CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: December 7, 2020

ITEM: Cascades Apartments, Southwest corner of Cascade Avenue and S. 81st Street – Amend the Comprehensive Plan land use map to designate High Density Residential (HD) land use and then consistency zone the property to Residential High Density (RH-18) – SM Cascades, LLC and SM Heritage Hills, LLC – CPA-004828-2020/ZC-004827-2020

RESOLUTION: Approval of Comprehensive Plan Amendment
ORDINANCE: Approval of First Reading of the Ordinance for Consistency Zoning

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Signature Place Advisors, LLC, together with the property owners, SM Cascades, LLC and SM Heritage Hills, LLC aka The Cascades at Jordan Creek Condos, are proposing to change the Comprehensive Plan land use of the property from Medium Density Residential (MD) to High Density Residential (HD) and then consistency zone the property to Residential High Density (RH-18). The property is located at the southwest corner of Cascade Avenue and S. 81st Street and includes three parcels, one of which is the location of the existing Cascades Apartments. The applicant is proposing to construct an additional apartment building on the eastern parcel that will result in just under 18 dwelling units per acre which is a higher density than currently allowed under Medium Density land use and zoning.

Plan and Zoning Commission Action:
Vote: 6-0 Approval, with Commissioner Drake absent
Date: November 23, 2020
Motion: Adopt a resolution recommending the City Council approve the Comprehensive Plan Amendment and Ordinance to consistency zone the property to Residential High Density

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee – *Development and Planning: September 21, 2020*
- Staff Review and Comments
  - *Sanitary Sewer Capacity*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendation and Conditions of Approval – Comprehensive Plan Amendment
- Staff Recommendation and Conditions of Approval – Rezoning
- Property Owner/Applicant/Applicant's Representative Information

RECOMMENDATION – COMPREHENSIVE PLAN AMENDMENT: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Comprehensive Plan Amendment to change the land use from Medium Density Residential (MD) to High Density Residential (HD), subject to the applicant meeting all City Code requirements.

RECOMMENDATION – REZONING: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the consistency zoning of the property to Residential High Density (RH-18), subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz BP

STAFF REVIEWS:

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

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	November 17, 2020	
Letter sent to surrounding property owners		November 17, 2020

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	September 21, 2020		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Communication
- Attachment A - Location Map
- Attachment B - Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
  - Exhibit A - Conditions of Approval
  - Exhibit B - Comprehensive Plan Map (Moved to Exhibit II)
- Attachment C - Plan and Zoning Commission Resolution – Rezoning
  - Exhibit A - Conditions of Approval
  - Exhibit B - Zoning Map (Moved to Exhibit III)

Exhibit II - City Council Resolution – Comprehensive Plan Land Use Amendment
- Exhibit A - Conditions of Approval
- Exhibit B - Comprehensive Plan Map**

Exhibit III - Ordinance for Consistency Zoning
- Exhibit A - Zoning Map**

**Maps included in staff report are for illustrative purposes only – Approved maps on file with the City

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: November 23, 2020

Item: Cascades Apartments, Southwest corner of Cascade Avenue and S. 81st Street – Amend the Comprehensive Plan land use map to change the property from Medium Density Residential (MD) to High Density Residential (HD) and then consistency zone the property to Residential High Density (RH-18) – SM Cascades, LLC – CPA-004828-2020/ZC-004827-2020

Requested Action: Recommend Approval of Comprehensive Plan Amendment
Recommend Approval of Rezoning

Case Advisor: Brian S. Portz, AICP

Applicant's Request: The property owner and applicant, SM Cascades, LLC, is proposing to change the Comprehensive Plan land use of the property from Medium Density Residential (MD) to High Density Residential (HD) and then consistency zone the property to Residential High Density (RH-18). The property is located at the southwest corner of Cascade Avenue and S. 81st Street and includes three parcels, one which is the location of the existing Cascades Apartments. The applicant is proposing to construct an additional apartment building on the site that will result in higher density than currently allowed by the MD land use designation. The proposed additional units will result in a density of just under 18 dwelling units per acre.

History: The property was annexed into the City in 2005 as a part of the Smith/Witmer/Mentzer Annexation. In 2014, a site plan was approved for the site to construct 267 dwelling units and in 2015, the property was final platted into 2 lots for the proposed medium density residential development. In 2017, it was found that the property was not zoned, so the property was consistency zoned at that time to the existing medium density land use designation.

City Council Subcommittee: This item was presented at the September 21, 2020 Development and Planning City Council Subcommittee as an informational item. The subcommittee was supportive of the request.

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

- *Sanitary Sewer Capacity*: The applicant was required to check the sanitary sewer capacity of this area due to a known downstream restriction that could potentially cause issues with the addition of more dwelling units. The applicant's engineer provided an analysis that showed sufficient capacity was available for the proposed development.

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 the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On November 17, 2020, notice for the November 23, 2020, Plan and Zoning Commission and December 7, 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 property owners within 370 feet of the subject property on November 17, 2020.

Staff Recommendation – Comprehensive Plan 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 a Comprehensive Plan Amendment to the change the land use of the property from Medium Density Residential (MD) to High Density Residential (HD), subject to the applicant meeting all City Code requirements.

Staff Recommendation – Rezoning: 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 consistency zoning of the property to Residential High Density (RH-18), subject to the applicant meeting all City Code requirements.

Property Owners:

SM Cascades, LLC
20 Office Park Way
Pittsford, NY 14534
Mike.smprop@gmail.com

SM Heritage Hills, LLC
9200 Andermatt Drive, Suite A
Lincoln, NE 68525
Mike.smprop@gmail.com

Applicant/Applicant's Representative:

Signature Place Advisors, LLC
20 Office Park Way
Pittsford, NY 14534
Mike.smprop@gmail.com

Attachments:

- Attachment A - Location Map
- Attachment B - Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
  - Exhibit A - Conditions of Approval
  - Exhibit B - Comprehensive Plan Map
- Attachment C - Plan and Zoning Commission Resolution – Rezoning
  - Exhibit A - Conditions of Approval
  - Exhibit B - Zoning Map

Location Map

Legend

- Corporate Limits
- Parcels

1,217.2 0 608.59 1,217.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

© 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

ATTACHMENT A

ATTACHMENT B

RESOLUTION NO. PZC-20-079

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL LAND USE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant Signature Place Advisors, LLC and property owner, SM Cascades, LLC, have requested approval of an amendment to the Comprehensive Plan Land Use Map (CPA-004828-2020) to change the land use designation on ground located at the southwest corner of Cascade Avenue and S. 81st Street from Medium Density Residential (MD) to High Density Residential (HD); 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 November 23, 2020, this Commission held a duly noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-004828-2020); and

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 November 23, 2020, or as amended orally at the Plan and Zoning Commission hearing of November 23, 2020, are adopted.

SECTION 2. Comprehensive Plan Land Use Amendment (CPA-004828-2020) to change the land use designations on the subject property is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated November 23, 2020, including conditions added at the meeting, 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 November 23, 2020.

Erica Andersen
Erica Anderson, Chairperson
Plan and Zoning Commission

ATTEST: Jennifer Canaday
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 November 23, 2020, by the following vote:

AYES: Andersen, Conlin, Costa, Crowley, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Drake

ATTEST: Jennifer Canaday
Recording Secretary

Exhibit A: Conditions of Approval
No conditions of approval

ATTACHMENT C

RESOLUTION NO. PZC-20-080

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE CONSISTENCY ZONING TO RESIDENTIAL HIGH DENSITY (RH-18) ON GROUND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CASCADE AVENUE AND S. 81ST STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant Signature Place Advisors, LLC and property owner, SM Cascades, LLC, have requested approval for consistency zoning for property generally located at the southwest corner of Cascade Avenue and S. 81st Street to amend the Zoning Map and designate zoning of the property to Residential High Density (RH-18); 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 November 23, 2020, this Commission held a duly noticed hearing to consider the application for the Rezoning Request (ZC-004827-2020).

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 November 23, 2020, or as amended orally at the Plan and Zoning Commission hearing of November 23, 2020, are adopted.

SECTION 2. REZONING REQUEST (ZC-004827-2020) to consistency zone the property to Residential High Density (RH-18) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated November 23, 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 November 23, 2020.

Erica Andersen

Erica Anderson, Chairperson
Plan and Zoning Commission

ATTEST: Jennifer Canaday
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 November 23, 2020, by the following vote:

AYES: Andersen, Conlin, Costa, Crowley, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Drake

ATTEST: Jennifer Canaday
Recording Secretary

Exhibit A: Conditions of Approval
No Conditions of Approval

EXHIBIT II

Prepared by: B. Portz, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620; When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP (CPA-004828-2020) DESIGNATING HIGH DENSITY RESIDENTIAL LAND USE

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Signature Place Advisors, LLC, together with the property owners, SM Cascades, LLC and SM Heritage Hills, LLC aka The Cascades at Jordan Creek Condos, have requested approval of an amendment to the Comprehensive Plan Land Use Map (CPA-04828-2020) to change the land use designation on ground located at the southwest corner of Cascade Avenue and S. 81st Street from Medium Density Residential (MD) to High Density Residential (HD) as illustrated on Exhibit B and legally described below;

Legal Description of Property

LOTS 1 & 2, THE CASCADES AT JORDAN CREEK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY IOWA.

AND

PARCEL AA OF PLAT OF SURVEY FILED ON APRIL 14, 2014, IN BOOK 2014, PAGE 4167, AS PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH RANGE 26 WEST OF THE FIFTH P.M., 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; and

WHEREAS, on November 23, 2020, the Plan and Zoning Commission did recommend to the City Council approval of the Comprehensive Plan Amendment (CPA-004828-2020); and

WHEREAS, on December 7, 2020, this City Council held a duly-noticed Hearing to consider the application for Comprehensive Plan Amendment (CPA-004828-2020).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, stated in the staff report, dated December 7, 2020, or as amended orally at the City Council meeting of December 7, 2020, are adopted.

SECTION 2. Comprehensive Plan Amendment (CPA-004828-2020) to designate High Density Residential (HD) land use is approved, subject to compliance with all the conditions in the staff report, dated December 7, 2020, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on December 7, 2020.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on December 7, 2020, by the following vote:

ATTEST:

_____
Ryan Jacobson, City Clerk

Exhibit A: Conditions of Approval
No conditions of approval

EXHIBIT B

Comprehensive Plan Map

EXHIBIT III

Prepared by: B. Portz, Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, (515)222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

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 4: ZONING DISTRICTS AND MAP

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

SECTION 1. AMENDMENT. The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by consistency zoning the following legally described property to Residential High Density (RH-18) District in compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

Legal Description

LOTS 1 & 2, THE CASCADES AT JORDAN CREEK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY IOWA.

AND

PARCEL AA OF PLAT OF SURVEY FILED ON APRIL 14, 2014, IN BOOK 2014, PAGE 4167, AS PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 78 NORTH RANGE 26 WEST OF THE FIFTH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA.

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

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this 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 PENALITIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Section 1 and Section 2 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 from and 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

EXHIBIT A

Zoning Map