NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: September 7, 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

ORDINANCE: Approval of Second Reading, Waive Third Reading and Adopt

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:	August 9, 2021
Vote:	6-0, for approval with Commissioner Anderson absent
Recommendation:	Approve the Comprehensive Plan Land Use Map Amendment and Rezoning request to amend the Pavilion Park Planned Unit Development (PUD) Ordinance

City Council Comprehensive Plan Amendment:

Date:	August 16, 2021
Vote:	5-0, Approval

City Council Rezoning First Reading:

Date:	August 16, 2021
Vote:	5-0, Approval

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	August 16, 2021
City Council: Second Reading, Waive Third Reading and Adopt	September 7, 2021

Staff Report Reviews:

Plan & Zoning Commission	☒ Development Coordinator (or) ☐ Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☒ 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	☒ Yes ☐ No ☐ 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: Conlin, Costa, Crowley, Davis, Drake, Hatfield

NAYS:

ABSTENTIONS:

ABSENT: Andersen

ATTEST:

Recording Secretary

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: Conlin, Costa, Crowley, Davis, Drake, Hatfield

NAYS:

ABSTENTIONS:

ABSENT: Andersen

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

RESOLUTION

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 of a Comprehensive Plan Land Use Map Amendment to change the land use designation from Medium Density Residential (MD) to Single Family (SF) on the ground legally described in attached Exhibit "B" and as indicated on the attached Comprehensive Plan Land Use Map Change Illustration; 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, the Comprehensive Plan Land Use Map Amendment complies with applicable provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on August 9, 2021, the Plan and Zoning Commission did recommend to the City Council, by a 6-0 vote, for approval of the Comprehensive Plan Land Use Map Amendment; and

WHEREAS, on this day this City Council held a duly noticed Public Hearing to consider the application for Comprehensive Plan Land Use Map Amendment.

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Land Use Map Amendment (CPA-005097-2021) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on August 16, 2021.

Steven K. Gaer, Mayor

COUNCIL ACTION	YEAS	NAYS	ABS	ABST
TREVILLYAN	✓			
HUDSON	✓			
TRIMBLE	✓			
HARDMAN	✓			
MCKINNEY	✓			

MOTION BY: McKinney
SECOND BY: Hudson
ROLL CALL #: 21-412

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 August 16, 2021, by the indicated vote.

Exhibit A: Conditions of Approval

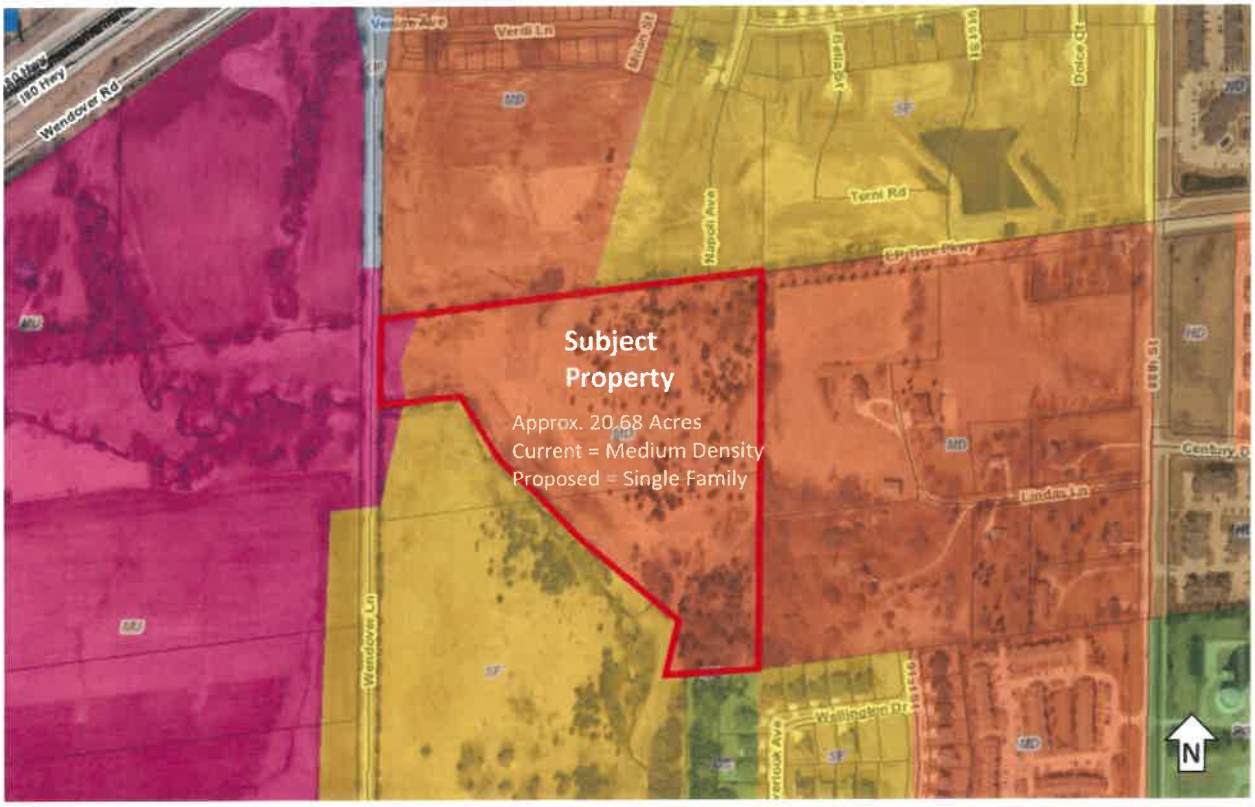
1. No conditions of approval.

Exhibit B: Legal Description

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

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 83°12'43" WEST ALONG THE NORTHERLY LINE OF WHISPER RIDGE PLAT 2, AN OFFICIAL PLAT, 238.48 FEET TO THE NORTHWEST CORNER OF SAID WHISPER RIDGE PLAT 2; THENCE CONTINUING SOUTH 83°12'43" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST 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, 198.26 FEET; THENCE NORTH 00°02'50" WEST, 374.82 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1500.00 FEET, WHOSE ARC LENGTH IS 380.64 FEET AND WHOSE CHORD BEARS SOUTH 87°40'43" EAST, 379.62 FEET; THENCE SOUTH 80°24'33" EAST, 356.44 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1500.00 FEET, WHOSE ARC LENGTH IS 431.56 FEET AND WHOSE CHORD BEARS SOUTH 88°39'04" EAST, 430.07 FEET; THENCE NORTH 83°06'24" EAST, 89.68 FEET; THENCE NORTH 83°15'44" EAST, 22.58 FEET TO THE WEST LINE OF LOT "E" OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 4, PAGE 230 ALSO BEING THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 00°46'05" WEST ALONG SAID EAST LINE, 1265.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.90 ACRES (953,811 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

Comprehensive Plan Land Use Map Change Illustration



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

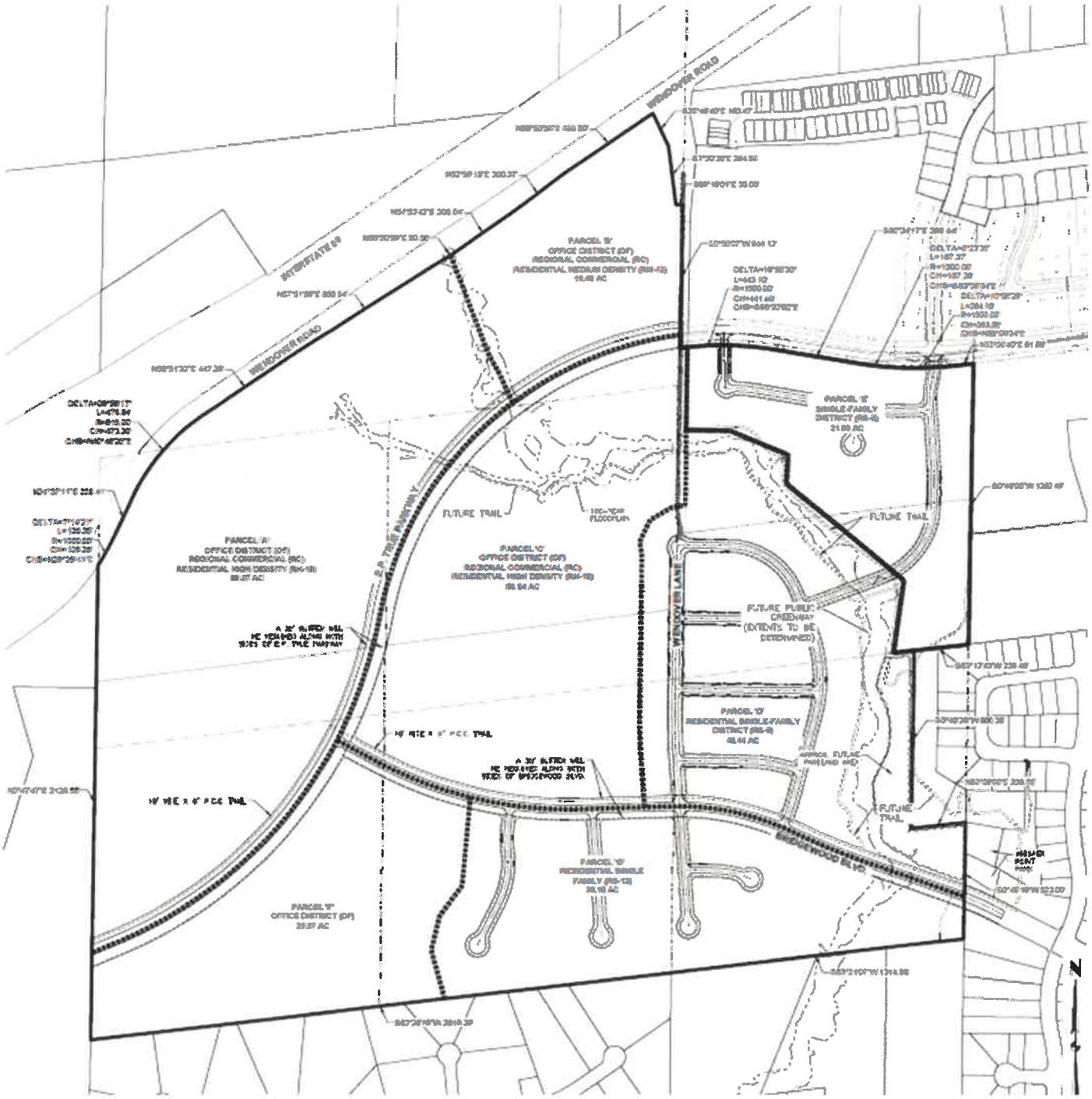



Exhibit "A": PUD Sketch Plan