CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: June 8, 2020

<u>Item</u>: Tallyn's Reach, Northwest corner of the intersection of S 88th Street and Booneville

Road – Amend Comprehensive Plan Land Use Map to change approximately 12.5 acres of Neighborhood Commercial (NC) to Single Family (SF) and Medium Density Residential (MD) land use and amend the Tallyn's Reach Planned Unit Development (PUD) to change Parcel I from Neighborhood Commercial (NC) to Residential Single Family (RS-5) and Medium Density Residential (RM-12) and establish regulations to accommodate development of 36 rowhouses and 27 single family homes – Clark Family Investors – CPA-004674-2020 and ZC-004675-2020

Continued from May 26, 2020.

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

an Amendment to the Tallyn's Reach Planned Unit Development.

Case Advisor: Bryce C. Johnson, Planner

Applicant's Request: The applicant, Clark Family Investors, with permission from the property owner, Community Business Lenders and represented by Ed Arp of Civil Engineering Consultants, is requesting to amend the Comprehensive Plan Land Use designation and associated regulations for Parcel I within the Tallyn's Reach PUD. The amendment will change the land uses from Neighborhood Commercial to Single Family Residential and Medium Density Residential. As part of the PUD amendment, Parcel I will be eliminated, and existing PUD Parcels J and G extended accordingly to the proposed land uses. Development within each Parcel J and G will be governed by the current regulations included in the Tallyn's Reach PUD for the respective parcel. The only changes to these sections it to update the total number of dwellings allowed and the total number of acres included in each parcel.

Summary of the proposed requests:

- Amend the Comprehensive Plan Land Use Map for approximately 12.5 acres included in PUD Parcel I (Outlot S and J of Michael's Landing Plat 1) to change from Neighborhood Commercial (NC) to approximately 7.5 acres Single Family Residential (SF); and approximate 5.0 acres of Medium Density Residential (RM) land uses.
- Amend the Tallyn's Reach Planned Unit Development (PUD) Parcel I from Neighborhood Commercial (NC) to 7.5 acres of Residential Single Family (RS-5) (extension of PUD Parcel J) and 5.0 acres to Medium Density Residential (RM-12) (extension of PUD Parcel G)

<u>History</u>: The City Council approved a Rezoning request to establish the Tallyn's Reach PUD (aka Michael's Landing and/or Woodland Hills development) on June 19, 2006. The Tallyn's Reach PUD has been amended six times since its adoption. The most recent amendment added 24 acres to the PUD to accommodate development of 250 townhomes and rowhouses and 60 single family homes (CPA-002830-2015/ZC-002831-2015).

<u>City Council Subcommittee:</u> This request was reviewed by the Development and Planning City Council Subcommittee on April 6, 2020 as an informational item only. The Subcommittee had no comments and expressed no disagreement with the proposal.

<u>Staff Review and Comment</u>: This request was distributed to various City departments and outside agencies for their review and comment. There are no outstanding issues. Staff received one written comment from the distribution of the property owner letters. The details of this written comment are provided as an attachment in this staff report.

<u>Comprehensive Plan Consistency</u>: 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 May 2, 2020, a notice of the May 11, 2020, Plan and Zoning Commission, and the May 18, 2020, 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 April 30, 2020. The hearing on this item was continued at the May 11, 2020 Plan and Zoning Commission meeting to the May 26, 2020 meeting. A courtesy notice on the item continuation was mailed to all surrounding property owners within 370 feet of the subject property on May 14, 2020. The hearing on this item was also continued at the May 26, 2020 meeting with a courtesy notice on the item continuation mailed to all surrounding property owners within 370 feet of the subject property on June 3, 2020.

<u>Staff Recommendations and Conditions of Approval – Comprehensive Plan Amendment</u>: 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 approve the requested Comprehensive Plan Land Use Map amendment for approximately 12.5 acres from Neighborhood Commercial (NC) to Single Family residential (SF) and Medium Density Residential (MD), subject to the applicant meeting all City Code requirements.

Staff Recommendations and Conditions of Approval – Rezoning (PUD Amendment): 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 approve the rezoning request to amend the Tallyn's Reach PUD to change PUD Parcel I from Neighborhood Commercial (NC) to 7.5 acres of Residential Single Family (RS-5) and extend existing PUD Parcel J to include this area and 5.0 acres of Medium Density Residential (RM-12) and extend existing PUD Parcel G to include this area to accommodate development of 36 rowhouses and 27 single family homes, subject to the applicant meeting all City Code requirements.

<u>Property Owner</u> Cannon Clark, Travail Holdings LLC

Applicant: Clark Family Investors

PO Box 382

Norwalk, Iowa 50211

<u>Applicant Representative</u>: Ed Arp, Civil Engineering Consultants

2400 36th Street, Suite #12 Des Moines, Iowa 50233 arp@ceclac.com

Attachments:

Attachment A - Plan and Zoning Commission Resolution - Comprehensive Plan Amendment

Exhibit A - Conditions of Approval

Exhibit B - Current and Proposed Comprehensive Land Use Map

Attachment B - Plan and Zoning Commission Resolution - Rezoning

Exhibit A - Conditions of Approval

Exhibit B - Proposed PUD Ordinance Amendment

Exhibit C - PUD Sketch Plan

Attachment C - Citizen Response Letter

Attachment D - Location Map

RESOLUTION NO. PZC-20-027

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 COMPREHENSIVE PLAN LAND USE MAP TO CHANGE APPROXIMATELY 12.5 ACRES FROM NEIGHBORHOOD COMMERCIAL (NC) TO 7.5 ACRES SINGLE-FAMILY RESIDENTIAL (SF) AND 5 ACRES MEDIUM DENSITY RESIDENTIAL (MD).

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Clark Family Investors, with permission of the property owner, Community Business Lenders has requested to amend the Comprehensive Land Use Map (CPA-004674-2020) to change the land use designation of approximately 12.5-acres from Neighborhood Commercial (NC) to 7.5-acres Single-Family Residential (SF) and 5.0-acres Medium Density Residential (MD), for the property designated as Parcel I within the Tallyn's Reach PUD, located at the northwest corner of the intersection of S 88th Street and Booneville Road; 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 <u>June 8</u>, <u>2020</u>, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-004674-2020).

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

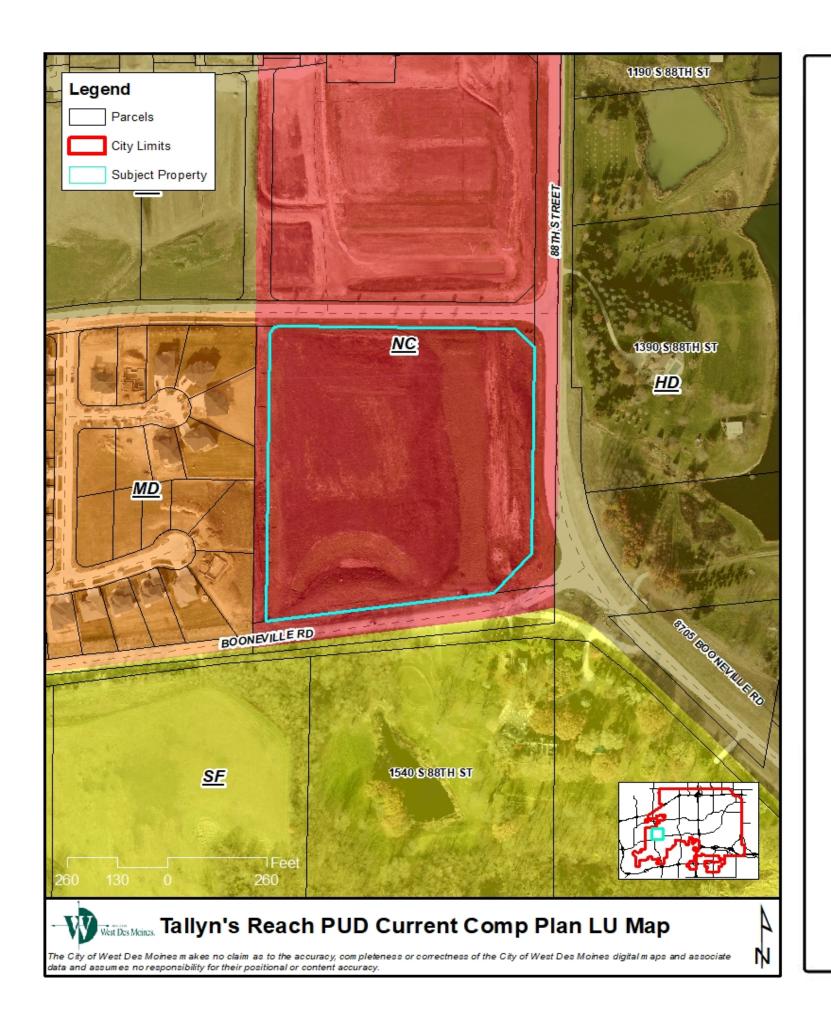
<u>SECTION 1</u>. The findings, for approval, in the staff report, dated June 8, 2020, or as amended orally at the Plan and Zoning Commission hearing of June 8, 2020 are adopted.

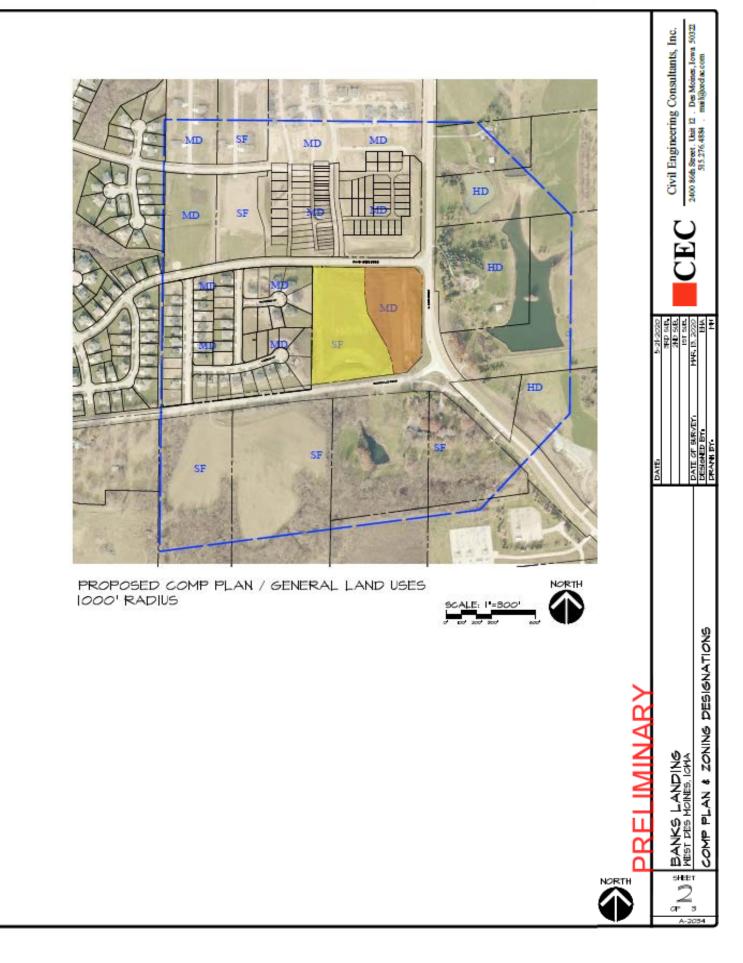
SECTION 2. The request for a change in the land use designation of approximately 12.5 acres from Neighborhood Commercial (NC) to Single-Family Residential (SF) and Medium Density Residential (MD) for the property located within the Tallyn's Reach development is recommended to the City Council for approval.

PASSED AND ADOPTED on June 8, 2020.	
ATTEST:	Erica Andersen, Chairperson Plan and Zoning Commission
Recording Secretary	
I HEREBY CERTIFY that the foregoing resoluti Commission of the City of West Des Moines, Iowa, at a following vote:	
AYES: NAYS: ABSTENTIONS: ABSENT:	
ATTEST:	
Recording Secretary	

Exhibit A
CONDITIONS OF APPROVAL

1. No Conditions of Approval





RESOLUTION NO. PZC-20-028

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO THE TALLYN'S REACH PLANNED UNIT DEVELOPMENT TO CHANGE PARCEL I FROM NEIGHBORHOOD COMMERCIAL (NC) TO RESIDENTIAL SINGLE FAMILY (RS-5) AND MEDIUM DENSITY RESIDENTIAL (RM-12)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Clark Family Investors, with approval of the property owner, Community Business Lenders has requested approval of an amendment to the Tallyn's Reach PUD to change PUD Parcel I from Neighborhood Commercial (NC) to 7.5 acres of Residential Single Family (RS-5) and extend existing PUD Parcel J to include this area and 5.0 acres of Medium Density Residential (RM-12) and extend existing PUD Parcel G to include this area to accommodate development of 36 rowhouses and 27 single family homes on that property generally located at the Northwest corner of the intersection of S 88th Street and Booneville Road and legally described as follows;

Legal Description OUTLOT 'S' AND OUTLOT 'J', MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT, NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

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 <u>June 8, 2020,</u> this Commission held a duly-noticed meeting to consider the request to amend the Tallyn's Reach PUD (ZC-004675-2020);

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 June 8, 2020, or as amended orally at the Plan and Zoning Commission hearing of June 8, 2020, are adopted.

SECTION 2. Rezoning request (ZC-004675-2020) to amend the Tallyn's Reach PUD to modify the land use designation and regulations pertaining to PUD Parcel I (Outlot S and Outlot J of Michael's Landing Plat 1) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated June 8, 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 June 8, 2020.	
	Erica Andersen, Chairperson
	Plan and Zoning Commission
ATTEST:	
Recording Secretary	
	solution was duly adopted by the Plan and Zoning , at a regular meeting held on June 8, 2020, by the

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTES	Т:
	Recording Secretary

Exhibit A CONDITIONS OF APPROVAL

1. No Conditions of Approval

Attachment C

5/5/2020

Mail - Johnson, Bryce - Outlook

[EXT] Questions re: Outlet S and Outlet J of Michael's Landing Plat 1

Carolyn Stepan < carolynstepan@gmail.com>

Tue 5/5/2020 8:50 AM

To: Johnson, Bryce <bryce.johnson@wdm.iowa.gov>

Hi Bryce

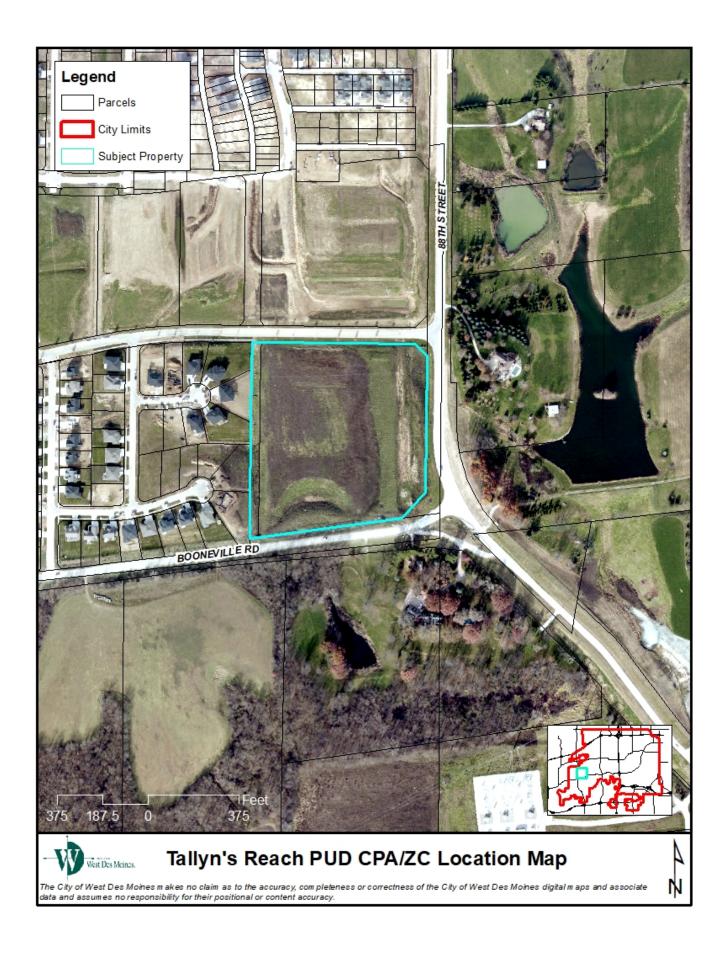
My husband Wayne and I received the Notice of Public Hearing regarding a request to change the zoning classification of the above land. We live at 9144 Yarrow Court. We have a few questions.

Who or what is Community Business Lenders Service and why are they requesting the change?

Currently the above mentioned land is is zoned as Neighborhood Commercial. What types of businesses fall into that classification? Please give examples.

What is meant by Medium-Density Residential? Please give examples.

Thank-you, Carolyn Stepan



Prepared by: Bryce C. Johnson, 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 TALLYN'S REACH PLANNED UNIT DEVELOPMENT TO MODIFY LAND USE DESIGNATION AND REGULATIONS PERTAINING TO PUD PARCEL I (OUTLOTS S AND J, MICHAEL'S LANDING PLAT 1) TO CHANGE THE LAND USE FROM NEIGHBORHOOD COMMERCIAL TO RESIDENTIAL SINGLE FAMILY (RS-5) AND MEDIUM DENSITY RESIDENTIAL (RM-8)

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

SECTION 1. <u>AMENDMENT.</u> Ordinance #1699, #1772, #2000, #2046, #2047, #2089, and #2130, pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 3: *Required Plans*; Subsection C: *PUD Map*; is hereby amended by repealing the existing illustration and replacing with that attached to this ordinance as Exhibit 'A':

SECTION 2. <u>AMENDMENT</u>. Ordinance #1699, #1772, #2000, #2046, #2047, #2089, and #2130, pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 11, *Land Use Design Criteria*, Subsection F, Subsection H and Subsection I are hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text:

Section 11: LAND USE DESIGN CRITERIA:

- F. Parcel G; Residential Medium-Density: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential medium-density (RM-12) shall apply to any development proposal for property within parcel G as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.
 - 1. Setbacks: Building setbacks and separation shall abide by city code with the exception that should this property develop with urban row houses or townhomes, the setback and separation may be reduced as follows, subject to city council approval at the time of site plan and preliminary plat, unless otherwise required by building and/or fire codes:
 - a. Fifteen foot (15') front yard. Front porches, stoops and balconies may extend into the front yard setback, yet may be no closer than ten feet (10') to the front property line.
 - b. A minimum five foot (5') side and rear yard setback as measured from the lot line to the closest building element, including, but not limited to, decks, patios, window wells, etc., shall be provided.
 - (1) "Row houses" shall be defined as a series of one and one-half-, two- or three-story units attached in a row by no more than two (2) common walls where a front porch or front stoop faces the public street or public green space.

- (2) "Townhomes" shall be defined as dwelling units which are attached horizontally, and not vertically to one or more other dwelling.
- c. The applicant will need to comply with all other required standards as noted in the setback and bulk density regulations in the city's zoning ordinance in addition to any building code separation requirement in effect at the time of site plan submittal.
- 2. Garage Setback/Driveway Length: The distance between the opening of the garage and pedestrian pathway or curb shall be consistent with the following:
 - a. A distance of twenty five feet (25') or greater, measured perpendicularly from the garage opening to the closest point of the sidewalk or back of curb of the intersecting private street or drive, whichever is more restrictive; or
 - b. A distance of ten feet (10') or less, measured perpendicularly from the garage opening to the closest point of the back of curb of the intersecting private street or drive.

Garages set back within a range of distance of ten (10) and twenty five feet (25') from the sidewalk or back of curb shall not be permitted due to concerns that vehicles parked in front of a garage set back within this range of distance may block or obstruct safe vehicle or pedestrian movement on the private street/drive or sidewalk. Garages shall be set back no less than twenty five feet (25') from the right of way line of a public street.

If garages are not set back sufficiently to allow for the parking of a vehicle in front of the garage, multiple garage spaces or additional parking spaces will need to be provided within the site to provide, at a minimum, the required number of parking spaces per dwelling unit based on the number of bedrooms as identified in section 9-15-7 of the city code.

- 3. Allowed Development Size: No more than two-hundred fifty (250) two hundred eighty-six (286) units within 39.33 44.33 acres shall be permitted.
- G. Parcel H. There is no Parcel H.
- H. Parcel I. All general use regulations and provisions set forth in title 9, "Zoning", of the city code for neighborhood commercial (NC) shall apply to any development proposal for property within parcel I as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance. There is no Parcel I.
- I. Parcel J; Single-Family: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential single-family with a minimum of five thousand (5,000) square foot lots (RS-5) shall apply to any development proposal for property within parcel J as shown on the PUD plan of the Tallyn's Reach ordinance, unless noted otherwise in this ordinance.
 - 1. Setbacks: Setbacks for all single-family shall be:
 - a. Twenty five foot (25') minimum and thirty five foot (35') maximum front yard.
 - b. Thirty five foot (35') rear yard except for those lots along Booneville Road and Cascade Avenue, which may have a twenty five foot (25') rear yard as measured from the interior line of any required buffer park.
 - c. Five foot (5') side yard as measured to the overhang.
 - d. Front porches, stoops and balconies may extend into the front yard setback, yet may be no closer than fifteen feet (15') to the front property line.

Allowed Development Size: No more than three hundred thirty three (333) three hundred sixty (360) single-family residential dwellings within one hundred three (103) 110.5 acres shall be permitted.

SECTION 3. <u>REPEALER.</u> All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. <u>VIOLATIONS AND PENALTIES.</u> 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 6. <u>OTHER REMEDIES.</u> 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 7. 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 ______2020.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of ______2020.

Rvan T. Jacobson, City Clerk

