CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: May 15, 2017

ITEM: Greenway Crossing PUD, South of Bishop Drive between 90th Street and 92nd Street – Amend PUD Parcel H Setbacks to allow 30 feet front yard setbacks – Gregg Gustafson – ZC-003443-2017

Ordinance: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Gregg Gustafson, is seeking approval of an amendment to the Greenway Crossing Planned Unit Development (PUD) to allow 30 foot front yard setbacks in Parcel H. The PUD currently calls for 35 foot setbacks. The plat and site plan were inadvertently approved with 30 foot setbacks and the buildings constructed at 30 foot setbacks. To remedy the non-conformity, the PUD amendment is necessary.

Plan and Zoning Commission Action:
Vote: 4-0 approval. Commissioners Brown, Crowley, and Erickson absent
Date: May 8, 2017
Motion: Adopt a resolution recommending the City Council approve the Rezoning request.

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Request
- History
- City Council Subcommittee - *April 17, 2017*
- Staff Review and Comments
  - Setback Modification
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council adopt a resolution to approve the first reading to amend the Greenway Crossing PUD (Planned Unit Development) as described above, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	April 28, 2017	
Letter sent to surrounding property owners		April 26, 2017

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	April 28, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I Plan and Zoning Communication

Attachment A – Plan & Zoning Commission Resolution

Exhibit A – Conditions of Approval (None)

Attachment B – Location Map

Attachment C – Proposed Ordinance (moved to Exhibit II)

Exhibit II Proposed Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: May 8, 2017

Item: Greenway Crossing PUD, South of Bishop Drive between 90th Street and 92nd Street – Amend PUD Parcel H Setbacks to allow 30 feet front yard setbacks – Gregg Gustafson – ZC-003443-2017

Requested Action: Resolution: Approval of Planned Unit Development Amendment

Case Advisor: Kara V. Tragesser, AICP

Applicant's Request: Gregg Gustafson, is seeking approval of an amendment to the Greenway Crossing Planned Unit Development (PUD) to allow 30 foot front yard setbacks in Parcel H. The PUD currently calls for 35 foot setbacks. The plat and site plan were inadvertently approved with 30 foot setbacks and the buildings constructed at 30 foot setbacks. To remedy the non-conformity, the PUD amendment is necessary.

History: The property is located within the Greenway Crossing Planning Unit Development. On January 13, 2014, the City Council approved a rezoning request by Hubbell Realty Company to change the zoning of the property from office (OF) to high density residential (RH-16). Hubbell Realty requested the change to continue the Brownstones at Greenway Crossing development that has been constructed immediately south of this property. In March 2014 the City Council approved a preliminary plat to subdivide the property for 57 townhomes and a site plan to construct the townhomes. In August 2014 the City Council approved a final plat for 57 townhome units.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee at their April 17, 2017, meeting. The Subcommittee was supportive of the amendment to the Greenway Crossing Planned Unit Development.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff notes the following items:

Setback Modification: The Greenway Crossing PUD for Parcel H calls for a 35 foot front yard setback. Both the preliminary plat and the final plat for Greenway Crossing Plat 8 laid out the site with 30 foot front yard setbacks. For both actions, the discrepancy was not identified. The project now is built and the abstractor for the sale of the property found the discrepancy. With the project being constructed, to correct the discrepancy, the PUD needs to be revised to be consistent with the plat.

Comprehensive Plan Consistency: The proposed Planned Unit Development amendment has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed amendment 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.

Staff Recommendations and Conditions of Approval Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Planned Unit Development ordinance amendment to revise the front yard setback requirement for PUD Parcel H from 35 feet to 30 feet, subject to the applicant meeting all City Code requirements.

Noticing Information: On April 28, 2017, notice for the May 8, 2017, Plan and Zoning Commission and May 15, 2017, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings also was mailed to all surrounding property owners within 370 feet of the subject property on April 26, 2017

Property Owner:	Gregg Gustafson 4010 University Avenue Des Moines IA 50311
Applicant:	Same as Owner

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Proposed Ordinance Amendment

ATTACHMENT A

PLAN AND ZONING COMMISSION RESOLUTION PZC-17-029

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING REQUEST (ZC-003443-2017) FOR THE PURPOSE OF AMENDING THE GREENWAY CROSSING PLANNED UNIT DEVELOPMENT PARCEL H FRONT YARD SETBACKS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Gregg Gustafson has requested approval of Greenway Crossing Planned Unit Development (PUD) ordinance amendment to change the front yard setbacks for PUD Parcel H from 35 feet to 30 feet;

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 May 8, 2017, this Commission held a duly-noticed hearing to consider the application for a Rezoning Request;

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 May 8, 2017, or as amended orally at the Plan and Zoning Commission hearing of May 8, 2017, are adopted.

SECTION 2. REZONING REQUEST (ZC-003443-2017) to amend the Greenway Crossing PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 8, 2017, 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 May 8, 2017.

Chris Costa

Chris Costa, Vice-Chairperson
Plan and Zoning Commission

ATTEST:
Michelle Riesenberg
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 May 8, 2017, by the following vote:

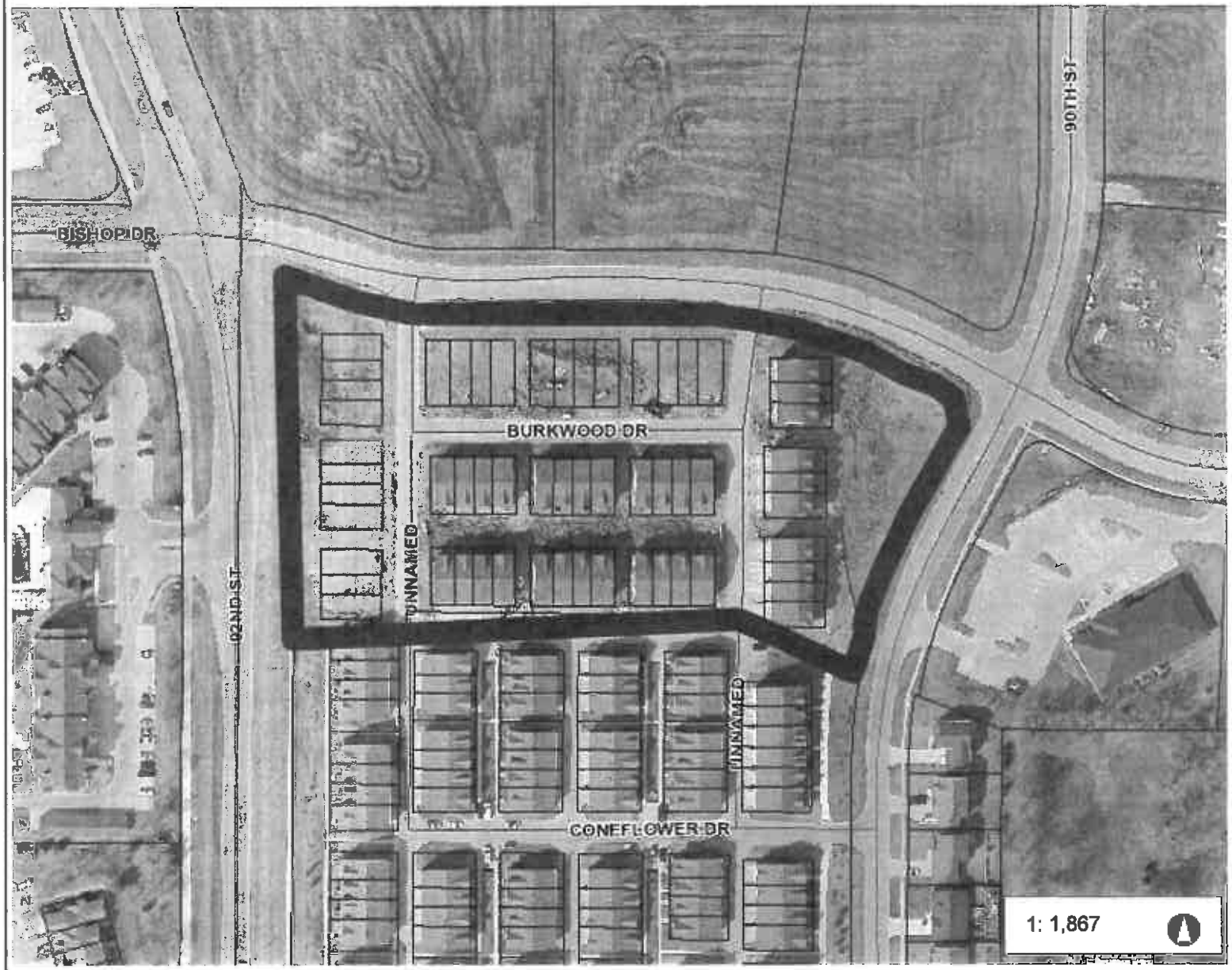
AYES: Andersen, Costa, Hatfield, Sarthworth
NAYS:
ABSTENTIONS:
ABSENT: Brown, Crowley, Erickson

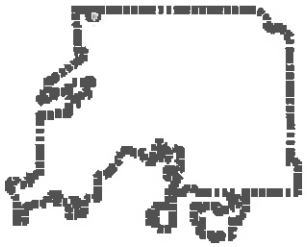
ATTEST:
Michelle Riesenberg
Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

None.

Greenway Crossing PUD Parcl H





Legend

- Parcels

311.2 0 155.60 311.2 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ATTACHMENT B

EXHIBIT II

Prepared by: K Tragesser, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

ORDINANCE #

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014, AND ORDINANCE #1349, #1661, #1704, #1785, #1838, #2018, AND #2044 (ALSO KNOWN AS GREENWAY CROSSING #53) 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. Ordinances 1349, 1661, 1704, 1785, 1838, 2018, and 2044 Greenway Crossing PUD, Section 3 Land Use Design Criteria, Paragraph C, Parcels H and J, is hereby amended by adding the text in bold lettering;

C. Parcels H And J: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for the residential high-density district (RH-16) shall apply to any development proposal for parcels H and J as shown on the sketch plan for the Greenway Crossing PUD ordinance, unless noted elsewhere within this ordinance.

1. Setbacks: All building heights and setbacks shall be in accordance with the setback and bulk density regulations chapter of the West Des Moines zoning ordinance, and the following:

a. Dimension of "driveway parking area" (face of garage to back of curb, or edge of pavement of private street or alley) shall be at least twenty five feet (25').

b. **Thirty foot (30') front yard setback for two-story buildings in Parcel H and** thirty five foot (35') front yard setback for two-story buildings **in Parcel J.**

c. Sixty foot (60') front yard setback for three-story buildings.

d. Twenty foot (20') minimum separation between buildings.

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 Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 4. <u>OTHER REMEDIES</u>: 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. <u>EFFECTIVE DATE</u>: 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 _____ 2017.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the __ day of _____ 2017.

_____
Ryan Jacobson
City Clerk