



Roll Call Number

Agenda Item Number

35A

Date February 9, 2015

APPROVING POLICY FOR A PLANNED UNIT DEVELOPMENT AND PLANNED BUSINESS PARK REMEDIAL ACTIONS

WHEREAS, by Roll Call No. 15-0134 of January 26, 2015, the City Council directed that the City Manager provide a policy for review of existing Planned Unit Development and Planned Business Park developments for consideration by the City Council; and

WHEREAS, the City Manager has prepared a Policy for Planned Unit Development and Planned Business Park Remedial Actions, on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Policy for Planned Unit Development and Planned Business Park Remedial Actions is hereby approved and the City Manager or his designees are hereby authorized and directed to administer the terms of the Policy.

Moved by _____ to adopt.

APPROVED AS TO FORM:

[Handwritten signature]

Lawrence R. McDowell
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

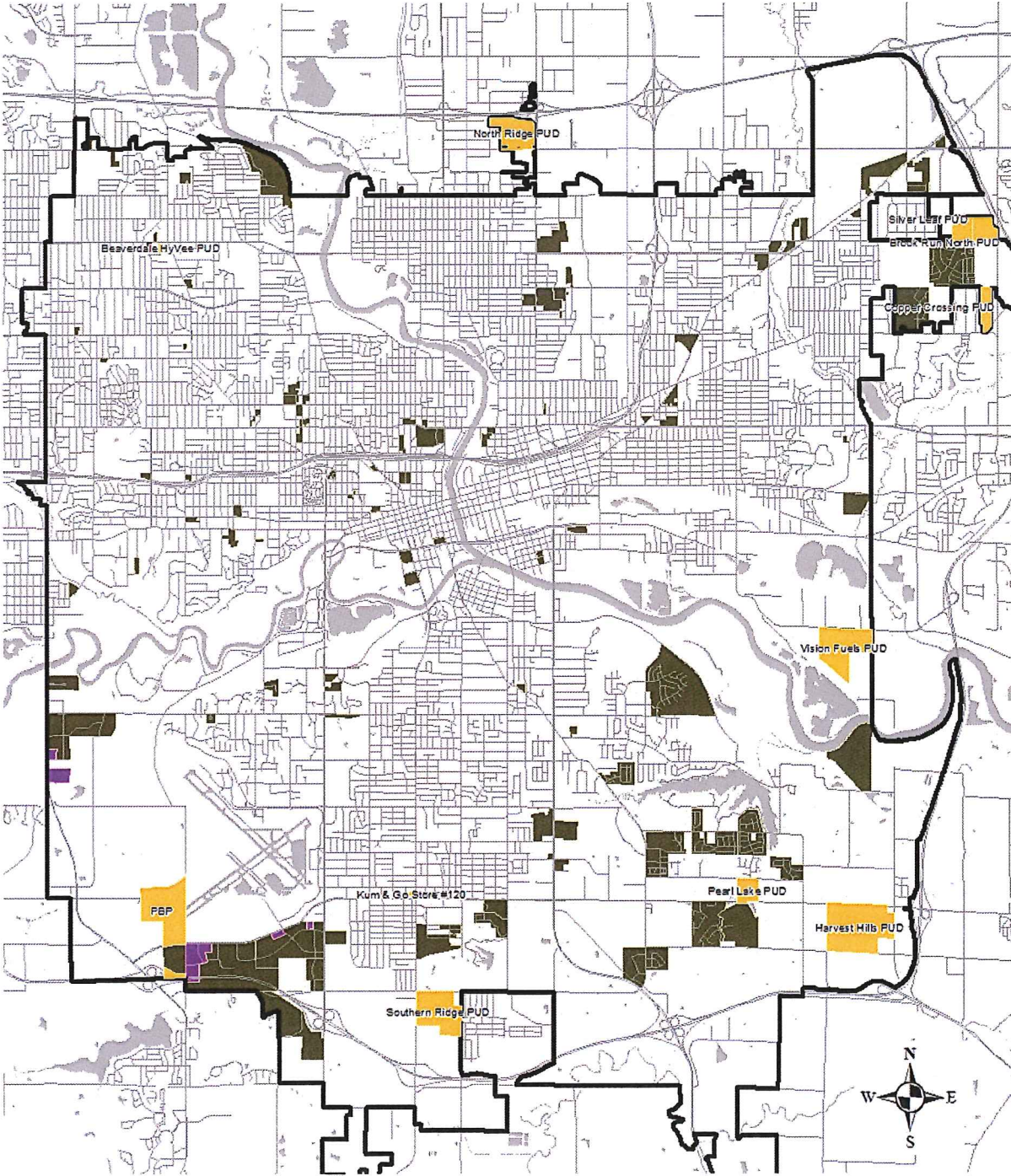
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

City of Des Moines' PUD & PBP Districts



Map Printed January 20, 2015.

Legend

- No Development Plan Approved
- PBP Planned Business Park
- PUD Planned Unit Development

Policy for Planned Unit Development (PUD) and Planned Business Park (PBP) Remedial Actions

- Proposed Policy for determining which inactive projects may be referred to the Plan and Zoning Commission for remedial hearing:
 - The first regular City Council meeting in April of each calendar year, Staff will present a written status update on any PUD's or PBP's that have not submitted a Final Development Plan within 2 years of the PUD Concept Plan being approved; that have not submitted a Final Development Plan within 3 years of the PBP Concept Plan being approved; or that have failed to commence construction in accordance with the time schedule specified on the Final Development Plan. Presentation of the annual report at a Council Workshop is optional.
 - The second regular Council meeting in April of each calendar year, a Council member may make a motion for consideration and approval by the full Council to refer a PUD or PBP district to the Plan and Zoning Commission for hearing on remedial measures in accordance with Section 134-708 or Section 134-741.
 - The Community Development Director will identify a proposed schedule for the public hearing by the Plan and Zoning Commission based upon current and known future staff workload.
 - Pursuant to code Sections 134-708 (PUD's) or 134-741 (PBP's), notice to developer of the P&Z hearing shall be delivered by Certified Mail.
 - Pursuant to Sections 134-708 (PUD's) or 134-741[15] (PBP's), the P&Z Commission shall consider all circumstances relevant to the developer's failure and may vote to recommend to the City Council that appropriate remedial measures be initiated, which measures may include (i) the initiation of rezoning of the subject property to the zoning classification immediately prior to the rezoning of the subject property to a PUD or PBP classification, and/or (ii) referral of the matter to the legal department for institution of enforcement proceedings in the courts pursuant to Sections 134-31 and 135-32 of the zoning code.
 - Pursuant to Sections 134-708 (PUD's) or 134-741[15] (PBP's) upon receipt of the recommendations of the Commission, the City Council may act to initiate remedial measures in conformity to the Commission's recommendations or to initiate such other remedial measures as the council determines to be reasonably necessary under the circumstances.