CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: September 21, 2015

ITEM: Paradise Pointe Specific Plan Amendment, NW corner of S. 64th Street and Mills Civic Parkway – Amend Paradise Pointe Specific Plan language to allow projecting signs within the Paradise Pointe development – ZC-002821-2015

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Jordan Creek Investments, is requesting an amendment to the Paradise Pointe Specific Plan language to allow projecting signs on property located at the northwest corner of S. 64th Street and Mills Civic Parkway. While the proposed amendment is to accommodate the desired signage of a new tenant, Firebirds Wood Fire Grill, in the multi-tenant building under construction, the proposed amendment would allow such a sign on any establishment within the Paradise Pointe development.

Plan and Zoning Commission Action:
Vote: 5-0 approval, with Commissioners Andersen and Crowley absent.
Date: September 14, 2015
Motion: Adopt a resolution recommending the City Council approve the amendment to the Paradise Pointe Specific Plan Ordinance to amend the signage regulations.

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions. 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
- Staff Review and Comments
- Comprehensive Plan Consistency
- Staff Recommendations and Conditions of Approval
- Noticing Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the approve the Rezoning Request to amend the Paradise Pointe Specific Plan to allow projecting signs within the development.

Lead Staff Member: Kevin Wilde, Sign and Zoning Administrator KW

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	September 4, 2015	
Letter sent to surrounding property owners		9/2/2015

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed	NA		
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication

Attachment A - Commission Resolution

Exhibit A - Conditions of Approval

Attachment B - Location Map

Attachment C - Proposed Amendment

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: September 14, 2015

Item: Paradise Pointe Specific Plan Amendment, NW corner of S. 64th Street and Mills Civic Parkway – Amend Paradise Pointe Specific Plan language to allow projecting signs within the Paradise Pointe development – ZC-002821-2015

Requested Action: Approval of a Rezoning Request

Case Advisor: Kevin Wilde, Sign and Zoning Administrator KW

Applicant's Request: The applicant, Jordan Creek Investments, is requesting an amendment to the Paradise Pointe Specific Plan language to allow projecting signs on property located at the northwest corner of S. 64th Street and Mills Civic Parkway. While the proposed amendment is to accommodate the desired signage of a new tenant, Firebirds Wood Fire Grill, in the multi-tenant building under construction, the proposed amendment would allow such a sign on any establishment within the Paradise Pointe development.

History: The Paradise Pointe Specific Plan was approved by the City Council on July 16, 2007. The ordinance was amended in 2011 to increase the previous number of restaurant associated drive-thrus from one (1) to two (2) in response to the concurrent submittal of site plans for the Chick-fil-A and Panda Express establishments within the development. In 2014 the City Council approved of an amendment to allow an additional drive-thru restaurant.

City Council Subcommittee: This item was not presented to the Development and Planning City Council Subcommittee.

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 is proposing to amend the Paradise Pointe Specific Plan to allow projecting signs, sometimes called blade signs, using the same language that was incorporated into the Jordan Creek Town Center PUD for the Bar Louie projecting sign. This language only allows one projecting sign per tenant and is counted as wall signage. The amendment also stipulates that the sign design only illuminates the text or graphic of the sign so that the background of the sign is opaque to limit the lighted area of the sign.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project 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 Rezoning Request to amend the Paradise Pointe Specific Plan to allow projecting signs within the development.

Noticing Information: On September 4, 2015, notice for the September 14, 2015, Plan and Zoning Commission and September 21, 2015, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on September 2, 2015.

Property Owner/Applicant:

Jordan Creek Investments, LLC
2540 73rd Street
Urbandale, IA 50322
Attn: James Rizutti
jamesr@premier-midwest.com

Applicant Rep:

Chesnut Signs
971 NE Broadway Avenue
Des Moines, IA 50313
Attn: Donovan Chesnut
donovan@chesnutsigns.com

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Attachment B	-	Location Map
Attachment C	-	Proposed Amendment

ATTACHMENT A

RESOLUTION NO. PZC-15-066

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 (ZCSP-002821-2015) FOR THE PURPOSE OF AMENDING THE PARADISE POINTE SPECIFIC PLAN TO AMEND THE SIGNAGE REGULATIONS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Jordan Creek Investments, LLC, has requested approval for an Amendment to the Paradise Pointe Specific Plan (ZCSP-002821-2015) for that approximately 26.5 acre site located at the northeast corner of Mills Civic Parkway and S68th Street for the purpose of amending the signage regulations specified within the ordinance to allow the use of projecting signs within the development;

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 September 14, 2015 this Commission held a duly-noticed hearing to consider the application for a Rezoning Request (ZCSP-002821-2015);

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 September 14, 2015, or as amended orally at the Plan and Zoning Commission hearing of September 14, 2015, are adopted.

SECTION 2. REZONING REQUEST (ZCSP-002821-2015) to amend the Paradise Pointe Specific Plan to allow the use of projecting signs as allowed signs within the development is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated September 14, 2015, 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 September 14, 2015.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

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 September 14, 2015, by the following vote:

AYES: Brown, Costa, Erickson, Hatfield, Southworth
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: Andersen, Crowley

ATTEST:

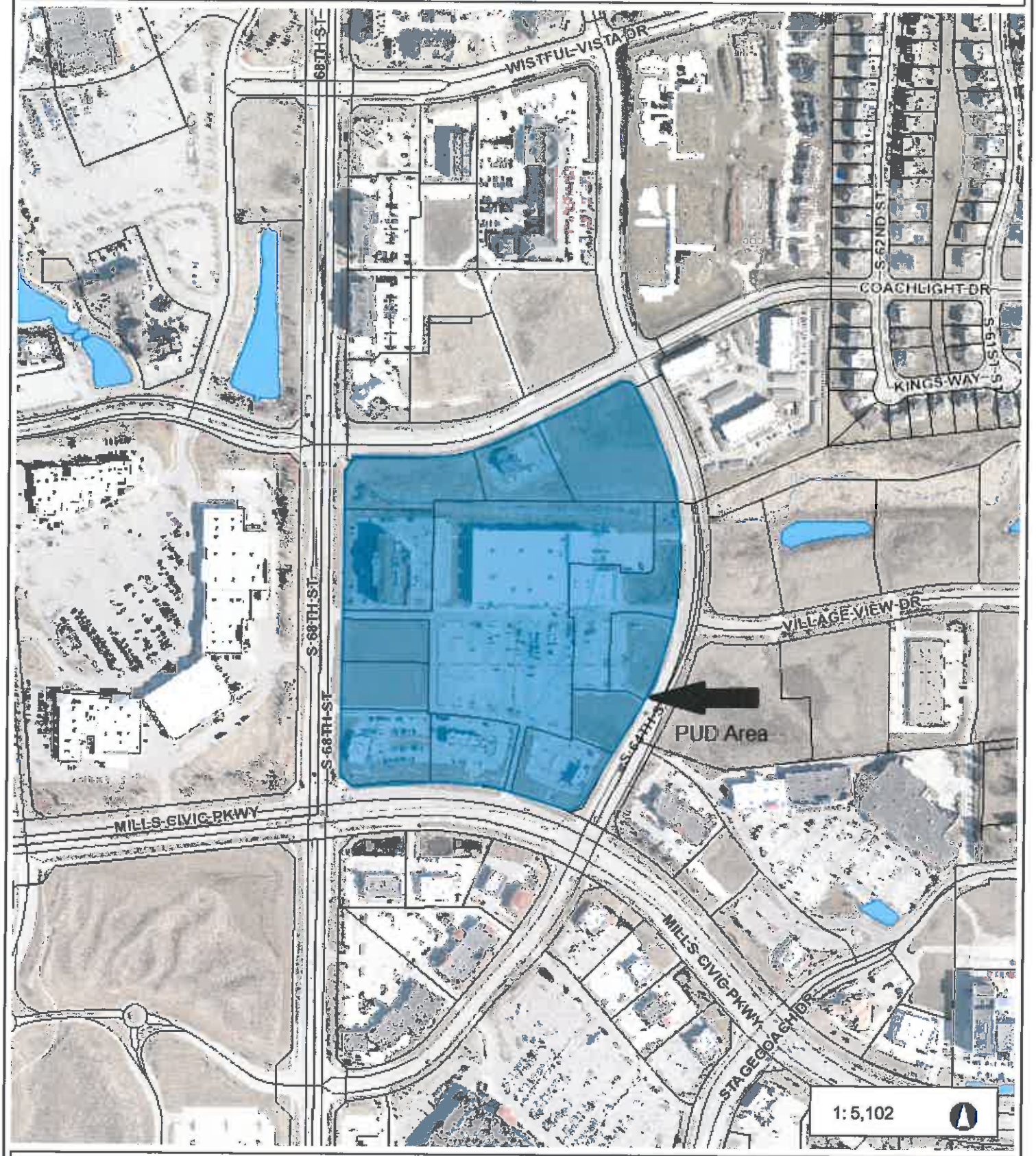
Recording Secretary

Exhibit A
Conditions of Approval

No Conditions of Approval

ATTACHMENT B

My Map



850.3 0 425.14 850.3 Feet

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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 C

Prepared by: K. Wilde, 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 #1765, #1921, & #2032, 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 #1765, #1921, and # 2032, pertaining to the **Paradise Pointe Specific Plan,** Section 7: *Signage,* Subsection B: *Wall Signs*; paragraph 1 is hereby amended by adding the following highlighted text:

1. Regulations: All wall signage shall consist of individual three-dimensional letters attached directly to the building. No cabinet or panel signs shall be allowed except for contoured cabinet signs necessary to display logos. In the event cabinet signs are necessary to accommodate a logo, said cabinets shall be contoured to the logo shape and every measure possible shall be implemented to minimize the amount of illuminated background. Raceways shall be prohibited.

   The use of projecting signs (which may also be referred to as blade signs) shall be allowed within the PUD as part of the wall signage allowed for a tenant. Any projecting sign shall comply with the applicable regulations in the West Des Moines sign code and the following unless noted otherwise elsewhere in this PUD ordinance:

   a. Only one projecting sign allowed per tenant space.
   b. The projecting sign shall be counted as part of the allowed wall signage for the tenant space and shall not be greater than one-half ($^1/_2$) of the total allowed wall signage earned by the wall on which the sign will be mounted.
   c. The sign may have two (2) faces but only one side of the sign will be counted to determine the size of the sign.d. No projecting sign shall extend further away from the wall than five feet (5') to the furthest edge.
   e. All projecting signs shall be designed in such a manner that only the text, or graphic is illuminated, not the entire background of the sign, such as routered face or individual channel letters on an opaque backer.
   f. The thickness measured between the principal faces of any projecting sign shall not exceed eighteen inches (18").
   g. The projecting sign shall not be permitted to extend above the building roof more than one-half ($^1/_2$) the height of the sign.

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 subsection of this Ordinance.

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 Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2015.

_____
Ryan Jacobson
City Clerk