CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: May 15, 2017

ITEM: PUD Acreage Amendment – Amend Title 9 (Zoning), Chapter 4 (Zoning Districts and Map) Section 3 (Definition of Districts) Subsection A-25 (PUD - Planned Unit Development District) and Chapter 9 (Planned Unit Development District) to amend definitions and regulations pertaining to Planned Unit Development Districts – City Initiated – AO-003430-2017
Deferred from May 1, 2017 meeting

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff requests amendments to the following sections within Title 9 (Zoning), of City Code to modify definitions and regulations pertaining to the acreage requirements and density transfer for Planned Unit Development Districts and correct conflicting paragraphs within the following sections:

- Chapter 4, Section 3-A-25 to remove the minimum acreage requirement
- Chapter 9, Section 2 to remove 'and minimum acreage' from the paragraph title and from the text body
- Chapter 9, to add a paragraph relating to the minimum acreage requirement to establish a PUD.

Plan and Zoning Commission Action:
Vote: 4-0 Approval, Commissioners Brown, Crowley, and Erickson absent
Date: May 8, 2017
Motion: Approve a resolution recommending the City Council approve the ordinance amendment.

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):

- Applicant's Request
- History
- City Council Subcommittee - *Development & Planning: May 1,2017*
- Staff Review and Comment
  - *Code Conflict*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendation and Conditions of Approval

RECOMMENDATION: Based upon the preceding review the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code to modify definitions and regulations pertaining to Planned Unit Development Districts, subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	LS
Appropriations/Finance	
Legal	
Agenda Acceptance	BJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	April 14, 2017
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	May 1, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication

Attachment A - Plan & Zoning Commission Resolution

Exhibit A - Proposed Ordinance (*moved to Exhibit II*)

Exhibit II - Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: May 8, 2017

Item: PUD Acreage Amendment – Amend Title 9 (Zoning), Chapter 4 (Zoning Districts and Map) Section 3 (Definition of Districts) Subsection A-25 (PUD - Planned Unit Development District) and Chapter 9 (Planned Unit Development District) to modify definitions and regulations pertaining to the acreage requirements for Planned Unit Development Districts – City Initiated – AO-003430-2017

Request Action: Approval of Amendments to City Code

Case Advisor: J. Bradley Munford

Applicant's Request: Staff requests amendments to the following sections within Title 9 (Zoning), of City Code to modify definitions and regulations pertaining to the acreage requirements and density transfer for Planned Unit Development Districts and correct conflicting paragraphs within the following sections:

- Chapter 4, Section 3-A-25 to remove the minimum acreage requirement
- Chapter 9, Section 2 to remove 'and minimum acreage' from the paragraph title and from the text body
- Chapter 9, to add a paragraph relating to the minimum acreage requirement to establish a PUD.

History: It was identified recently during the approval process for some PUDs that language in the zoning code pertaining to minimum size requirement to establish a PUD and density allowances was confusing and appeared to be in conflict.

City Council Subcommittee: Staff presented this item to the Development and Planning City Council Subcommittee on May 1, 2017. The Subcommittee supports the ordinance amendment.

Staff Review and Comment: There are no outstanding issues. Staff drafted the ordinance to remove the following conflict:

> *Code conflict:* In Title 9, Chapter 4, Section 3-A-25 the definition of PUD - Planned Unit Development District states that a PUD must consist of a minimum of 10 acres. However, in Chapter 9, Section 2 it states that there is no minimum acreage requirement unless specifically provided in the PUD or Specific Plan Ordinance. A resident that recently spoke at a public hearing indicated that he felt the minimum acreage requirement statement only applied to residential PUDs since mention of the minimum acreage was included in the paragraph that relates to transferring residential densities. The intent of this ordinance amendment is to remove this contradictory language.

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

Noticing Information: On April 14, 2017 notice of the April 24, 2017, Plan and Zoning Commission public hearing for this project was published in the *Des Moines Register*. On April 24, 2017, the amendment request was deferred to the May 1, 2017 hearing.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

Attachment A – Plan and Zoning Commission Resolution

Exhibit A – Proposed Ordinance

ATTACHMENT A

RESOLUTION NO. PZC- PZC-17-032

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9 (ZONING), CHAPTER 4 (ZONING DISTRICTS AND MAP), SECTION 3 (DEFINITION OF DISTRICTS), SUBSECTION A-25 (PUD - PLANNED UNIT DEVELOPMENT DISTRICT), AND CHAPTER 9 (PLANNED UNIT DEVELOPMENT DISTRICT), SECTION 2 (RESIDENTIAL DENSITY AND MINIMUM ACREAGE) TO MODIFY DEFINITIONS AND REGULATIONS PERTAINING TO PLANNED UNIT DEVELOPMENT DISTRICTS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 9 (Zoning), Chapter 4 (Zoning Districts and Map), Section 3 (Definition of Districts), Subsection A-25 (PUD - Planned Unit Development District) and Title 9 (Zoning), Chapter 9 (Planned Unit Development District), Section 2 (Residential Density and Minimum Acreage) to modify definitions and regulations pertaining to the acreage requirements for Planned Unit Development Districts.

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, this Commission held a duly-noticed hearing on May 8, 2017, to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the request for an amendment to ordinance;

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 May 8, 2017, Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003430-2017) is recommended to the City Council for approval.

PASSED AND ADOPTED on May 8, 2017.

Chris Costa

Chris Costa, Vice Chairperson
Plan and Zoning Commission

ATTEST:

Michele 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, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Brown, Crowley, Erickson

ATTEST:

Michele Riesenberg
Recording Secretary

S:__Development Projects\Ordinance Amendments\PUD Acreage Amendment\PUD Acreage Amendment 2017\ AO-003430-2017_SR_PUD Acreage OrdinanceAmendment_PZ_05-08-2017.doc

Exhibit A

The Proposed Ordinance has been moved to Exhibit II

EXHIBIT II

Prepared by: J.B. Munford, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 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, TITLE 9 (ZONING), CHAPTER 4 (ZONING DISTRICTS AND MAP), SECTION 3 (DEFINITION OF DISTRICTS), SUBSECTION A-25 (PUD - PLANNED UNIT DEVELOPMENT DISTRICT); AND TITLE 9 (ZONING), CHAPTER 9 (PLANNED UNIT DEVELOPMENT DISTRICT), SECTION 2 (RESIDENTIAL DENSITY AND MINIMUM ACREAGE) TO AMEND DEFINITIONS AND REGULATION PERTAINING TO PLANNED UNIT DEVELOPMENTS

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

Section 1. Amendment. Title 9 (Zoning), Chapter 4 (Zoning Districts and Map), Section 3 (Definition of Districts), Subsection A-25 (PUD - Planned Unit Development District) is hereby amended by deleting the highlighted strike-thru text:

25. PUD - Planned Unit Development District:

a. This district shall allow the planned development of an area in which the proposed land uses, transportation elements, building densities, arrangements, types, architecture and other development standards are set out in a unified plan. A planned unit development may consist of mixed residential, commercial, office, industrial and public land uses. ~~A planned unit development shall consist of at least ten (10) acres and the building unit density of the land developed shall not be in excess of the density of the present zoning prior to PUD zoning and/or by the comprehensive plan of the city.~~

Section 2. Amendment. Title 9 (Zoning), Chapter 9 (Planned Unit Development District) Section 2 (Residential Density and Minimum Acreage) is hereby amended by deleting the highlighted strike-thru text and inserting the bold italicized:

9-9-2: RESIDENTIAL DENSITY ~~AND MINIMUM ACREAGE~~:

Provided that the overall density of the residential development does not exceed the density otherwise permitted by the comprehensive plan, the density of residential land uses shall be as set forth by the planned unit development (PUD) or specific plan development (***Z***CSP). In determining whether or not to allow the density of development to be varied from this code, the plan and zoning commission and city council shall give consideration to the following:

A. The amount, location, and proposed use of common open space;

B. The location and physical characteristics of the site of the proposed development; and

C. The location, design, and type of dwelling units and other land uses.

~~No minimum acreage requirements, unless specifically provided in the planned unit development or specific plan development, for any development. (Ord. 1524, 4-28-2003)~~

Section 3. Amendment. Title 9 (Zoning), Chapter 9 (Planned Unit Development District) is hereby amended by inserting the bold italicized text and renumbering the subsequent sections in the chapter accordingly:

9-9-3: MINIMUM ACREAGE:

No minimum acreage is required to establish a Planned Unit Development District, unless specifically provided in the planned unit development of specific plan ordinance, for any development.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 5. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 6. 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 7. 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 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2017, and approved this _____ day of _____, 2017.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2017, and was published in the Des Moines Register on _____.

_____
Ryan T. Jacobson, City Clerk