CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: January 26, 2016

ITEM: Modification of Condition of Approval – 1st Street Redevelopment PUD – 1st Street, LP – Southwest corner of 1st Street and Grand Avenue – Amend previously established condition of approval – (ZC-002834-2015)

RESOLUTION: Approval of Modification of Condition of Approval

FINANCIAL IMPACT: Undetermined.

BACKGROUND: On November 2, 2015, a rezoning was approved by the City Council to rezone the property from Community Commercial (CMC) to Planned Unit Development (PUD) and establish the 1st Street Redevelopment PUD. That approval included the following condition of approval:

> 4. *An agreement shall be executed and recorded for the future installation of a traffic signal at the intersection of the south entrance driveway and 1st Street. City Council adoption of this agreement shall occur on or before the January 28, 2016 Council meeting. In the event that the agreement is not executed on or before this date, no future building permits, including footing and foundation permits shall be issued for construction within the 1st Street Redevelopment project until such time that resolution of responsibilities for the future traffic signal is reached.*

At the time of the original approval for the PUD, the applicant requested the condition requiring execution of an agreement and wavier for a future traffic signal at the southern entrance to the development from 1st Street to be deferred until he had the opportunity to discuss possible redevelopment incentives with the City Council. Staff modified the condition to allow deferral to January 28, 2016 to allow the applicant time to prepare cost information and meet with the Development and Planning Subcommittee. The Applicant did meet with the Subcommittee on January 11, 2016 to discuss this and other financial costs of the proposed development. As noted at the meeting, depending on how the surrounding area redevelops, the traffic levels needed to trigger the signal installation may not occur or the desire for a signal may be driven by the businesses adjacent to the signal. With this in mind, the Subcommittee determined and staff agreed that the condition could be removed from the PUD approval and allow the cost obligation for the traffic signal to be addressed at the time the developer requests it or traffic levels warrant a signal in the future.

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

CITY COUNCIL SUBCOMMITTEE: This request was discussed at the Development and Planning City Council Subcommittee on January 11, 2016.

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.

RECOMMENDATION: Staff recommends the City Council remove original condition of approval #4 placed with the November 2, 2015, Zoning Change approval for the 1st Street Redevelopment PUD, subject to the applicant meeting all City Code requirements and all other originally placed conditions of approval as follows:

1. City Council approval of the Rezoning Request (PUD) is required prior to any construction as proposed by the approved Master Plan, however, footing and foundation permits may be issued prior to City Council 2nd and 3rd Readings and adoption of the PUD to keep individual projects moving forward.

2. The Applicant continues to work with City Staff on the building design for Parcel 3 to incorporate the changes requested by the potential future tenant in a manner that is consistent with the redevelopment guidelines and the PUD. Said modifications shall be finalized prior to the issuance of any occupancy permit, including temporary occupancy permits for any building within the PUD area or approval of a Site Plan for Parcel 3, whichever occurs first.

3. Sign images included in the precedent images are for illustrative purposes only. Signage design and construction details will be reviewed and approved as part of the Sign Permit process.

4. An irrevocable offer of right of way for Grand Avenue shall be required prior to final approval of the PUD.

5. Streetscape easements along Grand Avenue and 1st Street shall be executed and recorded at the time of site plan development for each site within the PUD that has frontage along Grand Avenue or 1st Street.

6. Additional public easements (utility, ingress/egress, etc.) within the PUD shall be executed and recorded at the time of platting of the property.

Lead Staff Member: Brian Portz, Planner 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	n/a
Letter sent to surrounding property owners	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	January 11, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Attachment A — City Council Resolution
Exhibit A — Conditions of Approval

Prepared by: B. Portz, 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 THE REMOVAL OF A CONDITION OF APPROVAL PLACED WITH THE ORIGINAL 1ST STREET REDEVELOPMENT PUD (ZC-002834-2015) APPROVAL

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, First Street, LP, has requested approval of the removal of a condition of approval for the 5.37 acre site relating to an Agreement & Waiver for the future installation of a traffic signal at the southern entrance along 1st Street which was established with the approval of the 1st Street Redevelopment PUD (ZC-002834-2015) on November 2, 2015, of the development located at the southwest corner of Grand Avenue and 1st Street.

Legal Description of Property

LOTS 95 AND 96 OF LINNWILL, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY, IA, EXCEPT FOR THE EAST 60' FEET;

AND

LOT 1 OF LINNWILL PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA,

AND

LOT 1 OF LINNWILL PLAT, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK 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 November 2, 2015, this City Council approved the 1st Street Redevelopment PUD (ZC-002834-2015);

WHEREAS, The 1st Street Redevelopment PUD approval contained a condition of approval which required the execution of an Agreement & Waiver for the future installation of a traffic signal at the southern driveway access to 1st Street with City Council adoption of the agreement occurring on or before the January 28, 2016 Council meeting;

WHEREAS, Per the original condition of approval, in the event that the agreement is not executed on or before the January 28, 2016 Council meeting, no future building permits, including footing and foundation permits shall be issued for construction within the 1st Street Redevelopment project until such time that resolution of responsibilities for the future traffic signal is reached;

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 January 26, 2016, or as amended orally at the City Council hearing of January 26, 2016, are adopted.

SECTION 2. Application of ZONING CHANGE (ZC-002834-2015) original condition of approval #4 as established with the November 2, 2015 City Council approval as indicated in the staff report dated January 26, 2016 is hereby removed from the 1st Street Redevelopment PUD approval subject to compliance with all the conditions of approval indicated in the staff report dated January 26, 2016, including conditions added at the Hearing, and attached hereto as Exhibit 'A'. Violation of any other 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 January 26, 2016.

_____

Steven K. Gaer
Mayor

ATTEST:

_____

Ryan T. Jacobson
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on January 26, 2016, by the following vote:

ATTEST:

_____

Ryan T. Jacobson
City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

1. City Council approval of the Rezoning Request (PUD) is required prior to any construction as proposed by the approved Master Plan, however, footing and foundation permits may be issued prior to City Council 2nd and 3rd Readings and adoption of the PUD to keep individual projects moving forward.

2. The Applicant continues to work with City Staff on the building design for Parcel 3 to incorporate the changes requested by the potential future tenant in a manner that is consistent with the redevelopment guidelines and the PUD. Said modifications shall be finalized prior to the issuance of any occupancy permit, including temporary occupancy permits for any building within the PUD area or approval of a Site Plan for Parcel 3, whichever occurs first.

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