NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: March 16, 2020

ITEM: TWG Development, 520 88th Street – Amend the Robel Farm Planned Unit Development (PUD) to allow for multi-family development – RJB, LLC – ZC-004596-2020

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, TWG Development, LLC, in association with the property owner, RJB, LLC, is requesting approval of a rezoning of a 3.56 acre property located at 520 88th Street from Neighborhood Commercial (NC) to Residential High Density (RH-14). The rezoning involves an amendment to the existing Robel Farm PUD to allow for the proposed development. The applicant is proposing a 3-story, 49 unit multi-family building on the property. Access to the site will be from drives off 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.

Previous Council Action:
Vote: 5-0 approval
Date: March 2, 2020
Motion: Approve a Comprehensive Plan Land Use Map Amendment to change the land use from Neighborhood Commercial (NC) to High Density Residential (HD).

Vote: 5-0 approval
Date: March 2, 2020
Motion: Approval of the First Reading the Ordinance to amend the Robel Farm PUD to allow for high-density residential development.

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, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JDS
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section
Date(s) Published	February 14, 2020
Letter sent to surrounding property owners	February 12, 2020

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	January 21, 2020		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Proposed PUD Ordinance Amendment
Exhibit A - PUD Sketch Plan

EXHIBIT I

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~~ ~~l~~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. Buffers: A minimum thirty-foot (30') buffer park shall be required along E.P. True Parkway, Century Drive, and 88th Street ~~and~~ ***along with*** a ~~twenty foot (20')~~ ***thirty-foot (30')*** buffer park ~~shall be required~~ between parcel B and parcel A. ***All*** ~~The twenty foot (20')~~ buffer park***s*** ~~between parcels A and B~~ 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. 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. <u>AMENDMENT</u>. 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. <u>AMENDMENT</u>. 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. <u>AMENDMENT</u>. 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. <u>AMENDMENT</u>. 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. 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 7. 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 8. 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 9. 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 16th day of March, 2020.

_____
Steven K. Gaer, Mayor

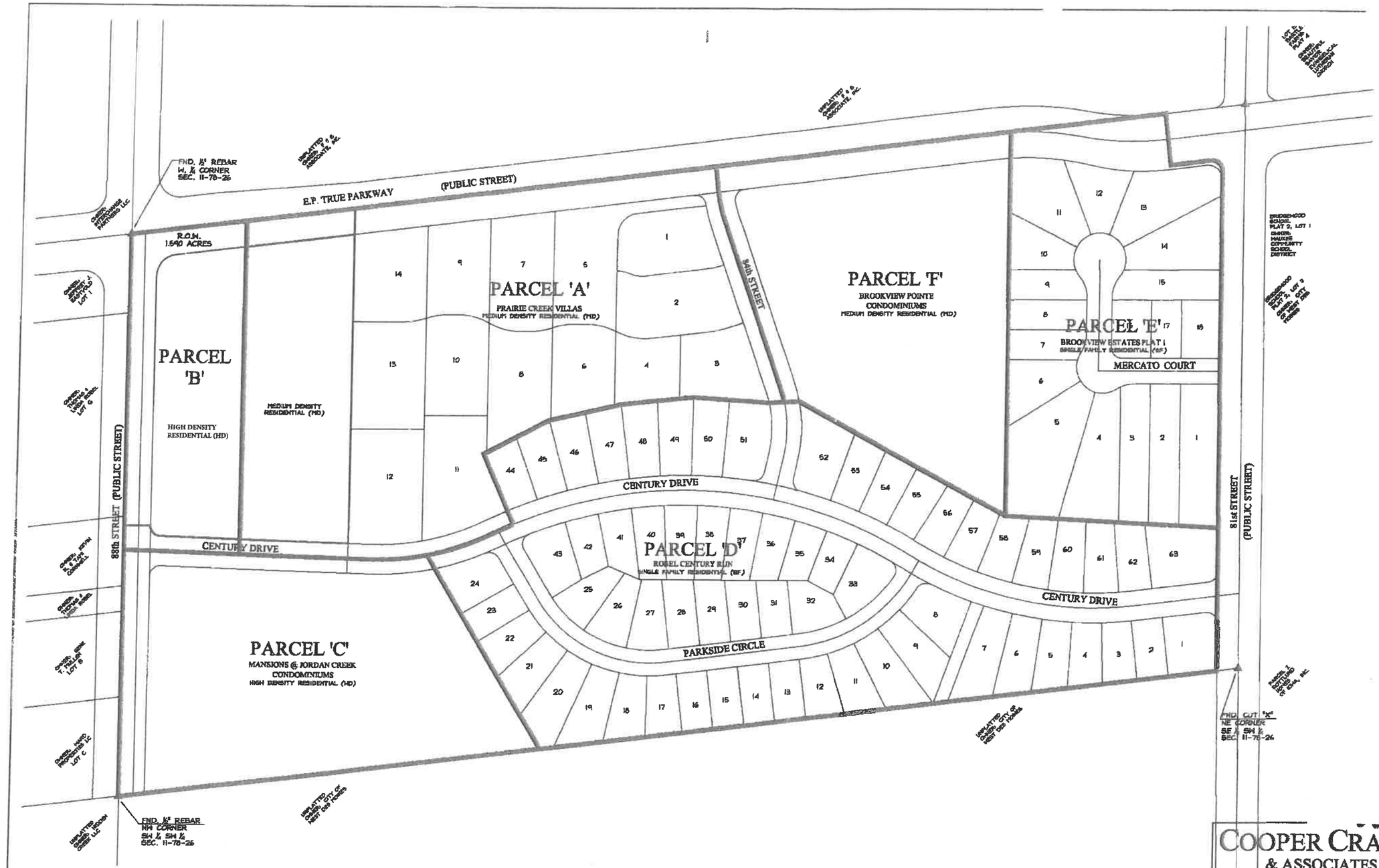
ATTEST:

_____
Ryan T. Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on March 16, 2020, and was published in the Des Moines Register on _____ _____, 2020.

_____
Ryan T. Jacobson
City Clerk

EXHIBIT A



IOWA ONE-CALL

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'

APPROVED: — INITIALED: — AS-BUILT: —

JOB NUMBER CC 1609

SHEET 1 OF 1