CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 8, 2016

ITEM: Village of Ponderosa, east of South 60th Street at Village View Drive – Amend the Specific Plan Ordinance to modify Commercial Wall Signage Regulations – W. West Investments, LLC - ZC-002958-2016

ORDINANCE: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Tom Baldwin with W. West Investments, LLC, is requesting approval of an amendment to the Village of Ponderosa Specific Plan to modify the wall sign regulations and how the amount allowed is determined for the commercial uses within the Village of Ponderosa development (see Attachment B – Location Map, and Attachment C – Proposed PUD Amendment Ordinance).

Plan and Zoning Commission Action:
Vote: 6-0 Approval, with Commissioner Brown absent
Date: February 1, 2016
Motion: Adopt a resolution recommending the City Council approve the amendment to the Specific Plan Ordinance.

A couple of residents of the Village of Ponderosa expressed concerns about how the amendment might impact them. While the amendment may allow additional signage for commercial uses within the development, staff informed them that there is already a provision in the Specific Plan that prohibits illuminated signage on a wall facing a residential property (that is not part of a mixed use concept) and located within 200 feet of the business.

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Request
- History
- City Council Subcommittee – *Development and Planning: January 25, 2016*
- Staff Review and Comments – *explanation of wall signage calculations*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the first reading of an ordinance to amend the Village of Ponderosa Specific Plan to modify the wall sign regulations and how the amount allowed is determined for the commercial uses within the Village of Ponderosa development, subject to the applicant meeting all City Code requirements.

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

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	January 22, 2016	
Letter sent to surrounding property owners		1/20/2016

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	January 25, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution
  - Exhibit A - Conditions of Approval
  - Exhibit B Location Map
  - Exhibit C - Proposed PUD Ordinance *(Moved to Exhibit II)*

Exhibit II - Proposed PUD Ordinance

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: February 1, 2016

Item: Village of Ponderosa, east of South 60th Street at Village View Drive – Amend the Specific Plan Ordinance to Modify Commercial Wall Signage Regulations – West Investments, LLC - ZC-002958-2016

Requested Action: Adopt resolution of Approval of a Specific Plan Amendment

Case Advisor: Kevin Wilde, Sign and Zoning Administrator KW

Applicant's Request: The applicant, Tom Baldwin with W. West Investments, LLC, is requesting approval of an amendment to the Village of Ponderosa Specific Plan to modify the wall sign regulations and how the amount allowed is determined for the commercial uses within the Village of Ponderosa development (see Attachment B – Location Map, and Attachment C – Proposed PUD Amendment Ordinance).

History: A Comprehensive Plan Amendment was approved for the original Village of Ponderosa development in 2005 along with adoption of the Area Development Plan and Specific Plan Ordinance that provided regulations for the development of the entire 96 acre property. In 2006, a Final Plat was approved for the property creating 102 lots for a mix of office, commercial, and residential. In 2007, an amendment to the Specific Plan Ordinance was approved that modified development and wayfinding signage regulations, clarified design intent and materials of the water feature, clock tower and pedestrian trellis over the sidewalk in the Market District, and made provisions to allow recreational uses such as a bowling alley, fitness center, and a movie theater. In 2009, the Specific Plan Ordinance was amended to allow for the construction of an additional access drive off of Market Street and in 2011, an amendment was submitted but was withdrawn when the ownership in the development changed. In 2015, a Comprehensive Plan amendment and an amendment to the Specific Plan were approved to modify the land uses, generally to the undeveloped parcels within the development, and to modify the development regulations and architectural concepts for the various land uses.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on January 25, 2016, as an upcoming project and there was no discussion.

Staff Review and Comment: City Code allows for one square foot of sign area for every lineal foot of a building frontage facing a public street: maximum of two frontages. The Specific Plan Ordinance currently allows a total of one and one-half (1½) square feet of copy per one (1) lineal foot of tenant space which contains the primary public entrance for each tenant. Wellman's Pub, located at 601 Market Street in the southeastern portion of the project, is in the process of trying to upgrade their building appearance and signage. Their entrance on the west side of the building faces away from the public street on the east (S. Prairie View Dr), as well as away from the internal private street to the north (Market Street). Although Market Street is technically private, it is intended and required within the Specific Plan Ordinance to function as a public street. Staff reviewed their signage proposal based upon what the Specific Plan would allow and, while it would seem to provide a greater allowance for signage, the west, and east sides of this building are the shortest sides of the building. If they were allowed to calculate according to city code today and treat the private Market Street like a public street frontage, the Sign Code would allow more signage. Therefore, this request to amend the sign regulations within the Village of Ponderosa Specific Plan to allow non-residential uses within the project to calculate based on street frontages and allow the internal private streets to be treated like public street frontages. Staff is supportive of the amendment as it is simply allowing the commercial entities in the Village of Ponderosa to have as much signage as would a commercial entity elsewhere in the City.

Staff would also note that there are two other sections of the Village of Ponderosa Specific Plan Ordinance that are also being amended to correct errors that were made in references to document exhibits when the 2015 amendment was recorded.

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.

Noticing Information: On January 22, 2016, notice of the February 1, 2016, Plan and Zoning Commission public hearing for this project was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property affected by this amendment on January 20, 2016.

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 an amendment to the Village of Ponderosa Specific Plan Ordinance to modify how allowable signage for commercial establishments is calculated, allow the private street to be treated as a public street, and correct errors from the 2015 ordinance amendment.

Applicant: Tom Baldwin
W. West Investments, LLC
5503 Beechwood Terrace
West Des Moines, IA 50266
(515)771-6900
tombaldwinjr@me.com

Owners: Market Street Investors LLC
5503 Beechwood Terrace
West Des Moines, IA 50266

Attachments:

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

RESOLUTION NO. PZC- 16-007

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE VILLAGE OF PONDEROSA SPECIFIC PLAN (ZCSP-002958-2016).

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, W. West Investments LLC, has requested approval for an amendment to the existing Village of Ponderosa Specific Plan for that certain 93.8 acre project known as the Village of Ponderosa development to modify sign regulations for the calculation of commercial wall signage and to clean-up errors within the recently adopted amendment;

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 February 1, 2016, this Commission held a duly-noticed hearing to consider the application for the Zone Change Specific Plan (ZCSP-002958-2016)

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 February 1, 2016, or as amended orally at the Plan and Zoning Commission hearing of February 1, 2016, as shown in Exhibit A, if any, are adopted.

SECTION 2. THE ZONE CHANGE SPECIFIC PLAN (ZCSP-002958-2016) amendment is recommended to the City Council for approval based on the findings in the staff report, dated February 1, 2016, including findings added at the Hearing.

PASSED AND ADOPTED on February 1, 2016.

Craig Erickson, Chairman
Plan and Zoning Commission

ATTEST:

Michelle Riesenberg
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 February 1, 2016, by the following vote:

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

ATTEST:

Michelle Riesenberg
Recording Secretary

Exhibit A
Conditions of Approval

No Conditions of Approval.

Exhibit B
Legal Description

The north 66.70 acres of lot 1 in partition plat of the SW $^1/_4$ of the NW $^1/_4$ and the N $^1/_2$ of the SW $^1/_4$ and the N $^1/_2$ of the SE $^1/_4$ of section 18, township 78 north, range 25, west of the 5th P.M., now included in and forming a part of the city of West Des Moines, Iowa.

And

The 30.0 acres described as follows; the southeast quarter of the northwest quarter of section 18, township 78 north, range 25 west of the 5th P.M., except the north 10.0 acres thereof, now included in and forming a part of the city of West Des Moines, Polk County, Iowa. (Now Platted as The Village of Ponderosa Plat 1 with subsequent plats to date of Plat 2 through Plat 9.)

ATTACHMENT B

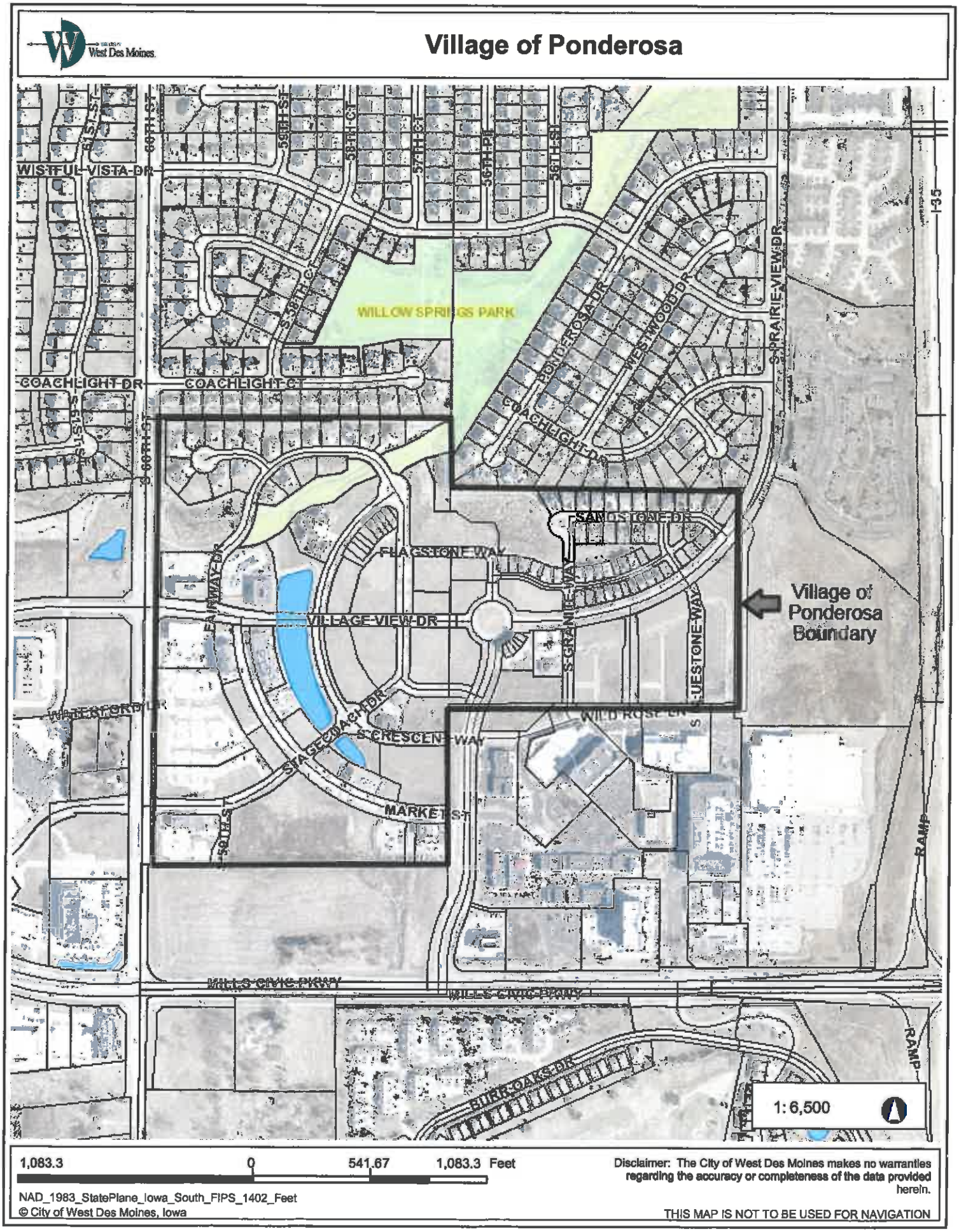

EXHIBIT II

Prepared by: KWilde, Development Services, PO Box 65320, W.D.M., IA 50265-0320, 515-222-3630
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, BY AMENDING TITLE 9: ZONING, CHAPTER 9: PLANNED UNIT DEVELOPMENT DISTRICT, ORDINANCE NO. 1701, AS AMENDED BY ORDINANCES 1793, 1846 AND 2093 PERTAINING TO SPECIFIC PLAN DISTRICT REGULATIONS AND GUIDELINES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT: Title 9, Chapter 9 of the City Code is hereby amended by modifying the Village of Ponderosa Specific Plan Ordinance No. 1701, as amended by Ordinances 1793, 1846, and 2093, to amend Section 81-16: *Signage*, B: *Building Mounted Signs*, paragraph a(1)(B) by deleting text in highlighted strikethrough lettering and adding italicized text in bold lettering::

a) A total of one ~~and one half (1½)~~ ***(1)*** square ~~feet~~ ***foot*** of copy per one (1) lineal foot of tenant space which ~~contains the primary public entrance~~ ***faces a public street or internal private street,*** shall be allowed per tenant. ***If the side of the building with the main entrance faces away from a street frontage, that wall may be counted in the calculations at a rate of one-half (1/2) the linear footage of said wall. At no time shall more than two (2) walls be used to compute allowable signage and no wall area shall be allowed to have more signage on that side of the building than what the wall would earn at one (1) square foot per linear foot of building wall.*** The number of signs is limited only by the maximum allowable square footage. Of the total square footage of signage allowed, a maximum one-half (½) square foot per lineal foot of tenant space which contains the primary public entrance may be located on a window or wall that is not immediately adjacent to the tenant space but still within the same building.

SECTION 2. AMENDMENT: Title 9, Chapter 9 of the City Code is hereby amended modifying the Village of Ponderosa Specific Plan Ordinance No. 1701, as amended by Ordinances 1793, 1846, and 2093, to amend Section 18: *Architecture,* paragraph A1, subparagraph i, by deleting text in highlighted strikethrough lettering and adding italicized text in bold lettering:

i. High density residential buildings adjacent to single-family attached or detached (areas 1B, 1C and 4B) should step down massing as illustrated in ***Figure 7c of the Architectural Pattern Book.***

SECTION 3. **AMENDMENT:** Title 9, Chapter 9 of the City Code is hereby amended modifying the Village of Ponderosa Specific Plan Ordinance No. 1701, as amended by Ordinances 1793, 1846, and 2093, to amend Section 19: *Land Use and Bulk Regulations,* paragraph A5: *Setbacks*, subparagraph a, by deleting text in highlighted strikethrough lettering and adding italicized text in bold lettering:

a. Unless otherwise specifically stated, setbacks shall be measured from the property line of parcels that abut a public street or back of curb of adjoining private street or alley. Setbacks along boundaries that do not abut a street shall be measured from the lot boundary; except for area 6D, easements have been taken into account when determining setbacks, therefore, the setback should be measured from the property line. Unless noted otherwise, in area 6D, setbacks shall be measured from the lot line ***and back of curb of private streets in accordance with Area 6D table on page 53 of the Specific Plan.***

SECTION 4. **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 5. **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 6. **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 7. **EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED this __ day of _____ 2016

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T.Jacobson,
City Clerk

I certify that the foregoing was published as Ordinance No. _____on the ___ day of _____ 2016.

_____
Ryan T. Jacobson,
City Clerk