

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: August 9, 2021

**ITEM:** Pavilion Park, West of 9075 & 9076 Lindas Lane – Amend Comprehensive Plan Land Use Map and Amend the Pavilion Park Planned Unit Development Ordinance to designate Parcel E within the PUD for single family development – Pavilion Park, LC – CPA-005097-2021/ZC-005098-2021

**RESOLUTION:** Approval of Comprehensive Plan Land Use Map Amendment and Amendment to Planned Unit Development Ordinance

**Background:** Erin Ollendike with Civil Design Advantage, on behalf of the applicant and property owner, Pavilion Park, LC, requests approval of a Comprehensive Plan Land Use Map Amendment and Rezoning Request on that ground located west of 9075 & 9076 Lindas Lane. The amendments are being requested in anticipation of the development of single-family homes instead of the originally proposed medium density residential development.

Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for the approximately 20-acre PUD Parcel E to change from Medium Density Residential (MD) to Single Family (SF) land use.
- Amend the Pavilion Park Planned Unit Development (PUD) which includes modifications to the following PUD Parcel:
  - PUD Parcel E to change from Residential Medium Density (RM-12) to Residential Single Family (RS-5) zoning for single family residential development; and
  - PUD Parcel E to modify bulk regulations to allow for single-family residential development.

**Staff Review & Comment:**

- **Financial Impact:** There is no City funding of this project; however, there is staff time for processing of development application and inspections during construction.
- **Proposed Changes:** The original development intent for Parcel E was to be developed as medium density residential. The developer is now proposing to develop this parcel as single family residential. A preliminary plat has been submitted to subdivide the parcel into 62 single family lots.
- **Traffic Analysis Findings:** The site is estimated to generate less traffic as single-family residential than the originally proposed medium density residential. Lane configurations for the major roadways outside of the Pavilion Park development, as recommended in earlier traffic studies remain adequate.

**Outstanding Issues:** There are no outstanding issues.

**Plan and Zoning Commission Action:**

Date:

Vote:

Recommendation:

City Council Comprehensive Plan Amendment:

Date:

Vote:

City Council Rezoning First Reading:

Date:

Vote:

**Recommendation:** Approve the Comprehensive Plan Land Use Map Amendment and Rezoning request to amend the Pavilion Park Planned Unit Development (PUD) Ordinance, subject to the applicant meeting all City Code requirements.

**Lead Staff Member: Brian Portz**

**Approval Meeting Dates:**

Plan and Zoning Commission	August 9, 2021
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

**Staff Report Reviews:**

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input type="checkbox"/> Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	7/30/21
Date(s) of Mailed Notices	7/29/21

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning
Date Reviewed	4/5/21
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

## Location Map



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION  
NO. PZC-21-066**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Pavilion Park, LC, requests approval for a Comprehensive Plan Land Use Map Amendment to change the land use designation on the Planned Unit Development development parcels as shown on the Planned Unit Development Comprehensive Plan Land Use Change Illustration included in the staff report as follows:

- From Medium Density Residential (MD) to Single Family (SF) land use

**WHEREAS**, the comprehensive plan amendment complies with the applicable provisions of Iowa Code Chapter 414 and City Code.

**NOW, THEREFORE**, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPA-005097-2021) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

**PASSED AND ADOPTED** on August 9, 2021.

\_\_\_\_\_  
Jennifer Drake, Vice Chair  
Plan and Zoning  
Commission

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 August 9, 2021, by the following vote:

AYES:

NAYS:

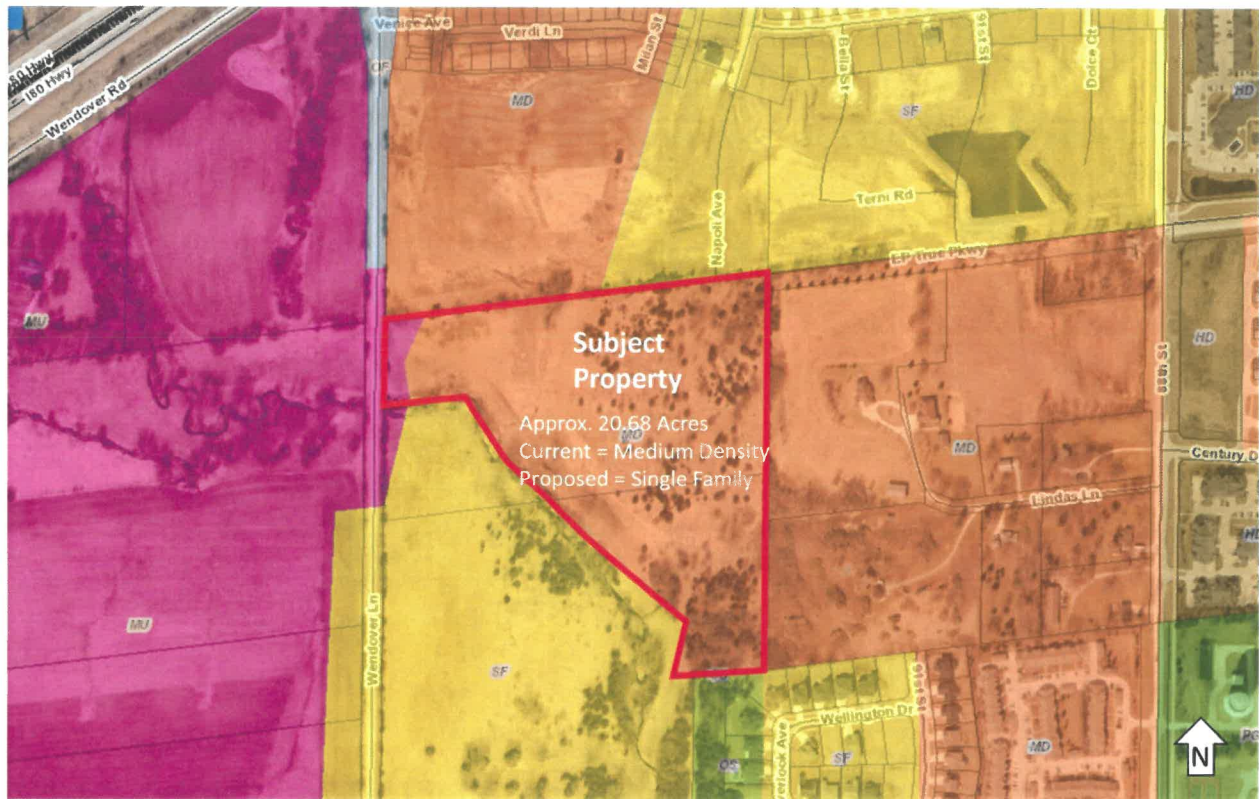
ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

## Comprehensive Plan Land Use Map Change Illustration



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION  
NO. PZC-21-067**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Pavilion Park, LC, request approval of an amendment to the Pavilion Park Planned Unit Development (PUD) for the Planned Unit Development development parcels as shown on the Planned Unit Development Sketch Plan attached to the ordinance included in the staff report as follows:

- PUD Parcel E to change from Residential Medium Density (RM-12) to Residential Single Family (RS-5) zoning for single family residential development; and
- PUD Parcel E to modify bulk regulations to allow for single-family residential development.

**WHEREAS**, the Rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

**NOW, THEREFORE**, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request, (ZC-005098-2021) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

**PASSED AND ADOPTED** on August 9, 2021.

\_\_\_\_\_  
Jennifer Drake, Vice Chair  
Plan and Zoning  
Commission

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 August 9, 2021, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320,  
West Des Moines, Iowa 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 #

### AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCE #2407 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD), DISTRICT REGULATIONS AND GUIDELINES.

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

**SECTION 1. AMENDMENT:** Ordinance #2407 pertaining to the Pavilion Park Planned Unit Development (PUD) Ordinance, Section 6, *Land Use Design Criteria*, Subsection E, *Parcel E*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

- E. Parcel E: The intent of development within this parcel is to allow for ~~multi-family attached or~~ ***single family*** detached dwellings, ~~to provide additional types and locations of living options within the Pavilion Park development~~ ***thus providing for an additional type of living option than the multi-family provided within other PUD parcels.*** A strong network of pedestrian and bike pathway connections shall be provided to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.

All general use and bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the ~~Residential Medium Density (RM-12)~~ ***Residential Single Family (RS-5)*** district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.

- 1. For corner single family residential lots on which a buffer is located on the street side yard, the buffer and building setback line are permitted to overlap; however, the full buffer width needs to be provided even if the setback is less than the required buffer width. For double frontage lots, the required rear yard setback is in addition to the thirty foot (30') buffer.***

**SECTION 2. AMENDMENT:** Ordinance #2407, "Pavilion Park" is hereby amended by replacing the PUD Sketch Plan on file with the City Clerk with that as illustrated in Exhibit "A" of this Ordinance.

**Section 3. REPEALER.** All ordinances of 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 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 5. 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 6. OTHER REMEDIES.** In addition to the provisions set out in 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 from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan Jacobson, City Clerk

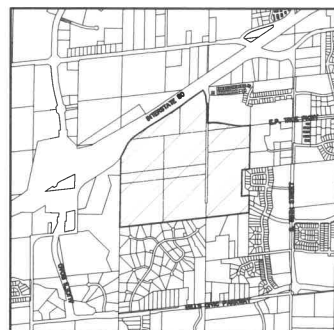
The foregoing Ordinance No. \_\_\_\_\_ was adopted by the Council for the City of West Des Moines, Iowa, on \_\_\_\_\_, 2021, and was published in the Des Moines Register on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk



**VICINITY MAP**

NOT TO SCALE



**OWNER / APPLICANT:**

PAVILION PARK, LC  
 CONTACT: BILL SPENCER  
 9550 HICKMAN ROAD, SUITE 100  
 CLIVE, IA 50325  
 PH: 515-986-5994

**LEGAL DESCRIPTION:**

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF WHISPER RIDGE PLAT 2, AN OFFICIAL PLAT; THENCE SOUTH 83°12'43" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, 90.95 FEET; THENCE NORTH 07°57'53" EAST, 328.21 FEET; THENCE NORTH 49°33'30" WEST, 203.67 FEET; THENCE NORTH 50°15'00" WEST, 476.45 FEET; THENCE NORTH 03°11'00" EAST, 129.46 FEET; THENCE NORTH 67°36'37" WEST, 282.14 FEET; THENCE NORTH 89°16'27" WEST, 202.71 FEET EAST RIGHT OF WAY LINE OF WENDOVER LANE; THENCE NORTH 00°44'16" EAST ALONG SAID EAST LINE, 206.68 FEET; THENCE NORTH 00°55'07" EAST CONTINUING ALONG SAID EAST LINE, 165.93 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1500.00 FEET, WHOSE ARC LENGTH IS 409.80 FEET AND WHOSE CHORD BEARS SOUTH 88°13'52" EAST, 408.53 FEET; THENCE SOUTH 80°24'17" EAST, 356.44 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1500.00 FEET, WHOSE ARC LENGTH IS 167.37 FEET AND WHOSE CHORD BEARS SOUTH 83°36'04" EAST, 167.28 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1500.00 FEET, WHOSE ARC LENGTH IS 264.19 FEET AND WHOSE CHORD BEARS NORTH 88°09'24" EAST, 263.85 FEET; THENCE NORTH 83°06'40" EAST, 81.80 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 00°46'05" WEST ALONG SAID EAST LINE, 1262.49 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 83°12'43" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALSO BEING THE NORTH LINE OF SAID WHISPER RIDGE PLAT 2, A DISTANCE OF 238.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.98 ACRES (957,344 SQUARE FEET).

**COMPREHENSIVE PLAN:**

**EXISTING:**

MD: MEDIUM DENSITY RESIDENTIAL

**PROPOSED:**

SF: SINGLE FAMILY RESIDENTIAL

**ZONING:**

**EXISTING:**

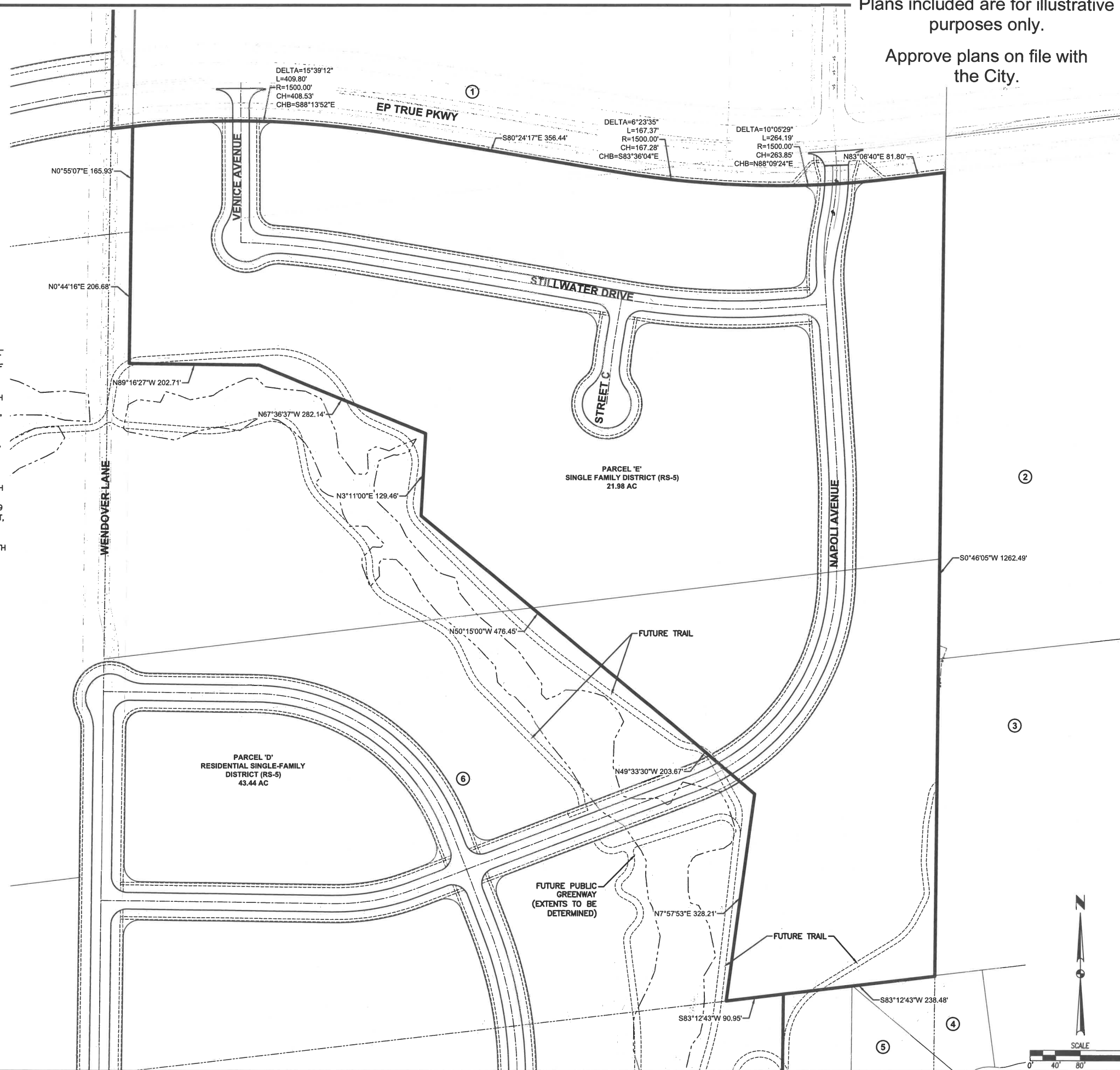
PUD: PLANNED UNIT DEVELOPMENT DISTRICT W/ UNDERLYING RESIDENTIAL MEDIUM-DENSITY DISTRICT (RM-12)

**PROPOSED:**

PUD: PLANNED UNIT DEVELOPMENT DISTRICT W/ UNDERLYING RESIDENTIAL SINGLE-FAMILY DISTRICT (RS-5)

**ADJACENT PROPERTY**

1. DELLA VITA, LLC  
 ZONING: DELLA VITA PUD  
 COMP PLAN: MEDIUM DENSITY RESIDENTIAL & SINGLE FAMILY RESIDENTIAL
2. ROBEL, LINDA M 2010 TRUST U/A/D MAY13, 2010  
 ROBEL, LINDA M, AS TRUSTEE  
 ZONING: UNZONED  
 COMP PLAN: MEDIUM & HIGH DENSITY RESIDENTIAL
3. LARSON, JON L & PAULA K JTRS  
 ZONING: UNZONED  
 COMP PLAN: MEDIUM DENSITY RESIDENTIAL
4. WILSON, LONNY L & KAY L JTRS  
 ZONING: RS-7  
 COMP PLAN: SINGLE FAMILY & OPEN SPACE
5. FREYMAN, ANDREW P & LESLIE A  
 ZONING: RS-7  
 COMP PLAN: SINGLE FAMILY & OPEN SPACE
6. PAVILION PARK, LC  
 ZONING: RS-5, RM-12  
 COMP PLAN: SINGLE FAMILY & MEDIUM DENSITY



Plans included are for illustrative purposes only.  
 Approve plans on file with the City.

DATE	05/14/21
REVISIONS	
2ND SUBMITTAL	03/24/21
1ST SUBMITTAL	

3405 S.E. CROSSROADS DRIVE, SUITE G  
 GRIMES, IOWA 50111  
 PHONE: (515) 369-4400 FAX: (515) 369-4410  
 ENGINEER: EKO EI: DSH

**ESA**  
 CIVIL DESIGN ADVANTAGE

**PAVILION PARK**  
 PUD SKETCH PLAN - PARCEL 'E'  
 PUD AMENDMENT WEST DES MOINES, IOWA

1904.210

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**BULK REGULATIONS:**

**PARCEL 'A' & 'C'**

ZONING: OF-OFFICE DISTRICT  
**SETBACKS**  
 FRONT YARD = 30 FT  
 REAR YARD = 35 FT (15 FT IF LIKE ZONING ADJACENT)  
 SIDE YARD = 10 FT (0 FT IF LIKE ZONING ADJACENT)  
 MIN. LOT AREA = 10,000 SF  
 MIN. LOT WIDTH = 80 FT  
 MIN. OPEN SPACE = 25%

ZONING: CMC-COMMUNITY COMMERCIAL DISTRICT  
 ADDITIONAL ALLOWABLE LAND USES: HOTELS

**SETBACKS**  
 FRONT YARD = 100 FT  
 REAR YARD = 50 FT (0 FT IF LIKE ZONING ADJACENT)  
 SIDE YARD = 50 FT (0 FT IF LIKE ZONING ADJACENT)  
 MIN. LOT AREA = 60,000 SF  
 MIN. LOT WIDTH = 50 FT  
 MIN. OPEN SPACE = 25%

ZONING: RH(18)-RESIDENTIAL HIGH-DENSITY DISTRICT  
**SETBACKS (UP TO 2 STORY - LESS THAN 4 UNITS)**

PERIMETER SETBACK = 35 FT  
 INTERNAL FRONT YARD = 15 FT  
 INTERNAL REAR YARD = 15 FT  
 INTERNAL SIDE YARD = 7 FT  
**SETBACKS (UP TO 2 STORY - MORE THAN 4 UNITS OR 3 STORIES OR GREATER - LESS THAN 4 UNITS)**  
 PERIMETER FRONT YARD = 50 FT  
 INTERNAL FRONT YARD = 20 FT  
 PERIMETER REAR YARD = 35 FT  
 INTERNAL REAR YARD = 20 FT  
 PERIMETER SIDE YARD = 35 FT  
 INTERNAL SIDE YARD = 7 FT  
**SETBACKS (3 STORIES OR GREATER - LESS THAN 4 UNITS)**  
 PERIMETER FRONT YARD = 60 FT  
 INTERNAL FRONT YARD = 30 FT  
 PERIMETER REAR YARD = 35 FT  
 INTERNAL REAR YARD = 30 FT  
 PERIMETER SIDE YARD = 35 FT  
 INTERNAL SIDE YARD = 15 FT

**REQUIREMENTS FOR ALL BUILDINGS/DEVELOPMENT IN RH(18)**

MIN. LOT AREA = 2 ACRES  
 MIN. LOT WIDTH = 150 FT  
 MIN. OPEN SPACE = 25%  
 MIN. BUILDING SEPARATION = 20 FT

**PARCEL 'B'**  
 ZONING: OF-OFFICE DISTRICT

**SETBACKS**  
 FRONT YARD = 30 FT  
 REAR YARD = 35 FT (15 FT IF LIKE ZONING ADJACENT)  
 SIDE YARD = 10 FT (0 FT IF LIKE ZONING ADJACENT)  
 MIN. LOT AREA = 10,000 SF  
 MIN. LOT WIDTH = 80 FT  
 MIN. OPEN SPACE = 25%

ZONING: CMC-COMMUNITY COMMERCIAL DISTRICT  
 ADDITIONAL ALLOWABLE LAND USES: HOTELS

**SETBACKS**  
 FRONT YARD = 100 FT  
 REAR YARD = 50 FT (0 FT IF LIKE ZONING ADJACENT)  
 SIDE YARD = 50 FT (0 FT IF LIKE ZONING ADJACENT)  
 MIN. LOT AREA = 60,000 SF  
 MIN. LOT WIDTH = 50 FT  
 MIN. OPEN SPACE = 25%

ZONING: RM(12)-RESIDENTIAL MEDIUM DENSITY  
**SETBACKS (DETACHED TOWNHOMES)**

FRONT YARD = 30 FT  
 REAR YARD = 35 FT  
 SIDE YARD = 7 FT  
**SETBACKS (UP TO 2 STORY - LESS THAN 4 UNITS)**  
 PERIMETER SETBACK = 35 FT  
 INTERNAL FRONT YARD = 15 FT  
 INTERNAL REAR YARD = 15 FT  
 INTERNAL SIDE YARD = 7 FT  
**SETBACKS (UP TO 2 STORY - MORE THAN 4 UNITS OR 3 STORIES OR GREATER - LESS THAN 4 UNITS)**  
 PERIMETER FRONT YARD = 50 FT  
 INTERNAL FRONT YARD = 20 FT  
 PERIMETER REAR YARD = 35 FT  
 INTERNAL REAR YARD = 20 FT  
 PERIMETER SIDE YARD = 35 FT  
 INTERNAL SIDE YARD = 7 FT  
**SETBACKS (3 STORIES OR GREATER - LESS THAN 4 UNITS)**  
 PERIMETER FRONT YARD = 60 FT  
 INTERNAL FRONT YARD = 30 FT  
 PERIMETER REAR YARD = 35 FT  
 INTERNAL REAR YARD = 30 FT  
 PERIMETER SIDE YARD = 35 FT  
 INTERNAL SIDE YARD = 15 FT

**REQUIREMENTS FOR ALL BUILDINGS/DEVELOPMENT IN RM(12)**

MIN. BUILDING SEPARATION = 14 FT  
 TOWNHOME GARAGE SETBACK FROM STREET = 25 FT  
 MAX DENSITY = 12.0 UNITS/ACRE

**PARCEL 'D'**

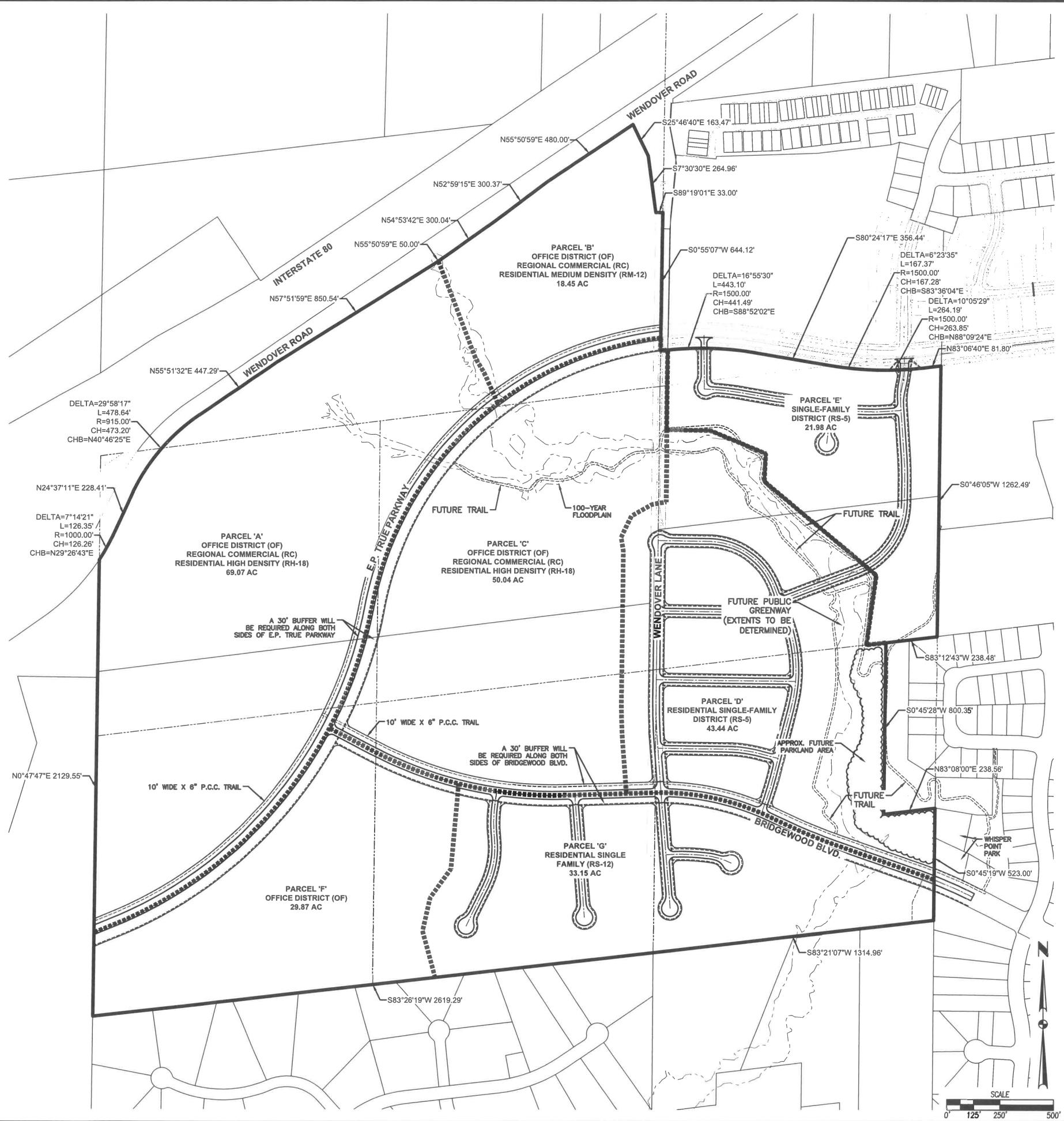
ZONING: RS(5) SINGLE-FAMILY RESIDENTIAL DISTRICT  
**SETBACKS**  
 FRONT YARD = 30 FT  
 REAR YARD = 35 FT  
 SIDE YARD = 7 FT  
 MIN. LOT AREA = 5,000 SF  
 MIN. LOT WIDTH = 50 FT  
 MAX. DENSITY = 6.0 UNITS/AC

**PARCEL 'E'**

ZONING: RS(5) SINGLE-FAMILY RESIDENTIAL DISTRICT  
**SETBACKS**  
 FRONT YARD = 30 FT  
 REAR YARD = 35 FT  
 SIDE YARD = 7 FT  
 MIN. LOT AREA = 5,000 SF  
 MIN. LOT WIDTH = 50 FT  
 MAX. DENSITY = 6.0 UNITS/AC

**PARCEL 'F'**  
 ZONING: OF-OFFICE DISTRICT

**SETBACKS**  
 FRONT YARD = 30 FT  
 REAR YARD = 35 FT (15 FT IF LIKE ZONING ADJACENT)  
 SIDE YARD = 10 FT (0 FT IF LIKE ZONING ADJACENT)  
 MIN. LOT AREA = 10,000 SF  
 MIN. LOT WIDTH = 80 FT  
 MIN. OPEN SPACE = 25%



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 PLOTTED BY: GZC  
 PLOT: 1040410\_PUD\_AMENDMENT

DATE	REVISIONS
05/14/21	2ND SUBMITTAL
05/24/21	1ST SUBMITTAL

3405 S.E. CROSSROADS DRIVE, SUITE G  
 GRIMES, IOWA 50111  
 PHONE: (515) 369-4400 FAX: (515) 369-4410  
 ENGINEER: EKO  
 E.I.: DSH



**PAVILION PARK**  
 PUD SKETCH PLAN - PARCEL 'E'  
 PUD AMENDMENT WEST DES MOINES, IOWA  
 CIVIL DESIGN ADVANTAGE