



Planning & Zoning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

February 8, 2010 Meeting

SUBJECT: Consider recommending approval of an amendment to the Johnston Commons PUD for three parcels totaling 3.879 acres from C-2 Commercial to a flex zone allowing either C-2 commercial or R-3 multifamily residential uses. The subject property is located south of Northglenn Drive and east of Merle Hay Road between the Kum and Go and Chapel Ridge Apartments.

SYNOPSIS:

Johnston Commons L.C. owns three parcels totaling 3.879 acres in Johnston Commons located south of Northglenn Drive and east of Merle Hay Road between the Kum and Go and Chapel Ridge Apartments. These parcels have been zoned for Commercial C-2 uses in the Johnston Commons PUD (Parcel C) which was adopted in 1999 and amended various times for various developments since that time (copy attached). At this time, the property owner is requesting a rezoning to allow for a flex zone allowing either the currently allowed C-2 uses or allowing R-3 multifamily residential uses.

A concept sketch of the proposed multifamily residential uses is attached and is proposed as a senior living concept (age 55 and older) showing 31 units (7.99 units/acre), Johnston Commons, L.C. has indicated that the units would be rental units available only to seniors.

RECOMMENDATION:

The staff recommends approval and provides the following motion for the commission's consideration:

The Planning & Zoning Commission recommends approval of PZ Case No. 10-02, an amendment to the Johnston Commons PUD for three parcels totaling 3.879 acres from C-2 Commercial to a flex zone allowing either C-2 commercial or R-3 multifamily residential uses.

Motion by _____, seconded by _____ to recommend approval of PZ Case No. 10-02.

Changes to Ordinance 740 noted in yellow highlight.

ORDINANCE NO.

AN ORDINANCE AMENDING THE JOHNSTON REVISED ORDINANCES OF 2007 BY AMENDING THE OFFICIAL ZONING MAP AND THE EXISTING PUD (PLANNED UNIT DEVELOPMENT) MASTER PLAN FOR JOHNSTON COMMONS.

Be It Enacted by the City Council of the City of Johnston, Iowa that:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend the Official Zoning Map of the City of Johnston, Iowa, under the provisions of **Chapters 165-167** (Zoning Ordinance) and **Chapter 166.02** (Zoning District Boundaries and Official Zoning Map) of the Johnston Municipal Code,

SECTION 2. AMENDMENT TO PLANNED UNIT DEVELOPMENT MASTER PLAN. The Planned Unit Development Master Plan approved by adoption of Ordinance No. 545 as amended via Ordinance 618 **and via Ordinance 740** is hereby amended for the properties legally described as:

A TRACT OF LAND IN THE NW ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF JOHNSTON, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N ¼ CORNER OF SAID SECTION 1, THENCE S 89° 30' 56" W (ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION ONLY) ALONG THE NORTH LINE OF SAID NW ¼, 306.84 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE DES MOINES AND CENTRAL IOWA RAILWAY; THENCE S 24° 21' 20" E ALONG SAID EAST RIGHT-OF-WAY LINE, 744.02 FEET TO A POINT ON THE EAST LINE OF SAID NW ¼; THENCE N 00° 00' 00" E ALONG SAID EAST LINE OF SAID NW ¼, 680.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.396 ACRES MORE OR LESS, INCLUDING 0.339 ACRES MORE OR LESS ROAD EASEMENT. (BOOK 4614, PAGE 493)

AND

BEGINNING AT THE NW CORNER OF THE NW ¼ OF THE NE ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., IOWA, THENCE EAST 10 RODS, THENCE SOUTH 16 RODS, THENCE WEST 10 RODS, THENCE NORTH 16 RODS TO BEGINNING, EXCEPT LEGALLY ESTABLISHED HIGHWAYS, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, IOWA. CONTAINS 1.00 ACRES. (BOOK 6273, PAGE 318)

AND

Changes to Ordinance 740 noted in yellow highlight.

THE NORTH 30 ACRES (EXCEPT ONE (1) ACRE IN THE NW CORNER, 10 RODS EAST AND WEST, 16 RODS NORTH AND SOUTH AND EXCEPT THE INTER-URBAN RIGHT-OF-WAY) OF THE NW ¼ OF THE NE FRACTIONAL ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., IOWA, SUBJECT TO ALL EASEMENTS OF RECORD AND PUBLIC HIGHWAYS. CONTAINS 28.4 ACRES MORE OR LESS. (BOOK 4721, PAGE 785)

AND

THE NE FRACTIONAL ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., EXCEPT 30 ACRES OFF THE NORTH END OF THE WEST ½ OF THE NE ¼ AND EXCEPT THE RIGHT-OF-WAY OF THE INTER-URBAN RAILWAY COMPANY AND 10 FEET ON THE EAST SIDE OF SAID RIGHT-OF-WAY, AND EXCEPT THE SOUTH 537 FEET OF THE NE FRACTIONAL ¼, AND EXCEPT THAT PART LYING WEST OF THE RIGHT-OF-WAY OF THE INTER-URBAN RAILWAY COMPANY, AND EXCEPT THE EAST 58 FEET OF THE NORTH 889 FEET OF THE SOUTH 1,426 FEET OF THE NE ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, DEEDED TO THE CITY OF JOHNSTON IN BOOK 7214, PAGE 804 FOR ROAD RIGHT-OF-WAY. CONTAINS 100.45 ACRES MORE OR LESS. (BOOK 4413, PAGES 601-606)

AND

A PARCEL OF LAND IN THE E ½ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M. NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED TO WIT:

A STRIP OF LAND 100 FEET IN WIDTH EXTENDING OVER AND ACROSS THE SOUTH 660 FEET OF THE SW ¼ OF THE NE ¼ OF SAID SECTION 1, SAID STRIP OF LAND BEING 50 FEET IN WIDTH ON EACH SIDE OF THE CENTERLINE OF THE MAIN TRACK (NOW REMOVED) OF THE INTER-URBAN RAILWAY COMPANY (NOW THE DES MOINES AND CENTRAL IOWA RAILWAY COMPANY), AS SAID MAIN TRACK CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED OVER AND ACROSS SAID SECTION 1, EXCEPT THE SOUTH 537 FEET OF THE SW ¼ OF THE NE ¼, AND EXCEPT PARCEL C OF THE SW ¼ OF THE NE ¼. CONTAINS 0.05 ACRES. (BOOK 5477, PAGE 851)

AND

A TRACT OF LAND IN THE N ½ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF JOHNSTON, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE AT THE N ¼ CORNER OF SAID SECTION 1; THENCE S 90° 00' 00" W, 292.81 FEET ALONG THE NORTH LINE OF SECTION 1 TO A POINT; THENCE S 00° 00' 00" E, 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NW 70TH AVENUE AND THE POINT OF BEGINNING; THENCE S 23° 53' 30" E, 708.15 FEET TO A POINT ON THE EAST LINE OF THE NW ¼ OF SECTION 1; THENCE N 00° 29' 10" E, 24.23 FEET ALONG SAID EAST LINE TO A POINT; THENCE S 23° 53' 30" E, 1,343.87 FEET TO A POINT; THENCE S 66° 06' 30" W, 10.00 FEET TO A POINT; THENCE S 23° 53' 30" E, 506.17 FEET TO A POINT; THENCE S 89° 43' 28" W, 16.37 FEET TO A POINT; THENCE N 23° 53' 30" W, 2,536.21 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NW 70TH AVENUE; THENCE N 90° 00' 00" E, 16.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.18 ACRES MORE OR LESS. (BOOK 6315, PAGE 764)

TOTAL ACREAGE OF 133.5 ACRES MORE OR LESS.

SECTION 3. MASTER PLAN PROVISIONS. In accordance with **Chapter 168.11** adopted herewith is the Master Plan for the above described area consisting of the Johnston Commons Planned Unit Development prepared by Environmental Design Group, Ltd. and dated April 5, 1999 and modified and augmented as identified below:

Changes to Ordinance 740 noted in yellow highlight.

1. Parcel A Commons. The District shall be developed in accordance with District R-1 bulk and land use requirements. The ingress-egress easement for access shall be located on the northwest boundary to permit retention of the open spaces for park purposes with maximum flexibility.
2. Parcel K Townhomes. The townhomes will require separate site plan review and shall adhere to the land use and bulk requirement of District R-3. Except that the 50-foot front yard setback may be reduced to 35-feet at 5 locations as shown on Exhibit A attached. The specific requirements of Section 17.10.060.2 L, Multiple Family/Townhouse Dwellings, is not applicable.
3. Flex zones. Flex zones would allow alternative land uses as specified in the master plan document. The use would be declared at the time of site plan review.
4. Parcel C. Lots C3, C4 and C5 as identified on the PUD Master Plan shall be a flex zone allowing C-2 Commercial or R-3 multifamily residential uses. Should the properties development as R-3 multifamily residential uses the following exceptions to the R-3 bulk regulations and requirements will be permitted:
 - A) Setbacks for the residential complex shall be 30 foot front yard, 35 foot rear yard, 10 foot side yard adjacent to Parcel D, 30 foot side yard adjacent to Lots C1 and C2.
 - B) The buffer between the residential complex and Lots C1 and C2 shall be accomplished through a mix of landscaping and privacy fencing as depicted on the Rezoning Concept Plan, dated January 26, 2010, subject to review as part of the Site Plan approval process. All other buffers shall be as required by the Zoning Ordinance.
5. No bars and nightclubs, billiard parlors and pool halls, bowling alleys, dance halls and ball rooms will be allowed except as provided for in the Redevelopment Agreement.
6. Parcels D, E, F and G Multi-Family. The average density proposed shall be limited to sixteen units per acre, as per the District R-4 ordinance requirement, with the following specific to Parcel G:
 - A) The front yard setback shall be reduced to 20-feet adjacent to Northglenn Drive, as illustrated on the Master Plan.
 - B) The minimum side-yard setback shall be 10-feet, with a sum of at least 20-feet.
 - C) The row dwellings shall not exceed 12 connected units per building, and shall be in compliance with Chapter 166.35, Architectural Standards.
 - D) Density shall be limited to what is noted on the Master Plan and as shown on Exhibit B attached, and shall not exceed 11.79 units per acre.
7. Parcel B. This parcel is no longer commercial use and the use, density and bulk regulations of Parcel L shall be applicable.
8. Merle Hay Corridor Overlay Zone. All requirements shall be applicable except for the “lot area” restriction contained in Section 169.06(3)(A) For application to this PUD, the provisions would apply to Commercial parcel C.

Changes to Ordinance 740 noted in yellow highlight.

9. Site Plan Requirements. All site plan requirements of the zoning ordinance would be applicable to all parcels as developed, excluding the single-family portion.
10. Open Space Requirements. The intent is that each parcel adhere to the open space requirements of the related district requirements. The plan is based upon providing the civic open space and permitting higher density on the individual sites. In exchange for the public open space, credit would be given toward meeting the open space on other sites. The open space to be dedicated represents fourteen percent of the total project area. The open space for each individual parcel can then be reduced by that ratio. For example, industrial use requires twenty percent open space, which can then be reduced by 14 percent or 17.2 percent open space.
11. Platting. All preliminary and final platting procedures will be applicable.
12. Public Improvements. The developer shall make all required improvements internal to the project. In the event Parcel A is dedicated to the city, the city may by separate agreement participate in construction of a share of the interior infrastructure improvements to serve the library and other public amenities.
13. The developer shall participate in off-site improvements in accordance with any ordinance in effect at the time of platting and/or site plan review and in accord with the terms of the Redevelopment Agreement and any subsequent agreements flowing therefrom.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, provision, 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 section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in full effect from and after its final passage, approval, and publication as provided by law.

Changes to Ordinance 740 noted in yellow highlight.

PASSED AND APPROVED this ____ day of _____, 2010.

PAULA S. DIERENFELD, MAYOR

ATTEST:

CYNDEE RHAMES, CITY CLERK

1st Reading: _____
2nd Reading: _____
3rd Reading: _____

Passed: _____
Signed: _____
Published: _____

ROLL CALL VOTE:

	1st Reading		2nd Reading		3rd Reading	
	Aye	Nay	Aye	Nay	Aye	Nay
Clabaugh	_____	_____	_____	_____	_____	_____
Culbert	_____	_____	_____	_____	_____	_____
Hibbs	_____	_____	_____	_____	_____	_____
Kallen	_____	_____	_____	_____	_____	_____
Lindeman	_____	_____	_____	_____	_____	_____

<p>APPLICANT:</p>	<p>Hubbell Realty Company 6900 Westown Parkway West Des Moines, IA 50266</p>
<p>PROPERTY OWNERS:</p>	<p>Johnston Commons, L.C. 6900 Westown Parkway West Des Moines, IA 50266</p>
<p>BACKGROUND & PRIOR APPROVALS:</p>	<p>The Johnston Commons PUD (Planned Unit Development) was originally approved by the City Council via Ordinance 545 on July 1999. The subject site is designated as Lots C-3, C-4 and C-5 within Parcel C on the PUD Master Plan.</p> <p>The PUD was amended via Ordinance 618 on July 16, 2001 to allow the Mansions at Hemingway to decrease the 50-foot front yard setback to 35-foot in five locations for five buildings.</p> <p>The PUD was amended via Ordinance 740 on July 5, 2006 to allow the residential use and modify setbacks for the Johnston Commons Brownstones project.</p>
<p>COMPREHENSIVE PLAN:</p>	<p>The subject property is identified on the Comprehensive Plan map within an area between a High Density Residential and a Commercial designation, thus the request for the flex district of R-3 or C-2 would be in compliance.</p>
<p>PROPOSED ZONING:</p>	<p>The property owner has requested a flex zone allowing either C-2 uses (currently allowed) or R-3 Medium Density Residential, subject to the following bulk requirements:</p> <p>DU/AC: 8.0 Height: 35 Lot Area: 80,000 sq. ft. (development site) Lot Width: 200 ft. (development site) Front Setback: 30 ft. requested (R-3 requires 50 ft.) Side Yard: 10 ft. adjacent to Chapel Ridge (west), 30 ft. adjacent to commercial lots to east requested (R-3 requires 35 feet) Rear Yard: 35 ft. requested (R-3 requires 50 ft.)</p> <p>The density of the concept sketch as proposed is 7.99 units per acre. Adjoining project densities are Mansions at Hemmingway – 8.8 units per acre, Chapel Ridge – 9.58 units per acre, Johnston Commons Brownstones – 11.79 units per acre.</p>
<p>TRAFFIC ACCESS & CIRCULATION:</p>	<p>Access to the site is provided via Northglenn Drive a common shared access driveway exists along the eastern property boundary with the Kum and Go site.</p>
<p>BUFFERS:</p>	<p>Pursuant to chapter 166.34 a 30 foot buffer (half of a sixty foot buffer) is</p>

required along the south property line where this site is adjacent to the Maurice's site (zoned M-1) and a 50 foot buffer is required along the east property boundary adjacent to the Kum and Go and the undeveloped commercial lot. Typically this buffer would be split equally on both the commercial and residential properties, however, at the time of development of the Kum and go the subject site was zoned for commercial uses and no buffer was required.

The applicants are requesting a modified buffer on the east property boundary to maintain sufficient developable area on the parcel and due to the existing shared access drive with Kum and Go. Specifically they are requesting no buffer for the northeast unit in building 4 as this will be a club house for the development and a landscape area between the shared drive and building adjacent to Unit C of Building 4. Adjacent to building 5 the applicants are proposing a 6 foot privacy fence and landscaping.

**PARKLAND
DEDICATION:**

The parkland dedication requirements for this project were met by the dedication of parkland and trail construction as part of the original Johnston Commons development.

PUBLIC UTILITIES:

Water: An 8-inch public water main along Northglenn Drive provides water service to the project.

Sanitary Sewer: This site is served by an 8" sanitary sewer main along Northglenn Drive.

Any future utilities internal to the site would be private and reviewed as part of a site plan.

**ADJACENT
NEIGHBOR
COMMENTS:**

A notice has been sent to all properties within 320 feet of the rezoning area. A copy of the notice is attached. In addition, the applicants have installed a sign on site announcing the rezoning. To date, staff has received no comments.

Attachments:

Owner's rezoning request;
Senior Residential Conceptual Plan, prepared by ERG, dated January, 11, 2010;
Vicinity Map;
Existing Johnston Commons PUD; and
Proposed Ordinance.