CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: May 18, 2015

ITEM: Waterbury Building, 7765 Office Plaza Drive North – Approval of extension of entitlement – R & R Realty Group - SP-2003-28

RESOLUTION: Approval of Extension of Entitlement for Waterbury Building

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Tom Rupprecht with R&R Realty Group, is requesting an extension of the entitlement for a site plan to construct an office building at 7765 Office Plaza Drive North. The approved Site Plan proposes the construction of a 52,800 sq. ft., single story office building. The site plan was originally approved by the City Council September 20, 1999, but entitlement expired in September, 2001. A new site plan approval was granted in June, 2004.

The following extensions have been granted:

- On May 8, 2006, Council extended entitlement to June 7, 2007.
- On May 7, 2007, Council extended entitlement to June 7, 2008.
- On May 5, 2008, Council extended entitlement to June 7, 2009.
- On May 18, 2009, Council extended entitlement to June 7, 2010.
- On May 3, 2010, Council extended entitlement to June 7, 2011.
- On May 16, 2011, Council extended entitlement to June 7, 2012.
- On May 14, 2012, Council extended entitlement to June 7, 2013.
- On May 13, 2013, Council extended entitlement to June 7, 2014.
- On June 2, 2014, Council extended entitlement to June 7, 2015.

CITY COUNCIL SUBMCOMMITTEE: This item was not presented to the Development and Planning City Council Subcommittee. Past request for entitlement extension have been presented with no opposition expressed.

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

FINDINGS: This request has been review by city staff, and based upon that review, the following findings have been made:

1. There have been no changes to the provisions of the comprehensive plan or zoning regulations applicable to the project since the approval of the entitlement or the extension of entitlement has been conditioned to comply with all regulations,

2. There have been no changes in the character of the site or its surroundings which affect how the standards of the comprehensive plan or zoning regulations apply to the project, and;

3. There have been no changes in the character of the site or its surroundings which detrimentally affect the environment.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve a one year extension of entitlement for the Waterbury Building (SP-2003-028) to June 7, 2016, subject to the applicant meeting all City Code requirements and the following conditions of approval:

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the Building Division that if necessary a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR);

2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues; and,

3. The applicant acknowledging that the building will have to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested.

Lead Staff Member: Lynne Twedt, Case Planner

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	N/A
Date(s) Published	
Letter sent to surrounding property owners	

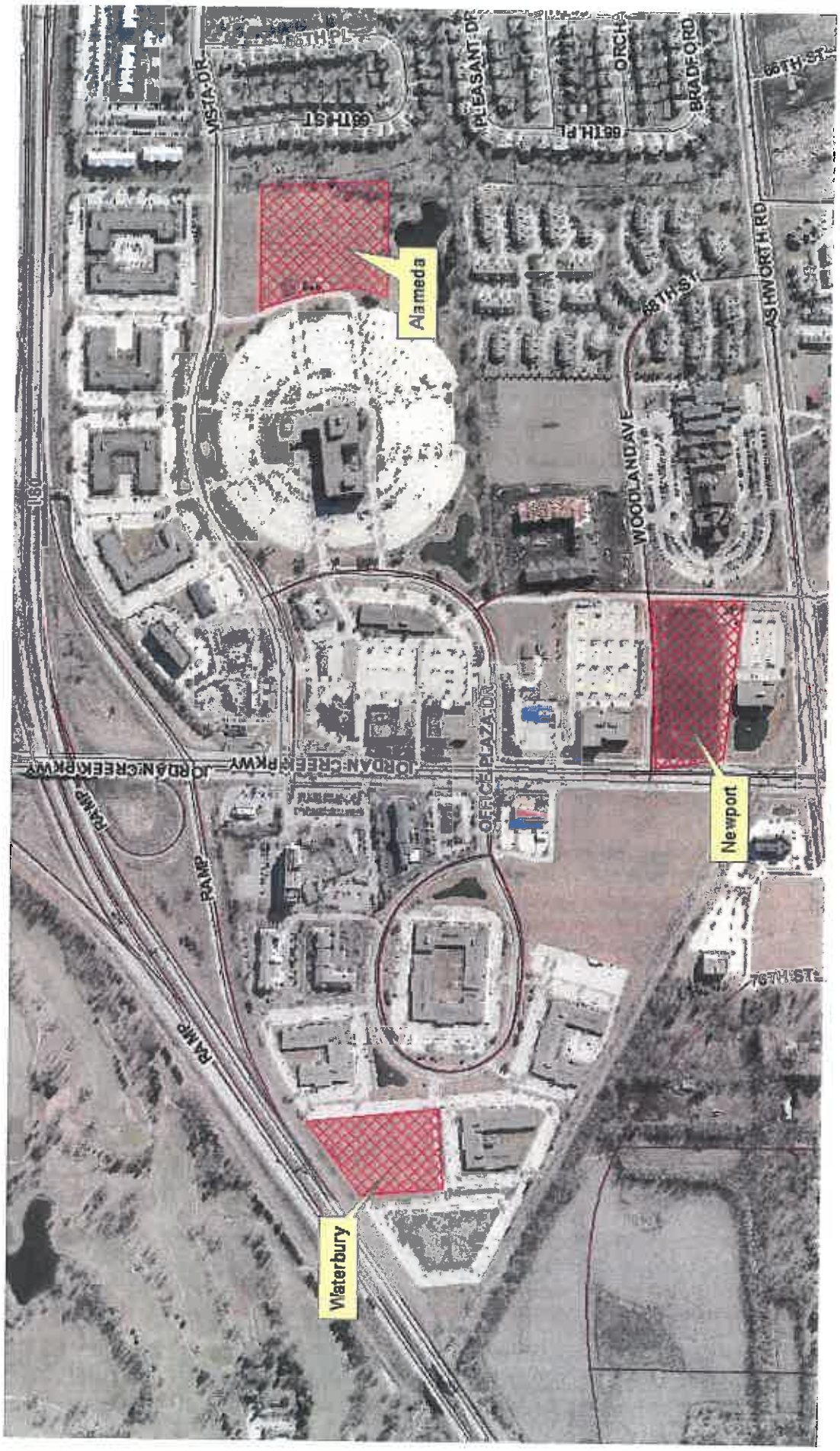
SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	n/a		
Recommendation	Yes	No	Split

ATTACHMENTS:

Attachment A - Location Map
Attachment B - Request Letter
Attachment C - City Council Resolution

ATTACHMENT A



ATTACHMENT B

R&R REALTY GROUP

Real estate.
Results.

May 1, 2015

Lynne Twedt
Development Services Director
Development Services Department – Planning Division
The City of West Des Moines
4200 Mills Civic Parkway
P.O. Box 65320
West Des Moines, IA 50265-0320

RE: Preliminary Site Plans Extension Requests for:
1. Alameda Office Building at 6770 Vista Drive
2. Newport Office Building at 1055 Jordan Creek Parkway
3. Waterbury Office Building at 7765 Office Plaza Drive North

Dear Lynne:

Pursuant to this letter, R&R Realty Group is requesting extensions for the approved site plans regarding the following office buildings:

1. Alameda Office Building. The original site plan was approved by the West Des Moines City Council on September 13, 2004. On August 28, 2006, the West Des Moines City Council approved the extension of the preliminary site to August 28, 2007 and has annually granted extensions. The most recent extension was granted on June 2, 2014 extending site plan approval to June 7, 2015.

2. Newport Office Building. The original site plan was approved by the West Des Moines City Council on August 1, 2005. On July 16, 2007 the West Des Moines City Council approved extending the approved site plan to August 1, 2008 and has annually granted extensions. The most recent extension was granted on June 2, 2014 extending site plan approval to June 7, 2015.

3. Waterbury Office Building. The applicable site plan was approved by the West Des Moines City Council on June 7, 2004. On May 8, 2006 the City Council approved extending the approved site plan to June 7, 200 and has annually granted extensions. The most recent extension was granted on June 2, 2014 extending site plan approval to June 7, 2015.

Currently, substantial building and site construction will not be completed by June 7, 2015; therefore, the owner is asking for one-year extensions of the previous extension approvals.

If you need any additional information from me, please let me know. I understand that this request will be taken to the City Council. Please advise of the date for consideration by the City Council and anything that I may need to do in advance of that meeting.

Very truly yours,

Tom Rupprecht
President

TR/sb
cc: Steven K. Gaer

Prepared by: L.Twedt, Dept of Development Services P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AN EXTENSION OF ENTITLEMENT FOR AN APPROVED SITE PLAN (SP-2003-028) TO CONSTRUCT AN OFFICE BUILDING

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, R&R Realty, has requested an extension of entitlement for an approved Site Plan Development Permit (SP-2003-028) for that certain 5.38 acre site, located at 7765 Office Plaza Drive North, for the purpose of constructing a single-story office building;

Legal Description of Property

LOT 4, COUNTRY CLUB OFFICE PLAZA PLAT 3, OFFICIAL PLAT,
CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

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 18, 2015, this City Council held a duly-noticed meeting to consider the request for an extension of entitlement for the approved Site Plan (SP-2003-028) to a date of June 7, 2016;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated May 18, 2015, or as amended orally at the City Council meeting of May 18, 2015, are adopted.

SECTION 2. EXTENSION OF ENTITLEMENT FOR APPROVED SITE PLAN (SP-2003-028) is approved, subject to compliance with all the conditions in the staff report, dated May 18, 2015, including conditions added at the meeting, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 18, 2015.

John Mickelson, Mayor Pro tem

ATTEST:

Ryan T. Jacobson
City Clerk

EXHIBIT A

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the Building Division that if necessary a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR);

2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues; and,

3. The applicant acknowledging that the building will have to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested.