CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: August 15, 2022

ITEM: Parkhaven PUD, Northeast corner of Fuller Road and S. 33rd Street - Amend the Parkhaven Planned Unit Development Ordinance to remove restrictions within Parcel C – John Wheeler – ZC-005668-2022

Ordinance: Approve First Reading of Amendment to Planned Unit Development Ordinance

Background: The applicant and property owner, John Wheeler, requests approval of an amendment to the Parkhaven Planned Unit Development (PUD), governing development of that ground generally located at the northeast corner of Fuller Road and S. 33rd Street. The purpose of the applicant's request is to remove the restrictions prohibiting detached garages. In addition to the applicant's request, Staff is also recommending removal of minimum dwelling floor area requirements and restrictions on the number of dwellings allowed within Parcel C stated within the PUD.

Staff Review & Comment:

- *Financial Impact:* There is no City funding of this project; however, there is staff time for processing of development application.
- *History*: The Parkhaven PUD was established in the spring of 1990. As part of the PUD, single-family residential uses were dictated for within Parcel C of the overall development plan and regulated such aspects as the number of dwelling units, minimum floor area, and prohibiting detached garages. In July 2020, staff received a building permit application to construct a detached structure at 500 S. 33rd Street. According to the PUD ordinance today, this type of structure is prohibited within Parcel C of the PUD thus necessitating the proposed amendment.
- *Change to the PUD:* The applicant is requesting amending the Parkhaven PUD to eliminate regulations prohibiting detached structures as he wishes to add a detached garage structure to his property. Such a restriction is atypical, and it is unknown why it was included in the original PUD. Aerial maps show that there are at least two detached structures currently constructed within the neighborhood. The amendment to allow the construction of detached structures will bring the two existing properties with similar structures into compliance with the PUD. Approval of the proposed changes will not cause any existing property to fall into a state of non-compliance.

  Additionally, Staff is recommending the removal of minimum dwelling floor size requirements, as well as restrictions on the number of dwelling units allowed in Parcel C. Minimum floor area and other architectural restrictions or requirements are usually included in a neighborhood's covenant documents and are not requirements of zoning or building codes. Homeowner covenants are a private matter which the city does not enforce. Staff is also recommending the removal of the limitation on the number of dwellings allowed in Parcel C. Dwellings have been constructed on all of the lots within Parcel C. These are large estate size lots which could accommodate second dwellings

within a parcel. Removal of the maximum number of dwellings simply opens up the opportunity to have a second dwelling in the future should it be desired.

- *Traffic Analysis Findings:* No Traffic Impact Study was required by the City as part of this project.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:
Date: August 8, 2022
Vote: 6-0 for approval, with Commissioner Drake absent
Recommendation: Approve the request to amend the Parkhaven PUD

City Council First Reading:
Date: August 15, 2022
Vote:

Recommendation: Approve the Rezoning request to amend the Parkhaven Planned Unit Development (PUD), subject to the applicant meeting all City Code requirements.

Lead Staff Member: Bryce Johnson

Approval Meeting Dates:

Planning and Zoning Commission	August 8, 2022
City Council: First Reading	August 15, 2022
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews:

Planning & Zoning Commission	☒ Development Coordinator (or) ☐ Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☑ Agenda Acceptance

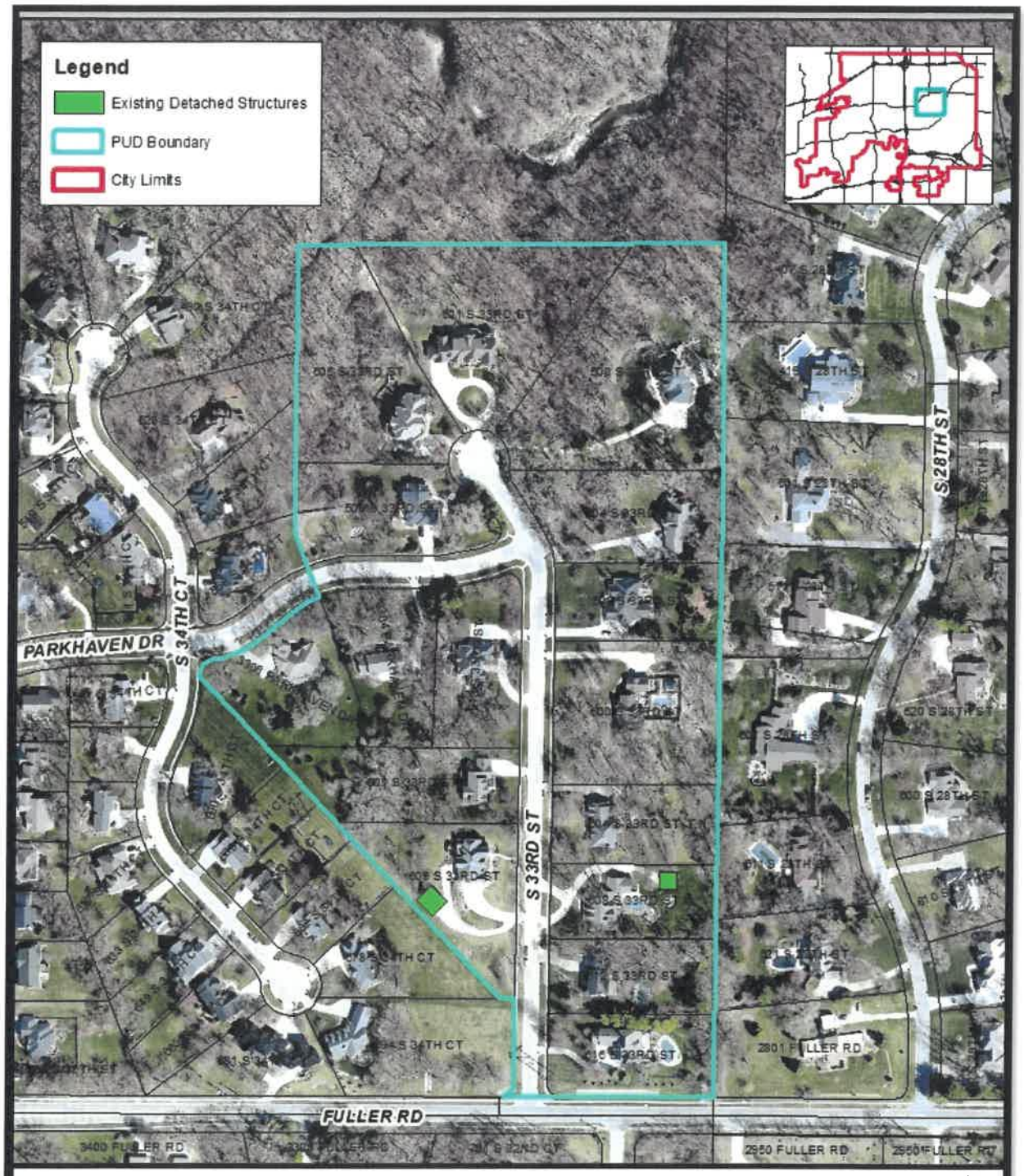
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	7/29/22
Date(s) of Mailed Notices	7/29/22

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	8/1/22
Recommendation	☒ Yes ☐ No ☐ Split

Location Map



Parkhaven PUD
Aerial Location Map

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-22-074

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, and property owner, John Wheeler, in conjunction with the City of West Des Moines, request approval of a Rezoning request to amend the Parkhaven Planned Unit Development (PUD) Ordinance to remove the restrictions relating to detached garages, dwelling floor area, and number of dwellings within Parcel C on property as legally defined in the Planned Unit Development Ordinance and indicated on the Location Map, both of which are included in the staff report; and

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

NOW, THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning Request to amend the Parkhaven Planned Unit Development (PUD) Ordinance (ZC-005668-2022), 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 8, 2022.

Andrew Conlin, Vice Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 8, 2022, by the following vote:

AYES: Costa, Conlin, Crowley, Davis, Hatfield, Shaw
NAYS:
ABSTENTIONS:
ABSENT: Drake

ATTEST:

Recording Secretary

Prepared by: Bryce Johnson, 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 #919 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 #919, pertaining to the Parkhaven Planned Unit Development (PUD), Section 007-03, *Conditions*, Subsection B, *Land Use Design Criteria*, Subsection 3.B.3, *Parcel C*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics. All other items in current adopted portion of this section not reflected below shall remain as is:

3. Parcel C: All general use regulations, performance standards and provisions set forth ~~in Article IX of Ordinance 430 (Zoning Ordinance) for the EU-1 Estate Use Single-Family Residential District~~ ***Residential Estate (RE-1) zoning district*** shall apply to any development proposal for all property within Parcel C as shown on the sketch plan of the Parkhaven PUD. ~~This area shall involve approximately twenty six (26) acres with a maximum of seventeen (17) dwelling units.~~ Dwelling units shall be set back a minimum twenty feet (20') from the one hundred foot (100') wide Iowa Power and Light Easement which crosses the parcel. Direct driveway access to Fuller Road shall be prohibited. ~~Detached garages shall be prohibited within Parcel C. Parcel C minimum living space requirements for each dwelling unit shall be as follows: a) ranch style - one thousand eight hundred (1,800) square feet minimum total; b) one and one-half story - two thousand one hundred (2,100) square feet minimum total (1,250 minimum on main floor); c) two-story - two thousand five hundred (2,500) square feet minimum total (1,250 minimum on main floor), and; d) split models - two thousand five hundred (2,500) square feet minimum total (1,500 minimum on main floor).~~

SECTION 2. Repealer. All ordinances of 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 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 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 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 by the City Council on the _____ day of _____, 2022 and approved this _____ day of _____, 2022.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the City Council for the City of West Des Moines, Iowa, on _____, 2022, and was published in the Des Moines Register on _____ , 2022.