, LLC
475 SE Alices Road, Suite D
Waukee, Iowa 50263

Applicant: Sam Rogers
TWG Development, LLC
333 North Pennsylvania, Suite 100
Indianapolis, Indiana 46204
srogers@twgdev.com

ATTACHMENTS:

- Attachment A - Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
 - Exhibit A - Conditions of Approval
- Attachment B - Plan and Zoning Commission Resolution – Rezoning
 - Exhibit A - Conditions of Approval
- Attachment C - Comprehensive Plan Amendment and Rezoning Sketch
- Attachment D - Robel Farm PUD Ordinance Amendment
 - Exhibit A - PUD Sketch Map

RESOLUTION NO. PZC- 20-005

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP FOR HIGH DENSITY RESIDENTIAL LAND USE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, TWG Development, LLC, in association with the property owner, RBJ, LLC, has requested approval of an amendment to the Comprehensive Plan Land Use Map (CPA-004595-2020) to change the land use designation of 3.56 acres located at 520 88th Street from Neighborhood Commercial (NC) to High Density Residential (HD).

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; and

WHEREAS, on February 24, 2020, this Commission held a duly-noticed meeting to consider the application for Comprehensive Plan Amendment (CPA-004595-2020); and

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 February 24, 2020, or as amended orally at the Plan and Zoning Commission hearing of February 24, 2020, are adopted.

SECTION 2. Comprehensive Plan Land Use Amendment (CPA-004595-2020) to change the land use designations on the subject property is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated February 24, 2020, including conditions added at the meeting, and attached hereto as Exhibit "A". 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 February 24, 2020.

Erica Andersen, Chair
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 February 24, 2020, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST: _____
Recording Secretary

Exhibit A
Conditions of Approval

No conditions of approval

RESOLUTION NO. PZC-20-006

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE AMENDMENT TO THE ROBEL FARM PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 520 88TH STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, TWG Development, LLC, in association with the property owner, RBJ, LLC, has requested approval of a Rezoning Request for that 3.56 acre property located at 520 88th Street to amend the Robel Farm Planned Unit Development to allow an underlying zoning of Residential High Density (RH-14) and modify regulations for the development of the property; and

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; and

WHEREAS, on February 24, 2020, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-004596-2020); and

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 February 24, 2020, or as amended orally at the Plan and Zoning Commission hearing of February 24, 2020, are adopted.

SECTION 2. REZONING REQUEST (ZC-004596-2020) to amend the Robel Farm Planned Unit Development (PUD) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated February 24, 2020, 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 February 24, 2020.

Erica Andersen, 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 February 24, 2020, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

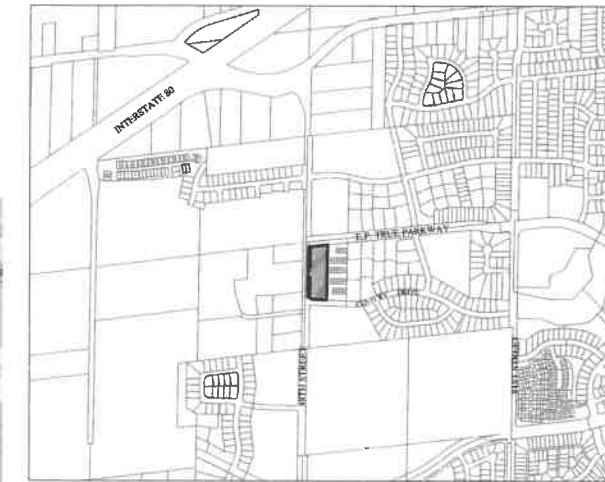
ATTEST: _____
Recording Secretary

Exhibit A: Conditions of Approval

No Conditions of Approval

PRELIMINARY- NOT FOR CONSTRUCTION

520 88TH STREET COMPREHENSIVE PLAN AMENDMENT AND REZONING SKETCH



PROPERTY DESCRIPTION:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M. THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 11; THENCE S89°00'21"W, A DISTANCE OF 66.43 FEET; THENCE N83°05'20"E A DISTANCE OF 23.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N83°05'20"E A DISTANCE OF 238.78 FEET; THENCE S89°00'21"W, A DISTANCE OF 66.43 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CENTURY DRIVE; THENCE N89°00'20"W, A DISTANCE OF 188.80 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF N44°06'54"W, A DELTA ANGLE OF 88°00'00", AND AN ARC LENGTH OF 38.47 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE N89°00'20"W A DISTANCE OF 27.80 FEET; THENCE N00°00'21"E, A DISTANCE OF 424.71 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
SAID TRACT OF LAND CONTAINS 3.61 ACRES MORE OR LESS

OWNER:

RLJ, LLC
475 ALICE'S ROAD, SUITE D
WALKEE, IA 50263

PREPARED FOR:

TWG DEVELOPMENT, LLC
33 NORTH PENNSYLVANIA, SUITE 100
INDIANAPOLIS, IN 46204

PREPARED BY:

BISHOP ENGINEERING
3501 104TH ST
URBANDALE, IA 50322

COMPREHENSIVE PLAN:

EXISTING: NC - NEIGHBORHOOD COMMERCIAL DISTRICT
PROPOSED: HD - HIGH DENSITY RESIDENTIAL

ZONING:

EXISTING: PUD - NEIGHBORHOOD COMMERCIAL DISTRICT
PROPOSED: RH-14 - ROBEL FARM PUD - RESIDENTIAL HIGH DENSITY



UTILITY NOTE:
THE LOCATION OF THE UTILITIES INDICATED ON THE PLANS HAVE BEEN TAKEN FROM THE FIELD SURVEY, EXISTING PUBLIC RECORDS, AND PLANS PROVIDED BY OTHERS. SURFACE UTILITY LOCATIONS HAVE BEEN FIELD LOCATED BY BISHOP ENGINEERING, UNLESS OTHERWISE NOTED. ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE LOCATIONS ONLY. BISHOP ENGINEERING DOES NOT GUARANTEE THE UNDERGROUND LOCATION OF ANY UTILITIES SHOWN. IT SHALL BE THE DUTY OF THE CONTRACTOR TO DETERMINE THE LOCATION AND DEPTH OF ANY UNDERGROUND UTILITIES SHOWN AND IF ANY ADDITIONAL UTILITIES, OTHER THAN THOSE SHOWN ON THE PLANS, MAY BE PRESENT. A REQUEST WAS MADE TO IOWA ONE CALL FOR UTILITY PROVIDERS TO VERIFY, LOCATE, AND MARK THEIR UTILITIES IN THE FIELD.

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Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50322-3825
Phone: (515)276-0467 Fax: (515)276-0217
Civil Engineering & Land Surveying Established 1959

**520 88TH STREET
COMPREHENSIVE PLAN AMENDMENT / REZONING
SKETCH PLAN**

REFERENCE NUMBER:	
DRAWN BY:	BK
CHECKED BY:	
REVISION DATE:	01/10/2020 01/23/2020
PROJECT NUMBER:	190701
SHEET NUMBER:	1 OF 1

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, 2019, AND ORDINANCE #1573, #1671, #1953, and #2036 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 #1573, #1671, #1953, and #2036, pertaining to the **Robel Farm Planned Unit Development (PUD)**, Section 069-03: *Conditions*; Subsection B: *Land Use Design Criteria*; Subsection 2: *Parcel B* is hereby amended by deleting the highlighted, strikethrough text and adding the following bolded italicized text:

1. Parcel B: Parcel B shall be developed with a maximum 3.2 acres and land uses allowed within parcel B shall be permitted in accordance with all general use regulations and provisions set forth in title 9, "Zoning", of the city code for the ~~neighborhood commercial district (NC)~~ ***Residential High Density District (RH-14)***, unless noted otherwise elsewhere herein this ordinance.
 - a. Setbacks: ***The building setback along 88th Street shall be reduced to forty feet (40')***. ***All other setback requirements for Parcel B shall*** ~~Any development within parcel B shall comply with all other general use regulations and~~ ***the*** provisions set forth in title 9, "Zoning", of the city code.
 - b. A minimum ~~thirty foot~~ ***thirty-foot (30')*** buffer park shall be required along E.P. True Parkway, Century Drive, and 88th Street and a ~~twenty foot (20')~~ ***buffer park shall be required between parcels A and B*** ~~and parcel A. The twenty foot (20') buffer park between parcels A and B~~ ***Vegetation within said buffers*** shall be planted in accordance with ~~at least the minimum~~ city code requirements for a thirty foot (30') buffer. The provision, design, and location of a six foot (6') fence shall be considered at the time of site plan development of this parcel to determine if it is needed to provide adequate screening from adjoining residential uses ***to the east***. Said fence shall be in lieu of minimum required buffer plantings; however, vegetation may still be required to soften the visual presence of the fence. Said fence shall be constructed with decorative columns of brick or stone twenty four inches (24") or greater in width and depth and located no greater than sixty feet (60') on center. Typical fence post of the same material as the fence may be utilized as necessary in between the support columns.
 - c. Outdoor Use Areas: Outdoor use areas, i.e., sitting and gathering areas shall be encouraged. Light standards shall be limited to a maximum of twenty five feet (25') and the use of any wall pack lighting ***without shields*** on buildings shall be strictly prohibited. The provision of bicycle parking should be considered to be provided.

SECTION 2. AMENDMENT. Ordinance #1573, #1671, #1953, and #2036, pertaining to the **Robel Farm Planned Unit Development (PUD)**, Section 069-04: *Architecture*; is hereby amended by deleting subsection A in its entirety and re-lettering subsequent paragraphs accordingly:

- A. ~~Commercial Buildings: The architectural design of any commercial building within the PUD shall be acceptable to the city, provided acceptance shall not be unreasonably held, and all buildings shall have as a primary element being fascia glass, face brick, or stone with consistency of design and use of materials on all sides of any building. The design of any building shall incorporate elements that provide a common theme or compatibility with residential uses in the neighborhood. The use of brick shall be incorporated into the building architecture on all sides of the structure, unless the city council of West Des Moines, after review by the plan and zoning commission of West Des Moines shall determine that the use of alternate building materials, enhances the physical appearance and accomplishes a compatible structure with the residential uses in the neighborhood.~~

~~No commercial building shall exceed a maximum height of thirty feet (30'). Design elements such as clock towers, as focal points shall be allowed to exceed the maximum building height through the review by the plan and zoning commission and the approval of the city council.~~

SECTION 3. AMENDMENT. Ordinance #1573, #1671, #1953, and #2036, pertaining to the **Robel Farm Planned Unit Development (PUD)**, Section 069-05: *Open Space*; is hereby amended by deleting the highlighted, strikethrough text:

~~The minimum open space required to be provided for any parcel shall include twenty five percent (25%) of the total area of the property, with an additional ten percent (10%) of the total paved area for the site. Features such as, but not limited to, pedestrian plazas, sidewalk connections, public gathering areas with benches, landscape features, i.e., fountains, flower gardens, should be considered to provide and promote a pedestrian orientation between the commercial and the other adjoining residential uses within the entire PUD.~~

SECTION 4. AMENDMENT. Ordinance #1573, #1671, #1953, and #2036, pertaining to the **Robel Farm Planned Unit Development (PUD)**, Section 069-07: *Buffering*; is hereby amended by deleting subsection B in its entirety and re-lettering subsequent paragraphs accordingly:

- ~~B. The modification or reduction of any buffering requirements of any parcel, unless as otherwise specified herein this ordinance, may be considered with the proposal of specific measures that promote the integration of mixed land uses and the interconnectedness between different land uses within the PUD, as follows:~~

~~1. The submission of a master plan by all concurrent property owners of parcels within the PUD that provides a comprehensive design and layout that promotes the integration of mixed land uses and the interconnectedness between land uses within the PUD for review and approval by the plan and zoning commission and city council at the time of a development submittal for any parcel within the PUD.~~

~~2. In the event, a mixed use building is proposed; a mixed use would include residential, office, and retail uses within the same building, limited to only parcel B, any structure would be required to comply with a minimum twenty foot (20') setback from a property line, however, in no case shall a garage opening be located any closer than twenty five feet (25') to a property line.~~

SECTION 5. AMENDMENT. Ordinance #1573, #1671, #1953, and #2036, pertaining to the **Robel Farm Planned Unit Development (PUD)**, *Sketch Plan exhibit* referred to in Section 069-02 of the ordinance is hereby amended by repealing the existing illustration and replacing with that attached to this ordinance as Exhibit 'A.'

SECTION 6. REPEALER: All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 7. 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 8. 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 of the City Code of the City of West Des Moines, Iowa.

SECTION 9. 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 10. 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 the ____ day of _____, 2020.

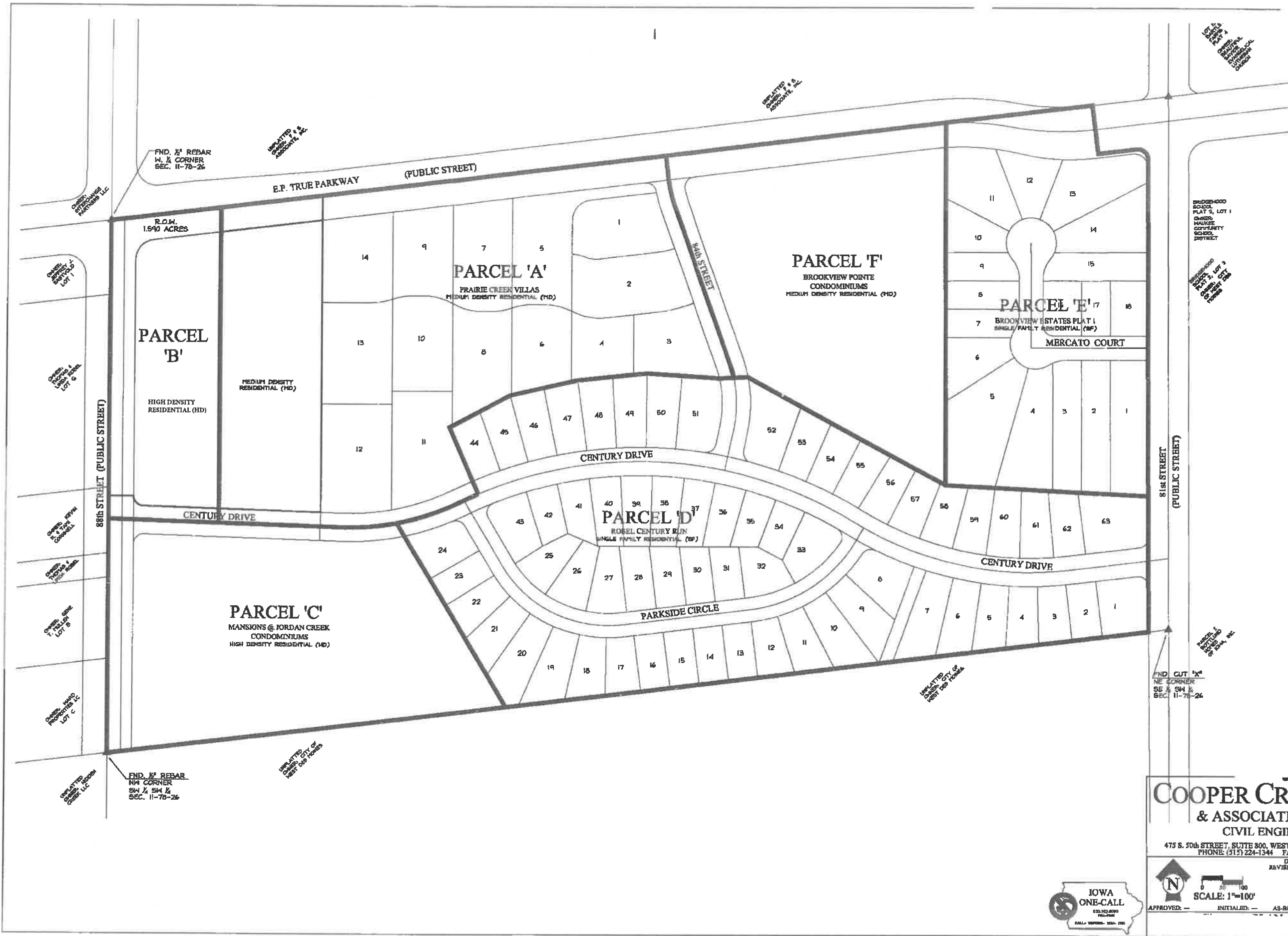
Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2020, and was published in the Des Moines Register on _____, 2020.

Ryan T. Jacobson
City Clerk



COOPER CRAWFORD
 & ASSOCIATES, L.L.C.
 CIVIL ENGINEERS

475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
 PHONE: (515) 224-1344 FAX: (515) 224-1345

DATE: 4-9-2014
 REVISIONS:
 SCALE: 1"=100'

JOB NUMBER
CC 1609



APPROVED: _____ INITIALS: _____ AS-BUILT: _____

SHEET
1 OF 1