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ReNae Arnold, Recorder
Dallas County, Iowa

Recorder's Cover Page

Preparer: Amanda Grutzmacher, City of Clive, 1900 NW 114th St., Clive, IA 50325.
515-223-6220

Return Document to: Matthew D. Graham, City Clerk, City of Clive, 1900 NW 114th
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Document: ORDINANCE NO. 1135
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF CLIVE, IOWA, 2019 BY AMENDING THE OFFICIAL
ZONING MAP AND ZONING DISTRICT BOUNDARIES BY
REZONING CERTAIN PROPERTY GENERALLY LOCATED EAST
OF WESTGATE PARKWAY AND SOUTH OF MEREDITH DRIVE R-
1 SINGLE FAMILY RESIDENCE DISTRICT AND PUD PLANNED
UNIT DEVELOPMENT TO PUD PLANNED UNIT DEVELOPMENT

Legal Description: See Exhibit "A"

ORDINANCE NO. 1135

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019 BY AMENDING THE OFFICIAL ZONING MAP AND ZONING DISTRICT BOUNDARIES BY REZONING CERTAIN PROPERTY GENERALLY LOCATED EAST OF WESTGATE PARKWAY AND SOUTH OF MEREDITH DRIVE R-1 SINGLE FAMILY RESIDENCE DISTRICT AND PUD PLANNED UNIT DEVELOPMENT TO PUD PLANNED UNIT DEVELOPMENT

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CLIVE, IOWA:

SECTION 1. CLASSIFICATION. The Official Zoning Map and the zoning district boundaries thereon indicated as set forth in the "ZONING ORDINANCE" of the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019", and as saved from repeal by Chapter 5 of Title VI of the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019," which by this reference are incorporated herein as if fully set forth in the body hereof, and the Clive Comprehensive Plan are hereby amended and changed by rezoning the real estate legally described on Exhibit A attached hereto (the "Property") from R-1 Single Family Residence District and PUD Planned Unit Development to PUD Planned Unit Development.

SECTION 2. ADDITIONAL ZONING RESTRICTIONS. As part of this Ordinance and the rezoning established herein, certain permanent conditions and restrictions are hereby imposed upon the Property, which conditions and restrictions are in addition to existing regulations for the PUD Planned Unit Development Zoning Classification. Said restrictions are set forth in the Zoning Change and Development Agreement (the "Agreement") by and between the City of Clive, Iowa, and Shadow Creek Heights, LLC. The Mayor is hereby authorized and directed to execute said Agreement on behalf of the City of Clive, Iowa; and the City Clerk is hereby authorized and directed to attest to the signature of the Mayor and to affix the City seal to the same. All such conditions and restrictions are established and such Agreement executed and entered into, pursuant to and in accordance with the provisions of Section 414.5 of the 2003 Code of Iowa, as amended.


SECTION 3. REPEALER. All parts of the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019" in conflict herewith are hereby repealed.

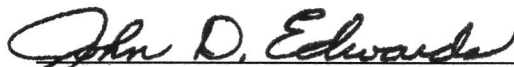
SECTION 4. SEVERABILITY. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall

not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

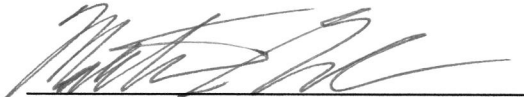
SECTION 5. EFFECTIVE DATE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.


PASSED AND APPROVED by the City Council on the 22 day of June, 2023.


Matthew Graham, City Clerk


John Edwards, Mayor

Ordinance No. 1135 authenticated this 22 day of June, 2023.


Matthew Graham, City Clerk


John Edwards, Mayor

Officially published on the 30 day of June, 2023.

CERTIFIED BY:



Matthew Graham, City Clerk

Exhibit A

Legal Description: R-1 to PUD

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows:

Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly a distance of 195.89 feet along the curve concave to the south, having a radius of 329.36 feet and a central angle of 34°04'38" to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the northwest having a radius of 325.00 feet and a central angle of 22°20'35"; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence North 12°12'51" West, a distance of 24.97 feet to a point of cusp on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 93°48'23" and being subtended by a chord which bears North 55°18'56" West 36.51 feet; thence northerly a distance of 24.83 feet along the arc of said curve concave to the east having a radius of 780.00 feet and a central angle of 1°49'26" to a point of cusp on a curve, from which the radius point bears North 83°24'29" East; thence northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly a distance of 32.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 18°27'37" to a point of cusp on a curve, from which the radius point bears North 78°07'50" West; thence northerly a distance of 83.22 feet along the arc of said curve concave to the west having a radius of 170.00 feet and a central angle of 28°02'51" to a point of cusp on a curve, from which the radius point bears North 73°49'47" East; thence northerly a distance of 27.45 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 15°43'32"; thence North 00°26'13" West, a distance of 56.54 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 139.63 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 25°00'03"; thence North 24°33'47" East tangent to said curve, a distance of 1.21 feet to the beginning of a curve tangent to said line; thence northeasterly and northerly a distance of 157.08 feet along the curve concave to the west, having a radius of 360.00 feet and a central angle of 24°59'59"; thence North 00°26'03" West, a distance of 32.14 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly and easterly a distance of 39.30 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°04'48"; thence North 00°21'05" West, a distance of 60.00 feet; thence North 89°38'55" East, a distance of 908.91 feet to the Point of Beginning. Containing 12.84 ACRES, more or less.

ZONING CHANGE AND DEVELOPMENT AGREEMENT

THIS ZONING CHANGE AND DEVELOPMENT AGREEMENT ("Agreement") is entered into this 22 day of June, 2023, by and between THE CITY OF CLIVE, IOWA, an Iowa municipal corporation (hereinafter referred to as "City"), Shadow Creek Heights, LLC, (hereinafter referred to as "Property Owner").

WHEREAS, Shadow Creek Heights, LLC owns certain real property located within the corporate limits of the City which is legally described on Exhibit A, attached hereto, (the "Property"), which Property is presently zoned R-1 Single Family Residence District and PUD Planned Unit Development; and

WHEREAS, the City and Shadow Creek Estates, LLC previously zoned a portion of the Property to PUD Planned Unit Development. This portion of the property shall be released from the Shadow Creek North Zoning Change and Development Agreement dated March 13, 2020 and recorded March 16, 2020 as document reference number Book 2020 Page 4630; and

WHEREAS, the City and Property Owner now desires that the a portion of the Property be rezoned from R-1 Single Family Residence District to PUD Planned Unit Development (the "Rezoning Area"), which is legally described on Exhibit B prior to development in accordance with, and in consideration of, the provisions of this Agreement and Section 414.5 of the Iowa Code; and

WHEREAS, the Property Owners have submitted a Conceptual Master Plan prepared by Associated Engineering Company of Iowa developing the Property for a mixed single-family and association residential neighborhood, in Exhibit C, attached hereto (the "Master Plan"); and

WHEREAS, Property Owner and the City wish to set forth their agreements with respect to the conditions and restrictions which will arise with respect to the Property as a result of such rezoning and development; and

WHEREAS, Property Owner and the City agree that any requirement not addressed in the following, shall be in conformance with the Clive Zoning Ordinance.

NOW, THEREFORE, in consideration of the mutual covenants and premises set forth herein, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Property Owner agrees as follows:

1. Rezoning. The Rezoning Area shall be rezoned from R-1 and PUD to PUD.
2. Master Plan. As required by the PUD regulations, the property owners have submitted a Conceptual Master Plan ("Master Plan") to allow for the development of the property for a mixed residential neighborhood including both single family lots ("Development Area A"), association residential development ("Development Area B") and a neighborhood park. The Property Owner agrees that the development of the property shall be consistent with the Master Plan and shall satisfy the following requirements. Any area not addressed within this development agreement shall follow the City of Clive Zoning Ordinance.
 - (a) Platting of Lots. Property Owner agrees to obtain approval from the City of a final plat, which will subdivide all of the Property into lots and outlots (referred to herein individually as a "Lot" or collectively as the "Lots". The subsequent construction of the improvements associated with Development Area A and Development Area B may be completed independently and each area may be phased through the approval of multiple final plats.
 - (b) Preliminary Plat/Site Plan Required. Property Owner agrees that a preliminary plat for the entire Property and a Site Plan for the association residential development will be required to be approved by the City Council prior to the construction of any improvements on the Property.
 - (c) Construction Drawings Required. Property Owner agrees to obtain approval from the City prior to the construction of any public improvements to be dedicated to the City. Additionally, the Property Owner agrees to obtain approval from the Iowa Department of Natural Resources and/or Army Corps of Engineers associated with any impacts to jurisdictional waters or wetlands and the construction of any earthen dams meeting the threshold for a Flood Plain Development permit.
 - (d) Declaration of Covenants, Restrictions and Easements. The Property Owners shall, at the time of final platting, record with the County recorder a declaration regarding the establishment of certain easements and the declaration of certain restrictions and covenants, including but not limited to, natural resource and open space preservation requirements, specific house and site design criteria, and the responsibility for maintenance of various individual and common area amenities. Additionally, the Declaration shall provide that the owner of each lot is responsible for the trimming and maintenance of the street trees, as well as replacement of any dead trees, and that in the event an owner fails to trim, maintain or replace the street trees, the City is authorized to perform such duties and assess the cost of such work to said owner. The declaration shall be subject to the review and approval of the City prior to its adoption.
 - (e) Natural Features Preservation. The parties agree that the natural features of the Property (creek and ravines, floodplain, woodlands, wetlands, etc.) shall be preserved to the greatest extent practicable and incorporated into the development. With the submission of any preliminary plat, the Property Owners will identify all

natural features and design the neighborhood in a way that is sensitive to the preservation of those natural features. Natural features that cannot be practicably incorporated into the development shall be appropriately mitigated.

- (f) Park Land Dedication. At the time of approval of the final plats for the Property, Property Owners shall dedicate, at no cost to the City, park land in accordance with the Subdivision Regulations of the City Code.

Based on dwelling unit count on the Master Plan, Development Area A shall provide 0.7 acres of parkland dedication. Actual required parkland dedication acreage shall be determined based on the actual dwelling count as shown on the final plat.

Based on the dwelling unit count on the Master Plan, Development Area B shall provide 1.4 acres of parkland dedication. Actual required parkland dedication acreage shall be determined based on the actual dwelling count as shown on the final plat.

Property Owner and City agree that one-half of the land area of the combined parkland/stormwater management features accepted by the City at the time of final plat shall be creditable to the parkland dedication requirement.

- 3. Development Area A: Single-Family Regulations. This area is intended to accommodate the construction of single-family dwelling units. The following regulations shall be applicable to any area identified as Single Family, as generally shown on the Master Plan

- (a) Zoning and Restriction on Uses. Development Area A will remain designated as R-1 Single Family Residence District. The use of the single-family area shall be limited to detached single-family dwelling units and permitted home occupations as defined in the City of Clive Zoning Ordinance.

- (b) Bulk Regulations. The following bulk regulations shall be applicable as generally shown on the Master Plan.

- i. Lot Dimensions. For Lots in Development Area A as shown on the Master Plan, minimum lot width of eighty (80) feet, and a minimum lot area of ten thousand (10,000) square feet shall be provided.

- ii. Setbacks. The following setbacks shall apply to Lots in Development Area A as shown on the Master Plan:

- (1) 40-feet along Alpine Drive.
- (2) 35-feet along other public streets.
- (3) 35-feet rear yard setback.

(4) 8-feet side yard setback.

All setbacks shall be measured from the property line to the foundation edge.

- iii. Minimum Dwelling Size. All one-story dwellings shall have a main floor finished area of not less than 1,550 square feet, all one and one-half story dwellings shall have finished floor areas of not less than 1,800 square feet and all multilevel dwellings, including but not limited to split-levels, two-story dwellings, and dwellings having more than two stories shall have finished floor areas of not less than 2,000 square feet.

Unconditioned covered porches or decks and square footage in finished basements may not be counted towards minimum square footage requirement.

- iv. Garage/Driveways. A minimum three (3) car attached garage shall be provided on all homes. A tandem style garage shall not be considered an acceptable alternative to meeting the three (3) car attached garage requirement. No detached garages shall be permitted; however, this shall not be interpreted to prohibit the construction of an accessory building used for the purpose of storing automobiles or other vehicles.

The Property Owner agrees to establish in the Declaration a requirement that all lots along Westgate Parkway shall either (i) orient the garage doors away from Westgate Parkway or (ii) locate the garage doors facing Westgate Parkway a minimum of ten (10) feet behind the front façade which contains the front door of the house. In the case where a covered front porch projects out from the front façade and is the predominate feature of the front facade, the ten (10) foot offset can be measured from the outside edge of the porch foundation rather than the front facade. In the case where the façade of a partial side-load garage projects out from the front façade, the ten (10) foot offset can be measured from the façade of the side-load garage rather than the front façade which contains the front door of the house.

In the case of lots on the corner of Westgate Parkway the driveway shall access the side street only, with access to Westgate Parkway being prohibited.

- v. Frontage. All homes located on lots along Westgate Parkway shall be oriented and constructed with a front door facing Westgate Parkway. Property Owners agree to place a restriction regarding these frontage requirements in the Declaration.
- vi. Design Standards. Property Owners agree that all homes shall be constructed with James Hardi Plank, LP Smart Side siding, or a similar siding product that allows for customization of color, texture and material. A minimum of forty percent (40%) of the front façade (exclusive of doors and windows) shall be

cladded with stone or other similar masonry materials. Property Owners further agree that the use of brick, stone elements, embellished trim and other similar architectural details shall be used throughout the development to add differentiation and character between the units. Architectural grade asphalt shingles shall be required.

- vii. Landscaping. A minimum of two (2) trees per lot shall be planted at the time of home construction.
4. Development Area B: Association Residential Regulations. This area is intended to accommodate the construction of an association residential development that may be a mix of attached and detached single-family dwelling units. The following regulations shall be applicable to any area identified as Association Residential, as shown on the Master Plan.
- (a) Zoning and Restriction on Uses. Development Area B is to be designated as a PUD Planned Unit Development District. Notwithstanding that the property is zoned PUD, the permitted uses of Development Area B shall be limited to attached and detached single-family dwellings, and permitted home occupations as defined in the City of Clive Zoning Ordinance.
 - (b) Density. The maximum density of residential uses shall be eight (8) units per acre.
 - (c) Setbacks. The following setbacks shall apply to units in the Association Residential Area.
 - i. 25-feet along Alpine Drive.
 - ii. 40-feet along Westgate Parkway.
 - iii. 25-feet along private streets.
 - iv. 6-feet between sides of detached association units.
 - v. 8-feet between sides of semi-attached association buildings.
 - vi. 30-feet between rear of detached or semi-attached association units.
 - vii. 0-feet between units within a shared building.
 - (d) Minimum Dwelling Size. Single story association dwellings must have a main floor finished area of not less than 1,250 square feet. All multilevel association dwellings including but not limited to split-levels, one and one-half story dwellings, two-story dwellings, and dwellings having more than two stories must have finished floor areas of not less than 1,400 square feet. Basement square footage may not be counted towards minimum finished area.

- (e) Design Standards. Property Owner agrees that all dwellings shall be constructed with James Hardi Plank, LP Smart Side siding, or a similar siding product that allows for customization of color, texture and material.

A minimum of twenty (20) percent of the total façade (exclusive of doors and windows) shall be cladded with brick, stone, or other similar masonry. A minimum of twenty (20) percent of the façade(s) facing Westgate Parkway or Alpine Drive (exclusive of doors and windows) shall be cladded with brick, stone, or other similar masonry. Property Owners further agrees that all windows and doors shall feature perimeter trim, and other similar architectural details shall be used throughout the development to add differentiation and character between the units. Final elevations and design will be considered as a significant part of the Site Plan approval process. Architectural grade asphalt shingles shall be required.

- (f) Orientation of Units and Façade Design. All units with frontage along Westgate Parkway and Alpine Drive shall orient the front door toward the public street. For attached buildings, not more than one hundred and fifty (150) feet of continuous building façade width shall face out to the public street. For detached buildings, no more than 1 out of 5 units within a block shall be similar. Differentiation may be accomplished by modifying a minimum of two of the following elements: façade surface materials/colors, roofline, pitches or the use of dormers, and location or proportion of front porches. Porch/stoop design is highly encouraged for those units that face Westgate Parkway or Alpine Drive. Porch/stoop dimension should be not less than 6-feet in width from the living space.
- (g) Garage/Driveway. A minimum two (2) car attached garage shall be provided for every association dwelling unit. Driveway access to Westgate Parkway and Alpine Drive shall be prohibited, with driveways accessing the private streets only.
- (h) Visitor Parking Spaces. One visitor parking space per five (5) dwelling units shall be provided. Adjacent on street parking, if provided, may be used to accommodate visitor parking.
- (i) Accessory Structures and Buildings. Any accessory structure or accessory building constructed upon the property shall be designed to match the architectural character of the principal structures and shall be in conformance with the Clive Zoning Ordinance.
- (j) Open Space. A minimum of twenty-five percent (25%) open space shall be provided.
- (k) Landscaping. A minimum of two (2) trees per dwelling unit shall be provided. This shall be in addition to any required streetscape and/or buffer trees. Foundation plantings shall be provided around each building in the Association Residential Area.

A 30-foot landscape buffer is required along the boundary with Meredith Drive, and the east property line adjacent to the existing R-1 Single-Family Residence District. Plantings for the buffers shall meet the requirements of Section 11-14 Landscape and Open Space Requirements of the Zoning Ordinance.

In lieu of a landscape buffer along Westgate Parkway and Alpine Drive, the Property Owner agrees to provide and maintain a planted streetscape as generally shown on the Master Plan. The Westgate Parkway streetscape plantings shall be consistent with the approved Construction Drawings for Shadow Creek Plat 8. The Alpine Drive streetscape plantings shall be consistent with Section 5 of this Agreement.

- (l) Pedestrian Access. Pedestrian access within the development and accessibility to the development shall be a primary site design consideration. Pedestrian access should include strong connections from the public right-of-way to buildings and site features to support neighborhood connectivity. A five (5) foot PCC sidewalk shall be provided on at least one side of any private internal street.
 - (m) Service Sidewalks. Property Owner agrees to establish in the Declaration a requirement that for each townhome dwelling unit along Westgate Parkway, the owner of the property shall install and maintain a four (4) foot wide PCC service sidewalk extending from the front door or stoop of the residence to the public sidewalk or pedestrian pathway bordering on Westgate Parkway. Connections from each individual townhome unit may merge into one main service sidewalk connection per attached townhome building to Westgate Parkway.
 - (n) Internal Roadway Circulation. Circulation within the Association Residential development area may be accomplished with private streets. Any private street shall be built to the same standards as a public street; however, rolled curbs shall be permitted on private streets. Dead end private streets shall be a maximum of one hundred (100) feet in length.
5. Alpine Drive Requirements. Property Owner agrees that the following requirements shall be satisfied in regard to the construction of the Alpine Drive Improvements and the residential development along Alpine Drive.
- (a) Paving. Property Owners agree that the paving for Alpine Drive shall be twenty-six (26) feet wide, back-to-back, and will be Portland concrete cement ("PCC"). A forty (40) foot right-of-way shall be conveyed by the Property Owner to the City at the time of final plat.
 - (b) Easement. Property Owners agree to dedicate to the City a fifteen (15) foot permanent City Improvement Easement along each side of Alpine Drive to allow for the maintenance of public utilities, street lights, sidewalks, pedestrian walkways, landscaping and street trees.

- (c) Street Trees. Property Owners agree to establish in the Declaration a requirement that each single family, townhome, or multifamily residence install street trees along Alpine Drive in accordance to the landscape plan within the approved Construction Drawings for each final plat. The Declaration shall provide that the owner of each lot is responsible for the trimming and maintenance of the street trees, as well as replacement of any dead trees. The Declaration shall also provide that in the event an owner fails to trim, maintain or replace the street trees, the City is authorized to perform such duties and assess the cost of such work to said owner.

The minimum Alpine Drive street trees shall consist of one (1) tree per forty (40) linear feet of street frontage, exclusive of street intersections and the associated sight triangle. The streetscape tree plantings shall be spaced approximately evenly along Alpine Drive with a detailed planting plan and layout to be approved with the Construction Drawings for each final plat. A minimum of seventy-five (75) percent of the required street trees shall be overstory deciduous and the remaining twenty-five (25) percent street trees may utilize ornamental trees.

6. Development Infrastructure. Property Owner agrees that certain public improvements are required as part of the development of the Property.

- (a) Paving. Property Owner agrees to install at its costs and dedicate to the City public streets as generally shown in the Master Plan.
- (b) Sidewalk Recreation Trail. Property Owner agrees to install at its cost and dedicate to the City a ten (10) foot wide PCC trail along the east side of Westgate Parkway across Lot 3 in Development Area A, as show on the Master Concept Plan. The sidewalk recreation trail shall be constructed with development on Lot 3.

Property Owner further agrees to grade a platform near Basin A, as shown on the Master Concept Plan, for the future construction of a ten (10) foot wide PCC trail by the City.

In the event additional parkland dedication is required beyond what can be dedicated, installation of the ten (10) PCC trail near Basin A may be utilized to makeup the remaining parkland balance. In the event trail construction is required to meet parkland dedication requirements, the portion of trail along Westgate Parkway necessary to access the trail near Basin A shall be installed by the Property Owner in conjunction with the trail installation near Basin A.

- (c) Water Main. Property Owner agrees to install at its cost and dedicate to the City the following water infrastructure, as generally shown in the Master Plan.

Property Owner acknowledges that construction of a twelve (12) inch water main along the length of Meredith Drive is an obligation of the Property Owner. The

Property Owner agrees to install the twelve (12) inch water main at the time of initial development activity within Development Area B. Notwithstanding the above, the Property Owner agrees to grant to the City, without additional compensation, any and all permanent and temporary easements reasonably necessary for construction and maintenance of the water main improvement.

Along all other streets, an eight (8) inch water main shall be installed by the Property Owners at its cost and dedicated to the City. The City agrees that there shall be no hook up costs associated with the water mains.

- (d) Sanitary Sewer. Property Owner agrees to install at its cost and dedicate to the City a minimum eight (8) inch sanitary sewer main along the length of all public streets. The City agrees that there shall be no hook up costs associated with the sanitary sewer.
- (e) Storm Water Management. The City acknowledges and agrees that the required stormwater management responsibilities associated with the Property will be satisfied through the construction of multiple stormwater management facilities by the Property Owner as generally shown on the Master Plan. The location and size of the stormwater management features shown on the Master Plan are provided for general reference only. Each facility will be reviewed for compliance with the City's Stormwater Management Manual during the review of the Construction Drawings and/or Site Plans associated with each development area.

Basin A, as shown on the Master Plan, is proposed to be a wet pond to be dedicated to the City of Clive as part of the required parkland dedication. Basin A provides for the runoff from the proposed Development Area A and approximately 19.3 acres from the adjacent Shadow Creek North development area.

For any stormwater management facilities to be accepted by the City as a public improvement, the facilities shall be designed with the following considerations:

- i. Ease of maintenance, including a minimum twenty (20) feet wide maintenance path from the nearby roadway to accommodate access to all structures including forebay area(s).
- ii. Adequate pretreatment, including both in-line and outlet forebay area(s) to reduce the transport of gross solids into the pond permanent pool area.
- iii. For those areas not intended for access/trail, consideration of a durable naturalized pond edge landscape to address nutrient uptake and waterfowl management and water surface elevation scour.
- iv. Permanent pool areas shall have a depth sufficient to sustainably support fish habitat, with a minimum fifty percent (50%) of the pool designed with a post-construction depth of at least minimum twelve (12) feet.

- v. Wet pond design shall be consistent with the Iowa Stormwater Management Manual 9.11 Wet Detention Ponds. Specifically:

- (1) Temporary storage depth for the 10-year, 24-hour storm event shall target three (3) feet and have a maximum depth of four (4) feet. The temporary storage depth for the 100-year, 24-hour storm event shall target five (5) feet and have a maximum depth of six (6) feet. Refer to Table 9.11-1-1: Maximum Temporary Storage Depths for Wet Ponds.
- (2) Perimeter slopes shall not exceed 4:1 between normal pool and the 10-year, 24-hour storm event high-water elevation.
- (3) Perimeter slopes shall not exceed 6:1 for a minimum of 25% of the area within 20 feet of the normal pool between the 10-year, 24-hour storm event high-water elevation and the 100-year, 24-hour storm event high-water elevation.

Basins B, C, and D, as shown on the Master Plan, are proposed to be dry bio-retention detention facilities incorporated into the common areas of Development Area B, which are to be owned and maintained by the Association.

- (f) Meredith Drive Improvements. Property Owner acknowledges that right-of-way improvements including, but not limited to, grading, concrete paving, storm sewer, utilities, sidewalk and lighting associated with 15.5-feet of street improvements related to that portion of the property adjacent to Meredith Drive are an obligation of the Property Owner. The Property Owner and City agree that if the obligation for the installation of the right-of-way improvements cannot be met at the time of development within Development Area B, that the Property Owner and City will determine an equitable allocation of the obligation and that the Property Owner will pay the determined amount to the City at the time of Final plat approval (for example, the 2022 costs associated with Meredith Drive Improvements was determined to be \$426.60 per foot of frontage). Once the obligation has been paid by the Property Owners, the City agrees to install the right-of-way improvements in the future at its sole expense. Notwithstanding the above, the Property Owner agrees to grant to the City, without additional compensation to the Property Owners, an approximately 60-foot strip of land as right-of-way for the future right-of-way improvements related to Meredith Drive, and all permanent and temporary easements reasonably necessary for construction and maintenance of the right-of-way improvements.
- (g) Sanitary Trunk Sewer Fee. In accordance with the Little Walnut Creek Sanitary Trunk Sewer Fee Allocation Agreement recorded June 26, 2018 in Book 2018 at Page 11628 in the records of the Dallas County, Iowa Recorder, Property Owners

shall pay to the City its required share of the fee with the approval of each final plat. The fee in the agreement is equal to \$5,840.42 per acre.

7. Petition and Waiver. Property Owner hereby authorizes construction of the public improvements associated with Meredith Drive and the water main public improvements outlined in Section 4 of this agreement (“Development Infrastructure”) by the City, and in consideration of construction of the Public Improvements, Property Owner, pursuant to section 384.41 of Iowa Code, hereby waives all legal formalities required by the laws of Iowa to be observed by cities in the construction of public improvements when the cost of such public improvements is to be assessed against private property. Without limiting the generality of the foregoing, Property Owner specifically waives the public hearing on the adoption of the resolution necessary, and the mailing and publication of notice thereof, and each and every question of jurisdiction. Property Owner hereby authorizes the Clive City Council to pass any resolution or take further action as necessary to construct the Public Improvements or to make the assessments provided for herein, without further notice to Property Owner.

Upon completion of the Public Improvements, the City may make an assessment against the Property for the cost of the Public Improvements and the assessment so made shall be a lien upon the Property. Property Owner hereby expressly waives any objection to the amount of the assessment, including any limitation of the amount as a percentage of the value of the Property, or any limitation or deferment on the assessment of agricultural property. Such assessment shall have the same legal force and effect as if all the procedural requirements and formalities provided by law had been fully observed. The parties agree that the assessment shall be paid over a term often (10) years, together with interest. When a Final Plat for any of the Property is submitted to the City of approval, the remaining balance of the assessment shall be paid as a condition to approval of such Final Plat.

8. Security; Lien Rights of City. In the event that the City makes any payments or incurs any costs in connection with the Improvements, which payments or costs are agreed to be paid by Property Owner pursuant to this Agreement, Property Owner hereby agrees that the City shall have a lien on the Property in the amount agreed to be paid by Property Owner. Such lien by the City shall be released by written instrument recorded upon payment in full of the amount that Property Owner is obligated to pay. In the event that such a lien arises, the parties agree that the Property subject to such lien shall not be further platted or divided and no building permits shall issue until such lien is satisfied.
9. Maintenance Bonds. Prior to the City’s acceptance of any public improvement to be constructed by Property Owners and dedicated to the City, Property Owners shall cause 4-year maintenance bonds to be issued to the City in connection with such public improvements.
10. Warranty of Title. Property Owners hereby warrants to the City that Property Owners is the owner of the Property and hereby covenants to defend Property Owner's title to the Property for purposes of this Agreement.

11. Binding. Property Owner agrees that the terms and conditions of this Agreement shall be joint and severally binding upon and shall inure to the benefit of the heirs, successors and assigns of the respective parties hereto, and all of the terms and conditions of this Agreement shall constitute conditions, covenants and restrictions running with the land in perpetuity for the Property; provided, however, upon the Petition of the then owner of the Property or any portion thereof, the parties hereto agree that the terms of the ordinances of the City of Clive and the laws of the statutes and courts of the State of Iowa governing rezoning shall control the change in such zoning as to the property owned by the person so petitioning.
12. Assignment. This agreement shall be assignable by the Property Owners to all heirs, successors, or other entities as identified by the Property Owner.
13. Amendment. This agreement shall not be amended, changed, or modified without prior written consent of the City and Property Owner.
14. Effective. This Agreement is subject to and contingent upon approval by the Clive City Council of the rezoning of the Property in accordance with paragraph 1. In the event the Clive City Council does not approve said zoning change, this Agreement shall be null and void.
15. Recording. This Agreement shall be recorded with the Dallas County, Iowa, Recorder, as an exhibit to the ordinance rezoning the Property and shall constitute a valid and effective agreement pursuant to the terms and conditions of Section 414.5 of the Iowa Code.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS.)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

CITY OF CLIVE, IOWA

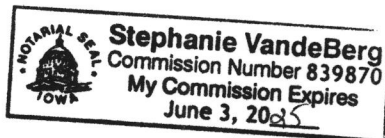
By: John Edwards
John Edwards, Mayor

Attest:

Matthew Graham
Matthew Graham
City Clerk

STATE OF IOWA)
) ss.
COUNTY OF POLK)

On this 23 day of June, 2023, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared John Edwards and Matthew Graham, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Clive, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. 1135 adopted by the City Council, under Roll Call of the City Council on the 22 day of June, 2023, and that John Edwards and Matthew Graham acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.



Stephanie Vandenberg
Notary Public in and for the
State of Iowa
My Commission expires 6/3/25

Shadow Creek Heights, LLC

By: [Signature]

Name: KIRAN PENDURTHI

Title: Manager

STATE OF IOWA)
) SS:
COUNTY OF Polk)

This record was acknowledged before me this 21 day of June, 2023, by Kiran K. Pendurthi in his capacity as Manager of Shadow Creek Heights, LLC.

[Signature]
Notary Public in and for the
State of Iowa

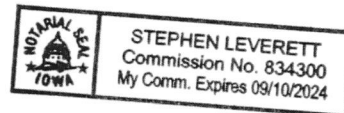


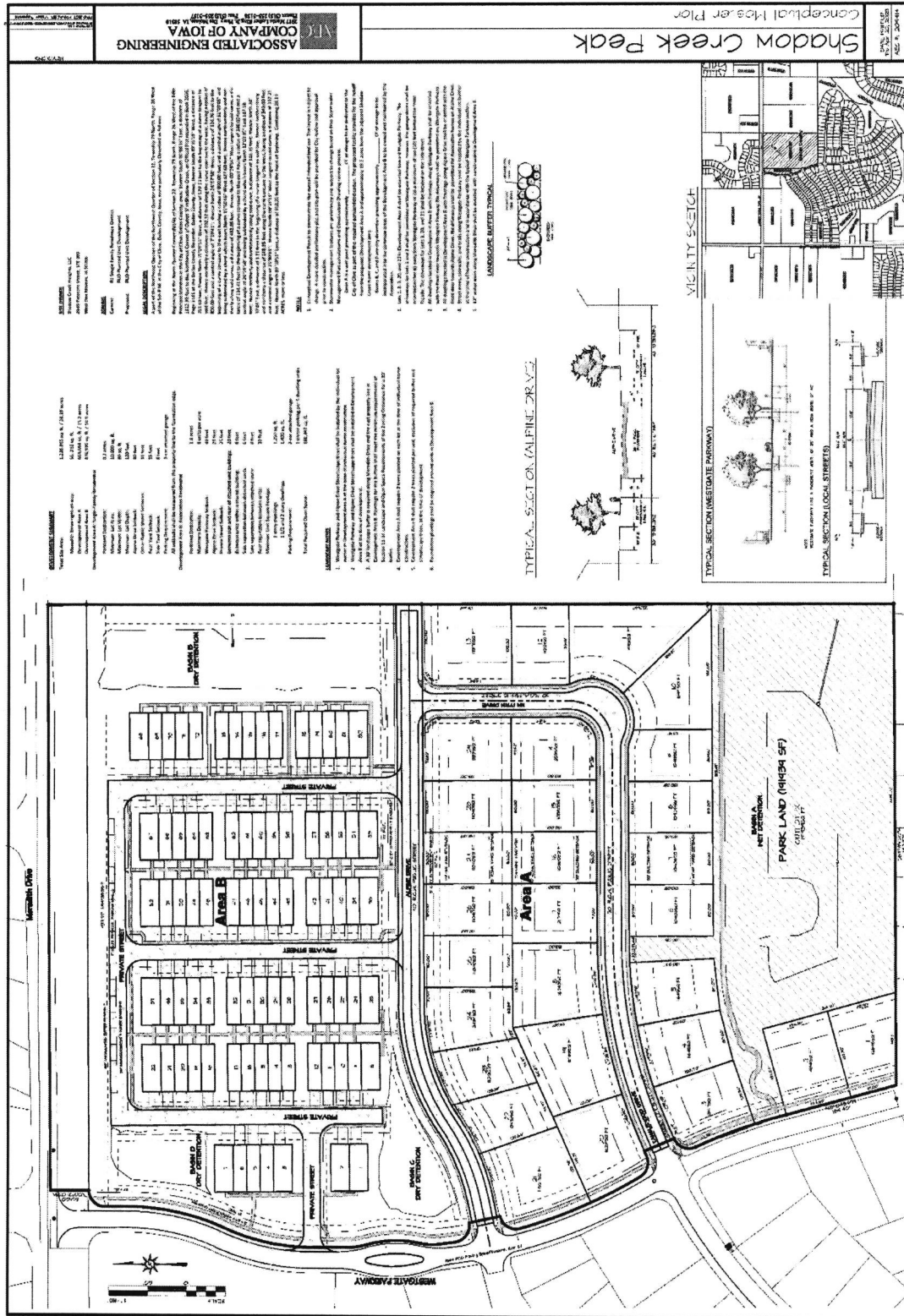
Exhibit "A" - Legal Description of Property

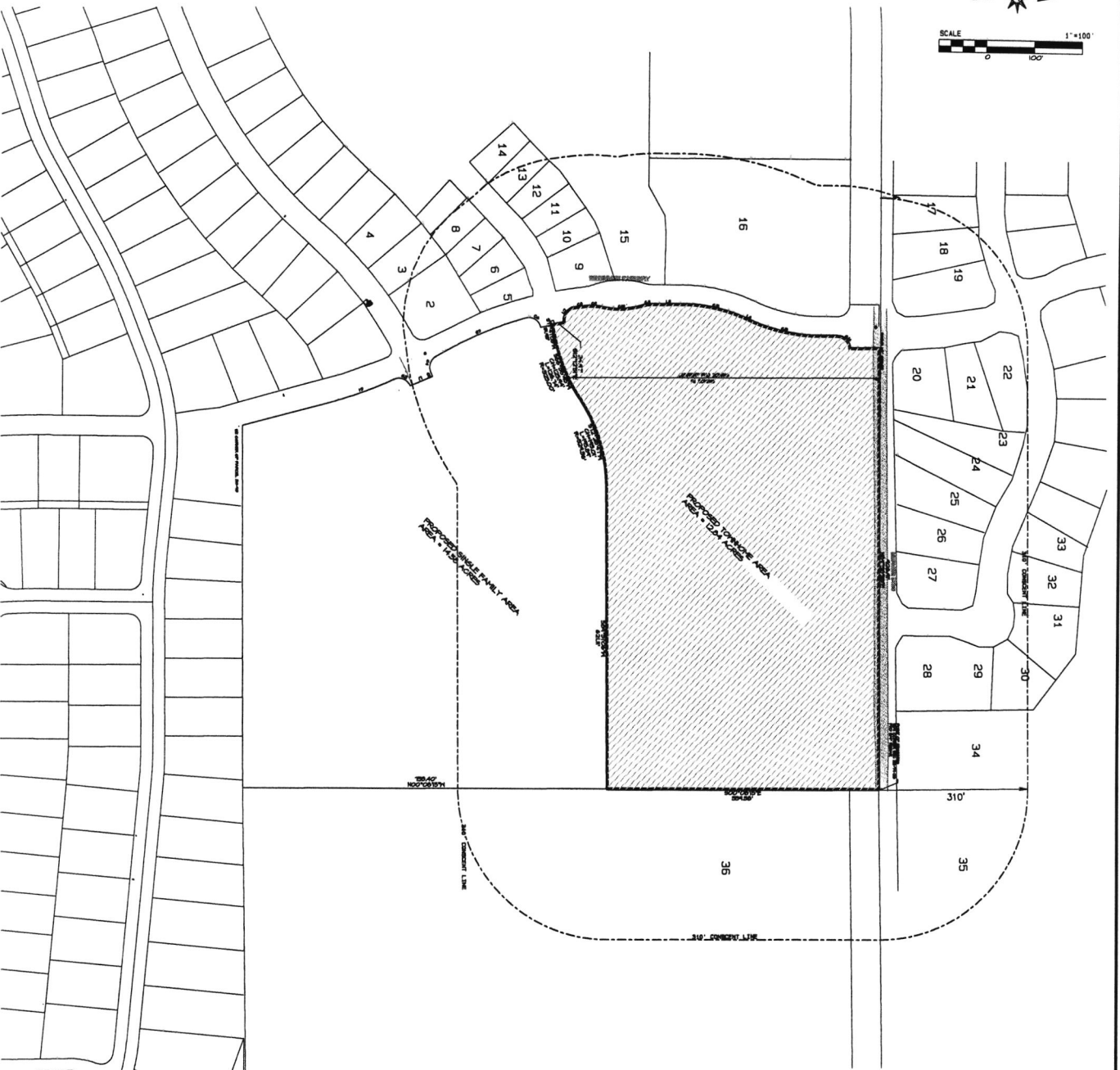
A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M. IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER (N1/4) OF SECTION 22, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; THENCE SOUTH 00°08'16" EAST, A DISTANCE OF 1312.99 FEET TO THE NORTHWEST CORNER OF OUTLOT 'S' IN SHADOW CREEK, AN OFFICIAL PLAT RECORDED IN BOOK 2006, PAGE 5141 AT THE DALLAS COUNTY RECORDER, DALLAS COUNTY, IOWA; THENCE SOUTH 89°35'19" WEST, A DISTANCE OF 763.60 FEET; THENCE NORTH 15°09'55" WEST, A DISTANCE OF 179.13 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE NORTHERLY A DISTANCE OF 102.32 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 7°19'41"; THENCE NORTH 26°57'58" WEST, A DISTANCE OF 124.76 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 31°00'05" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 15°56'16" WEST 427.60 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE, A DISTANCE OF 432.86 FEET; THENCE NORTH 00°26'14" WEST TANGENT TO SAID CURVE, A DISTANCE OF 114.41 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 24°59'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 12°03'35" EAST 147.18 FEET; THENCE NORTHERLY AND NORTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 148.35 FEET; THENCE NORTH 24°33'46" EAST, A DISTANCE OF 1.21 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE NORTHEASTERLY AND NORTHERLY A DISTANCE OF 148.35 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 340.00 FEET AND A CENTRAL ANGLE OF 25°00'01"; THENCE NORTH 00°26'14" WEST TANGENT TO SAID CURVE, A DISTANCE OF 117.21 FEET; THENCE NORTH 89°38'51" EAST, A DISTANCE OF 954.05 FEET TO THE POINT OF BEGINNING. CONTAINING 28.19 ACRES, MORE OR LESS.

NORTHEASTERLY AND EASTERLY A DISTANCE OF 39.30 FEET ALONG THE CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF $90^{\circ}04'48''$; THENCE NORTH $00^{\circ}21'05''$ WEST, A DISTANCE OF 60.00 FEET; THENCE NORTH $89^{\circ}38'55''$ EAST, A DISTANCE OF 908.91 FEET TO THE POINT OF BEGINNING. CONTAINING 12.84 ACRES, MORE OR LESS.

Exhibit "C" – Conceptual Master Plan





SHADON CREEK HEIGHTS, LLC
4949 PLEASANT STREET, STE 200
WEST DES MOINES, IOWA 502666

ZONING

CURRENT:	R1 - SINGLE FAMILY RESIDENTIAL DISTRICT
PROPOSED:	PUD - PLANNED UNIT DEVELOPMENT
	PUD - PLANNED UNIT DEVELOPMENT

[illegible][illegible]

Shadow Creek Peak Plat

REZONING MAP

**ASSOCIATED ENGINEERING
COMPANY OF IOWA**
2917 Martin Luther King Jr. Pkwy Des Moines, IA 50310
Phone: (515) 255-3156 Fax: (515) 255-3157

REVISIONS



CLIVE, CITY OF
1900 NW 114TH ST

of Affidavits 1

CLIVE IA 503257077

AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

Ad No.	Start Date:	Run Dates:	Cost:
0005752770	6/30/23	06/30/23	\$133.58

Copy of Advertisement
Exhibit "A"

Staff member, Register Media

Subscribed and sworn to before me by said affiant this

30th day of June, 2023

Notary Public

Commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

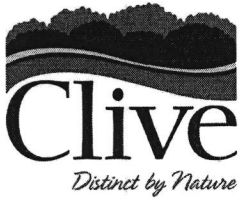
ORDINANCE NO. 1135
AN ORDINANCE AMENDING
THE CODE OF ORDINANCES OF
THE CITY OF CLIVE, IOWA, 2019
BY AMENDING THE OFFICIAL
ZONING MAP AND ZONING
DISTRICT BOUNDARIES BY
REZONING CERTAIN
PROPERTY GENERALLY
LOCATED EAST OF WESTGATE
PARKWAY AND SOUTH OF
MEREDITH DRIVE R-1 SINGLE
FAMILY RESIDENCE DISTRICT
AND PUD PLANNED UNIT
DEVELOPMENT TO PUD
PLANNED UNIT
DEVELOPMENT
BE IT ENACTED BY THE CITY
COUNCIL OF THE CITY OF
CLIVE, IOWA:
SECTION 1. CLASSIFICATION.
The Official Zoning Map and the
zoning district boundaries thereon
indicated as set forth in the
"ZONING ORDINANCE" of the
"CODE OF ORDINANCES OF
THE CITY OF CLIVE, IOWA,
2019", and as saved from repeal by
Chapter 5 of Title VI of the "CODE
OF ORDINANCES OF THE CITY
OF CLIVE, IOWA, 2019," which by
this reference are incorporated
herein as if fully set forth in the
body hereof, and the Clive
Comprehensive Plan are hereby
amended and changed by rezoning
the real estate legally described
on Exhibit A attached hereto (the
"Property") from R-1 Single
Family Residence District and
PUD Planned Unit Development
to PUD Planned Unit
Development.
SECTION 2. ADDITIONAL
ZONING RESTRICTIONS. As
part of this Ordinance and the
rezoning established herein,
certain permanent conditions and
restrictions are hereby imposed
upon the Property, which
conditions and restrictions are in
addition to existing regulations for
the PUD Planned Unit
Development Zoning
Classification. Said restrictions
are set forth in the Zoning Change
and Development Agreement (the
"Agreement") by and between the
City of Clive, Iowa, and Shadow
Creek Heights, LLC. The Mayor is
hereby authorized and directed to
execute said Agreement on behalf
of the City of Clive, Iowa; and the
City Clerk is hereby authorized
and directed to attest to the
signature of the Mayor and to
affix the City seal to the same. All
such conditions and restrictions
are established and such
Agreement executed and entered
into, pursuant to and in
accordance with the provisions of
Section 414.5 of the 2003 Code of
Iowa, as amended. "Complete
Zoning Change and Development
Agreement" is available for
inspection or copy may be
acquired from Clive City Hall, 1900
NW 114th Street, Clive, Iowa,
during posted hours of operation.
SECTION 3. REPEALER. All
parts of the "CODE OF
ORDINANCES OF THE CITY OF
CLIVE, IOWA, 2019" in conflict
herewith are hereby repealed.
SECTION 4. SEVERABILITY. If
any section, provision, sentence,
clause, phrase or part of this
Ordinance shall be adjudged to be
invalid or unconstitutional, such
adjudication shall not affect the
validity of this Ordinance as a
whole or any section, subsection,
provision, sentence, clause, phrase
or part thereof not adjudged
invalid or unconstitutional.
SECTION 5. EFFECTIVE DATE.
This Ordinance shall be in effect
from and after its final passage,
approval and notice of its passage
is given as provided by law.
PASSED AND APPROVED by the
City Council on the 22nd day of
June, 2023.
Matthew Graham, City Clerk
John Edwards, Mayor
Ordinance No. 1135 authenticated
this 22nd day of June, 2023.
Matthew Graham, City Clerk
John Edwards, Mayor
Officially published on the 30 day
of June, 2023.

CERTIFIED BY:
Matthew Graham, City Clerk

Exhibit A

Legal Description: R-1 to PUD

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows: Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly a distance of 195.89 feet along the curve concave to the south, having a radius of 329.36 feet and a central angle of 34°04'38" to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the northwest having a radius of 325.00 feet and a central angle of 22°20'35"; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence North 12°12'51" West, a distance of 24.97 feet to a point of cusp on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 93°48'23" and being subtended by a chord which bears North 55°18'56" West 36.51 feet; thence northerly a distance of 24.83 feet along the arc of said curve concave to the east having a radius of 780.00 feet and a central angle of 1°49'26" to a point of cusp on a curve, from which the radius point bears North 83°24'29" East; thence northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly a distance of 32.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 18°27'37" to a point of cusp on a curve, from which the radius point bears North 78°07'50" West; thence northerly a distance of 83.22 feet along the arc of said curve concave to the west having a radius of 170.00 feet and a central angle of 28°02'51" to a point of cusp on a curve, from which the radius point bears North 73°49'47" East; thence northerly a distance of 27.45 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 15°43'32"; thence North 00°26'13" West, a distance of 56.54 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 139.63 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 25°00'03"; thence North 24°33'47" East tangent to said curve, a distance of 1.21 feet to the beginning of a curve tangent to said line; thence northeasterly and northerly a distance of 157.08 feet along the curve concave to the west, having a radius of 360.00 feet and a central angle of 24°59'59"; thence North 00°26'03" West, a distance of 32.14 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly and easterly a distance of 39.30 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°04'48"; thence North 00°21'05" West, a distance of 60.00 feet; thence North 89°38'55" East, a distance of 908.91 feet to the Point of Beginning. Containing 12.84 ACRES, more or less.



Memo

third Reading
6/22/2023

TO: Mayor and Council Members

FROM: Amanda Grutzmacher

DATE: 6/22/2023

RE: 3rd Consideration of Ordinance No. 1135 - Shadow Creek Peak Rezoning - R-1 to PUD

SYNOPSIS:

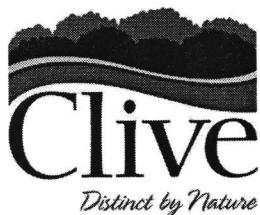
Tonight is the third consideration of the rezoning for Shadow Creek Peak. There have been no changes since the public hearing and second consideration.

Staff recommends approval of Ordinance 1135 and the associated Zoning Change and Development Agreement.

Please contact me at 515-223-6221 or agrutzmacher@cityofclive.com if you have questions or need additional information prior to the meeting.

ATTACHMENTS:

Description	Type	Upload Date
▣ Ordinance 1135 and Zoning Change and Development Agreement	Cover Memo	6/16/2023
▣ Rezoning Exhibit	Cover Memo	6/16/2023



Memo

TO: Mayor and Council Members

FROM: Amanda Grutzmacher

DATE: 6/8/2023

RE: 2nd Consideration of Ordinance No. 1135 - Shadow Creek Peak Rezoning - R-1 to PUD

Second Reading
6/8/2023

SYNOPSIS:

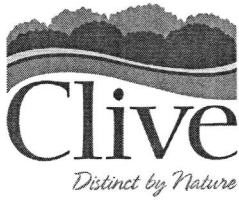
Tonight is the second consideration of a rezoning for Shadow Creek Peak. No changes have occurred since the public hearing.

Staff recommends approval of the second consideration of Ordinance No. 1135.

Please contact me at 515-223-6221 or agrutzmacher@cityofclive.com if you have questions or need additional information prior to the hearing.

ATTACHMENTS:

	Description	Type	Upload Date
▢	<u>Ordinance 1135</u>	Cover Memo	6/7/2023
▢	<u>Zoning Change & Development Agreement</u>	Cover Memo	6/7/2023
▢	<u>Rezoning Exhibit</u>	Cover Memo	6/7/2023



Memo

First Reading 5/25/2023

TO: Mayor and Council Members
FROM: Amanda Grutzmacher
DATE: 5/25/2023
RE: Public Hearing - 6:00 p.m. - Shadow Creek Peak Rezoning

SUBJECT:

a. Consideration of Proposed Ordinance No. 1135 - Shadow Creek Peak Rezoning - R-1 to PUD

SYNOPSIS:

Dreamscape Homebuilders, on behalf of Shadow Creek Heights, LLC, has petitioned the City of Clive to rezone approximately 12.8 acres of land located south of Meredith Drive and east of Westgate Parkway from R-1 to PUD Planned Unit Development. If approved, the rezoning would support development of an Association Residential Development, which would include attached or detached townhomes.

The developer has been working with staff for the last few years in an attempt to find a conceptual layout that balances all of the development requirements, such as street interconnectivity, stormwater management, landscaping, and building code requirements, while being financially viable. The applicant withdrew their previous rezoning request in order to rework the preliminary plat that was submitted for concurrent review.

After discussions with staff, the applicant has resubmitted only the minimum necessary information for consideration of the rezoning in respect to the appropriateness of the land use change from single-family to townhome. Typically staff requests additional information with the rezoning to streamline the development review process and ensure the development proposed is viable prior to rezoning the property. That additional information is above and beyond the details needed to determine appropriateness of the proposed land use and conformance with the Comprehensive Plan.

The applicant did not revise the master concept plan from the previous application. The master concept plan should be considered as a proof of concept for the proposed land use and extension of street and utility networks. The Zoning Change and Development Agreement has been drafted with additional requirements and information to address deficiencies in the plans. The developer would like to secure approval of the proposed Association Residential land use, prior to investing additional money in redesigning the layout and plans. Refer to the attached staff report for additional details.

In accordance with the Zoning Ordinance, the property owner has obtained the necessary consent petitions (greater than 50.1% of the surrounding land within 310-feet of the subject site). Planning and Zoning Commission reviewed the request at their May 4, 2023 meeting and recommended approval; however, the Commission did raise some concerns with delaying resolution to concerns raised at their first consideration of the proposed rezoning prior to the application being withdrawn. Specifically, Planning and Zoning raised concerns about the viability of the development once adjustments for stormwater, recreation, and required landscaping have been made.

No public comments were provided at the meeting. Once comment was received prior to the Planning and Zoning meeting and is included in this packet.

Staff recommends approval of the rezoning from R-1 to PUD to support an Association Residential Development.

If you have questions or need additional information prior to the meeting, please contact me at 515-223-6221 or agrutzmacher@cityofclive.com.

ATTACHMENTS:

Description	Type	Upload Date
<input type="checkbox"/> Staff Report & Attachments	Cover Memo	5/19/2023
<input type="checkbox"/> Public Comment	Cover Memo	5/19/2023
<input type="checkbox"/> Rezoning Exhibit	Cover Memo	5/19/2023
<input type="checkbox"/> Master Development Concept	Cover Memo	5/19/2023
<input type="checkbox"/> Ordinance 1135	Cover Memo	5/19/2023
<input type="checkbox"/> Draft Zoning Change and Development Agreement	Cover Memo	5/19/2023



CLIVE, CITY OF
1900 NW 114TH ST

of Affidavits 1

CLIVE IA 503257077

AFFIDAVIT OF PUBLICATION

State of Wisconsin

County of Brown, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

Ad No.	Start Date:	Run Dates:	Cost:
0005673167	5/10/23	05/10/23	\$105.73

Copy of Advertisement
Exhibit "A"

Staff member, Register Media

Subscribed and sworn to before me by said affiant this

10th day of May, 2023

Notary Public

Commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING
FOR REZONING OF CERTAIN
PROPERTY
GENERALLY LOCATED EAST
OF WESTGATE PARKWAY AND
SOUTH OF MEREDITH DRIVE
FROM R-1 SINGLE FAMILY
RESIDENCE DISTRICT AND
PUD PLANNED UNIT
DEVELOPMENT TO PUD
PLANNED UNIT
DEVELOPMENT

NOTICE IS HEREBY GIVEN that the City Council of the City of Clive, Iowa, will meet at the Clive City Hall, 1900 NW 114th Street, in the City of Clive, Iowa, at 6:00 p.m. on the 25th day of May 2023, at which time and place the City Council will hold a public hearing on a proposed amendment to the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019" which would amend the Official Zoning Map and zoning district boundaries to rezone the real estate legally described on Exhibit A, attached hereto, from R-1 Single Family Residence District and PUD Planned Unit Development to PUD Planned Unit Development. Such amendment is set forth in the proposed Ordinance entitled as follows:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019 BY AMENDING THE OFFICIAL ZONING MAP AND ZONING DISTRICT BOUNDARIES BY REZONING CERTAIN PROPERTY GENERALLY LOCATED EAST OF WESTGATE PARKWAY AND SOUTH OF MEREDITH DRIVE FROM R-1 SINGLE FAMILY RESIDENCE DISTRICT AND PUD PLANNED UNIT DEVELOPMENT TO PUD PLANNED UNIT DEVELOPMENT

For all the particulars of the proposed amendment, see the proposed Ordinance entitled as set forth above now on file at the Clive City Hall with the City Clerk of the City of Clive.

All interested persons may appear at the public hearing and at such time and place the Clive City Council will consider any objections to the proposed Ordinance and give all interested persons an opportunity to be heard. This Notice is given by order of the City Council of the City of Clive, Iowa.

Exhibit A

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows: Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly a distance of 195.89 feet along the curve concave to the south, having a radius of 329.36 feet and a central angle of 34°04'38" to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the northwest having a radius of 325.00 feet and a central angle of 22°20'35"; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence North 12°12'51" West, a distance of 24.97 feet to a point of cusp on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 93°48'23" and being subtended by a chord which bears North 55°18'56" West 36.51 feet; thence northerly a distance of 24.83 feet along the arc of said curve concave to the east having a radius of 780.00 feet and a central angle of 1°49'26" to a point of cusp on a curve, from which the radius point bears North 83°24'29" East; thence northerly,

northeasterly, easterly,
southeasterly, southerly,
southwesterly, westerly,
northwesterly and northerly a
distance of 32.22 feet along the arc
of said curve concave to the east
having a radius of 100.00 feet and
a central angle of 18°27'37" to a
point of cusp on a curve, from
which the radius point bears North
78°07'50" West; thence northerly a
distance of 83.22 feet along the arc
of said curve concave to the west
having a radius of 170.00 feet and
a central angle of 28°02'51" to a
point of cusp on a curve, from
which the radius point bears North
73°49'47" East; thence northerly a
distance of 27.45 feet along the arc
of said curve concave to the east
having a radius of 100.00 feet and
a central angle of 15°43'32";
thence North 00°26'13" West, a
distance of 56.54 feet to the
beginning of a curve tangent to
said line; thence northerly and
northeasterly a distance of 139.63
feet along the curve concave to the
east, having a radius of 320.00 feet
and a central angle of 25°00'03";
thence North 24°33'47" East
tangent to said curve, a distance
of 1.21 feet to the beginning of a
curve tangent to said line; thence
northeasterly and northerly a
distance of 157.08 feet along the
curve concave to the west, having
a radius of 360.00 feet and a
central angle of 24°59'59"; thence
North 00°26'03" West, a distance of
32.14 feet to the beginning of a
curve tangent to said line; thence
northerly, northeasterly and
easterly a distance of 39.30 feet
along the curve concave to the
southeast, having a radius of 25.00
feet and a central angle of
90°04'48"; thence North 00°21'05"
West, a distance of 60.00 feet;
thence North 89°38'55" East, a
distance of 908.91 feet to the Point
of Beginning. Containing 12.84
ACRES, more or less.

NOTICE OF PUBLIC HEARING FOR REZONING OF CERTAIN PROPERTY
GENERALLY LOCATED EAST OF WESTGATE PARKWAY AND SOUTH OF
MEREDITH DRIVE FROM R-1 SINGLE FAMILY RESIDENCE DISTRICT AND PUD
PLANNED UNIT DEVELOPMENT TO PUD PLANNED UNIT DEVELOPMENT

NOTICE IS HEREBY GIVEN that the City Council of the City of Clive, Iowa, will meet at the Clive City Hall, 1900 NW 114th Street, in the City of Clive, Iowa, at 6:00 p.m. on the 25th day of May 2023, at which time and place the City Council will hold a public hearing on a proposed amendment to the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2019" which would amend the Official Zoning Map and zoning district boundaries to rezone the real estate legally described on Exhibit A, attached hereto, from R-1 Single Family Residence District and PUD Planned Unit Development to PUD Planned Unit Development. Such amendment is set forth in the proposed Ordinance entitled as follows:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLIVE,
IOWA, 2019 BY AMENDING THE OFFICIAL ZONING MAP AND ZONING DISTRICT
BOUNDARIES BY REZONING CERTAIN PROPERTY GENERALLY LOCATED EAST OF
WESTGATE PARKWAY AND SOUTH OF MEREDITH DRIVE FROM R-1 SINGLE
FAMILY RESIDENCE DISTRICT AND PUD PLANNED UNIT DEVELOPMENT TO PUD
PLANNED UNIT DEVELOPMENT

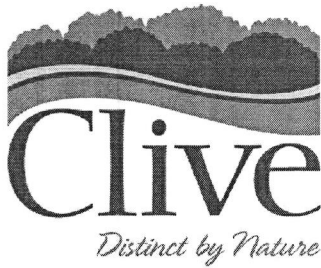
For all the particulars of the proposed amendment, see the proposed Ordinance entitled as set forth above now on file at the Clive City Hall with the City Clerk of the City of Clive.

All interested persons may appear at the public hearing and at such time and place the Clive City Council will consider any objections to the proposed Ordinance and give all interested persons an opportunity to be heard. This Notice is given by order of the City Council of the City of Clive, Iowa.

Exhibit A

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows:

Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly a distance of 195.89 feet along the curve concave to the south, having a radius of 329.36 feet and a central angle of 34°04'38" to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the northwest having a radius of 325.00 feet and a central angle of 22°20'35"; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence North 12°12'51" West, a distance of 24.97 feet to a point of cusp on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 93°48'23" and being subtended by a chord which bears North 55°18'56" West 36.51 feet; thence northerly a distance of 24.83 feet along the arc of said curve concave to the east having a radius of 780.00 feet and a central angle of 1°49'26" to a point of cusp on a curve, from which the radius point bears North 83°24'29" East; thence northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly a distance of 32.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 18°27'37" to a point of cusp on a curve, from which the radius point bears North 78°07'50" West; thence northerly a distance of 83.22 feet along the arc of said curve concave to the west having a radius of 170.00 feet and a central angle of 28°02'51" to a point of cusp on a curve, from which the radius point bears North 73°49'47" East; thence northerly a distance of 27.45 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 15°43'32"; thence North 00°26'13" West, a distance of 56.54 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 139.63 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 25°00'03"; thence North 24°33'47" East tangent to said curve, a distance of 1.21 feet to the beginning of a curve tangent to said line; thence northeasterly and northerly a distance of 157.08 feet along the curve concave to the west, having a radius of 360.00 feet and a central angle of 24°59'59"; thence North 00°26'03" West, a distance of 32.14 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly and easterly a distance of 39.30 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°04'48"; thence North 00°21'05" West, a distance of 60.00 feet; thence North 89°38'55" East, a distance of 908.91 feet to the Point of Beginning. Containing 12.84 ACRES, more or less.



Memo

TO: Planning and Zoning Commission

FROM: Amanda Grutzmacher

DATE: 5/4/2023

RE: Shadow Creek Peak Rezoning - R-1 and PUD to PUD

SYNOPSIS:

GENERAL INFORMATION

Applicant: Dreamscape Homebuilders on behalf of Shadow Creek Heights, LLC

Requested Action: Rezoning from R-1 and PUD to PUD

Location: south of Meredith Drive, east of Westgate Parkway

LAND USES & ZONING			
Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Property	Agriculture	Residential - Low Density	R-1 and PUD
North	Residential -Low Density	N/A (Urbandale)	N/A
East	Residential - Low Density	Residential - Low Density	R-1
South	Agriculture	Residential - Low Density	PUD
West	Residential - Medium Density Undeveloped	Residential - Low Density Residential - Medium Density	PUD

CASE HISTORY

2001 - Annexed into Clive and zoned R-1

2020 - portion of property zoned PUD with Shadow Creek North

2020 - Cost Sharing Agreement and land swap with adjacent property

BACKGROUND

The subject property was annexed into the City of Clive in 2001 as part of a larger annexation, and has continued to be used for agricultural purposes. The property was acquired by the current owner in 2020. The property owner entered into a Cost Sharing Agreement with the developers of Shadow Creek North for improvements associated with Westgate Parkway and required stormwater management for the developments. In association with said agreement, there was a land swap to facilitate the construction of Westgate Parkway. The portion of land acquired by Shadow Creek Heights, LLC in the land swap had already been rezoned to PUD with the Shadow Creek North PUD. The portion already zoned PUD is included in the proposed rezoning so the entire subject site will have one PUD ordinance regulating it.

The proposed developer has been working with staff for the last few years in an attempt to find a conceptual layout that balances all of the development requirements, such as street interconnectivity, stormwater management, landscaping, and building code requirements, while being financially viable. The applicant withdrew their previous rezoning request in order to rework the preliminary plat that was submitted for concurrent review.

After discussions with staff, the applicant has resubmitted only the minimum necessary information for consideration of the rezoning in respect to the appropriateness of the land

use change from single-family to townhome. Typically staff requests additional information with the rezoning to streamline the development review process and ensure the development proposed is viable prior to rezoning the property. That additional information is above and beyond the details needed to determine appropriateness of the proposed land use and conformance with the Comprehensive Plan.

In accordance with the Zoning Ordinance, the property owner has obtained the necessary consent petitions (greater than 50.1% of the surrounding land within 310-feet of the subject site), and as such, staff recommended City Council establish a Public Hearing for May 25, 2023 for consideration of the rezoning request.

ANALYSIS

The requested action from the Commission is to make a recommendation on the first phase of the entitlement process, which is rezoning the property from R-1 to PUD. The subject property for rezoning is approximately 12.8 acres located at Westgate Parkway and Meredith Drive. The subject site is part of a larger 28-acre parcel. The southern portion of the larger parcel is proposed to be developed with single-family homes, and does not require a rezoning. The northern portion of the parcel requested to be rezoned is proposed to be developed with an Association Residential development, which may include attached or detached townhome units.

Land Use

When contemplating all land use decisions, the City looks toward the future land use plan for guidance. The future land use plan included in the 2016 Comprehensive Plan identifies the subject property as Residential - Low Density. The plan discusses Residential - Low Density to include attached and detached single-family homes, which is consistent with the Association Residential proposed use. The Comprehensive Plan states Residential - Low Density is around 4 units per acre. The typical requirements for townhomes within Clive allow up to 8 units per acre. Staff feels the density typically allowed for townhomes within Clive is not counter to the recommendations of the Comprehensive Plan as it is in keeping with the types of dwellings identified as appropriate for Residential - Low Density, 8 units per acre is an industry accepted density for single-family or Association Residential, and the Association Residential will provide additional buffering from Meredith Drive to the proposed traditional single-family on the southern portion of the property.

The applicant states the Association Residential area is intended to meet the emerging younger market and provide an economical alternative to single-family residences. The price range is anticipated to be \$300,000 to \$400,000.

Architecture and Design

The consideration of rezoning and determining the appropriate use of land does not strictly require design information be provided. The draft Zoning Change and Development Agreement has the following requirements for the Association Residential area:

Setbacks:

- 25-feet along Alpine Drive.
- 40-feet along Westgate Parkway.
- 25-feet along private streets.
- 6-feet between sides of detached association units.
- 8-feet between sides of semi-attached association buildings.
- 30-feet between rear of detached or semi-attached association units.
- 0-feet between units within a shared building.

Minimum Dwelling Size (exclusive of garages, porches, basements):

- 1-story: 1,250 sq. ft.
- 1 1/2 story or 2-story: 1,400 sq. ft.

Design Standards:

- 2-car attached garage
- James Hardi Plank, LP Smart Siding, or similar required for non-masonry areas
- Minimum 20% masonry on total facade
- Minimum 20% masonry on any facade oriented toward Alpine Drive or Westgate Parkway
- Perimeter trim for windows and doors, and other similar architectural details

Conceptual Master Plan

The Conceptual Master Plan should be considered as a demonstration of the land uses proposed with the rezoning request. The rezoning process would not approve the layout shown, unit sizes or orientation, landscaping specifications, etc. beyond what is detailed in the draft Zoning Change and Development Agreement.

The Conceptual Master Plan shows that the street and utility networks can be extended to accommodate single-family and Association Residential development in this area. The Conceptual Master Plan further identifies all streets internal to an Association Residential development would be private, but would be covered by an ingress/egress easement allowing for public use of the private street.

Parkland Dedication

Required parkland dedication takes place at the time of final plat and is based upon the number and type of dwelling units. The applicant is proposing to satisfy the parkland dedication requirement by dedicating a stormwater outlot located south of the proposed single-family area to the City. The existing farm pond located near the south property line of the entire 28-acre parcel is proposed to be reconstructed to meet the detention requirements in the Post-Construction Stormwater Management Manual. In the past, the City has accepted some stormwater outlots and credited 50% of the land area toward parkland dedication.

When calculating required parkland dedication, townhome residences assume 2 persons per household, and single-family residences assume 2.7 persons per household. Based on the unit count shown on the Conceptual Master Plan, the required parkland dedication for the Association Residential is anticipated to be approximately 1.37 acres. The single-family portion is anticipated to require approximately 0.65 acres of parkland dedication. With the current Conceptual Master Plan, a total of parkland dedication of 2.02 acres is required for the combined areas.

Landscaping

The applicant is proposing an enhanced streetscape along Alpine Drive, rather than a 30' landscape buffer between the single-family and Association Residential portions of the development. A similar streetscape has been installed along Wilden Drive in Berkshire North Plats 9 and 10 to interconnect the townhome and single-family developments and provide a mix of dwelling types in the same neighborhood.

Continuation of the Westgate Parkway streetscape is required within both the Association Residential and single-family portions of the proposed development. A 30' landscape buffer is required along the east property line adjacent to the Association Residential portion of the

proposed development. A 30' landscape buffer is also required along the north property line adjacent to Meredith Drive.

The single-family portion of the development is required to provide 2-trees on each single-family lot, which may include the Alpine and Westgate streetscape plantings. The draft Zoning Change and Development Agreement requires the Association Residential area to provide 2-trees per unit in addition to required buffers and the Westgate and Alpine streetscape plantings. Providing a streetscape in lieu of the typical 30' landscape buffer along Alpine Drive results in approximately half of the required plantings in that area.

Utilities

Water and sanitary mains in both the single-family and Association Residential portions of the proposed development are proposed to be public. A detailed utility plan would be approved with the future preliminary plat and construction drawing submittals, if the rezoning is approved.

Stormwater Management

Detailed stormwater management design would be approved with the future preliminary plat and construction drawing submittals, if the rezoning is approved. The conceptual master plan shows reconstruction of a stormwater detention pond and forebay where the existing farm pond is located. The pond would provide detention for both the single-family and Association Residential portions of the development, as well as some of the detention requirement for the development property to the west. The draft Zoning Change and Development Agreement identifies minimum design considerations that must be met for the City to consider accepting the stormwater detention facility and outlot.

PUBLIC COMMENT:

Notice was sent to the surrounding property owners within 310-feet of the subject site on April 20, 2023. To date, staff has received no written public comments.

STAFF RECOMMENDATION:

Staff would recommend approval of the rezoning to PUD Planned Unit Development. Staff is supportive of the Association Residential land use.

ATTACHMENTS:

Description	Type	Upload Date
▢ Application and Consents	Cover Memo	4/26/2023
▢ Notice Letter & Mail Labels	Cover Memo	4/26/2023
▢ Draft Zoning Change and Development Agreement	Cover Memo	4/26/2023
▢ Rezoning Exhibit	Cover Memo	4/26/2023
▢ Conceptual Master Plan	Cover Memo	4/26/2023



CITY OF CLIVE
1900 NW 114th Street
Clive, IA 50325-7077
Phone (515)223-6221
Fax (515) 457-3091

**APPLICATION FOR
DEVELOPMENT REVIEW
REZONING**

DATE SUBMITTED

3/17/2023

PROJECT TITLE

Shadow Creek Peak Rezoning

APPLICANT INFORMATION

APPLICANT NAME

Shadow Creek Heights, LLC

ADDRESS

4949 Pleasant St., Ste. 200

CITY, STATE, ZIP

West Des Moines, IA 50266

PHONE

FAX

E-MAIL ADDRESS

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property.

In addition to the application fee, I understand I am responsible for all development review costs invoiced on a Monthly basis for services performed by City staff or City consultants on my behalf.

Ryan R. Roberts

Print Applicant's Name

3/17/2023

Applicant's Signature

Date

DEVELOPMENT TEAM

Project Manager

Ryan Roberts, Dreamscape Homebuilders

Address

1330 S. Marshall St.

Phone

515-208-4716

Fax

E-Mail Address

Ryan@dreamscapehomebuilders.com

Attorney/Other

Address

Phone

Fax

E-Mail Address

Submit 6 print copies (24"x36" maximum) and PDF copy of all plan sheets.

For a complete submittal, the following information should be provided:

Rezoning Sketch

Received

☒

Rezoning Petition

☒

Consent Petition

☒

Concept/Development Plan

☒

Application Fee

☒

Project Narrative: (submit separate sheet if necessary)

Contact the Community Development Department with questions or for additional information.

Project Narrative for Shadow Creek Peak

The subject site for rezoning is approximately 12.8 acres located at Westgate Parkway and Meredith Drive. The subject site is part of a larger 28-acre parcel. The southern portion of the larger parcel will be developed with single-family homes, and does not require a rezoning. The northern portion of the parcel requested to be rezoned is proposed to be developed with association residential townhome units.

The PUD zoning is proposed for the townhome development to address the unique nature of the neighborhood and allow for future development of adjacent properties to conform with the comprehensive plan.

The site does allow for extended repeatable growth in the neighborhood. This will also work in coordination with the development property to the west. The development layout will allow for the property to the east to connect to the street network if developed in the future.

The association townhome product is intended to meet the emerging younger market looking for homeownership. These types of units offer an economical alternative to single-family residences and all the responsibilities, while still providing exterior amenities and garages. The association townhome units are intended to be developed for a price range approximately from \$300K to \$400K.

The association townhome development will be accessible from Westgate Parkway and from the future Alpine Drive extension. All streets located interior to the townhome development will be private streets.

In lieu of a typical 30' landscape buffer between the single-family and association townhome areas, a streetscape will be planted along Alpine Drive. This will allow for better connectivity and access to the proposed parkland dedication and future trail improvements, while providing enhanced aesthetics.

Parkland Dedication requirements are proposed to be met through the City's acceptance of the outlot with the wet detention pond as generally shown on the Master Concept Plan. The pond and outlot are located within the future single-family development area. The pond will have the depth required to support fish, and be accessible from an 8' sidewalk recreation trail along the west side of Westgate Parkway, and a 5' sidewalk along the east side of Westgate Parkway that transitions to a 10' sidewalk recreation trail for a portion to allow for maintenance vehicle access to the pond. The trail is intended to be extended eastward with future adjacent development. The pond will be designed to allow visitors to access the pond, as well as to provide access for future maintenance.

**CONSENT TO REZONE PROPERTY WITHIN THE CITY
OF CLIVE, IOWA**

I (We), the undersigned, as proprietor of the property legally described on the attached Exhibit A.

hereby state that the rezoning request is prepared with our free consent and in accordance with our desire.

The undersigned state, in writing, that they, as property owners have no objection to the reclassification from R-1, Single Family Residence District to PUD, Planned Unit Development.

The undersigned states that this consent can be received, filed, and made a part of any proceedings before the Planning and Zoning Commission and/or City Council pertaining to the above request.

Dated this 19 day of April, 2022

Kiran Pendurthi

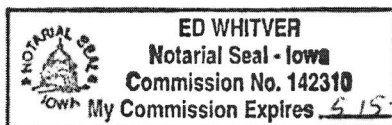
KIRAN PENDURTHI
Printed Name

STATE OF IOWA)

) ss:

COUNTY OF POLK)

This record was acknowledged before me this 19 day of April, 2022, by
KIRAN PENDURTHI as Partner of Shadow Creek Heights, LLC.



Ed Whitver

Notary Public in and for the
State of Iowa

Exhibit A
Legal Description: R-1 to PUD

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows:

Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly a distance of 195.89 feet along the curve concave to the south, having a radius of 329.36 feet and a central angle of 34°04'38" to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the northwest having a radius of 325.00 feet and a central angle of 22°20'35"; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence North 12°12'51" West, a distance of 24.97 feet to a point of cusp on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 93°48'23" and being subtended by a chord which bears North 55°18'56" West 36.51 feet; thence northerly a distance of 24.83 feet along the arc of said curve concave to the east having a radius of 780.00 feet and a central angle of 1°49'26" to a point of cusp on a curve, from which the radius point bears North 83°24'29" East; thence northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly a distance of 32.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 18°27'37" to a point of cusp on a curve, from which the radius point bears North 78°07'50" West; thence northerly a distance of 83.22 feet along the arc of said curve concave to the west having a radius of 170.00 feet and a central angle of 28°02'51" to a point of cusp on a curve, from which the radius point bears North 73°49'47" East; thence northerly a distance of 27.45 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 15°43'32"; thence North 00°26'13" West, a distance of 56.54 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 139.63 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 25°00'03"; thence North 24°33'47" East tangent to said curve, a distance of 1.21 feet to the beginning of a curve tangent to said line; thence northeasterly and northerly a distance of 157.08 feet along the curve concave to the west, having a radius of 360.00 feet and a central angle of 24°59'59"; thence North 00°26'03" West, a distance of 32.14 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly and easterly a distance of 39.30 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°04'48"; thence North 00°21'05" West, a distance of 60.00 feet; thence North 89°38'55" East, a distance of 908.91 feet to the Point of Beginning. Containing 12.84 ACRES, more or less.

CONSENT TO REZONE PROPERTY WITHIN THE CITY OF CLIVE, IOWA

I (We), the undersigned, Shadow Creek Estates, LLC, own property within 310 feet of the property owned by Shadow Creek Heights, LLC being legally described on the attached Exhibit A.

The undersigned states, in writing, that they as property owner have no objection to the reclassification from R-1, Single Family Residence District to PUD, Planned Unit Development as requested by the owner of the above-mentioned property.

The undersigned states that this consent can be received, filed, and made a part of any proceedings before the Planning and Zoning Commission and/or City Council pertaining to the above request.

The undersigned owns:

THE WEST 475 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA, EXCLUDING SHADOW CREEK PLAT 5 AND SHADOW CREEK PLAT 6.

AND

THE WEST 475 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA, EXCLUDING PARCEL 20-89.

Dated this 12th day of April, 2022

Shadow Creek Estates, LLC



**By: Vista Real Estate and Investment
Corporation, It's Manager
David J. Harmeyer, President**

Printed Name

Exhibit A
Legal Description: R-1 to PUD

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CONSENT TO REZONE PROPERTY WITHIN THE CITY OF CLIVE, IOWA

I (We), the undersigned, Shadow Creek V, LLC, own property within 310 feet of the property owned by Shadow Creek Heights, LLC being legally described on the attached Exhibit A.

The undersigned states, in writing, that they as property owner have no objection to the reclassification from R-1, Single Family Residence District to PUD, Planned Unit Development as requested by the owner of the above-mentioned property.

The undersigned states that this consent can be received, filed, and made a part of any proceedings before the Planning and Zoning Commission and/or City Council pertaining to the above request.

The undersigned owns:

THE EAST 845 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA, EXCLUDING SHADOW CREEK PLAT 5 AND SHADOW CREEK PLAT 6.

AND

THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA, EXCLUDING SHADOW CREEK PLAT 5.

Dated this 12th day of April, 2022

Shadow Creek V, LLC



**By: Vista Real Estate and Investment
Corporation, It's Manager
David J. Harmeyer, President**

Printed Name

Exhibit A
Legal Description: R-1 to PUD

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows:

Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly a distance of 195.89 feet along the curve concave to the south, having a radius of 329.36 feet and a central angle of 34°04'38" to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the northwest having a radius of 325.00 feet and a central angle of 22°20'35"; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence North 12°12'51" West, a distance of 24.97 feet to a point of cusp on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 93°48'23" and being subtended by a chord which bears North 55°18'56" West 36.51 feet; thence northerly a distance of 24.83 feet along the arc of said curve concave to the east having a radius of 780.00 feet and a central angle of 1°49'26" to a point of cusp on a curve, from which the radius point bears North 83°24'29" East; thence northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly a distance of 32.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 18°27'37" to a point of cusp on a curve, from which the radius point bears North 78°07'50" West; thence northerly a distance of 83.22 feet along the arc of said curve concave to the west having a radius of 170.00 feet and a central angle of 28°02'51" to a point of cusp on a curve, from which the radius point bears North 73°49'47" East; thence northerly a distance of 27.45 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 15°43'32"; thence North 00°26'13" West, a distance of 56.54 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 139.63 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 25°00'03"; thence North 24°33'47" East tangent to said curve, a distance of 1.21 feet to the beginning of a curve tangent to said line; thence northeasterly and northerly a distance of 157.08 feet along the curve concave to the west, having a radius of 360.00 feet and a central angle of 24°59'59"; thence North 00°26'03" West, a distance of 32.14 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly and easterly a distance of 39.30 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°04'48"; thence North 00°21'05" West, a distance of 60.00 feet; thence North 89°38'55" East, a distance of 908.91 feet to the Point of Beginning. Containing 12.84 ACRES, more or less.

CONSENT TO REZONE PROPERTY WITHIN THE CITY OF CLIVE, IOWA

I (We), the undersigned, Shadow Creek VI, LLC, own property within 310 feet of the property owned by Shadow Creek Heights, LLC being legally described on the attached Exhibit A.

The undersigned states, in writing, that they as property owner have no objection to the reclassification from R-1, Single Family Residence District to PUD, Planned Unit Development as requested by the owner of the above-mentioned property.

The undersigned states that this consent can be received, filed, and made a part of any proceedings before the Planning and Zoning Commission and/or City Council pertaining to the above request.

The undersigned owns:

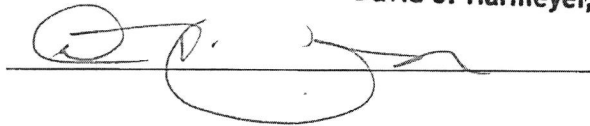
17953 Tanglewood Dr - Shadow Creek Plat 8 Lot 56

17947 Tanglewood Dr - Shadow Creek Plat 8 Lot 57

Dated this 27th day of January, 2023

Shadow Creek VI, LLC

**By: Vista Real Estate and Investment
Corporation, It's Manager
David J. Harmeyer, President**



David J. Harmeyer

Printed Name

Exhibit A
Legal Description: R-1 to PUD

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CONSENT TO REZONE PROPERTY WITHIN THE CITY OF CLIVE, IOWA

I (We), the undersigned, Shadow Creek IX, LLC, own property within 310 feet of the property owned by Shadow Creek Heights, LLC being legally described on the attached Exhibit A.

The undersigned states, in writing, that they as property owner have no objection to the reclassification from R-1, Single Family Residence District to PUD, Planned Unit Development as requested by the owner of the above-mentioned property.

The undersigned states that this consent can be received, filed, and made a part of any proceedings before the Planning and Zoning Commission and/or City Council pertaining to the above request.

The undersigned owns:

18025 Alpine Dr – Shadow Creek Plat 10 Lot 3

4376 Westgate Pkwy – Shadow Creek Plat 10 Lot 8

18021 Alpine Dr – Shadow Creek Plat 10 Lot 4

17958 Alpine Dr – Shadow Creek Plat 10 Lot 9

18013 Alpine Dr – Shadow Creek Plat 10 Lot 5

17976 Alpine Dr - Shadow Creek Plat 10 Lot 10

18001 Alpine Dr – Shadow Creek Plat 10 Lot 6

18004 Alpine Dr - Shadow Creek Plat 10 Lot 11

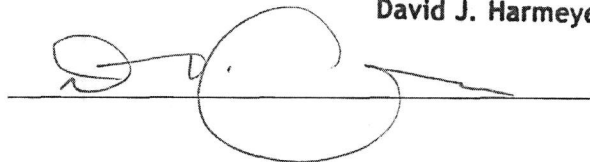
17987 Alpine Dr – Shadow Creek Plat 10 Lot 7

18018 Alpine Dr - Shadow Creek Plat 10 Lot 12

Dated this 27th day of January, 2023

Shadow Creek IX, LLC

**By: Vista Real Estate and Investment
Corporation, It's Manager
David J. Harmeyer, President**



David J. Harmeyer

Printed Name

Exhibit A
Legal Description: R-1 to PUD

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Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence westerly and southwesterly a distance of 195.89 feet along the curve concave to the south, having a radius of 329.36 feet and a central angle of 34°04'38" to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the northwest having a radius of 325.00 feet and a central angle of 22°20'35"; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence North 12°12'51" West, a distance of 24.97 feet to a point of cusp on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 93°48'23" and being subtended by a chord which bears North 55°18'56" West 36.51 feet; thence northerly a distance of 24.83 feet along the arc of said curve concave to the east having a radius of 780.00 feet and a central angle of 1°49'26" to a point of cusp on a curve, from which the radius point bears North 83°24'29" East; thence northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly a distance of 32.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 18°27'37" to a point of cusp on a curve, from which the radius point bears North 78°07'50" West; thence northerly a distance of 83.22 feet along the arc of said curve concave to the west having a radius of 170.00 feet and a central angle of 28°02'51" to a point of cusp on a curve, from which the radius point bears North 73°49'47" East; thence northerly a distance of 27.45 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 15°43'32"; thence North 00°26'13" West, a distance of 56.54 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 139.63 feet along the curve concave to the east, having a radius of 320.00 feet and a central angle of 25°00'03"; thence North 24°33'47" East tangent to said curve, a distance of 1.21 feet to the beginning of a curve tangent to said line; thence northeasterly and northerly a distance of 157.08 feet along the curve concave to the west, having a radius of 360.00 feet and a central angle of 24°59'59"; thence North 00°26'03" West, a distance of 32.14 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly and easterly a distance of 39.30 feet along the curve concave to the southeast, having a radius of 25.00 feet and a central angle of 90°04'48"; thence North 00°21'05" West, a distance of 60.00 feet; thence North 89°38'55" East, a distance of 908.91 feet to the Point of Beginning. Containing 12.84 ACRES, more or less.

CONSENT TO REZONE PROPERTY WITHIN THE CITY OF CLIVE, IOWA

I (We), the undersigned, Shadow Creek Heights, LLC, own property within 310 feet of the property owned by Shadow Creek Heights, LLC being legally described on the attached Exhibit A.

The undersigned states, in writing, that they as property owner have no objection to the reclassification from R-1, Single Family Residence District to PUD, Planned Unit Development as requested by the owner of the above-mentioned property.

The undersigned states that this consent can be received, filed, and made a port of any proceedings before the Planning and Zoning Commission and/or City Council pertaining to the above request.

The undersigned owns the property being legally described on the attached Exhibit B.

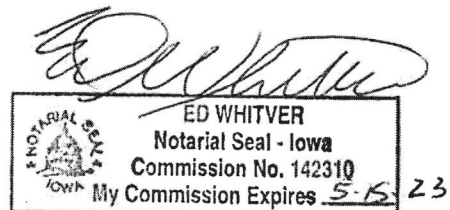
Dated this 30 day of Jan, 2023

Shadow Creek Heights, LLC

Kiran Pendurthi

KIRAN PENDURTHI

Printed Name



POLK COUNTY, IA

Exhibit A
Legal Description: R-1 to PUD

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows:

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Exhibit B
LEGAL DESCRIPTION

A part of the Northeast Quarter of the Northwest Quarter of Section 22, Township 79 North, Range 26 West of the 5TH Principal Meridian in the City of Clive, Dallas County, Iowa and more particularly described as follows:

Beginning at the North Quarter Corner of said Section 22; thence South 00°08'15" East along the East line of said Northeast Quarter, a distance of 559.58 feet to the point of beginning; thence South 89°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence South 72°28'47" West a distance of 195.89 feet along a curve concave to the south, having a radius of 329.36 feet and a chord length of 193.01 feet to a point of reverse curvature; thence South 66°36'45" West a distance of 126.74 feet along a curve having a radius of 325 feet and a chord length of 125.94 feet; thence South 77°47'03" West tangent to said curve, a distance of 31.93 feet; thence South 12°12'52" East, a distance of 25.03 feet; thence South 30°53'13" West a distance of 40.93 feet along a curve having a radius of 25 feet and a chord length of 36.51 feet; thence South 23°28'24" East a distance of 203.16 feet along a curve having a radius of 780 feet and a chord length of 202.59 feet; thence South 72°15'49" East a distance of 36.07 feet along a curve having a radius of 25 feet and a chord length of 33.02 feet; thence North 66°43'58" East a distance of 9.35 feet along a curve having a radius of 325 feet and a chord length of 9.35 feet; thence South 22°56'33" East a distance of 50.00 feet; thence South 20°59'27" West a distance of 40.20 feet along a curve having a radius of 25 feet and a chord length of 36.01 feet; thence South 20°07'14" East a distance of 141.84 feet along a curve having a radius of 820 feet and a chord length of 141.66 feet; thence South 15°09'55" East a distance of 184.40 feet; thence South 89°35'19" East a distance of 742.92 feet; thence North 00°08'16" West 753.41 feet to the point of beginning.

Project Narrative for Shadow Creek Peak

The subject site for rezoning is approximately 12.8 acres located at Westgate Parkway and Meredith Drive. The subject site is part of a larger 28-acre parcel. The southern portion of the larger parcel will be developed with 29 single-family homes, and does not require a rezoning. The northern portion of the parcel requested to be rezoned is proposed to be developed with 82 attached townhome units.

The PUD zoning is proposed for the townhome development to address the unique nature of the neighborhood and allow for future development of adjacent properties to conform with the comprehensive plan. The overall neighborhood is made up of different styles, sizes, and prices of single-family homes combined with attached townhomes.

The site does allow for extended repeatable growth in the neighborhood. This will also work in coordination with the development property to the west. The development layout will allow for the property to the east to connect to the street network if developed in the future.

Townhome Design

The attached townhome design is developed to meet the emerging younger market looking for homeownership. These units offer an economical alternative to single-family residences and all the responsibilities, while still providing exterior amenities and garages sized for full size cars and trucks. The units are being developed for a price range approximately from mid-\$200K to \$370K. There are many styles and sizes that will help dictate the costs per unit.

The units will be separated in areas of modern farmhouse, modern prairie, and craftsman styles, with design requirements included in the covenants. There will be a mix of 2 story units and 1 and a half story units. Separate utilities will be extended to each unit. All units will utilize the LP smart siding, which will be required in the covenants. The yards and street will be shared and a homeowner's association will be created to manage and maintain the common property.

Street Improvements

The townhome development will be accessible from Westgate Parkway on the west side, and from the future Alpine Drive on the south side. All streets located in the townhome development will be private streets. The drive entering the townhome development from Westgate Parkway will be 26' wide. The northernmost private street will also be 26' wide, which will allow visitor parking on one side of the street. All other private streets will be typical 20' to 24' wide.

Stormwater Management

The development of Shadow Creek Peak will meet City of Clive's Post-Construction Stormwater Management Ordinance. Adverse impacts from stormwater runoff will be managed through the Best Management Practices set forth in the Clive Post-Construction Stormwater Management Manual.

The components of the stormwater management system located in the townhome area will be maintained by the homeowner's association, including all storm sewer piping, modified soils, and stormwater management facilities. Management details will be provided during the development review process.

The site will use modified soils respread to manage the required Recharge Volume and Water Quality Volume. The run-off will be allowed to flow through the grass areas with modified soils to capture pollutants and sediment. These areas will capture the first 1" of rainfall and allow it to recharge the groundwater.

Channel Protection Volume, Over-bank Flood Protection, and Extreme Flood Protection will be provided for in two detention ponds. One detention will be located on the east side of the townhome development. A second detention pond will be located on the future single-family development property to the south. The detention pond to the south will be a wet detention facility and be located on a 4.41-acre outlot. The existing farm pond will be reconstructed to provide stormwater management and recreational uses.

Parkland Dedication

Parkland Dedication for the townhome development will be met through the City's acceptance of the outlot with the wet detention pond described above. The pond and outlot are located within the future single-family development area. The outlot to be dedicated to the city for parkland is 4.41-acres in size. The pond will have the depth required to allow for fishing. The parkland ground will be accessible from an 8' wide bike trail running from Westgate Parkway into the pond outlot, and continuing to the east property line. The trail is intended to be extended eastward with future adjacent redevelopment. There will be a 20' area around the pond to allow visitors to access the pond and provide access for future maintenance.

April 20, 2023

Re: Proposed Rezoning of property generally located east of Westgate Parkway and south of Meredith Drive

Dear Property Owner:

Shadow Creek Heights, LLC has petitioned the City of Clive to rezone approximately 12.8 acres of property from R-1 Single Family Residence District and PUD Planned Unit Development to PUD Planned Unit Development. The proposed rezoning will allow for the development of association residential including attached and detached townhomes. See the attached zoning map and legal description.

The Clive Planning and Zoning Commission will tentatively receive public input on this application during their meeting at 5:30 p.m., May 4, 2023. You may attend this meeting in person in the Public Safety Building at 8800 Hickman RD, Clive, IA 50325, or virtually via Zoom. Zoom Meeting ID and call-in number will be published on the agenda for the meeting. Meeting agendas are available on the City's website at http://www.cityofclive.com/connect/boards_and_commissions/.

As a neighboring property owner, you are being notified and invited to present your views concerning this application, either verbally by virtually attending the meeting, or in writing. Written comments must be received by the City prior to the Planning and Zoning Commission meeting. Written comments should be addressed to the City of Clive, City Planner, 1900 NW 114th Street, Clive IA 50325 or by email at the address below.

Following the Planning and Zoning Commission's review and recommendation, the City Council will hold a public hearing on this application. The public hearing has been tentatively scheduled for 6:00 p.m., on May 25, 2023, also to be hosted in person at the above address and virtually via Zoom. Zoom Meeting ID and call-in number will be published on the agenda for the meeting. City Council meeting agendas are available on the City's website at http://www.cityofclive.com/connect/city_council/.

Neighboring property owners within 310-feet of the subject properties who object to the rezoning request may wish to submit a protest petition to the City Council. Information concerning the procedure for submitting a protest petition can be obtained by calling or emailing the planner at the contact information below. A protest petition must be filed with the City prior to the City Council public hearing on the date stated above.

If you know of any interested parties who have not received a copy of this letter, we would appreciate it if you would inform them of the time, date and place of the Planning and Zoning Commission's meeting and City Council's meeting. If you have any questions concerning this application or if you

would like additional information, please call the Community Development Department at 223-6221.

Sincerely,

Amanda Grutzmacher, Senior Planner
agrutzmacher@cityofclive.com
515-223-6221



REZONING (R-1 and PUD to PUD)

Legal Description of Property to be Rezoned

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This map illustrates the 100th Precinct, which is a large, irregularly shaped area shaded in gray. The precinct is bounded by the Hudson River to the west and the Harlem River to the east. It is divided into several numbered blocks, including blocks 1 through 36. The map also shows various streets, including 100th Street, 101st Street, and 102nd Street. A large area in the center of the precinct is labeled '100th Precinct Area' and is shaded with a diagonal line pattern. The map includes a scale bar and a north arrow in the top left corner.



NELSON, JAMES A TRUSTEE NELSON
REVOCABLE TRUST 10/8/99
17600 MEREDITH DR
CLIVE, IA 50325

RUBSAM, ROB & LISA
17615 MEREDITH DR
WAUKEE IA 50263

BILTMORE WEST, LLC
9400 PLUM DR STE 100
URBANDALE IA 50322

SHADOW CREEK HEIGHTS, LLC
4949 PLEASANT ST STE 200
WEST DES MOINES, IA 50266

SHADOW CREEK ESTATES, LLC
2400 86TH ST STE 24
URBANDALE, IA 50322

SHADOW CREEK VI, LLC
2400 86TH ST SUITE 24
URBANDALE, IA 50322

GREENLAND HOMES, INCORPORATED
1680 SW ANKENY BLVE STE 2A
ANKENY, IA 50023

SHADOW CREEK IX, LLC
2400 86TH ST SUITE 24
URBANDALE, IA 50322

MAVENCURX I, LLC
16852 AURORA CT
CLIVE, IA 50325

K & A INVESTMENTS
10640 JUSTIN DR
URBANDALE, IA 50322

S & S HOMEBUILDERS, LLC
3701 62ND ST
URBANDALE, IA 50322

KRM DEVELOPMENT
10640 JUSTIN DR
URBANDALE, IA 50322

USTAR, TARIK & NAIDA
780 NE HORIZON DR, APT 208
WAUKEE, IA 50263

TMB CUSTOM HOMES, LLC
1009 SE ALLYN ST
ANKENY, IA 50021

PARAMOUNT DESTINATION HOMES,
INC.
2510 73RD ST
URBANDALE, IA 50322

DUNN, ALLYSON ELIZABETH
4609 178TH ST
URBANDALE, IA 50322

SPRENGER, DARREN M & ANGELA R
1023 NW BETHEL LN
WAUKEE, IA 50263

KIVLIN, JENNIFER & SCHAD, DENNIS
JUSTIN
17805 GOODMAN DR
URBANDALE, IA 50322

Amanda Grutzmacher

From: Lisa Rubsam <LisaRubsam@dreams2reality.us>
Sent: Thursday, May 4, 2023 11:51 AM
To: Amanda Grutzmacher
Subject: City of Clive - Rezoning of land located south of Meredith and east of Westgate Parkway

We reside at the property NE of the proposed rezoning.

17615 Meredith Drive
Waukee, IA 50263

Our concerns are listed below:

Property Value:

Our concern for rezoning the property to the southwest of our home is the potential impact it will have on our home value.

Please feel free to contact us if you have questions about our statements above.

Sincerely,

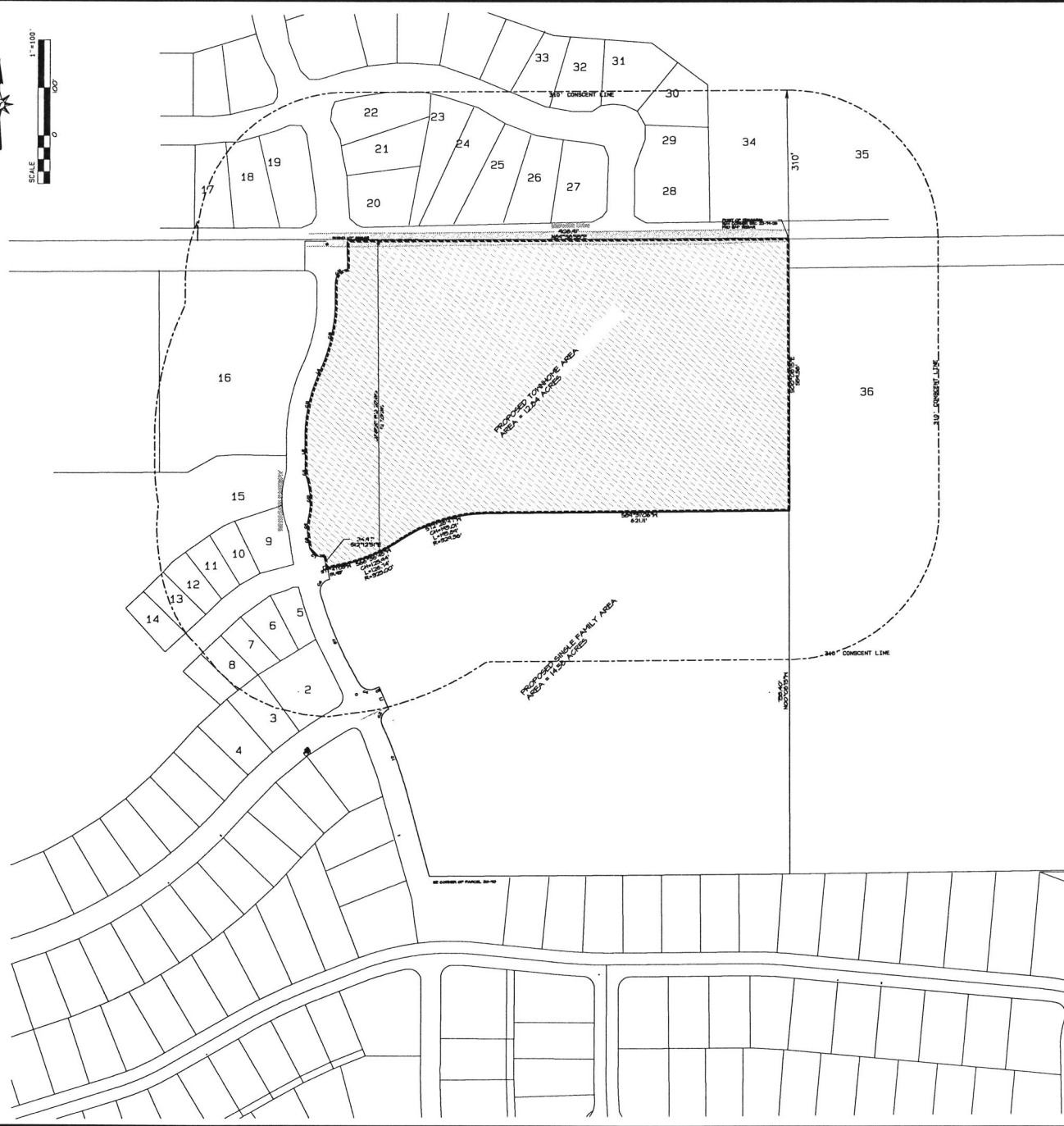
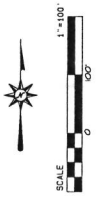
Lisa Rubsam

Dreams 2 Reality

www.Dreams2Reality.us

515.745.0432

Dreams 2 Reality offers custom Design and Build Services for those who are passionate about where they live.



SITE OWNER
SHADOW CREEK HEIGHTS, LLC
4949 PLEASANT STREET, SUITE 200
WEST DES MOINES, IOWA 50266

ZONING
CURRENT: R1 - SINGLE FAMILY RESIDENTIAL DISTRICT
PUD - PLANNED UNIT DEVELOPMENT
PROPOSED: PUD - PLANNED UNIT DEVELOPMENT

LEGAL DESCRIPTION
A part of the Northwest Quarter of the Northwest Quarter of Section 22, Township 16 North, Range 26 West of the Fifth Principal Meridian in the City of Chow, Dallas County, Iowa and more particularly described as follows:
Beginning at the North Quarter Corner of said Section 22, thence South 02°09' East along the East line of said Northwest Quarter a distance of 304.50 feet; thence South 81°31'06" West, a distance of 621.11 feet to the beginning of a curve tangent to said line; thence northerly and southwesterly a distance of 103.51 feet along the curve concave to the south, having a radius of 324.36 feet and a central angle of 34°04'36"; to a point of reverse curvature; thence southwesterly and westerly a distance of 126.74 feet along the arc of said curve concave to the north having a radius of 325.00 feet and a central angle of 27°20'35"; thence South 11°47'02" West tangent to said curve, a distance of 31.63 feet; thence North 12°23'01" West, a distance of 24.41 feet to a point of tangency on a curve concave to the northeast having a radius of 25.00 feet and a central angle of 43°48'27"; and being succeeded by a chord which bears North 55°05'56" West 36.51 feet; thence northerly a distance of 24.63 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 1°44'25"; to a point of tangency on a curve from which the radius point bears North 83°34'28" East, a distance of 32.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 18°27'31" to a point of tangency on a curve, from which the radius point bears North 18°07'57" East; thence northerly a distance of 83.22 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 28°07'57" to a point of tangency on a curve, from which the radius point bears North 19°44'41" East; thence northerly a distance of 21.45 feet along the arc of said curve concave to the east having a radius of 100.00 feet and a central angle of 1°43'32"; thence North 00°36'03" West, a distance of 26.54 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 194.63 feet along the curve concave to the east having a radius of 325.00 feet and a central angle of 25°00'03"; thence North 24°33'47" East tangent to said curve, a distance of 1.21 feet to the beginning of a curve tangent to said line; thence northerly and northerly a distance of 151.08 feet along the curve concave to the east having a radius of 360.00 feet and a central angle of 34°04'36"; thence North 00°36'03" West, a distance of 32.14 feet to the beginning of a curve tangent to said line; thence northerly and northeasterly a distance of 38.30 feet along the curve concave to the southwesterly having a radius of 25.00 feet and a central angle of 40°04'49"; thence North 00°36'03" West, a distance of 50.00 feet; thence North 00°36'03" West, a distance of 928.11 feet to the Point of Beginning. Containing 12.64 ACRES, more or less.

310-FOOT CONSENT AREA SUMMARY

LINE	CHORD	BEARING	RADIUS	DELTA	ARC	TANGENT	MIDDLE ORDINATE	DEGREE OF CURVE
G1	141.68	S20°01'14"E	820.00	4°54'30"	141.64	13.02	3.06	6°59'41"
G2	36.01	S20°54'32"E	25.00	42°08'31"	40.21	25.89	1.66	224°10'49"
G3	4.39	N66°49'34"E	625.00	0°36'50"	4.39	4.68	0.01	6°56'42"
G4	33.02	S12°36'38"E	25.00	87°58'38"	30.07	21.48	6.28	224°10'49"
G5	202.61	S23°28'10"E	180.00	14°55'31"	203.10	102.11	6.61	120°44'41"
G6	36.51	S30°54'01"E	25.00	43°48'27"	40.43	26.12	1.72	224°10'59"
G7	36.51	S65°05'56"E	25.00	43°48'27"	40.43	26.12	1.72	224°10'59"
G8	24.63	S01°00'18"E	100.00	1°44'25"	24.63	12.42	0.07	120°44'41"
G9	32.08	S02°38'11"E	100.00	18°27'31"	32.22	16.39	1.91	511°14'51"
G10	82.34	S02°04'19"E	110.00	28°02'31"	83.22	42.48	5.07	59°42'12"
G11	21.36	S08°18'27"E	100.00	5°43'32"	21.45	18.81	0.94	511°14'51"
G12	56.54	N00°28'13"E	320.00	25°00'03"	56.55	30.84	1.94	11°54'18"
G13	56.84	S12°09'46"E	360.00	24°54'54"	57.08	30.81	0.53	5°54'55"
G14	35.30	S44°36'21"E	25.00	40°04'48"	34.30	25.03	1.33	224°10'59"

VICINITY SKETCH



LAND SURVEYOR CERTIFICATION I, JERRY L. BAKER, being duly sworn, certify that the foregoing is a true and correct copy of the original survey and that I am a duly licensed professional land surveyor under the laws of the State of Iowa. JERRY L. BAKER, L.S. 12345 DES MOINES, IOWA	ENGINEERING CERTIFICATION I, JERRY L. BAKER, being duly sworn, certify that the foregoing is a true and correct copy of the original survey and that I am a duly licensed professional land surveyor under the laws of the State of Iowa. JERRY L. BAKER, L.S. 12345 DES MOINES, IOWA	NOTARIAL PUBLIC JERRY L. BAKER, Notary Public for the State of Iowa, my commission expires on 12/31/2025. DES MOINES, IOWA
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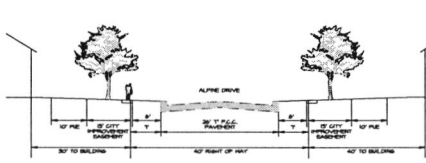
DEVELOPMENT SUMMARY

Total Site Area:	1,226,945 sq. ft. / 28.19 acres
Moreland Drive right-of-way:	54,242 sq. ft.
Development Area A:	643,684 sq. ft. / 14.7 acres
Development Area B:	476,956 sq. ft. / 10.9 acres
Development Area C: Single Family Residential:	
Parkland Dedication:	0.7 acres
Minimum Lot Area:	10,000 sq. ft.
Minimum Lot Width:	40 ft
Minimum Lot Depth:	120 feet
Alpine Drive Setback:	40 feet
Alpine Drive Setback:	35 feet
Side Yard Setback:	35 feet
Side Yard Setback:	8 feet
Parking Requirement:	3 car attached garage
All setbacks shall be measured from the property line to the foundation edge	
Development Area B: Association Residential:	
Parkland Dedication:	1.8 acres
Minimum Density:	8 units per acre
Westgate Parkway Setback:	40 feet
Alpine Drive Setback:	25 feet
Private Street Setback:	25 feet
Between side and rear of attached unit building:	25 feet
Between units within a shared building:	0 feet
Side separation between detached units:	6 feet
Side separation between attached units:	8 feet
Rear separation between units:	10 feet
Minimum Unit Square Footage:	
1 story dwellings:	1,250 sq. ft.
1 1/2 and 2 story dwellings:	1,400 sq. ft.
Parking Requirement:	2 car attached garage
1 visitor parking per 5 dwelling units	
Total Required Open Space:	150,447 sq. ft.

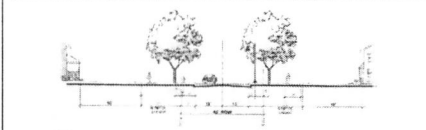
LANDSCAPE NOTES

1. Westgate Parkway and Alpine Drive Streetcure trees shall be installed by the individual lot owner in Development Area A at the time of individual home construction.
2. Westgate Parkway and Alpine Drive Streetcure trees shall be installed in Development Area B at the time of development.
3. A 30' landscape buffer is required along Moreland Drive and the east property line in Development Area B. Plantings for the buffers shall meet the minimum requirements of Section 15-54 Landscape and Open Space Requirements of the Zoning Ordinance for a 30' buffer.
4. Development Area A shall require 2 trees planted on each lot at the time of individual home construction.
5. Development Area B shall require 2 trees planted per unit, installation of required buffer and streetcure trees, at the time of development.
6. Foundation plantings shall be required around units in Development Area B.

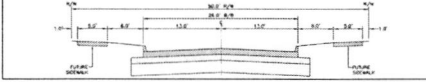
TYPICAL SECTION (ALPINE DRIVE)



TYPICAL SECTION (WESTGATE PARKWAY)



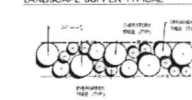
TYPICAL SECTION (LOCAL STREETS)



NOTES

1. Conceptual Development Plan is to demonstrate the overall intended land use. The layout is subject to change. A more detailed preliminary plat and site plan will be provided for City review and approval prior to construction.
2. Stormwater management features are preliminary and subject to change based on final Stormwater Management Plan calculations and Construction Drawing review in process.
 - Basin A is a wet pond providing approximately 0.7 of storage to be dedicated to the City of Clive as part of the proposed development. The proposed facility provides for the runoff from the proposed Development Area A and approximately 23.3 acres from the adjacent Shadow Creek North Development Area.
 - Basins B, C, and D are dry detention providing approximately 0.3 of storage to be incorporated into the common areas of the Development Area B to be owned and maintained by the Association.
3. Lots 1, 2, 3, 20, and 21 in Development Area A shall be oriented toward Westgate Parkway. The driveway for lots 1 and 2 shall be permitted on Westgate Parkway; however, the garage door shall be oriented east (s) away from Westgate Parkway (S) a minimum of ten (10) feet behind the front facade. The driveway for lots 3, 20, and 21 shall be located on the side street.
4. All dwellings located in Development Area B with frontage along Westgate Parkway shall be oriented with the front door towards Westgate Parkway. No driveway shall be permitted on Westgate Parkway.
5. All dwellings located in Development Area B with frontage along Alpine Drive shall be oriented with the front door towards Alpine Drive. No driveway shall be permitted for Association homes on Alpine Drive.
6. Small trees, shrubs, and plants along Westgate Parkway shall be installed by the individual lot owner at the time of home construction and in accordance with the typical Parkways section.
7. 12" water main along Moreland Drive shall be installed with construction in Development Area B.

LANDSCAPE BUFFER TYPICAL



VICINITY SKETCH



ASSOCIATED ENGINEERING COMPANY OF IOWA
 2977 Adams Lane, Suite 200, Des Moines, IA 50319
 Phone: (515) 265-1336 Fax: (515) 265-1337

Shadow Creek Peak
 Conceptual Master Plan

DATE PRINTED: Thu Apr 20, 2023
 AEC No. 204414