

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

Meeting Date: June 22, 2020

Item: The Wilder Pines, 1000 and 1100 S. 60th Street – Approve a Comprehensive Plan Land Use Amendment, and establish a Planned Unit Development for Single Family Residential Development – The Pines LLC CPA-004518-2019/ZC-004515-2020

Requested Action: Recommend approval of a Comprehensive Plan Land Use Map amendment, and adoption of The Wilder Pines Planned Unit Development

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: The applicant and owner, The Pines LLC, represented by Jared Murray with Civil Design Advantage, is requesting approval of the following for the property located at 1000 and 1100 S. 60th Street (see Attachment C – Location Map). Details are provided below in the Staff Review section for each request:

- Amend the Comprehensive Plan Land Use Map for the property from Low Density Residential to Single Family Residential.
- Adoption of The Wilder Pines Planned Unit Development to regulate zoning and development standards for the property

History: The development area is comprised of Lots 2 and 3 of Westview Country Estate Final Plat. Each of the properties was used as single family residences.

In November of 2019, the applications for amending the Comprehensive Plan Land Use Map and a rezoning request were presented to the Plan & Zoning Commission and City Council. The rezoning request at that time was to change the zoning from Residential Estate (RE-1A) to Residential Single Family (R-1). Concerns from the adjacent property owners about having comparable housing were expressed. Staff also expressed concern with the proposed change in zoning with no guarantee that the property would be platted with smaller lots and asked the City Council to consider the first approval of the ordinance to provide the applicant with some measure of acceptance of the zone change. The City Council concurred with the approval of the first reading of the ordinance but indicated it would not proceed further without some method to allow the development but hinder the change to a smaller lot development.

City Council Subcommittee: This project was presented to the Planning and Development City Council Subcommittee on February 17, 2020. The Subcommittee was supportive of the change to a Planner Unit Development.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff notes the following:

Comprehensive Plan Land Use Map amendment (CPA): The current adopted land use assigned to the parcels included in this project is 9.74 acres of Low Density Residential (see Attachment A, Exhibit B – Land Use Illustrations). The applicant requests a change to the land use map to designate this 9.74 acres to Single Family Residential.

Zone Change to Planned Unit Development: The Pines PUD outlines detailed development criteria such as density, setback, and buffers; it also includes general language about architectural building components and unifying elements, building materials and color palette, and landscaping. Since 6 of the 11 lots are not able to meet the required 40,000 sq. ft. lot size requirement of the Residential Estate district, and while the change to the lots could be increased in width to achieve the necessary minimum square footage for Low Density Residential land use, the increase in width would not aid in the developability of the lots the on the

east side of the plat due to layout of the site; therefore the zoning of the property is proposed to be Residential Single Family (R-1). Also, the difference between the residential estate district and the single family district is in the side yard setbacks (20 feet versus 7 feet). The applicant wished to use the single family setbacks which are accommodated in the PUD. With establishment of the PUD staff was able to provide for a preservation easement along the east boundary to address some concern expressed in 2019 by neighbors of tree removal. The City does not have a tree preservation ordinance, so the opportunity to add this provision was taken with the PUD. The City Codes does not require a buffer or preservation easement between single family uses (see Attachment B – Exhibit B – The Wilder Pines PUD ordinance).

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.

Staff Recommendation And Conditions Of Approval - Comprehensive Plan Land Use Map 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 recommending the City Council approve the amendment to the Comprehensive Plan Land Use Map to change 9.74 acres from Low Density Residential to Single Family Residential, subject to the applicant meeting all City Code requirements.

Staff Recommendation And Conditions Of Approval – Zone Change: Based upon the preceding review and finding of consistency with the goals and policies of the Comprehensive Plan, Staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve The Wilder Pines Planned Unit Development, subject to the applicant meeting all City Code requirements.

Noticing Information: On June 16, 2020, notice for the June 22, 2020, Plan and Zoning Commission and July 6, 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 June 11, 2020 for the Plan & Zoning Commission public hearing and on June 18, 2020, for the City Council public hearing.

Property Owner: Pines, LLC
9550 Hickman Road, Suite 101
Clive IA 5325

Applicant: Same

Applicant’s Representatives: Civil Design Advantage
Jared Murray
3405 SE Crossroads Drive, Suite G
Grimes IA 50111
jaredm@cde-eng.com

ATTACHMENTS:

- Attachment A - Plan and Zoning Commission Resolution – Comprehensive Plan Land Use Map Amendment
- Exhibit A - Conditions of Approval
- Exhibit B - Illustrations
- Attachment B - Plan and Zoning Commission Resolution - Zone Change
- Exhibit A - Conditions of Approval
- Exhibit B - Planned Unit Development Ordinance and exhibits
- Attachment C - Location Map

RESOLUTION NO. PZC-038

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Pines, LLC, has requested an amendment to the Comprehensive Plan Land Use Map to change the land use designations on 9.74 acres of Low Density Residential to 9.74 acres of Single Family Residential for property located at 1000 and 1100 S. 60th Street; and

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted, which are made a part of this record and herein incorporated by reference; and

WHEREAS, on June 22, 2020, this Commission held a duly-noticed hearing to consider the application for approval of an amendment to the Comprehensive Plan Land Use Map (CPA-004518-2019).

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 as written or as amended orally at the Plan and Zoning Commission hearing of June 22, 2020, are adopted.

SECTION 2. The Comprehensive Plan Land Use Map Amendment (CPA-004518-2019) to change from Low Density Residential to Single Family Residential as shown on Exhibit 'B' is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, including conditions added at the Hearing, 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 June 22, 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 June 22, 2020, by the following vote:

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

ATTEST:

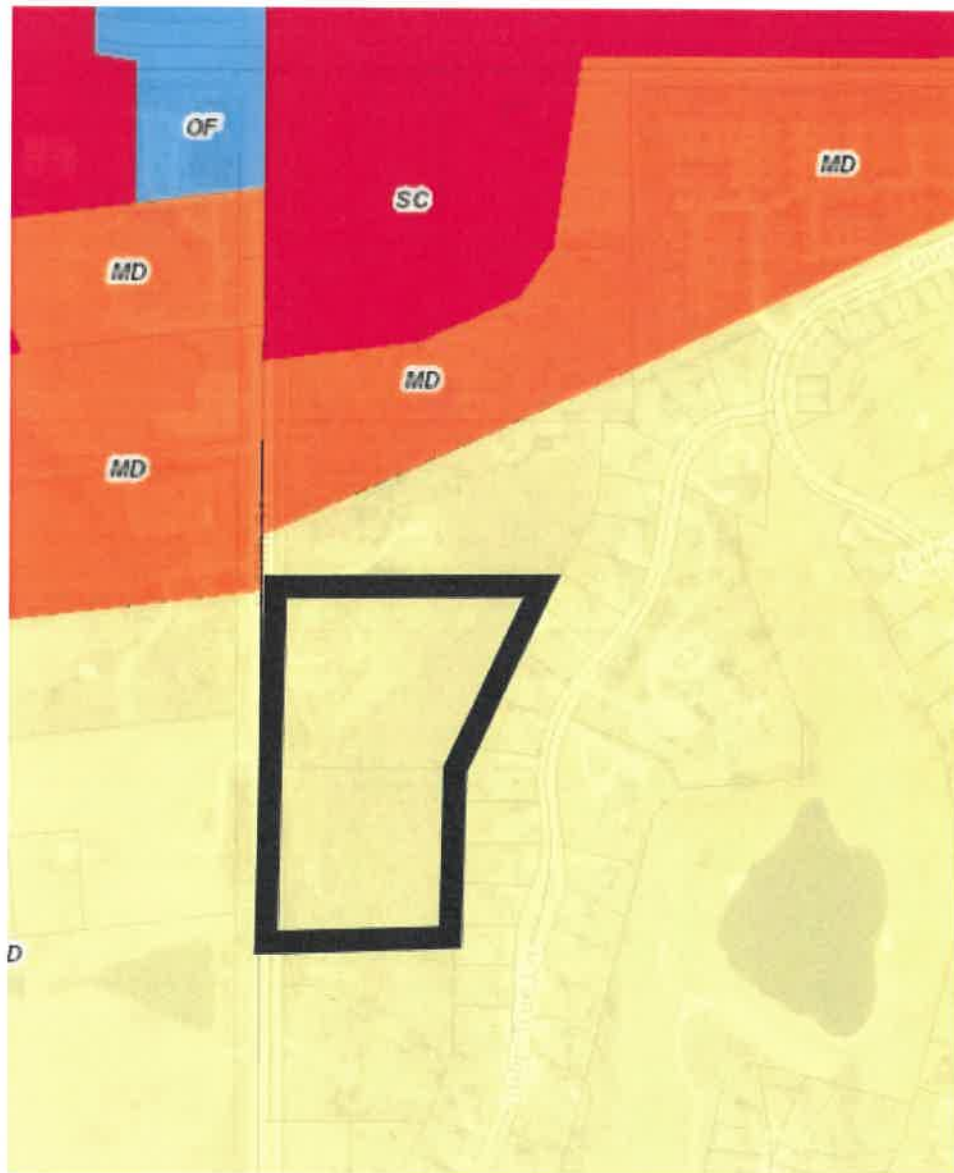
Recording Secretary

**Exhibit A
Conditions of Approval**

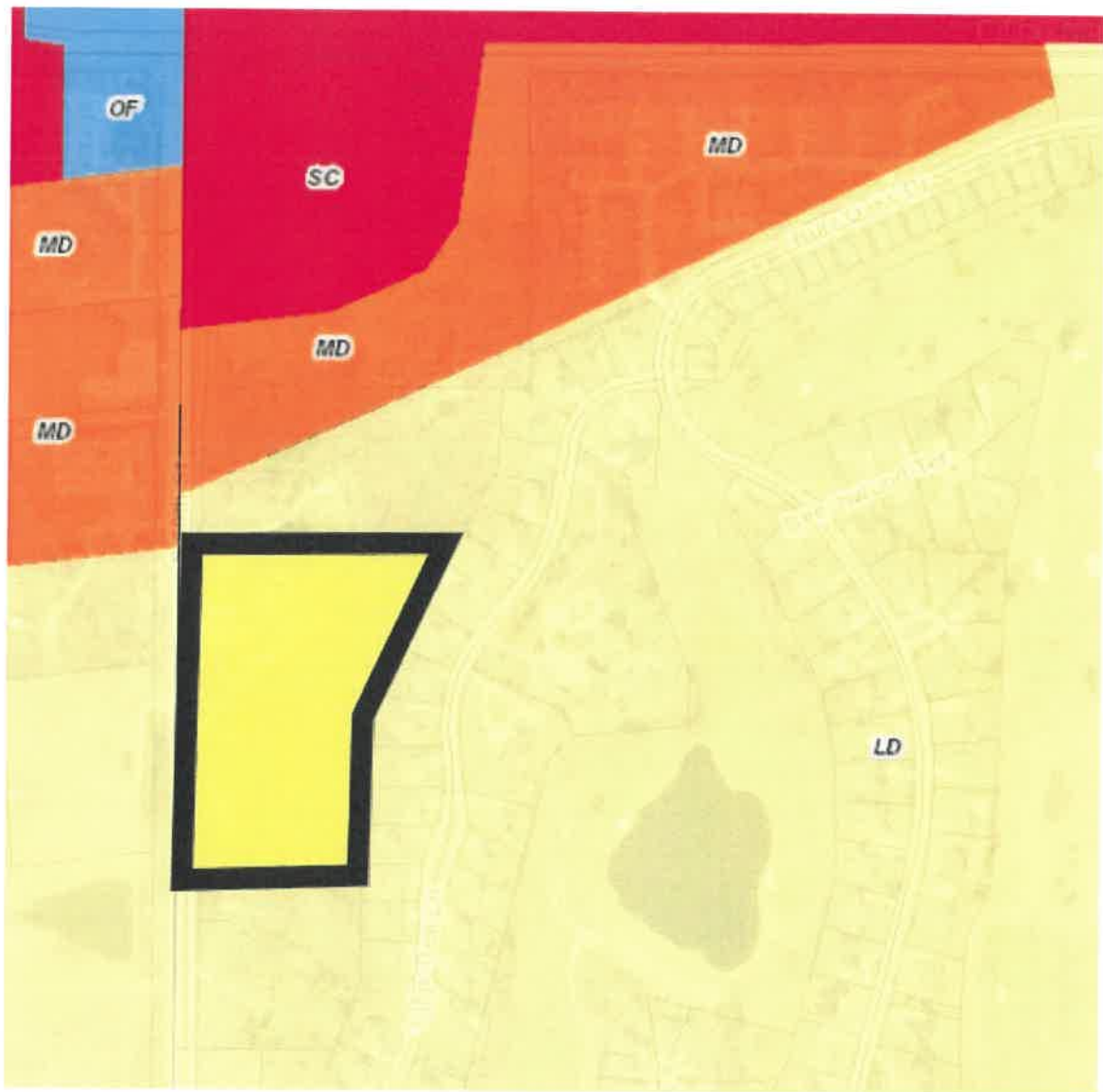
None

**Exhibit B
Comprehensive Plan Land Use Amendment**

Existing land Use



Proposed Land Use



RESOLUTION NO. PZC-039

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE WILDER PINES PLANNED UNIT DEVELOPMENT

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Pines, LLC, has requested approval of a Zone Change for property located at 1000 and 1100 S. 60th Street from Residential Estate (RE-1A) to the Wilder Pines Planned Unit Development; and

WHEREAS, studies and investigations were made, and staff reports, and recommendations were submitted, which are made a part of this record and herein incorporated by reference; and

WHEREAS, on June 22, 2020, this Commission held a duly-noticed hearing to consider the application for approval of a zone change (ZC-004515-2019).

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 as written or as amended orally at the Plan and Zoning Commission hearing of June 22, 2020, are adopted.

SECTION 2. The Wilder Pines Planned Unit Development (ZC-004515-2019) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, including conditions added at the Hearing, 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 June 22, 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 June 22, 2020, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

**Exhibit A
Conditions of Approval**

None.

Prepared by: K Tragesser, 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.

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 RE-1A to **The Wilder Pines** Planned Unit Development (PUD):

Legal Description

Lots 2 and 3 of Westview Country Estates Replat, an official plat in and forming a part of the City of West Des Moines, Polk County, Iowa, except the west 27 feet thereof.

SECTION 2: INTENT: The development intent for the PUD is to recognize the context of the surrounding properties that are developed with larger lots and larger home footprints while allowing the setbacks of a smaller lot residential zoning district to respond to site limitations.

SECTION 3. SKETCH PLAN: Attached hereto, or on file with the City and made a part of this rezoning approval, for concept description and delineation, is the Sketch Plan document for The Wilder Pines PUD marked Exhibit "A". Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail.

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 platting 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:

General Conditions: In addition to the PUD Sketch Plan Map, the following general development criteria shall be integrated into and made a part of this planned unit development.

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 Base Flood (100 Year), or adjoining drainage ways, and detention ponding areas involving potential flood hazards, all buildings proposed to be located in a flood hazard area must be elevated and designed in accordance with the American Society of Civil Engineers publication ASCE 24 and no building shall be erected which has a minimum opening elevation (including top of window well) less than one foot (1') above the determined level of the Base Flood. In areas where historical high water levels are above the Flood Insurance Rate Map (FIRM) Base Flood Elevation or special conditions exist, the City may require a Design Flood Elevation be calculated and used as the Base Flood Elevation for determination of elevation requirements. Buildings shall only be permitted within twenty five feet (25') of any easement or property boundary of a major drainageway, storm water detention basin or pond if 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. **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.

7. 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.

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 the Residential Single Family (RS-16) district shall apply to any development proposal for the property, unless noted otherwise in this ordinance.

- A. The maximum number of primary dwellings is eleven (11) for this PUD area.
- B. The minimum lot size within the PUD is 16,000 square feet.
- C. Setbacks for all lots shall be as follows:
 1. Front Yard: the minimum front yard setback for the dwelling shall be fifteen (15) feet from the back of curb of a private street; however, the garage setback from either the sidewalk or back of curb, whichever is more restrictive, shall be twenty five (25) feet.
 2. Rear Yard: the minimum rear yard setback for primary structures shall be 20 feet measured from the interior line of the perimeter buffer. Accessory structures considered part of the primary structure may extend to the 30 foot preservation area.
 3. Side Yard: the minimum side yard setbacks for primary structures shall be seven (7) feet. For Lot 4, the setback from the north property line shall be considered a side yard setback of seven (7) feet.
 4. Detached accessory structures: Detached accessory structures cumulatively on each lot shall not exceed 1,000 gross square feet in size and shall not be located in the front yard (forward of the main plane of the dwelling). Setback from the rear yard shall be five feet (5') feet measured from the interior line of the perimeter buffer and the minimum setback from the side yard shall be five (5) feet.
 5. Measurement of setbacks shall with City Code, Title 9, Chapter 7, Section 4, Set back and Density Regulations.
- D. Tree Preservation and Buffer:
 1. A thirty foot (30 ft.) wide area along the north, east, and south PUD perimeter boundaries will be preserved with the existing trees that are generally determined to be worthwhile by a certified arborist or landscape professional to be in good health and of a desirable species. Removal of trees will be permitted for diseased, dead, damaged, or of a species not commonly recognized as being desirable. For every two thousand (2,000) square feet of tree canopy removed from this area as measured on an aerial photograph after July 1, 2018, at least one (1) evergreen a minimum of six feet (6') tall or over-story species tree at least two inches (2") in caliper, is to be planted on the lot to mitigate the loss of canopy.
 2. A thirty foot (30 ft.) buffer shall be placed along the property line adjacent to South 60th Street for those lots which have their yards abutting this property line. This is called a double frontage lot. Landscaping and berming for this buffer shall be in accordance with City Code, Title 9, Zoning, Chapter 19, Landscaping.

- E. Fire Sprinklering: Homes within the PUD that are eight thousand (8,000) square feet or larger (including garages and any structure within twenty feet (20') of the dwelling) must be fire sprinklered according to the West Des Moines fire code.
- F. Front Entrance Gate: if a front entrance gate is going to be used, the minimum clearance to drive through the gate will be fourteen feet (14') to allow emergency services vehicles to enter the development. A Knox box, key card or other means for emergency services and West Des Moines Water Works to enter the development will need to be provided.

SECTION 7. 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 provided prior to approval of the first associated Final Plat.

SECTION 8. 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 privately owned common grounds such as streets and storm water detention facilities as outlined in the association documents and any other specific development improvements noted as their responsibility in this ordinance.

SECTION 9: ARCHITECTURE: The intent is to create building designs throughout this development that are varied and articulated to provide visual interest and appropriate context for the natural character of the surrounding area along with appropriate scale for the pedestrian elements of a residential development. Architectural design for single family units shall accomplish this by careful attention to the use of exterior building materials and details, locations of windows and doors, and change in building mass within the plan and roof design. Care should be taken in the design of the building to keep grading and tree removal to a minimum.

Homes shall use materials such as brick, stone, vertical or lap siding, shakes and stucco, combining materials along with trim and details to present a mix of residential architectural styles within the development. 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 trim and not as the majority cladding material. All material, trim and details for a building shall be designed appropriately for chosen architectural style. Materials should change with the change in building planes. Trim and structural elements such as posts or columns shall be sized to the scale of the building. When used, masonry materials shall have the appearance of 3-dimensional elements.

Garages which extend in front of the building plane of the residence portion of the house shall be no longer across than a distance which makes up more than 50% of the building frontage. There will be no maximum width for garages at or back from the front plane of the building. Garages may be turned to reduce visibility of the garage doors. Appropriate architectural detailing shall be incorporated into the visible side wall of a garage parallel to the street so as to enhance the architecture and minimize indication that it is garage versus house. Detached garages or accessory structures should incorporate architectural details of the primary building with the use of roof forms, windows, doors and other facade detailing.

SECTION 10. SIGNAGE REGULATION: Signage shall comply with all provisions and standards of Title 9, Chapter 18 for the Residential Single Family (RS-15) Zoning District.

SECTION 11. 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 12. 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 13. REPEALER: All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 14. 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 15. 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 16. 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.

Passed and approved by the City Council on this _____ day of _____ 2020.

Steve Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____ 2020.

Ryan T. Jacobson, City Clerk

The Pines 1000 and 1100 S. 60th Street



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© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

- Legend**
- Corporate Limits
 - Parcels

