NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: September 21, 2015

ITEM: S & F/Karp PUD, Northeast corner of S. 41st Street and Mills Civic Parkway – Amend S & F/Karp PUD development and architectural standards for Parcel C within the PUD – Highgates Plaza, LLC – ZC-002740-2015

ORDINANCE: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The owner of the property at the northeast corner of S. 41st Street and Mills Civic Parkway is proposing to construct a multi-tenant office building on the site that will house professional offices such as an insurance office, real estate office, etc. Commercial development has always been intended for the site and is stipulated within the PUD, however the architectural requirements within the PUD require architecture that is residential in character. The applicant would like to construct a building on the site that has a more modern look and not residential in character. This amendment to the PUD proposes modifications to the architecture section of the PUD that applies to parcel C within the PUD (the subject property) in order to accommodate the architecture of the proposed building.

The PUD designates this property with a C-1, Restricted Commercial District zoning classification. This is a zoning classification that no longer exists within the City Zoning Code. The applicant is also proposing to designate the property with a Support Commercial zoning designation, consistent with that indicated on the City's adopted Comprehensive Plan Land Use map

Previous Council Action:
Vote: 5-0 approval
Date: September 8, 2015
Motion: Approval of the First Reading of the amendment to City Code.

OUTSTANDING ISSUES: There are no outstanding issues.

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 the second reading, waive the third reading and adopt the amendment to the S & F/Karp PUD Ordinance in final form, subject to the applicant meeting all City Code requirements and the conditions of approval.

Lead Staff Member: Brian Portz BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	August 21, 2015	
Letter sent to surrounding property owners		8/18/2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	August 27, 2015		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Proposed Ordinance Amendment

EXHIBIT I

Prepared by: B. Portz, 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 ORDINANCE #947, 1118, 1357, 1679, and 1795 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 #947, 118, 1357, 1679, and 1795 pertaining to the **S and F/Karp Planned Unit Development (PUD)**, Section 010-03: *Conditions*; Subsection B: *Land Use Design Criteria*; Subsection 3: *Parcel C*; is hereby amended by deleting the following highlighted text and adding the following bolded text:

3. Parcel C: All general use regulations, performance standards and provisions set forth in ~~article XIII of ordinance 430~~ ***title 9 of the city code*** for the ~~C-1 restricted commercial~~ ***Support Commercial (SC)*** district shall apply to any development proposal for the property within parcel C as shown on the sketch plan, except as shall be further provided herein. This parcel shall encompass a maximum of three (3.0) acres.

   a. Permitted Uses: Permitted uses within parcel C shall include all uses permitted within the ~~C-1 restricted commercial~~ ***Support Commercial (SC)*** district, except clothes cleaning and laundry pick up stations, convenience stores, launderettes, or variety stores shall be prohibited. Additionally, no drive-through facility or outdoor display or storage area shall be permitted within parcel C except a drive-through facility for a financial institution may be permitted.

   b. Development Standards: Lot area, lot frontage and yard requirements shall comply with standards of the ~~C-1~~ ***Support Commercial (SC)*** zone district unless otherwise stated herein.

      Parking lots and buildings and/or structures shall be set back a minimum of sixty feet (60') from Civic Parkway. Parking lots shall be sufficiently screened, as practical, from public street view and surrounding residential properties with the use of landscaping, earth berming, and/or wall structures as may be required by the city. Particular emphasis shall be placed upon the open space, landscaping and overall site design to effectively convey an attractive and aesthetically pleasing image of development within parcel C as the site relates to the Civic Parkway entryway from the future Interstate 35 interchange into the city of West Des Moines.

   c. Architecture: The architectural design of any building shall be acceptable to the city, provided acceptance shall not be unreasonably withheld, and all buildings within the parcel shall ~~be residential in character and have as a primary element of the exterior being fascia glass, face brick, concrete panels, or stone panels, with all sides of any building built within the parcel consistent in design and use of materials~~ ***attempt to express a creative presentation by careful attention to exterior building materials and details, use of fenestration, and change in building mass within the plan and roof design to lessen the plainness of appearance which can be characteristic of commercial buildings. Primary materials of the exterior shall be: curtain wall***

glass, face brick or stone or architectural metal panels. All sides of the building shall receive high quality materials, finishes, and details (360 degree architectural treatment). No wood, masonite, visible asphaltic exterior wall or roof material, aluminum siding, nonarchitectural sheet metal, concrete block, or other similar materials shall constitute a portion of any building exterior except as a trim material, unless the city council of West Des Moines, after review by the ~~planning and zoning commission~~ ***Plan and Zoning Commission*** of West Des Moines shall determine said material when used as a primary element, enhances the physical appearance.

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

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 the _____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