

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

**Meeting Date:** December 27, 2022

**ITEM:** Glen Oaks Rowhomes, Southwest Corner of I-35 and Mills Civic Parkway – Amend Comprehensive Plan Land Use Map to establish Medium Density Residential land use and amend the Glen Oaks Planned Unit Development Ordinance to add Parcel M and regulations governing the development of Medium Density Residential in Parcel M – Paramount - Destination Homes, Inc. – CPAZC-005363-2021

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

**Background:** James Myers with Paramount – Destination Homes, Inc., applicant, with permission from the property owner, Gerald M. Kirke, as Trustee of the Gerald M. Kirke Revocable Family Trust under agreement dated January 5, 1989, requests approval of a Comprehensive Plan Land Use Map Amendment for the 4.64-acre property generally located at the southwest corner of I-35 and Mills Civic Parkway. Also requested is a rezoning approval to amend the Glen Oaks Planned Unit Development (PUD), to include the property in the Glen Oaks Planned Unit Development, zone the property Medium Density Residential and establish development regulations for the development of attached townhomes. The property has no land use designation or zoning as it was originally owned by the Iowa Department of Transportation for a different design for the I-35/Mills Civic Pkwy Interchange. With the change in type of interchange design, there was ground no longer needed by the Iowa Department of Transportation that was transferred to Mr. Kirke.

At the Plan & Zoning Commission meeting on March 28, 2022, the Commission recommended the City Council approve the request to apply the Medium Density Residential land use to the property and recommended that the public hearing on the rezoning be deferred to April 11, 2022. On April 4, 2022, the City Council approved a motion to defer the public hearing on the land use amendment to April 18, 2022, when they will take up both the land use amendment and the rezoning. The item was deferred indefinitely to allow the applicant and the Glen Oaks Owners Association to continue discussion regarding the sale/use of the Glen Oaks Owners Association property lying between the applicant's property and Glen Oaks Drive.

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

- Amend the Comprehensive Plan Land Use Map for the approximately 4.64 acre parcel in the southwest corner of the intersection of Mills Civic Parkway and Interstate 35 to assign a land use designation of Medium Density Residential as currently there is no designation on the property.
- Amend the Glen Oaks Planned Unit Development (PUD) to include modifications to the following:
  - The addition of PUD Parcel M to be zoned Residential Medium Density (RM-8) for attached townhome development; and
  - Add specific bulk regulations related to setbacks and architecture for attached townhomes development in Parcel M.

### **Staff Review & Comment:**

- **Financial Impact:** There is no city funding of this project; however, there will be staff time for the review of development plans, as well as inspections during construction of the dwellings.
- **Proposed Changes:** The following changes are proposed with this amendment:
  - Add new PUD Parcel M to identify the parcel of ground being added to the PUD for the Glen Oaks Rowhomes.
  - Change the setbacks to deviate from City Code to allow the development to occur on an infill parcel. Part of the property is to be dedicated for right-of-way for I-35 interchange southbound ramp from Mills Civic Parkway. The right-of-way will be dedicated to the City then further dedicated to the Iowa Department of Transportation. This dedication reduces the parcel size by approximately 3.2 acres. Also, the developer was proposing to buy a piece of property from the Glen Oaks Owners Association that lies to the west of the subject property; however, that purchase will not occur. These two occurrences leave a long, narrow piece of property to develop. The developer has asked for support from the Development and Planning City Council Subcommittee to have no setback requirement from the boundary of the footprint lots and to have no perimeter setback along the west property line in order to make a viable project. The application of standard Zoning Code regulations of a 35' perimeter setback and a minimum of 7' setback from the boundary of the footprint lot to the structure foundation would cause the development to have fewer lots and, according to the developer, would make the development infeasible. Even with the elimination of the setback requirements, the development has changed from 38 lots to 35 due to the above constraints.
  - Added language regarding buffering from the interstate, requirement for an opaque fence along the interstate boundary and the planting of additional trees from loss of canopy. There are many trees on this piece of property, and they should be replaced if impacted by construction to other places on the property to add visual interest and, when fully grown, add shade and more visual enhancement to the property from the interstate, Mills Civic Parkway, and for the residents for a more desirable living experience.
- **Traffic Analysis Findings** A Traffic Impact Analysis was performed for the townhome development being added to this area. The analysis indicates that the proposed development of 35 townhomes, as well as the Glen Oaks development, is expected to generate approximately the same amount of traffic as estimated in previous studies. Recommendations given in previous studies for the surrounding public streets remain adequate.

Previous studies have shown that future levels of services for intersections in the vicinity fall below the desired level of survey D standard. Studies have projected failing levels of service in the future at S. 60<sup>th</sup> Street and Mills Civic Parkway and Interstate 35 and Mills Civic Parkway, for example. However, the future congestion is not expected to worsen by this development since the site is still below the planned trip generations.

- **Development & Planning Subcommittee:** The project has been reviewed by the Development and Planning City Council Subcommittee for discussion on reduction of setbacks, especially along Glen Oaks Drive from 35 feet to zero feet. The Glen Oaks Owners Association did not agree to transfer property that lies between Glen Oaks Drive and the development, which could have been used for setback purposes. The developer

approached the City proposing no setback requirement abutting the Glen Oaks Owners property. The property has a berm and landscape that the owners' association wanted to protect, as well as the relatively small depth of the property essentially prevents the construction of a structure in this area. The Subcommittee agreed to allow the zero setback.

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

Planning and Zoning Commission Action:

Date: December 27, 2022

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 Glen Oaks Planned Unit Development (PUD) Ordinance, subject to the applicant meeting all City Code requirements.

**Lead Staff Member:** Kara Tragesser, AICP

**Approval Meeting Dates:**

Planning and Zoning Commission	December 27, 2022
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

**Staff Report Reviews:**

Planning & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input checked="" type="checkbox"/> Director	<input 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

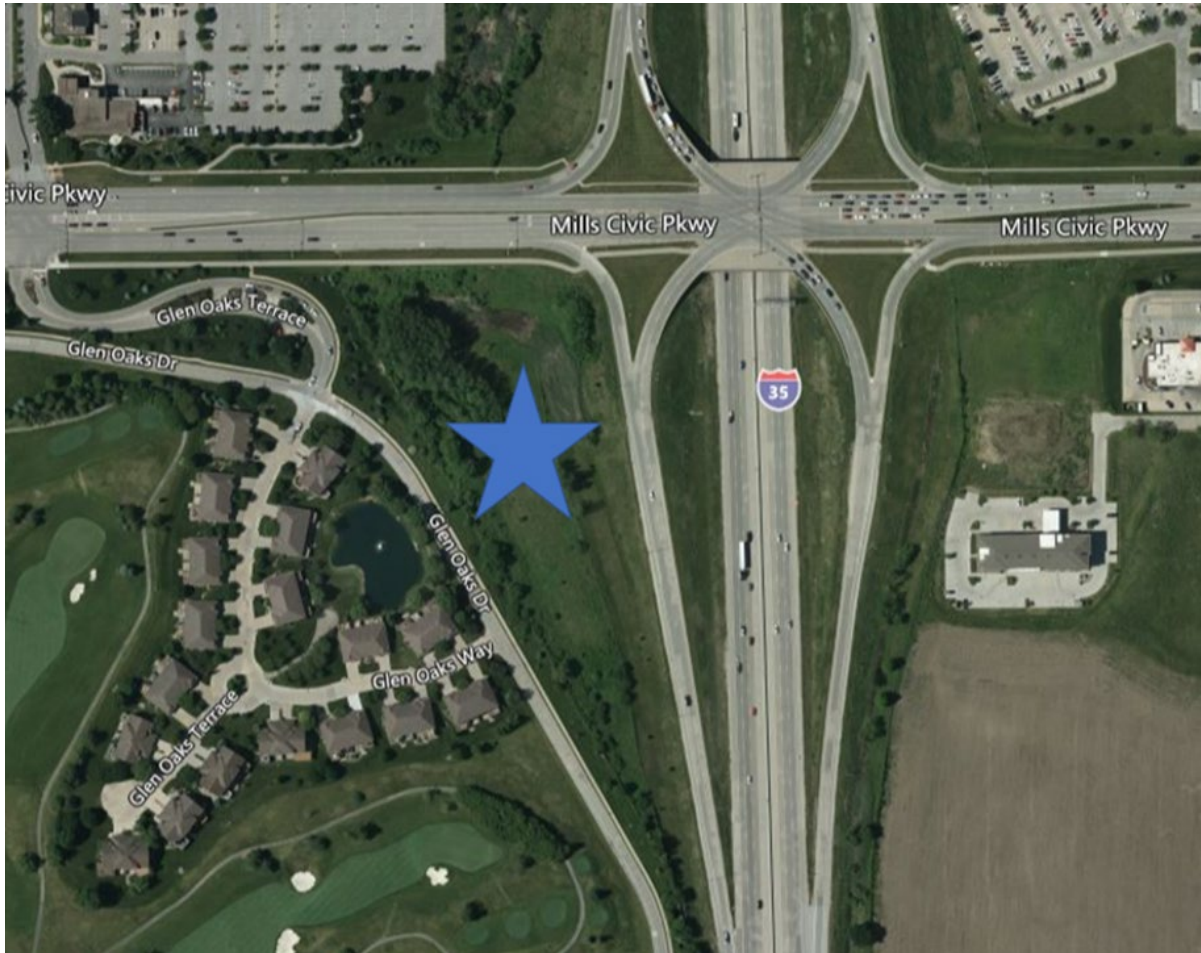
**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	12/16/22
Date(s) of Mailed Notices	12/15/22

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning			
Date Reviewed	10/3/22			
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

## Location Map



**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION**  
**NO. PZC-22-118**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Paramount – Destination Homes, Inc., with permission from the property owner, Gerald M. Kirke Revocable Family Trust, request approval for a Comprehensive Plan Land Use Map Amendment to assign a land use designation on the approximately 4.64 acres in the southwest quadrant of the interchange of I-35 and Mills Civic Parkway as shown on the Comprehensive Plan Land Use Change Illustration included in the staff report to Medium Density Residential

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

**NOW, THEREFORE**, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPAZC-005363-2021) 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 December 27, 2022.

\_\_\_\_\_  
Jennifer Drake, 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 December 27, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION**  
**NO. PZC-22-119**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, Paramount – Destination Homes, Inc., with permission from the property owner, Gerald M. Kirke Revocable Family Trust, requests approval of an amendment to the Glen Oaks Planned Unit Development for new development parcel ‘M’ as shown on the Glen Oaks Planned Unit Development Sketch Plan attached to the PUD ordinance included in the staff report as follows:

- Add PUD Parcel M for attached residential development; and
- Assign Residential Medium Density (RM-8) zoning to PUD Parcel M for development of attached townhomes; and
- Establish bulk regulations and architectural requirements for attached townhome development within PUD Parcel M.

**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, (CPAZC-005363-2021) 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 December 27, 2022.

\_\_\_\_\_  
Jennifer Drake, 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 December 27, 2022, by the following vote:

AYES:

NAYS:

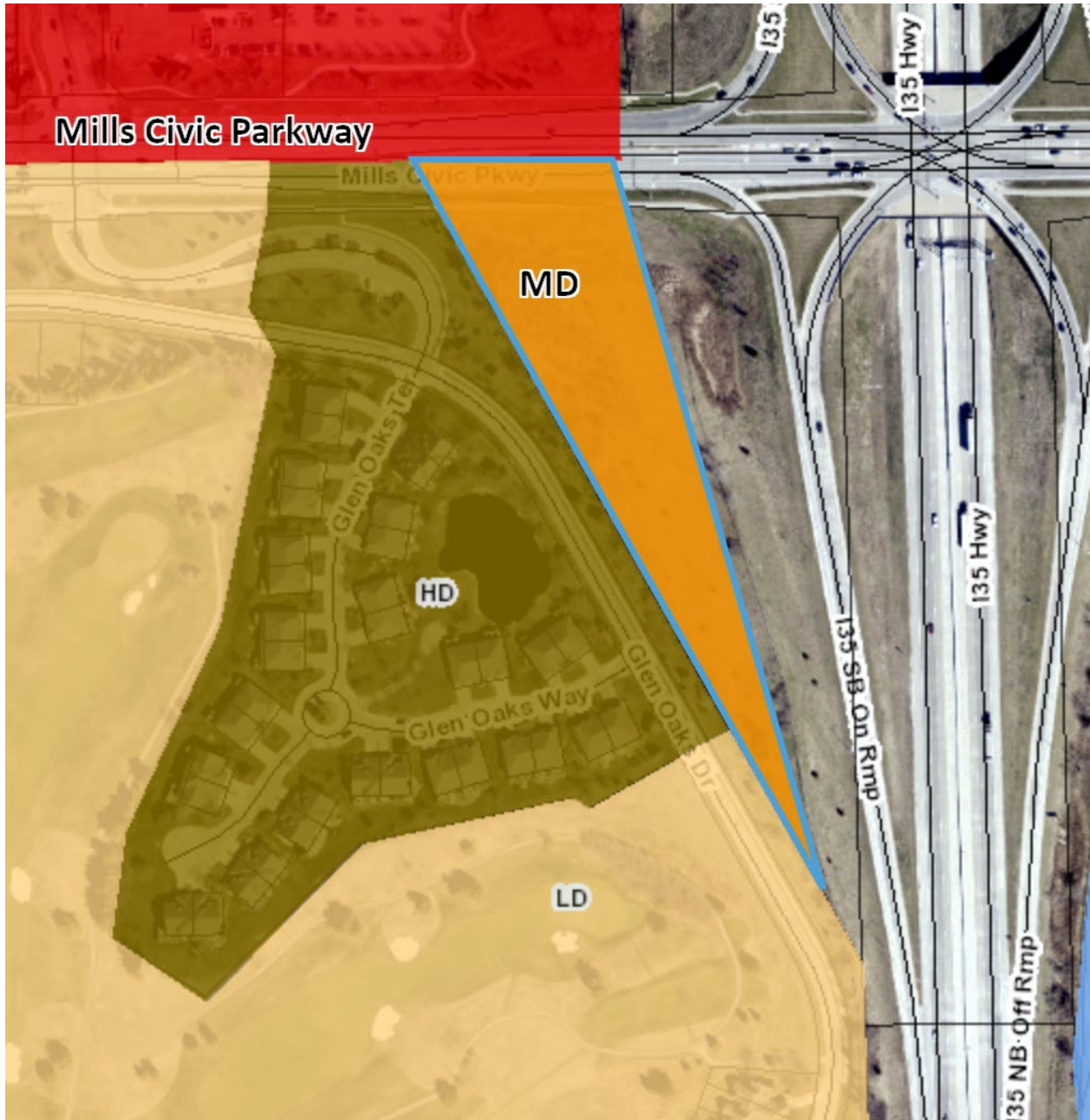
ABSTENTIONS:

ABSENT:

ATTEST:

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

## Comprehensive Plan Land Use Change Illustration



Change 4.64 acres from no land use designation to Medium Density Residential Designation

Prepared by: Kara Tragesser, 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 ORDINANCES PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) #030, DISTRICT REGULATIONS AND GUIDELINES.

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

**SECTION 1. AMENDMENT.** Ordinance #1007, #1043, #1047, #1063, #1156, #1568, #1720, #2451 and #2453, pertaining to the Glen Oaks Planned Unit Development (PUD) Ordinance, Section 030-01, *Legal Description*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

#### **NORTH AREA:**

~~The  $W^{1/2}$  of the West 40 acres of Lot 2, partition plat of the  $N^{1/2}$  of the  $SW^{1/4}$  and the  $N^{1/2}$  of the  $SE^{1/4}$  of Section 18, Township 78 North, Range 25 West of the 5th P.M. and, the North 5 acres of the  $E^{1/2}$  of the West 40 acres of Lot 2, partition plat of the  $N^{1/2}$  of the  $SW^{1/4}$  and the  $N^{1/2}$  of the  $SE^{1/4}$  of Section 18, Township 78 North, Range 25 West of the 5th P.M., more particularly described as follows:~~

~~Commencing at the center of said Section 18, which is the point of beginning; thence  $S0^{\circ}29'34''W$ , along the east line of said  $SW^{1/4}$ , a distance of 329.82 feet; thence  $N89^{\circ}56'54''W$ , a distance of 660.12 feet; thence  $S0^{\circ}24'42''W$ , a distance of 989.49 feet; thence  $N89^{\circ}59'38''W$ , a distance of 658.72 feet; thence  $N0^{\circ}22'12''E$ , a distance of 1320.05 feet to a point on the North line of the  $SW^{1/4}$  of said Section 18; thence  $S89^{\circ}56'08''E$ , along said North line of said  $SW^{1/4}$ , a distance of 1320.26 feet to the point of beginning, all being in and forming a part of the City of West Des Moines, Polk County, Iowa, containing 24.973 acres, more or less; and~~

~~The  $E^{1/2}$  of the West 40 acres of Lot 2, partition plat of the  $N^{1/2}$  of the  $SW^{1/4}$  and the  $N^{1/2}$  of the  $SE^{1/4}$  of Section 18, Township 78 North, Range 25 West of the 5th P.M., except, the North 5 acres of said  $E^{1/2}$  of the West 40 acres of Lot 2, partition plat of the  $N^{1/2}$  of the  $SW^{1/4}$  and the  $N^{1/2}$  of the  $SE^{1/4}$  of Section 18, Township 78 North, Range 25 West of the 5th P.M., more particularly described as follows:~~



~~Commencing at the center of said Section 18; thence S0°29'34"W, along the East line of said SW<sup>1</sup>/<sub>4</sub>, a distance of 329.82 feet; to the point of beginning; thence continuing S0°29'34"W, along said East line, a distance of 989.06 feet to the SE corner of the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of said Section 18; thence N89°59'38"W, a distance of 658.72 feet; thence N0°24'42"E, a distance of 989.49 feet; thence S89°56'54"E, a distance of 660.12 feet to the point of beginning, all being in and forming a part of the City of West Des Moines, Polk County, Iowa, containing 14.975 acres, more or less; and~~

~~The W<sup>1</sup>/<sub>2</sub> of the NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 18, Township 78 North, Range 25 West of the 5th P.M., more particularly described as follows:~~

~~Commencing at the center of said Section 18, which is the point of beginning; thence S89°55'26"E, along the North line of said SW<sup>1</sup>/<sub>4</sub>, a distance of 659.88 feet; thence S0°29'46"W, a distance of 1319.00 feet; thence N89°54'48"W, a distance of 659.71 feet to the SE corner of the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of said Section 18; thence N0°29'34"E, along the West line of said SE<sup>1</sup>/<sub>4</sub>, a distance of 1318.88 feet to the point of beginning, all being in and forming a part of the City of West Des Moines, Polk County, Iowa, containing 19.979 acres, more or less.~~

#### CORE AREA (Grand Avenue to Mills Civic Parkway)

Lots 1, 2, 3, 4, 5 and 6 of Westview Proprietors Final Plat (W.P.F.P.), an official plat, and lots 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Westview Country Estates Replat (W.C.E.R.), an official plat, and part of the SW 1/4 of the NW 1/4 of Section 19, Township 78 North, Range 25 west of the 5th P.M., and part of the NW 1/4 of the SW 1/4 of said Section 19, and part of the E 1/2 of the SW 1/4 of said Section 19, and part of the W 1/2 of the SE 1/4 of said Section 19, more particularly described as follows:

Commencing at the W 1/4 corner of said Section 19, which is the point of beginning; thence S89°54'15"E, a distance of 513.47 feet; thence N 0°02'19"W, a distance of 595.98 feet; thence S89°56'36"E, a distance of 244.80 feet; thence N0°12'49"W, a distance of 719.20 feet to a point on the south line of lot 10 of said W.C.E.R.; thence S89°57'21"W, a distance of 254.25 feet to the sw corner of said lot 10, W.C.E.R.; thence N0°33'18"E, a distance of 874.93 feet to the NW corner of said Lot 10; thence N28°47'38"E, a distance of 497.38 feet to the NE corner of lot 3, W.C.E.R.; thence N28°19'06"E, a distance of 245.90 feet along the westerly line of Lot 9, W.C.E.R.; thence N3°45'00"E, a distance of 201.67 feet to the NW corner of said Lot 9; thence 90°00'00"E, a distance of 70.56 feet to the se corner of lot 5, W.C.E.R.; thence N0°00'07"E, a distance of 876.29 feet to the NW corner of lot 8, W.C.E.R.; thence S89°57'27"E, a distance of 1740.30 feet to the se corner of lot a of W.P.F.P.; thence S85°52'40"E, a distance of 179.54 feet to the ne corner of lot 4, W.P.F.P.; thence S85°51'06"E, a distance of 829.30 feet to the NE corner of Lot 1, W.P.F.P.; thence S1°08'13"E, a distance of 3849.98 feet to the SE corner of lot 3, W.P.F.P.; thence S0°51'19"E, a distance of 1672.48 feet; thence S40°01'14"W, a distance of 825.39 feet; thence S80°40'42"W, a distance of 487.59 feet; thence N89°43'24"W, a distance of 378.86 feet; thence N89°17'54"W, a distance of 452.08 feet; thence N69°11'09"W, a distance of 473.84 feet; thence S24°35'00"E, a distance of 468.21 feet to a point on the south line of said section 19; thence N89°49'57"W, a distance of 242.78 feet to the sw corner of the E1/2 of the SW1/4 of said Section 19; thence N1°20'54"E, a distance of 504.19 feet; thence N1°31'25"E, a distance of 216.32 feet; thence N0°10'03"E, a distance of 664.03 feet; thence N71°13'02"W, a distance of 29.70 feet; thence N89°54'07"W, a distance of 1100.00 feet; thence N0°00'06"W, a distance of 444.00 feet; thence N89°54'10"W, a distance of 372.84 feet to a point on the west line of said Section 19; thence N0°40'13"E, a distance of 800.00 feet to the point of beginning, all being in and forming a

part of the City of West Des Moines, Polk County, Iowa, containing 432.113 acres, more or less; and

A tract of land situated in the NW fractional 1/4 of Section 19, Township 78 North, Range 25 West of the 5th P.M., more particularly described as follows:

Commencing at the W1/4 corner of said Section 19; thence N0°39'20"E, along the West line of said Section 19, a distance of 595.69 feet; thence S89°56'35"E, a distance of 506.06 feet to the point of beginning; thence N0°08'02"W, a distance of 178.67 feet; thence S89°56'35"E, a distance of 243.80 feet; thence S0°08'02"E, a distance of 178.67 feet; thence N89°56'35"W, a distance of 243.80 feet to the point of beginning, all being in and forming a part of the City of West Des Moines, Polk County, Iowa, containing 1.000 acres, more or less.

AND

A tract of land located in the SW1/4 of the NW frl.1/4 of Section 19, Township 78 North, Range 25 West of the 5th p.m., in the City of West Des Moines, Polk County, Iowa, described as follows:

Commencing at the W1/4 corner of said Section 19, a distance of 595.69 feet to the point of beginning; thence N0°39'20"E, a distance of 303.67 feet; thence S89°59'01"E, a distance of 418.00 feet; thence N0°36'33"E, a distance of 416.02 feet to the north line of the SW1/4 of the NW frl.1/4; thence S89°59'01"E, a distance of 322.27 feet; thence S0°12'49"E, a distance of 719.16 feet; thence N89°56'35"W, a distance of 749.86 feet to the point of beginning, containing 8.325 acres more or less except commencing at the West 1/4 of said Section 19; thence N0°39'20"E, along the West line of said Section 19; a distance of 595.69 feet; thence S89°56'35"E, a distance of 506.06 feet to the point of beginning; thence N0°08'02"W, a distance of 178.67 feet; thence S89°56'35"E, a distance of 243.80 feet; thence S0°08'02"E, a distance of 178.67 feet; thence N89°56'35"E, a distance of 243.80 feet to the point of beginning.

AND

The North 415 feet of the West 418 feet of the SW 1/4 of the NW frl.1/4 of Section 19, Township 78 North, Range 25 West of the 5th P.M., all now included in and forming a part of the City of West Des Moines, Iowa.

AND

***Outlot O Glen Oaks Plat 2, an official plat now included in and forming a part of the City of West Des Moines,***

***Except***

***A PART OF OUTLOT "O", GLEN OAKS PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS. BEGINNING at the Northeast Corner of said Outlot "O"; THENCE South 1°32'06" East, along the East line of said Outlot "O", a distance of 1,129.17 feet; THENCE North 20°06'11" West, a distance of 56.63 feet; THENCE North 12°21'03" West, a distance of 100.00 feet; THENCE North 12°21'03" West, a distance of 100.00 feet; THENCE North 9°52'34" West, a distance of 102.26 feet; THENCE North 13°04'23" West, a distance of 96.77 feet; THENCE North 15°36'55" West, a distance of 96.13 feet; THENCE North 17°17'39" West, a distance of 102.87 feet; THENCE North***

**18°22'13" West, a distance of 96.92 feet; THENCE North 20°23'54" West, a distance of 100.96 feet; THENCE North 11°22'09" West, a distance of 101.09 feet; THENCE North 10°03'55" West, a distance of 100.78 feet; THENCE North 27°34'20" West, a distance of 50.83 feet; THENCE North 11°32'14" West, a distance of 83.90 feet, to the North line of said Outlot "O"; THENCE South 86°14'59" East, along the said North line, a distance of 272.05 feet to the POINT OF BEGINNING, containing 3.42 ACRES, more or less**

**AND**

EXCEPT

A tract of land located in the Southwest 1/4 of the Southwest 1/4 of Section 19, Township 78 North, Range 25 West of the 5th P.M. and the Northwest 1/4 of the Northwest 1/4 of Section 30, Township 78 North, Range 25 West of the 5th P.M., and Outlot "Y" in West Grand Business Park Plat 1, an official plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa is described as follows:

Beginning at the northwest corner of said Outlot "Y" thence South 59° 09'23" east, a distance of 191.49 feet along the north line of said Outlot "Y"; thence North 24° 00'04" east, a distance of 30.21 feet; thence south 59° 09'58" east, a distance of 545.83 feet; thence south 31 ° 02'50" west, a distance of 47.19 feet; thence South 74° 37' 10" West, a distance of 38.51 feet; thence along a curve to the left having a radius of 475.00 feet, a delta of 49°58'14", an arc length of 414.27 feet, a chord which bears south 01°27'53" west having a chord length of 401.27 feet; thence south 33°45'42" east a distance of 35.39 feet; thence along a curve to the right having a radius of 550.00 feet, a delta of 19°17'45", an arc length of 185.23 feet, a chord which bears north 18°07'19" west having a chord length of 184.35 feet; thence south 55°11'28" east, a distance of 55.17 feet, to a point on the north right-of-way line of Grand Avenue as presently established; thence along said north right of way along a curve to the right along said right away having a radius of 940.00 feet, a delta of 36°54'13" an arc length of 605.45 feet, a chord which bears south 84°27'03" east having a chord length of 595.03 feet; thence, continuing along said north right-of-way, right north 66°05'20" west, a distance of 119.80 feet; to the southeast corner of Outlot 2 in said west grand business park plat 1. Thence north 0° 21 '25" east, a distance of 932.17 feet, to the point of beginning, containing 11.83 square feet, more or less.

**SECTION 2. AMENDMENT:** Ordinance #1007, #1043, #1047, #1063, #1156, #1568, #1720, #2451 and #2453, pertaining to the Glen Oaks Planned Unit Development (PUD) Ordinance, Section 030-02, *Sketch Plan*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

~~On file with the community development department of the city and made a part of this rezoning approval for concept description and delineation is the sketch plan document for the Glen Oaks planned unit development labeled "Revised November 20, 2020". It is recognized minor shifts or modifications to general plan layout may be necessary and compatible with the need to acquire workable street patterns, grades and usable building sites, but the general plan layout, including the relationship of uses to each other and the relationship of land use to the general plan framework, and development requirements shall be used as the implementation guide.~~

***On file with the city and made a part of this rezoning approval is the Sketch Plan illustration for the PUD. The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the PUD Parcels for the purpose of easier reference for the applicable regulations of this Ordinance. It should be***

***recognized that the location of streets throughout the development shall define the final parcel configuration and size. Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail.***

**SECTION 3. AMENDMENT:** Ordinance #1007, #1043, #1047, #1063, #1156, #1568, #1720, #2451 and #2453, pertaining to the Glen Oaks Planned Unit Development (PUD) Ordinance, Section 030-03, *Conditions*, Subsection B, *Land Use Design Criteria* is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics and adding a new paragraph #6 and renumbering the remaining paragraphs in the section. All other language adopted in code not otherwise included here shall remain as is.

B. Land Use Design Criteria: In addition to the general conditions as stated in subsection A of this section, the following land use design criteria shall apply to the development areas designated by parcel on the sketch plan. The sketch plan document which is made a part of this rezoning action per section 030-02 of this ordinance, delineates ~~twenty (20)~~ **eighteen (18)** parcels of the PUD for application of specific standards of land use and development regulations. The following development standards and use regulations shall apply to each of the individual parcels as applicable.

(Insert new Paragraph 6 with the following language:)

***6. Parcel M: All general use regulations, performance standards, and provisions set forth in City Code, Title 9, Zoning, for the Residential Medium Density (RM-8) zoning district shall apply to any development within Parcel M as shown on the PUD sketch plan, except as shall be further provided herein.***

***a. Permitted Uses: The parcel shall only be developed with a maximum of thirty-five (35) attached townhome dwellings. No other use otherwise allowed within the Medium Density zoning district shall be allowed.***

***b. Development Standards:***

***1) Building Setbacks:***

***i. Minimum setback from I-35 Interstate right-of-way shall be 35 feet for a building up to four (4) stories. An additional 10 feet of setback shall be provided for each story over four.***

***ii. Minimum setback from Mills Civic Parkway shall be 100 feet.***

***iii. Minimum Setback from the west property line shall be zero (0) feet.***

***iv. Building setbacks within footprint lot shall follow City Code unless noted below.***

***a) No minimum rear yard setback shall be required; however, no part of the dwelling structure, including roof overhangs, or mechanical equipment or window wells for a dwelling may extend outside of the footprint lot boundary. A building shall not be setback more than ten (10) feet from the footprint lot boundary as measured to the building foundation.***

***b) The front boundary line of the footprint lot may be located at the private access drive edge. The front plane of the building shall be setback a minimum of seven (7) feet; however, to accommodate the exterior parking of a vehicle between the vehicle access drive and the garage, the opening to a garage shall be setback a minimum of twenty-five (25) feet from the edge of the vehicle drive or pedestrian sidewalk if incorporated.***

- c) *The exterior wall of end units shall be setback a minimum of seven (7) feet and maximum of ten (10) feet from the footprint lot boundary as measured to the building foundation. A minimum of fourteen feet (14') shall be provided between building elements of opposing end units, or protective construction in accordance with building codes shall be utilized.*
- 2) *Landscaping: Existing vegetation may be counted toward meeting buffer or open space requirements, provided that the vegetation meets the type of material required, the material is located within the respective buffer area or open space, and that the material is documented on the site plan. Said existing trees and shrubs may be credited towards provision of the buffer or open space plantings when an ISA (International Society of Arboriculture) certified arborist provides documentation confirming that the tree is high quality, a desired variety, not on the City's prohibited tree list or of an Ash variety and in a thriving condition. Any mature, quality trees to be retained on the site shall be protected during construction.*

*Existing vegetation shall be kept as much as possible. Removal of trees outside of the footprint lots area and vehicle access drives within the property owned by the developer of the townhomes will be permitted for diseased, dead, damaged, or of a species not commonly recognized as being desirable. For every two thousand (2,000) square feet of tree canopy removed, as measured on an aerial photograph after July 1, 2018, at least one (1) evergreen a minimum of six feet (6') tall or over-story species tree at least two inches (2") in caliper, shall be planted within Parcel M to mitigate the loss of canopy. Any existing trees kept with the intent to fulfill minimum vegetation requirements that die during site development or up to within one year after issuance of the last final occupancy permit, shall be replaced with the minimum plant size required per the type of tree as stated in city code.*

- i. *Open Space: A minimum of twenty-five percent (25%) of Parcel M shall be provided as open space, unencumbered by buildings or pavement. Landscape vegetation shall be provided in accordance with city code.*
- ii. *Buffers:*
- (a) *Along Mills Civic Parkway: A minimum 60-foot wide buffer with landscaping shall be installed which complies with the landscape requirements stated in City Code for a 60-foot buffer. A minimum 3' high earthen berm shall be implemented in those areas in which existing vegetation is not preserved.*
- (b) *Along Interstate 35 On-Ramp: A minimum 30-foot wide buffer with landscaping shall be installed which complies with the landscape requirements of the City Code for a 30-foot buffer. A six foot (6') opaque fence is required on the public side of this buffer.*
- (c) *Along Glen Oaks Drive: The Glen Oaks Owners Association controls the first approximately 35' immediately adjacent to the roadway. Unless otherwise approved in writing by the Association, this area shall be preserved as is except for that area necessary for the access drive to the townhomes. Any vegetation*

*disturbed because of the development of the townhomes shall be replaced. The Glen Oaks Owners Association shall determine replacement requirements. Documentation of the Owners Association allowance to disturb the area and the replacement requirements shall be provided to the city prior to approval of the townhome site plan with replacements noted on the associated site plan and installation of replacements required prior to issuance of an occupancy permit for any of the last 15 dwellings constructed.*

*(d) While the intended dwelling structures should provide sound mitigation of the interstate and Mills Civic Parkway noise, in addition to the minimum vegetation required of buffers, vegetation, preferably of an evergreen variety shall be installed in the gaps between the dwelling structure buildings. Said evergreens shall be a minimum height of six feet (6') if balled & burlap or container, or a minimum height of four feet (4') if grown in a root bag. Proof that the plants are root bag grown will be required.*

*(d) If existing vegetation preserved is not sufficient to mitigate views of mechanical or any other negative site element, additional trees and shrubs shall be implemented to achieve mitigation of views.*

*c) Architecture: The architecture of buildings within Parcel M shall be acceptable to the City and accomplished in a manner compatible with the adjoining residential uses in the neighborhood through the use of building materials and colors, and design details. Architectural design for the buildings shall attempt to express a creative presentation of exterior building materials, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings.*

*Side or end walls of buildings visible from any roadway within the Glen Oaks development, Mills Civic Parkway or I-35 ramp shall be enhanced through changes in materials, colors, or pattern and textures or the placement of additional landscape material, projected to grow to a height generally equal to the height of the wall of the building.*

**SECTION 4. AMENDMENT.** Ordinance #1007, #1043, #1047, #1063, #1156, #1568, #1720, #2451 and #2453, pertaining to the Glen Oaks Planned Unit Development (PUD) Ordinance, Section 030-04, *Total Unit Maximum*, is hereby amended by adding the text in bold italics:

A maximum of four hundred thirty-four (434) residential units shall be established for parcels located south of Mills Civic Parkway with the exception of Parcel I, Parcel J **and Parcel M**. The maximum overall unit density for said parcels, excluding Parcel I, Parcel J **and Parcel M**, shall not exceed the low density residential designation of the comprehensive plan with a maximum overall density being one dwelling unit per acre. The golf course parcels shall be included within the overall density calculation.

**SECTION 5. REPEALER.** All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 6. 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 7. 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 8. 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 9. 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 January 17, 2023**

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Russ Trimble, Mayor

ATTEST:

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Ryan Jacobson, City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was adopted by the Council for the City of West Des Moines, Iowa, on \_\_\_\_\_, 2023, and was published in the Des Moines Register on \_\_\_\_\_, 2023.

# PUD Sketch Plan

## Glen Oaks Planned Unit Development (PUD) Sketch Plan



Updated 12/2022