

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

Meeting Date: July 13, 2020

Item: Tallyn's Reach, Northwest and Southwest Corner of Stagecoach Drive at 88th Street – Amend the Tallyn's Reach Planned Unit Development (PUD) to change residential setback standards for Parcel G – Mill Ridge Homes LLC – ZC-004762-2020

Requested Action: Recommend Approval of an Amendment to the Tallyn's Reach Planned Unit Development

Case Advisor: J. Bradley Munford, Planner

Applicant's Request: The applicant, Mill Ridge Homes LLC, is requesting to amend setback standards for Parcel G within the Tallyn's Reach PUD to be consistent with the base zoning code. The base zoning code provides more flexibility towards construction of their intended attached buildings than does the regulations currently provided in the PUD.

Several dwellings have already been constructed within Parcel G north of Sugar Creek Drive. The balance of Parcel G is undeveloped. All owners of ground within Parcel G have been notified of this proposed amendment as part of the Public Hearing noticing process. Some owners have contacted staff after receiving notice; however, most of their concerns are with the developer specifically and do not relate to the request to change the setback regulations. The proposed amendment will not result in non-conformities for the existing dwellings.

History: 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 eight times since its adoption. The most recent amendment changed the land use from Neighborhood Commercial (PUD Parcel I) to Single-Family and Medium Density Residential uses and extended PUD parcels J and G accordingly to these areas (ZC-004675-2020; City Council approved July 6, 2020).

City Council Subcommittee: This item was not presented to the Development and Planning City Council Subcommittee.

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

- **Setback Modification:** The Tallyn's Reach PUD currently requires attached townhomes and row houses on footprint lots within PUD Parcel G to provide a five foot (5') side and rear yard as measured to the closest building element, including window wells. A recent change in the City's zoning code confirmed the measuring of setbacks to the foundation while including a provision for encroachment of window wells up to three feet (3') into the required setback. With the allowance of window well encroachment now in city code, the five-foot (5') window well setback requirement for Parcel G stated in the Tallyn's Reach PUD is now more restrictive than city code. A recent building permit for a structure was submitted based on city code which had a window well that encroached

into the setback and thus could not be approved due to the language in the PUD. The applicant is requesting to remove the stated PUD setback requirement as it pertains to window wells and allow the base zoning code to be the applicable setback standard in Parcel G.

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 July 7, 2020, a notice of the July 13, 2020, Plan and Zoning Commission, and the July 20, 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 July 2, 2020.

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 setback standards for Parcel G, subject to the applicant meeting all City Code requirements.

Property Owners within PUD Parcel G:

Property Address	Owner Name
1155 S 91st St	Brady Spenser Ahmann
1161 S 91st St	Jennifer J Arceneaux
1122 S Atticus St	Angela S Avery
9054 Jean Louise Dr	Barbara Jean Bjorgan
9037 Jean Louise Dr	Jerome E Brimeyer & Patricia M Johnson
1146 S Atticus St	David L Buchanan
9051 Jem Ln	Holly Ann & John F Burns
1139 S 91st St	Alan George & Sheila Caito
1131 S Atticus St	Kenneth S Carlson
8981 Jean Louise Dr	Tiffany Di-Wei Chang
8922 Jean Louise Dr	Sandra K Chase
8941 Jean Louise Dr	Sherry L Christensen
8923 Jem Ln	Karis E Collins
SW Corner Sugar Creek Dr & S 88 th St	Community Business Lenders Service Company LLC
1173 S 91st St	Lizeth Barcelo Davis
1110 S Atticus St	Shawn C Emmack Revocable Trust
1125 S Atticus St	Gary E & Rita A Erickson
1104 S Atticus St	Heather A Fox
8993 Jean Louise Dr	Stacie Glienke
1179 S Atticus St	Frederick Craig & Nancy Glynn

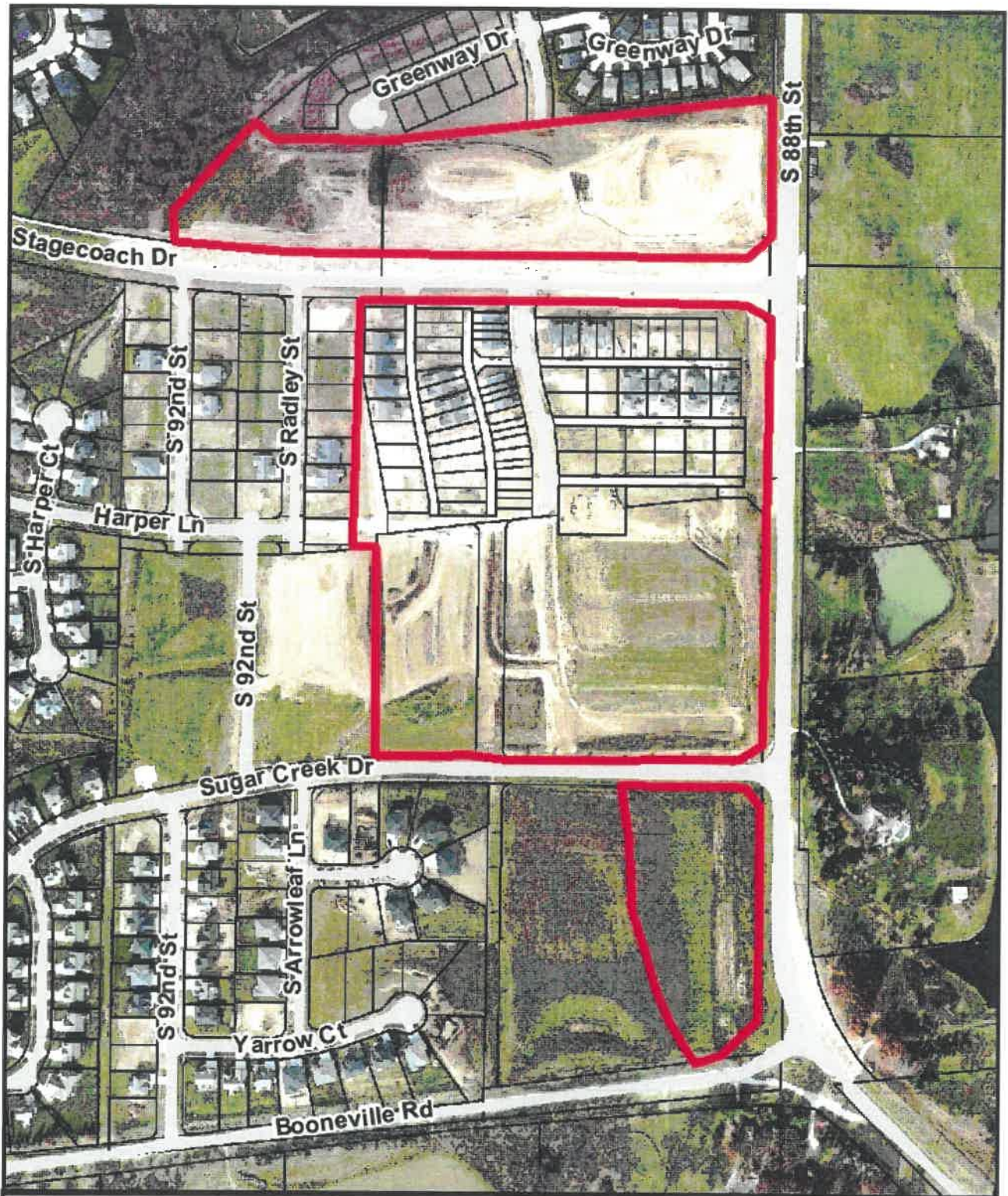
1113 S 91st St	Doug Grunst
8988 Jean Louise Dr	Ronald & Linda D Gruss
1175 S 91st St	Lauren M & Bruce, Joshua L Hall
1149 S Atticus St	Ray Hamilton
1173 S Atticus St	Marci Beth Tooman Hamrock, & Aaron Hamrock
1128 S Atticus St	Louann Hart-Schaffer
8945 Jem Ln	Todd J & Susan M Hill
8969 Jean Louise Dr	Karleen A Gault Trust - Karleen A & John S Gault, Trustees
8966 Jean Louise Dr	Jerrold & Betty Keifer Joint Revocable Trust
9063 Jean Louise Dr	Margaret T Leitch
1147 S 91st St	Sean P Manning & Kelsey M Halverson
1181 S 91st St	Wayne & Kim Mccoy
1143 S 91st St	Natalya Merenyuk
8989 Jem Ln	Judy E Moeller, Revocable Trust
9017 Jem Ln	Michael Moroney
1159 S 91st St	Christopher & Shannon Nesbit
1165 S Atticus St	William & Wilma Orlando
1151 S 91st St	Gerd W & Maria T Pauli
1109 S 91st St	Jill Pecinovsky
9079 Jean Louise Dr	Richard M & Nancy E Profit
9012 Jean Louise Dr	Yaad K Rahman & Rejwana Ahmed
1134 S Atticus St	Mary K Roughton
1158 S Atticus St	Mary Beth Schulte
1177 S 91st St	Benjamin W Schutzbach
1115 S Atticus St	Tony & Mila J Schwarz
1137 S Atticus St	Edmund & Linda Seaward
1135 S 91st St	April Seydel
1116 S Atticus St	Jared Robert Sorenson
8967 Jem Ln	James W Stahl Jr Family Trust
1140 S Atticus St	Mary Fran Stauter, Declaration Of Trust
8944 Jean Louise Dr	John H Tenpas & Suzanne Mckinley
1107 S 91st St	Michael D & Ginger E Terry
9015 Jean Louise Dr	Tornberg Living Trust U/T/A
1163 S 91st St	Julie L Wahlig, Revocable Trust
1111 S 91st St	Susan B Wellman
8933 Jean Louise Dr	Julie M & Ricky L Werkmeister
8955 Jean Louise Dr	Jon Travis & Teresa L Young
Various	MILL RIDGE HOMES LLC
9058 Nelle Ln	Mill Ridge Owners Association

Applicant:

Mill Ridge Homes, LLC
Eric Bohnenkamp
6900 Westown Parkway
West Des Moines, Iowa 50266
Eric.Bohnenkamp@Hubbellrealty.com

Attachments:

- Attachment A - Location Map
- Attachment B - Plan and Zoning Commission Resolution
 - Exhibit A - Conditions of Approval
 - Exhibit B - Proposed PUD Ordinance Amendment



**Tallyn's Reach Planned Unit Development
Parcel G**



RESOLUTION NO. PZC-20-044

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 TALLYN'S REACH PLANNED UNIT DEVELOPMENT TO MODIFY SETBACK STANDARDS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Mill Ridge Homes LLC, has requested approval of an amendment to the Tallyn's Reach PUD, Parcel G to eliminate setback standards as they relate to window wells from the PUD in favor of following city code provisions for ground generally located at the Northwest and Southwest corners of the intersection of S 88th Street and Sugar Creek Drive and S 88th St and Stagecoach Dr.

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 July 13, 2020, this Commission held a duly-noticed hearing to consider the request to modify the Tallyn's Reach PUD (ZC-004762-2020);

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 July 13, 2020, or as amended orally at the Plan and Zoning Commission hearing of July 13, 2020, are adopted.

SECTION 2. Rezoning request (ZC-004762-2020) to amend the Tallyn's Reach PUD to eliminate setback standards from window wells from the PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated July 13, 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 July 13, 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 July 13, 2020, by the following vote:

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

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

No Conditions of Approval

Prepared by: J. Bradley Munford, 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 REGULATIONS PERTAINING TO PUD PARCEL G
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

SECTION 1. AMENDMENT. Ordinance #1699, #1772, #2000, #2046, #2047, #2089, #2130, and #2421 pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 11, *Land Use Design Criteria*, Subsection F, is hereby amended by deleting the highlighted strike-thru 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.

- b. 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 eighty-six (286) units within 44.33 acres shall be permitted.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 4. 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 5. 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 6. 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.

Ryan T. Jacobson, City Clerk