

ORDINANCE NO. 782

AN ORDINANCE AMENDING THE JOHNSTON REVISED ORDINANCES OF 2007 BY AMENDING THE OFFICIAL ZONING MAP TO REZONE APPROXIMATELY 276.88 ACRES LOCATED EAST OF NW 100TH STREET AND NORTH OF THE PINE CREST ESTATES SUBDIVISION TO BE KNOWN AS CROSSHAVEN FROM AR TO PUD.

WHEREAS, the Planning and Zoning Commission reviewed this item at their regular meeting on February 11, 2008 and recommends approval of PZ Case No. 07-52.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF JOHNSTON, IOWA THAT:

SECTION 1. PURPOSE. The purpose of this ordinance is to change the Official Zoning Map of the City of Johnston, Iowa, under the provisions of Chapters 165 to 172 (Zoning Ordinance), and Section 166.02 (Zoning District Boundaries and Official Zoning Map) of the Johnston Municipal Code.

SECTION 2. OFFICIAL ZONING MAP AMENDED FROM A-R AGRICULTURAL RESERVE TO PUD. The following legally defined property is hereby rezoned from A-R to PUD.

See attached Exhibit "A"

SECTION 3. MASTER PLAN PROVISIONS. In accordance with Section 168.11(3) adopted herewith is the PUD Master Plan for the above-described area being rezoned to Planned Unit Development consisting of the following development policies:

1) General Provisions:

- a) PUD Master Plan: The plan for Crosshaven as prepared by McClure Engineering and dated February 14, 2008 is hereby adopted as the PUD Master Plan. The master plan and those additional guidelines as identified herein shall constitute the zoning requirements of the property.
- b) In the administration of these guidelines, any item not addressed specifically will be governed by the Johnston Municipal Code, including Chapters 165-172, Zoning Ordinance.
- c) The overall density of the entire subject property shall not exceed two point one (2.1) gross dwelling units per acre. Density of individual areas of the subject property may be higher or lower than this restriction provided the overall density does not exceed two point one (2.1) and the bulk requirements detailed in Section 3, Paragraph 5 of this agreement are met.

2) Traffic Provisions:

- a) Improvement to Adjacent Roadways: Pursuant to Chapter 180.42 of the Subdivision Regulations, the developer shall be responsible for their share of improvements to NW 100th Street to improve the roadway to a collector standard. Some or all of this

requirement may be met by the developers reconstruction of the NW 100th Street Bridge over Little Beaver Creek and reconstruction of NW 100th Street north of the bridge.

- b) Little Beaver Creek Bridge: Due to the condition and width of the NW 100th Street Bridge over Little Beaver Creek, no development shall be allowed on Tracts 9 to 12 until said bridge is reconstructed to current standards and NW 100th Street north of the bridge is reconstructed. As the City has no plans or need to reconstruct this bridge or replace the existing gravel roadway north of the bridge, due to the termination of NW 100th Street, said reconstruction shall be completed at the full expense of the developer. The City may assist with the acquisition of right of way, if necessary.
 - c) Intersection Improvements: The developer shall widen to a pavement width of thirty-seven (37) feet and a minimum right-of-way width of seventy (70) feet for turning lanes on Valley Parkway, NW 82nd Avenue and Camden Street as identified on the PUD Master Plan and other collector streets that intersect with NW 100th Street, as determined necessary during the platting process.
 - d) Access to NW 100th Street: No lots with frontage along NW 100th Street shall have vehicular access to NW 100th Street; all access shall be provided through the internal street system of the subdivision.
 - e) Street Right of Way and Widths: All streets shall be located within a minimum of sixty (60) feet of right of way, and be a minimum width of twenty-six (26) feet in width. Valley Parkway as defined on the PUD Master Plan shall be a minimum of thirty-one (31) feet in width and NW 82nd Avenue as defined on the PUD Master Plan and any other collector streets, as defined during the platting process, shall be a minimum of twenty-nine (29) feet in width. All streets shall have sidewalks on both sides of the street.
- 3) Utility Provisions:
- a) Water: The Developer shall construct the necessary water mains as required by the City's Subdivision Regulations. The Developers shall be responsible for the full cost of all eight (8) and twelve (12) inch diameter water mains, and shall install twelve (12) inch water mains where determined necessary by the City. Should a main larger than twelve (12) inches be required, the developer shall be eligible for reimbursement for a portion of the cost pursuant to the City's Oversized Water Main Reimbursement Policy.
 - b) Sanitary Sewer: The Developer shall construct the necessary sewer mains as required by the City's Subdivision Regulations, in the size and locations determined by the City, and connect all lots to the future public sanitary sewer system.
 - c) Little Beaver Creek Trunk Sewer: The City's utility master plan for this area identifies the need for a sanitary sewer trunk main running through the subject property adjacent to Little Beaver Creek. During the platting process, it shall be determined whether or not this trunk sewer can be incorporated into the subdivisions sanitary sewer system (i.e. installed to follow the street system). If the trunk sewer can be incorporated into the subdivision's sanitary sewer system, the developer shall install said trunk sewer with the development of the subject property. If it is determined the trunk sewer must be located immediately adjacent to Little Beaver Creek or if the trunk sewer needs to be significantly oversized to accommodate future extensions, the City shall construct the

trunk sewer and the developer shall provide any and all easements necessary for the construction and operation of said trunk sewer.

- d) Improvement Districts: At the time of the Final Plat, the Developer shall be responsible for payment of any assessments or connection fee districts, including but not limited to, water main and sanitary sewer connection fee districts.
- 4) Parks & Recreation Provisions:
1. The Developer shall dedicate at no cost to the City a minimum of three (3) acres of land for a park located in the general vicinity as shown on the PUD Master Plan. Said acreage shall be developable parkland, excluding drainage ways, streams, areas with extreme topography and wetlands. The intent of this park site is to provide neighborhood park facilities to the residents of this area of the City. This park site shall extend easterly to the eastern plat boundary, across Little Beaver Creek, to potentially allow for the expansion of this park.
 2. The Developer shall construct and dedicate necessary easements/right of way for the pedestrian trail system as identified on the PUD Master Plan. This includes a 9' ACC or 8' PCC trail connecting from NW 100th Street/NW 78th Avenue easterly to the east boundary of the subject property in the vicinity of Valley Parkway as identified on the City's Comprehensive Plan. Upon installation, said trails shall be owned and maintained by the City.
 3. Completion of the improvements required by Paragraphs 1 and 2 above shall satisfy the City's Parkland Dedication Requirements of Chapter 180.43 of the Subdivision Regulations.
- 5) Land Use Provisions: The property shall be developed utilizing the following bulk regulations:
- a) Tracts 1 through 11 shall be single family detached residential uses only and shall utilize the bulk requirements of the R-1(60) zoning district, except the following provisions shall apply:
 - i) The minimum lot area shall be 6,000 square feet.
 - ii) The minimum setbacks shall be as follows:
 - (a) Front Yard – 25 feet for the primary structure and garages; 15 feet for usable front porches. For the purposes of this PUD Master Plan, “usable front porches” shall be defined as follows:

A covered or uncovered floor, deck or platform, attached to the house and no more than one side of the porch shall be enclosed by a vertical wall, window or screened surface. The porch shall be large enough to accommodate traditional chairs and/or seating and shall not be heated or air-conditioned.
 - (b) Side Yard Setback – 5 feet
 - (c) Rear Yard Setback – 10 feet
- b) Development within Tracts 1 through 8, the area south of Little Beaver Creek, shall be further regulated as follows:**

- i) **A minimum of fifty (50) percent of the area within Tracts 1 through 8 shall be maintained as open space, as defined in Section 3, Paragraph 7(a) of this Ordinance.**
 - ii) **No more than forty (40) percent of all lots within Tracts 1 through 8 shall be less than sixty-five (65) feet in width.**
 - iii) **Any lot which falls within one hundred twenty (120) feet of the southern property border or fifty (50) feet of the western property border shall be a minimum of 75 feet in width and 7500 square feet. All structures on said lots shall meet the required setbacks of Section 3, Paragraph 6(b) of this Ordinance.**
 - iv) **The gross density of Tracts 1 through 8 shall not exceed 1.8 dwelling units per acre.**
- c) Tracts 12 through 13 may be used for single family detached residential uses or single family attached residential uses. If these tracts are developed as single family attached residential uses the bulk requirements of the R-3 zoning district, except the following provisions, shall apply:
- i) The overall density of these tracts shall not exceed six (6.0) units per acre.
 - ii) If these tracts are developed as single family detached residential uses, the following bulk requirements shall apply:
 - (a) The minimum lot area shall be 6,000 square feet.
 - (b) Front Yard – 25 feet for the primary structure and garages; 15 feet for usable front porches.
 - (c) Side Yard Setback – 5 feet
 - (d) Rear Yard Setback – 10 feet
- 6) **Buffers:**
- a) Pursuant to Chapter 145.19 buffers shall be required along Little Beaver Creek and other streams/channels on the subject property.
 - b) Pursuant to the Northwest Area Sub Area Plan within the Comprehensive Plan, a buffer is required along the south boundary of the subject property and along the western boundary south of Valley Parkway adjacent to NW 100th Street, as follows:
 - i) South Property Boundary: Adjacent to the Pine Crest Estates subdivision, a continuous open space area shall be provided as shown on the PUD Master Plan. No structures shall be permitted within this open space area and no primary structure shall be located within one hundred twenty (120) feet of the south property line.
 - ii) Western Property Boundary: Adjacent to the western property boundary a continuous open space shall be provided as shown on the PUD Master Plan. No structures shall be permitted within this open space area and no primary structures shall be located within 50 feet of the NW 100th Street right of way.
 - c) Pursuant to Chapter 166.34 a landscape buffer shall be provided between Tracts 11 and 12 and all other adjacent tracts if these tracts are developed as single family attached dwellings.
- 7) **Conservation Subdivision Practices:**
- a) The subject property shall be developed consistent with the principals of a “conservation subdivision” and shall incorporate innovative storm water management techniques. In exchange for the reduction in bulk requirements and lot sizes as outlined within this

PUD, a minimum of **40%** of the subject property must be maintained as open space. Such open space shall be established within outlots which shall be owned and maintained by a private homeowners association and have a permanent restriction prohibiting any development of the outlot areas, except for the development of trails and other park purposes. With the platting of each of these outlots, a detailed management plan shall be submitted to the City for review and approval. Such management plan shall detail the necessary ongoing short and long term maintenance needs for the areas and include evidence that the homeowner association is adequately funded to carry out the management plan.

- b) Innovative Storm Water Management Techniques and Best Management Practices (BMP) shall be implemented within the PUD. All BMP's shall be sized pursuant to the Water Quality Volume and designed pursuant to the Iowa Storm Water Management Manual as published by the Iowa Department of Natural Resources and the Center for Transportation Research and Education and subject to the review and approval of the City at the time of platting.
- c) Public Improvements within the subject property shall be constructed in accordance with the Iowa Statewide Urban Design Standards and Specifications including the Johnston Supplemental Specifications, except as follows:
 - i) Ditches, bioswales, and open channel drainage ways will be allowed adjacent to public streets within the right of way in lieu of installation of storm sewer mains.
 - ii) Standard six (6) inch high curbs shall be provided on all public streets, in lieu of storm sewer intakes, driveways shall be designed to allow storm water drainage into open channels/ditches, where necessary and where driveways cannot accommodate the drainage additional curb cuts will be accepted.
 - iii) A storm sewer sump main does not need to be provided to each lot, provided an engineered onsite infiltration practice (French drain) is constructed on each lot.
 - iv) Storm water throughout the subject property shall be conveyed to the greatest extent possible through open channels and swales. Such areas shall be within the necessary easements to ensure the long term functionality of the drainage system.
 - v) All storm sewer culverts and pipe smaller than twelve (12) inches in diameter may HPDE pipe, all other culverts and pipe shall be RCP.
 - vi) Water mains shall be located on the north and east sides of all streets and located in the back slope of the ditch/swale with shut offs extended to the center of the sidewalk.
 - vii) Other exceptions not specifically listed may be allowed without amendment to this ordinance, if such exceptions are approved as part a Preliminary Plat or Construction Plans.

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, and upon the filing of the annexation of this property with the Secretary of State.

Passed and approved by the Council the ____ day of _____ 2008.

PAULA S. DIERENFELD, MAYOR

ATTEST:

STEPHANIE REYNOLDS, 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	_____	_____	_____	_____	_____	_____
Tingley	_____	_____	_____	_____	_____	_____