CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: April 6, 2015

ITEM: Tallyn's Reach Parcel F, Generally located at the intersection of Cascade Avenue and S. 91st Street – Amend the Tallyn's Reach Planned Unit Development to remove the 55 year old age qualification for PUD Parcel F – Jerry Bussanmas – ZC-002620-2015

ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Josh Trygstad with Civil Design Advantage, on behalf of the applicant, Jerry Bussanmas is requesting approval of an amendment to the Tallyn's Reach PUD for Parcel F (aka, Outlots G, H, I and K, Corrected Michael's Landing Plat 1) to remove the 55 year old minimum age qualification requirement for rental and or ownership of dwellings within PUD Parcel F. Staff had conversation with the developer of Outlot G, the development generally located at the northeast corner of S91st Street and Stagecoach Drive, whether they were okay with the change since they also fall under Parcel F's regulations. The developer of that parcel indicated full agreement as they did not realize they had restrictions and thus have owners within the development which do not meet the minimum age qualification.

The request is made in anticipation of the development of 44 detached townhomes on individual postage stamp lots within Outlot H.

Plan and Zoning Commission Action:
Vote: 7-0 Approval.
Date: March 30, 2015
Motion: Adopt a resolution recommending the City Council approve the PUD Ordinance.

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I)

- Applicant's Request
- History
- City Council Subcommittee – *Development & Planning: August 14, 2014*
- Comprehensive Plan Consistency
- Staff Recommendations and Conditions of Approval
- Noticing Information
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve an amendment to the Tallyn's Reach PUD to remove the 55 year old minimum age qualification requirement for rental and or ownership of dwellings within PUD Parcel F, subject to the conditions noted below and the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford JBM

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	March 20, 2015	
Letter sent to surrounding property owners		March 17, 2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	3/26/2015		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Commission Resolution
  - Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C Proposed PUD Ordinance *(moved to Exhibit II)*
  - Exhibit A - PUD Sketch Plan
  - Exhibit B - Buffering Illustration
- Attachment D - Letters from the Public

Exhibit II - Proposed PUD Ordinance
- Exhibit A - PUD Sketch Plan
- Exhibit B Buffering Illustration

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: March 30, 2015

Item: Tallyn's Reach Parcel F, Generally located at the intersection of Cascade Avenue and S. 91st Street – Amend the Tallyn's Reach Planned Unit Development to remove the 55 year old age qualification for PUD Parcel F – Jerry Bussanmas – ZC-002620-2015

Requested Action: Approval of Rezoning Request

Case Advisor: J. Bradley Munford

Applicant's Request: Josh Trygstad with Civil Design Advantage, on behalf of the applicant, Jerry Bussanmas is requesting approval of an amendment to the Tallyn's Reach PUD for Parcel F (aka, Outlots G, H, I and K, Corrected Michael's Landing Plat 1) to remove the 55 year old minimum age qualification requirement for rental and or ownership of dwellings within PUD Parcel F. Staff had conversation with the developer of Outlot G, the development generally located at the northeast corner of S91st Street and Stagecoach Drive, whether they were okay with the change since they also fall under Parcel F's regulations. The developer of that parcel indicated full agreement as they did not realize they had restrictions and thus have owners within the development which do not meet the minimum age qualification.

The request is made in anticipation of the development of 44 detached townhomes on individual postage stamp lots within Outlot H.

History: The City Council approved a Rezoning Request to establish the Tallyn's Reach PUD (aka Michael's Landing and/or Woodland Hills development) on May 22, 2006. The Tallyn's Reach PUD has been amended four times since its adoption. The most recent amendments allowed for Single Family Residential south of Sugar Creek Drive and adjusted which parcels may develop with Medium and High Density Residential and Neighborhood Commercial.

City Council Subcommittee: This item was presented at the March 26, 2015 Development and Planning City Council Subcommittee as an informational item. There were no objections to the request.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.

2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.

3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.

4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.

5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.

6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Tallyn's Reach PUD to remove the 55 year old age qualification for PUD Parcel F, subject to the applicant meeting all City Code requirements.

Noticing Information: On March 20, 2015, notice for the March 30, 2015, Plan and Zoning Commission and April 6, 2015, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on March 17, 2015:

Property Owners:

Family Homes Construction II, LLC
Bankers Trust Company,
453 7th Street
Des Moines, IA 50304
Gbuelt@bankerstrust.com

Applicant

Jerry Bussanmas LLC
P.O. Box 71038
Clive, IA 50325
Attn: Jerry Bussanmas
Jerry@jerrybus.com

Applicant's Representative:

Civil Design Advantage LLC
3405 SE Crossroads Drive, Suite G
Grimes, IA
Attn: Josh Trygstad, P.E
JoshT@cda-eng.com

Attachments:

Attachment A - Plan and Zoning Commission Resolution
Exhibit A - Conditions (none)
Attachment B - Location Map
Attachment C - Proposed PUD Ordinance Amendment

RESOLUTION NO. PZC-15-013

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE TALLYN'S REACH PLANNED UNIT DEVELOPMENT PUD TO REMOVE THE MINIMUM AGE QUALIFICATION FOR PUD PARCEL F

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Jerry Bussanmas, LLC, has requested an amendment to the Tallyn's Reach PUD (ZC-002620-2015) to amend the age restriction for parcel F within the Tallyn's Reach PUD.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on March 30, 2015, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-002620-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated March 30, 2015, or as amended orally at the Plan and Zoning Commission hearing of March 30, 2015, are adopted.

SECTION 2. REZONING REQUEST (ZC-002620-2015) to remove the minimum age restriction for Parcel F within the Tallyn's Reach PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated March 30, 2015, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on March 30, 2015.

Erica Andersen, Chairperson
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on March 30, 2015, by the following vote:

AYES: Andersen, Brown, Cownie, Crowley, Costa, Erickson, Hatfield
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: -0-

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. No conditions of approval.

ATTACHMENT B

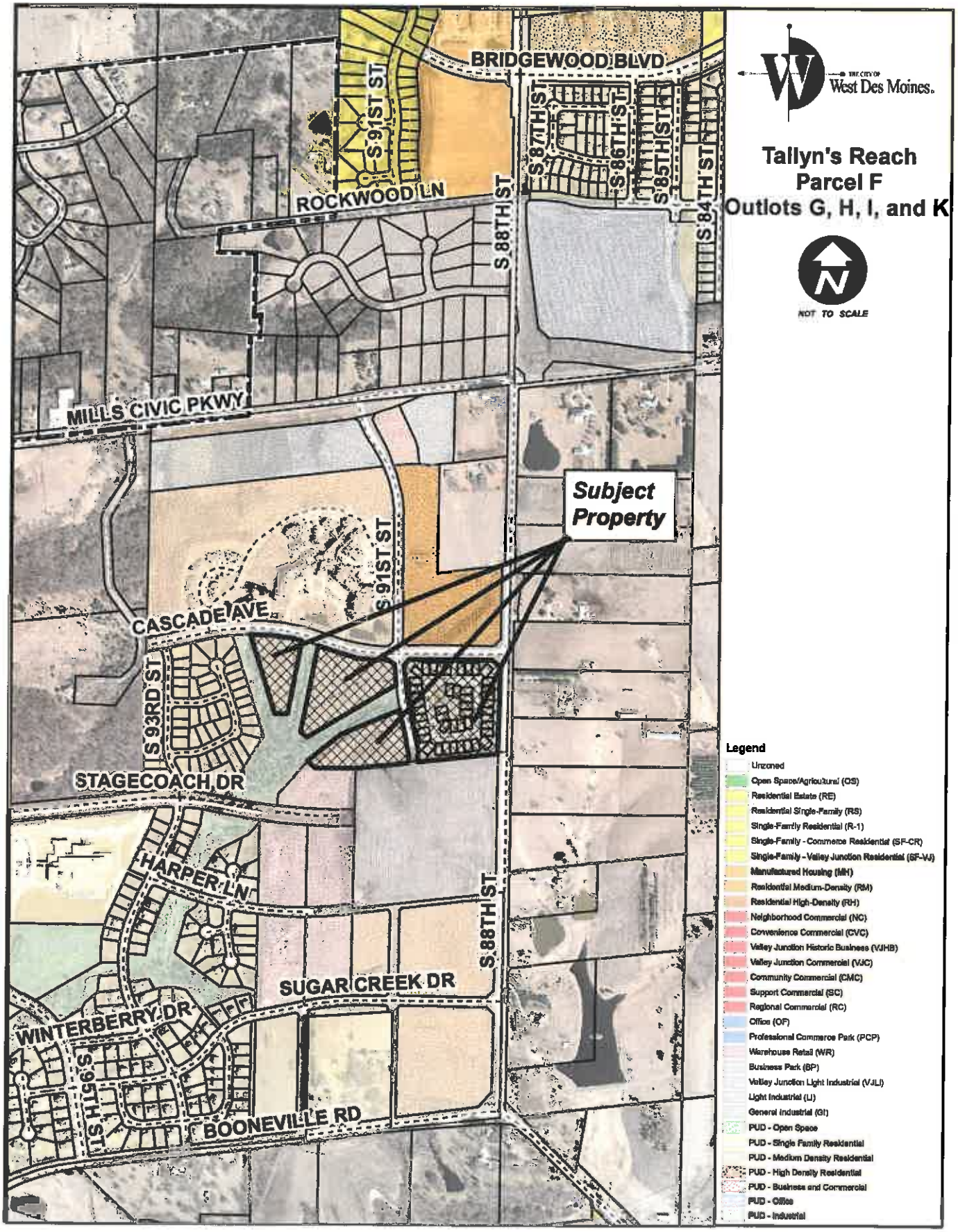

EXHIBIT II

Prepared by: J. B. Munford, Development Services, PO Box 65320, W.D.M., IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, AND ORDINANCES #1699, #1772, #2000, #2046 AND #2047 PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT. Ordinance #1699, #1772, #2000, #2046 and #2047 pertaining to the **Tallyn's Reach Planned Unit Development (PUD)**, Section 11, *Land Use Design Criteria,* Subsection E, *Parcel F* is hereby amended by deleting the highlighted strike-thru text and inserting the italicized and bolded text and renumbering accordingly:

Section 11: LAND USE DESIGN CRITERIA:

E. Parcel F: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for residential medium-density shall apply to any development proposal for property within parcel F as shown on the PUD ***sketch*** plan of the Tallyn's Reach PUD, unless noted otherwise in this ordinance.

~~1. Age Qualified Community: It is intended that the occupants of the townhomes within parcel F are of the age fifty five (55) and over.~~

1. Allowed Development Size: No more than ninety four (94) units and 23.3 acres shall be permitted.

SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 3. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 4. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this ____ day of _____ 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____ 2015.

_____
Ryan T. Jacobson, City Clerk