NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 2, 2020

ITEM: Bridgewood, NE and SE corners of 81st Street and Bridgewood Boulevard – Amend setback requirements within the Bridgewood PUD – Bridgewood Association, Inc. – ZC-004821-2020

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Bridgewood Association, Inc., which is the Homeowner's Association within Bridgewood that represents the property owners within the development, is requesting approval of a PUD Amendment to reduce setback requirements stated within the Bridgewood Planned Unit Development (PUD) to accommodate the as-built conditions of units within the development. There are many homes (single family and multifamily) within the development that do not meet the setback requirements as provided in the Bridgewood PUD Ordinance. The intent with this request is to make homes within the development conforming to the setback regulations.

Previous Council Action:
Vote: 5-0 approval
Date: October 19, 2020
Motion: Approval of the First Reading of the Ordinance to amend the Bridgewood PUD.

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

Staff Reviews:

Department Director	*LS*
Appropriations/Finance	
Legal	*JDS*
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	October 2, 2020	
Letter sent to surrounding property owners		October 1, 2020

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	October 1, 2018 & September 21, 2020		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Proposed PUD Ordinance Amendment

EXHIBIT I

Prepared by: B. Portz, Development Services, PO Box 65320, West Des Moines, 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 ORDINANCES #1276, #1322, #1335, #1401, #1438, #1482, #1628, #1748, #1809, #1962, #1998, #2198, #2219, #2220, #2331, AND #2361 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS AND GUIDELINES, SPECIFICALLY PUD #48 BRIDGEWOOD

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

SECTION 1. AMENDMENT. Ordinance #1276, #1322, #1335, #1401, #1438, #1482, #1628, #1748, #1809, #1962, #1998, #2198, #2219, #2220, #2331, and #2361, pertaining to the **Bridgewood Planned Unit Development (PUD)**, Section 048-05: *Land Use Design Criteria;* Subsection F is hereby amended by deleting the highlighted strikethrough text and adding the following bolded italicized text (remainder of section shall stay intact):

F. 1. Parcels G And O: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for ***the residential*** single-family ~~residential~~ district (RS-***5***) shall apply to any development proposal for all property within parcels G and O and shall be developed as detached single-family dwelling units as shown on the supplemental sketch plan of the Bridgewood PUD, except as otherwise provided in this ordinance.

The units that are proposed on these parcels have been identified as bungalows on the sketch plan. "Bungalows" are defined as detached townhomes, where each unit is individually owned and the surrounding grounds are maintained by a master property owners' association or similar organization to ensure the continued maintenance of these areas.

a. Density:

Parcel G shall incorporate approximately thirteen (13) acres with a maximum of seventy-three (73) dwelling units permitted.

Parcel O shall incorporate approximately four (4) acres with a maximum of twenty-five (25) dwelling units permitted.

b. Setbacks:

Parcel G: Within Parcel G, Lots 1-36 and 41-47 ~~R~~residential structures and garages shall meet a minimum front yard setback of twenty ~~five~~ feet (~~25~~***20***') and porches shall

meet a minimum front yard setback of ~~twenty~~ ***fifteen*** feet (~~20~~***15***') ***as measured*** from the property line for those properties that front on public streets ***or the curb or sidewalk of private streets, whichever is closer to the dwelling structure***. ~~If the property abuts a private street, the front setbacks for the garage opening shall be twenty five feet (25') from the back of the curb or twenty five feet (25') from the sidewalk, whichever is more restrictive.~~ ***For Lots 26-53,*** ~~A~~***a***ny residential structure or attached accessory structure shall have a minimum rear setback ***as measured to the property line*** of ~~twenty~~ ***five*** feet (~~20~~***5***'), ***but in no case shall an above grade improvement be closer than***~~. All residential structures shall have a minimum separation distance of fourteen~~ ***ten*** feet (~~14~~***10***') ~~between~~ ***to another*** residential structure~~s~~ ***as*** measured to ***any portion of the structure*** ~~the foundation wall, but in no case shall any part of a structure be less than five feet (5') from any property line~~

Parcel O: Within Parcel O, for Lots 21-37, any residential structure or attached accessory structure shall have a minimum rear setback as measured to the property line of five feet (5'), but in no case shall an above grade improvement be closer than ten feet (10') to another residential structure as measured to any portion of the structure

SECTION 2. <u>AMENDMENT</u>. Ordinance #1276, #1322, #1335, #1401, #1438, #1482, #1628, #1748, #1809, #1962, #1998, #2198, #2219, #2220, #2331, and #2361, pertaining to the **Bridgewood Planned Unit Development (PUD)**, Section 048-05: *Land Use Design Criteria*; Subsection F2 is hereby amended by deleting the highlighted strikethrough text and adding the following bolded italicized text:

2. Parcels P And Q: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for RM residential medium-density district shall apply to any development proposal for all property within parcels P and Q and shall be developed as single-family attached dwellings as shown on the sketch plan of the Bridgewood PUD, unless noted otherwise in this ordinance.

a. Density:

Parcel P shall incorporate approximately five and one-half (5.5) acres, with a maximum of fifty-six (56) dwelling units permitted.

Parcel Q shall incorporate approximately seven (7) acres with a maximum of fifty (50) dwelling units permitted.

No more than twelve (12) dwelling units per building or six (6) dwelling units per side be permitted for any buildings within parcel P or Q.

b. Setbacks: Residential structures and garages shall meet a minimum front yard setback of twenty five feet (25') and porches shall meet a minimum front yard setback of twenty feet (20') ***as measured*** from the property line for those properties that front on public streets***, or curb or sidewalk of private streets, whichever is closer to the dwelling structure***. ~~If the property abuts a private street, garages shall meet a front yard setback of twenty five feet (25'), to be measured from the garage opening to the back of a curb or to the back of a sidewalk, whichever is more restrictive.~~ In no case shall any residential structure be located any closer than ~~fifteen~~ ***five*** feet (~~1~~5') from the back of a curb or back of a sidewalk.

Any residential structure or attached accessory structure shall have a minimum rear yard setback of ~~twenty~~ ***five*** feet (~~20~~***5***'), ***unless the rear yard abuts the south or west property line. In this case the setbacks as shown on the final plat for Parcels P and Q shall prevail. In no case shall an above grade improvement be closer than ten feet (10') to another residential structure as measured to any portion of the structure***. ~~All residential structures shall have a minimum separation distance of twenty feet (20') between residential structures measured to the foundation wall, but in no case shall any part of a structure be less than five feet (5') from any property line.~~

SECTION 3. <u>AMENDMENT</u>. Ordinance #1276, #1322, #1335, #1401, #1438, #1482, #1628, #1748, #1809, #1962, #1998, #2198, #2219, #2220, #2331, and #2361, pertaining to the **Bridgewood Planned Unit Development (PUD)**, Section 048-05: *Land Use Design Criteria*; Subsection J is hereby amended by deleting the highlighted strikethrough text and adding the following bolded italicized text:

J. Parcel E: All general use regulations and provisions set forth in title 9, "Zoning", of the City Code for RM Residential Medium-Density District shall apply to any development proposal for all property within Parcel E and shall be developed as single-family attached dwellings as shown on the sketch plan of the Bridgewood PUD, unless noted otherwise in this ordinance.

1. Density: Parcel E shall incorporate approximately seventeen (17) acres with a density of eight and four tenths (8.4) dwelling units per acre or a maximum of one hundred forty-two (142) dwelling units allowed.

No more than ten (10) dwelling units per building or five (5) dwelling units per side will be allowed for any buildings in Parcel E.

~~The maximum number of dwelling units specified for Parcel E may be increased by twelve percent (12%), provided that there is an equivalent and corresponding reduction in the aggregate total number of dwelling units allowed for Parcels D and E, such that the aggregate total number of dwelling units for Parcels D and E does not exceed one hundred seventy eight (178).~~

~~Any shifting of density between Parcels D and E will require an updated traffic study to verify compliance with the traffic study Bridgewood North completed June 11, 2008.~~

2. Setbacks: Residential structures and garages shall meet a minimum front yard setback of twenty ~~five~~ feet (~~25~~***20***') and porches shall meet a minimum front yard setback of ~~twenty~~ ***fifteen*** feet (~~20~~***15***') ***as measured*** from the property line for those properties that front on public streets***, or curb or sidewalk of private streets, whichever is closer to the dwelling structure***. ~~If the property abuts a private street, garages shall meet a front yard setback of twenty five feet (25'), to be measured from the garage opening to the back of a curb or to the back of a sidewalk, whichever is more restrictive.~~ In no case shall any residential structure be located any closer than ~~fifteen~~ ***five*** feet (~~1~~5') from the back of a curb or back of a sidewalk.

Any residential structure or attached accessory structure shall have a minimum rear yard setback of ~~twenty~~ ***five*** feet (~~20~~***5***') ***from the footprint lot boundary, but in no case shall an above grade improvement be closer than ten feet (10') to another residential structure as measured to any portion of the structure***.

~~All residential structures shall have a minimum separation distance of twenty feet (20') between residential structures measured to the foundation wall, but in no case shall any part of a structure be less than five feet (5') from any property line.~~

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 5. 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 6. 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 7. 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 8. 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

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

_____
Ryan T. Jacobson
City Clerk