

CITY OF WEST DES MOINES

COUNCIL AGENDA

date: April 18, 2016

time: 5:30 P.M.

MAYOR	STEVEN K. GAER	CITY MANAGER.....	TOM HADDEN
COUNCILMEMBER AT LARGE	RICK MESSERSCHMIDT	CITY ATTORNEY.....	RICHARD SCIESZINSKI
COUNCILMEMBER AT LARGE	JIM SANDAGER	CITY CLERK.....	RYAN JACOBSON
COUNCILMEMBER 1 ST WARD	KEVIN L. TREVILLYAN		
COUNCILMEMBER 2 ND WARD	JOHN MICKELSON		
COUNCILMEMBER 3 RD WARD.....	RUSS TRIMBLE		

1. **Call to Order/Pledge of Allegiance/Roll Call/Approval of Agenda**
2. **Citizen Forum** (Pursuant to City Council Procedural Rules citizen remarks are limited to five minutes under this agenda category - if additional time is desired the Mayor/Council may allow continuation as part of the Other Matters portion of the agenda)
3. **Mayor/Council/Manager Report/Other Entities Update**
 - a. Swearing in of Fire Fighters Joseph Thomas, Brent Conklin, and Grant Gaumer
4. **Consent Agenda**
 - a. Motion - Approval of Minutes of April 4, 2016 Meeting
 - b. Motion - Approval of Bill Lists
 - c. Motion - Approval of Liquor Licenses:
 1. BW's Inc. d/b/a BW's, 3701 EP True Parkway, Suite 400 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 2. Fareway Stores, Inc. d/b/a Fareway Store #153, 329 Grand Avenue - Class LE Liquor License with Carryout Wine and Carryout Beer - Renewal
 3. Kineth Hotel Corporation d/b/a Hampton Inn, 6160 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
 4. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - May 11-12, 2016
 6. V Lounge, LLC d/b/a MiniBar (f/k/a V Lounge), 3535 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal

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7. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
 8. Rusty Spoke, Inc. d/b/a Rusty Spokes, 4221 South Orilla Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 9. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
 10. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
 11. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 12. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
 13. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
 14. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New
- d. Motion - Approval of Orders for Violations of Alcohol Laws
- e. Motion - Approval to Sell Surplus City Equipment
- f. Motion - Approval of Forestry Program Requests to Change Procedures and Purchase Aerial Lift Truck
- g. Motion - Approval of Change Orders:
1. Grand Avenue Phase 5, #2
 2. SE Soteria Avenue - County Line Road to White Crane Road, #5
 3. Community Center Interior Renovations, #4
- h. Resolution - Order Construction - Fox Creek Trunk Sewer Phase 2
- i. Resolution - Accept Work:
1. 2015 Sewer Cleaning and Televising Program
 2. Ashworth Road Trail Extension
- j. Resolution - Approval and Acceptance of Sanitary Sewer Easement Agreement - Renewal by Anderson, 515 Railroad Avenue
- k. Resolution - Approval and Acceptance of Irrevocable Offer of Dedication and Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement - Imani Family Church, 815 8th Street
- l. Resolution - Approval of Purchase Agreement and Deed - Walnut Creek Outfall Storm Sewer Improvements Project

5. Old Business

6. Public Hearings (5:35 p.m.)

- a. Fox Valley, generally the area south of SE Adams Street and west of Orilla Road - Rezone Property to Locations and Acreages of Single Family and Medium Density Residential - Charles I. and Ruth Colby National Development Trust (Continued from April 4, 2016)
 - 1. Resolution - Approval of Comprehensive Plan Amendment
 - 2. Ordinance - Approval of First Reading
- b. Amendment to City Code - Title 4 (Health and Safety Regulations) and Title 9 (Zoning) - Establish Regulations Pertaining to Solar Energy Systems - City Initiated (Continued from December 14, 2015, January 11, 2016, February 8, 2016, and March 7, 2016)
 - 1. Ordinance - Approval of First Reading
- c. Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) - Establish Standards and Regulations Related to Indoor Self-Storage or Mini-Warehousing Facilities - City Initiated (Continued from January 26, 2016, February 8, 2016, March 7, 2016, March 21, 2016, and April 4, 2016)
 - 1. Ordinance - Approval of First Reading
- d. Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify the Bulk Regulations Requirements for Office Zoning Districts - City Initiated
 - 1. Ordinance - Approval of First Reading
- e. 2016 Concrete Trail Renovation - City Initiated
 - 1. Resolution - Approval of Plans and Specifications
 - 2. Motion - Receive and File Report of Bids
 - 3. Resolution - Award Contract

7. New Business

- a. West Green Industrial, 175 South 9th Street and 250 South 11th Street - Approval of a Phased Site Plan to Allow Installation of Private Utilities and Footings and Foundations - Next Phase Development
 - 1. Resolution - Approval of a Phased Site Plan
- b. Mill Ridge, southwest corner of South 88th Street and Stagecoach Drive - Approval of a Phased Site Plan to Allow Grading of the Site and Installation of Underground Private Utilities - Hubbell Realty Company
 - 1. Resolution - Approval of a Phased Site Plan

8. Receive, File and/or Refer

- a. Majestic Oaks, generally located at the northwest corner of Stagecoach Drive and South 95th Street - Rezone Property from Single Family Residential to Majestic Oaks PUD - John Wick (Refer to Plan and Zoning Commission)

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- b. 988 78th Place - Consistency Zone the Property from Unzoned to Single Family Residential - City Initiated (Refer to Plan and Zoning Commission)

- c. Mill Ridge, southwest corner of South 88th Street and Stagecoach Drive - Vacate Right-of-Way for approx. 1,200 feet of Harper Lane west of the Harper Land and the South 88th Street Intersection and South 91st Street between Harper Lane and Sugar Creek Drive and Vacate Various Easements within the Proposed Mill Ridge Plat - Hubbell Realty Company (Refer to Plan and Zoning Commission)

9. Other Matters

CITY COUNCIL WORKSHOP

(immediately follows Council meeting)

- 1. Public Services Facility Master Plan

- 2. Other Matters

The City of West Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages their participation in city government. Should special accommodations be required please contact the Clerk's office at least 48 hours in advance, at 222-3600 to have accommodations provided.

April 4, 2016

West Des Moines City Council Proceedings
Monday, April 4, 2016

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, April 4, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 1. Agenda. It was moved by Trimble, second by Trevillyan approve the agenda as presented.

Vote 16-099: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Trimble reported the Water Trails and Greenways Committee is holding workshops to solicit input from residents and is working on developing a plan for improving access to waterways.

Council member Messerschmidt reported the Public Works Subcommittee met and discussed the numerous construction projects in progress. He reported he also participated in a panel for a 7th grade government class at Stillwell Junior High School.

Council member Sandager reported Bravo Greater Des Moines has adopted a new investment policy and a new cash reserve policy, and they will also transition to a fiscal year that starts on January 1. He also reported the Bravo Board adopted new criteria for communities to join the organization.

On Item 4. Consent Agenda.

Council members pulled Items 4(n), 4(o), 4(v) and 4(x) for discussion. It was moved by Trimble, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of March 21, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Montelongo, Inc. d/b/a Abelardo's Mexican Food, 5525 Mills Civic Parkway, Suite 130 - Class BB Beer Permit with Sunday Sales - Renewal
 - 2. BL Restaurant Operations, LLC d/b/a Bar Louie, 7105 Mills Civic Parkway, Suite 150 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal

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3. El Rey Corporation d/b/a El Rey Burritos, 1310 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
 4. LVP FFI Des Moines Holding Corp. d/b/a Fairfield Inn West Des Moines, 7225 Vista Drive - Class BC Permit with Carryout Wine and Sunday Sales - Renewal
 5. Historic Valley Junction Foundation d/b/a Historic Valley Junction Foundation, 137 5th Street - Six-Month Class LC Liquor License with Sunday Sales and Outdoor Service - New
 6. Hy-Vee, Inc. d/b/a Hy-Vee Corporate Conference Center, 5820 Westown Parkway - Class LC Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
 7. Rogers Entertainment Ltd. d/b/a Legends American Grille, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
 8. BDF, Inc. d/b/a The Longest Yard, 122 5th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 9. IA Lodging West Des Moines TRS, L.L.C. d/b/a Marriott West Des Moines Hotel, 1250 Jordan Creek Parkway - Class LB Liquor License with Sunday Sales and Catering Privileges - Renewal
- d. Approval of Extended Sound Permit:
1. Wellman's Pub & Rooftop, 597 Market Street
 2. "Day Without Hate" Concert at Valley Stadium
- e. Approval of Special Event Lane Closures:
1. West Des Moines Girls Softball Parade
 2. Miscellaneous Events - Historic Valley Junction Foundation
- f. Approval of Parking on School Property Grass - Iowa Football Practice, April 8, 2016
- g. Approval of Appointments:
1. Revised 2016-17 Committee and Other Assignments
 2. Sister Cities Commission
- h. Approval of Grant Application to United Way - West Des Moines Human Services Skills Development Program
- i. Approval to Sell Surplus City Equipment
- j. Approval of Contract - Citizen Survey
- k. Approval of Agreement - Fire and EMS Services Review and Assessment Study
- l. Approval to Surface SE Double Eagle Drive - Pine Avenue South
- m. Approval of Amendment #1 to Professional Services Agreement - Right-of-Way Acquisition Services
- p. Order Construction - 2016 Concrete Trail Renovation
- q. Establish Public Hearing - Issuance of \$16,800,000 General Obligation Urban Renewal Bonds
- r. Acceptance of Iowa Department of Transportation Traffic Safety Improvement Program (TSIP) Funds - Radar Technology Traffic Signal Vehicle Detection Units
- s. Approval of Application - Transportation Investment Generating Economic Recovery (TIGER) Grant - Grand Prairie Parkway - Raccoon River Drive to 105th Street

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- t. Approval and Acceptance of Storm Water Facility Maintenance Covenant and Permanent Easement Agreement:
 - 1. Jordan Creek Town Center, 101 Jordan Creek Parkway
 - 2. Kum & Go, 220 50th Street
- u. Approval and Acceptance of Purchase Agreements, Deed and Easements:
 - 1. South 50th Street Improvements Project
 - 2. South 60th Street Improvements Project
- w. Approval of Assignment and Assumption of Development Agreement - 4125 Westown Parkway

Vote 16-100: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(n) Approval of Agreement Amendment - Woodland Hills Park Water Quality Management Practices

Council member Messerschmidt requested additional information on this item.

Gary Scott, Director of Parks and Recreation, explained the proposed amendment is for services related to the proposed Woodland Hills Park Water Quality Management Practices project, which includes improvements such as a parking lot with permeable pavers.

It was moved by Messerschmidt, second by Trevillyan to approve Item 4(n) Approval of Agreement Amendment - Woodland Hills Park Water Quality Management Practices.

Vote 16-101: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(o) Approval of Agreement - Des Moines Public Piano Project in Valley Junction

Council member Sandager expressed support for this concept and inquired about the possibility of expanding it throughout the city, possibly with corporate sponsorships.

Gary Scott, Director of Parks and Recreation, explained staff wanted to start this first year with one piano, but if it is successful, staff would consider additional locations in the future. Staff determined that Valley Junction would be the best location for the piano, and the Historic Valley Junction Foundation will provide assistance by covering and uncovering the piano each day.

It was moved by Sandager, second by Messerschmidt to approve Item 4(o) Approval of Agreement - Des Moines Public Piano Project in Valley Junction.

Vote 16-102: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 4(v) Approval and Acceptance of Temporary Easement Contract and Temporary Construction Easement - Ashworth Road - Phase 1 Improvements Project

Council member Sandager requested additional information on this item.

Duane Wittstock, City Engineer, explained the City needs to acquire right-of-way to construct the Ashworth Road - Phase 1 Improvements Project, which is between Jordan Creek Parkway and 81st Street. This action would approve the acceptance of right-of-way from Creekside Glynn, LLC and authorize the payment for that right-of-way. He noted additional right-of-way acquisitions for this project should be forthcoming. He also explained that a number of property owners along Ashworth Road have expressed a desire to rezone their properties from medium density residential to office prior to dedicating any right-of-way, which would also require an amendment to the comprehensive plan, and staff is reviewing that proposal to determine if it would make sense from a planning perspective.

It was moved by Sandager, second by Messerschmidt to approve Item 4(v) Approval and Acceptance of Temporary Easement Contract and Temporary Construction Easement - Ashworth Road - Phase 1 Improvements Project.

Vote 16-103: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(x) Approval of Proclamations:

1. Earth Day, April 23, 2016
2. Arbor Day, April 29, 2016

Council member Sandager expressed support for these two proclamations.

It was moved by Sandager, second by Trevillyan to approve Item 4(x)1 Proclamation - Earth Day, April 23, 2016 and Item 4(x)2 Proclamation - Arbor Day, April 29, 2016.

Vote 16-104: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning Districts) and Chapter 10 (Performance Standards) - Amend City Code to Allow SIC 0279-9901: Apiary (Bee and Honey Farm/Beekeeping) as a Permitted Use in All Single Family Residential and Manufactured Housing Zoning Districts and Add Language to City Code Identifying Specific Regulations and Requirements for Beekeeping Operating Under SIC 0290-9901, initiated by the City of West Des Moines

It was moved by Sandager, second by Messerschmidt to consider the third reading of the ordinance.

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Vote 16-105: Messerschmidt, Sandager, Trevillyan..... 3 yes
Trimble..... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the third reading of the ordinance and adopt the ordinance in final form.

Vote 16-106: Messerschmidt, Sandager, Trevillyan..... 3 yes
Trimble..... 1 no

Motion carried.

On Item 6(a) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) - Establish Standards and Regulations Related to Indoor Self-Storage or Mini-Warehousing Facilities, initiated by the City of West Des Moines (Continued from January 26, 2016, February 8, 2016, March 7, 2016, and March 21, 2016)

It was moved by Messerschmidt, second by Sandager to adopt Motion - Continue Public Hearing to April 18, 2016

Vote 16-107: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Fox Valley, generally the area south of SE Adams Street and west of Orilla Road - Rezone Property to Locations and Acreages of Single Family and Medium Density Residential, initiated by Charles I. and Ruth Colby National Development Trust

It was moved by Sandager, second by Messerschmidt to adopt Motion - Continue Public Hearing to April 18, 2016

Vote 16-108: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider South 88th Street Improvements - Booneville Road to Sugar Creek Drive, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 25, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Hawkeye Paving Corp.

Vote 16-109: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016 PCC Patching Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 25, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to The Concrete Company, Inc.

Vote 16-110: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Holiday Park Girls Softball Improvements, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 18, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Gruss Construction.

Vote 16-111: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 88th Street Trail Connection, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 18, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Connection.

Vote 16-112: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Lindsey Farm Plat 2, 1027 Timber Brook Avenue - Subdivide Property into Two Lots for Single Family Development, initiated by Frank Lindsey

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. That the City Council waive the requirement for an agreement and waiver for public improvements including but not limited to the reconstruction of Timberbrook Avenue, the installation of public sidewalks, and the installation of street lights along public streets adjacent to this development.
2. That the west roadway be allowed which exceeds the City's maximum dead end length until such time that the roadway can be extended to connect to a secondary roadway as shown on the City's Ultimate Streets Plan. In the interim, access roads should be 20 feet in width, constructed and surfaced with materials that will withstand 75,000 pounds of gross vehicle weight, and maintain a vertical clearance of 14 feet.
3. That the City Council waive the requirement for the installation of dry sewers and the requirements for sanitary sewer easements.
4. That the property owner acknowledge that Lindsey Farm Plat 2 will be the last plat approved for the Lindsey Farm Plat 1 subdivision with waivers of subdivision requirements.

Vote 16-113: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 7(b) Eldorado Estates, generally located along Jordan Creek Parkway south of Stagecoach Drive - Approval of Plat of Survey to Create Parcels for Transfer of Ownership, initiated by Robert F. and Clara B. Etzel JTRS

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plat of Survey, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The newly created parcels (Parcels FF & GG) shall be unbuildable until such time that the parcels are preliminary and final platted through the City's subdivision platting process.
2. Upon approval and recordation of the Eldorado Estates Plat of Survey and upon sale of Parcel FF to the adjacent property owner, the new owner shall deed the appropriate amount of right-of-way (as shown on the Eldorado Estates final plat) for Eldorado Point to the City of West Des Moines.
3. Upon approval and recordation of the Eldorado Estates Plat of Survey and upon sale of Parcel FF to the adjacent property owner, the new owner shall execute public utility easements for the development of the Eldorado Estates subdivision, as shown on the Eldorado Estates final plat.

Vote 16-114: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) West Glen Specific Plan, generally located north of Mills Civic Parkway and east of South Prairie View Drive - Amend Specific Plan to Add 48 Dwelling Units to Building J-2 and Add an I-2 Building with 60 Dwelling Units - MRES West Glen Holding, LP - Referred to Plan and Zoning

On Item 8(b) Amendment to City Code - Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations) - Modify the Bulk Regulations Requirements for Office Zoning Districts - City Initiated - Referred to Plan and Zoning

On Item 9 - Other Matters

Council member Sandager suggested the City should consider establishing a task force to provide feedback on the proposed solar energy systems ordinance.

Linda Schemmel, Development Coordinator, stated the Plan and Zoning Commission has taken action on the proposed ordinance, which will come to Council for consideration on April 18th. She noted the proposed ordinance has already been vetted with public comments, but the Council could establish a task force if they wish.

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Mayor Gaer asked staff to bring the proposed ordinance to Council as recommended by the Plan and Zoning Commission, and then the Council could determine if a task force is needed.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor

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4(b)

**CITY OF WEST DES MOINES
CITY COUNCIL ACTION ITEM**

The following list(s) of municipal expenditures, all of which have been reviewed and authorized by the respective departments as being justified and properly due and the listing of which have been prepared by Finance departmental staff are being submitted to the City Council for approval:

Regular Bi-Weekly Claims	04/14/2016		\$ 2,723,774.45
			Total \$ Amount
EFT Claims	04/14/2016		\$442,428.38
			Total \$ Amount
Control Pay	04/14/2016		\$143,845.20
			Total \$ Amount
End of Month	03/31/2016		\$40,606.44
Manual Check	03/31/2016		\$2,140.39
	Claim Listing Date		Total \$ Amount

Approved by the West Des Moines City Council this 18th day of April
2016

Tim Stiles, Finance Director

Tom Hadden, City Manager

Steven K. Gaer, Mayor

ATTEST:

Ryan Jacobson, City Clerk

Finance and Administration Committee acknowledgement of disbursement of expenditures:

Russ Trimble, Councilmember

Jim Sandager, Councilmember

John Mickelson (alternate)

BANK	VENDOR	CHECK#	DATE	AMOUNT
WBVD WEST BANK				
300227	ABELSON/LISA	205996	04/18/16	68,127.30
29962	ACTUAL SIZE ARTWORKS LLC	205997	04/18/16	13,000.00
00700	AHLERS & COONEY	205998	04/18/16	1,822.50
29314	AMERICAN SECURITY CORP	205999	04/18/16	1,435.50
01625	ASIA	206000	04/18/16	61.63
27857	ATS I	206001	04/18/16	613.86
26224	ATS I MOBILITY	206002	04/18/16	119.00
29128	AUREON NETWORK SERVICES	206003	04/18/16	300.00
29743	BARNES/SUSAN	206004	04/18/16	350.00
29340	BENJAMIN DESIGN COLLABOR	206005	04/18/16	267.63
29340	BENJAMIN DESIGN COLLABOR	206006	04/18/16	55.98
.11328	BENNETT/JAMES	206007	04/18/16	252.00
29869	BIRKEL/JIM	206008	04/18/16	127.60
22371	BONNIE'S BARRICADES	206009	04/18/16	1,122.19
28011	BOUND TREE MECHANICAL, LLC.	206010	04/18/16	749.52
27429	BROCKWAY MECHANICAL & RO	206011	04/18/16	2,645.78
30022	BULLDOG TARGETS	206012	04/18/16	2,107.52
29584	BUSINESS FURNITURE WAREH	206013	04/18/16	2,806.50
27960	CALHOUN-BURNS ASSOCIATE	206014	04/18/16	2,693.50
04250	CARPENTER UNIFORM CO	206015	04/18/16	4,394.00
27538	CENTRAL IOWA OFFICIALS. L	206016	04/18/16	4,299.84
25445	CENTURY LINK	206017	04/18/16	4,398.05
19700	CITY OF DES MOINES TREAS	206018	04/18/16	189.50
28692	CITY OF DES MOINES TREAS	206019	04/18/16	508,740.00
04950	CITY OF DES MOINES TREAS	206020	04/18/16	3,500.00
.11322	CLIVE POWER EQUIPMENT	206021	04/18/16	196.95
05350	COLLECTIVE DATA	206022	04/18/16	5,625.00
29947	COMMERCIAL APPRAISERS OF	206023	04/18/16	5,125.00
25466	CONCRETE TECHNOLOGIES	206024	04/18/16	573,476.36
25206	CONSTRUCTION & AGGREGATE	206025	04/18/16	62.84
05766	CORELL CONTRACTOR INC	206026	04/18/16	147,140.42
05885	CORY/TARRY	206027	04/18/16	275.00
27442	COVENANT CONSTRUCTION SV	206028	04/18/16	116,624.18
29916	CUSTOM AWARDS	206029	04/18/16	17.50
06400	DALLAS COUNTY TREASURER	206030	04/18/16	174.00
90039	DE LAGE LANDEN	206031	04/18/16	4,374.60
27867	DEGRÖOTE/MARY	206032	04/18/16	182.06
.11330	DEPT OF PUBLIC DEFENSE	206033	04/18/16	300.00
27898	DES MOINES STAMP MFG CO	206034	04/18/16	28.70
07450	DILLARD/CARLOS	206035	04/18/16	150.00
29728	DMACC	206036	04/18/16	15.00
07840	DOGGETT/RICHARD	206037	04/18/16	1,600.00
24992	DOHERTY'S FLOWERS	206038	04/18/16	47.00
26075	DOUGLAS/JONATHAN	206039	04/18/16	427.00
29964	DOWNLING/CONNIE	206040	04/18/16	717.50
29492	EARL MAY SEED AND NURSERY	206041	04/18/16	199.80
08300	ELDER CORPORATION	206042	04/18/16	35,114.56
24746		206043	04/18/16	

FINANCIAL SYSTEM
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BANK VENDOR
WBVD WEST BANK

Check Register

CHECK#	DATE	AMOUNT
247746		
08530		
27708		
26083		
27012		
09230		
25674		
29821		
28912		
29914		
28597		
28672		
29981		
26370		
25728		
29970		
29260		
27621		
30034		
27390		
24904		
24065		
29523		
30021		
12540		
12760		
29901		
13158		
29741		
29990		
29826		
13725		
11320		
29378		
29890		
28434		
26461		
23769		
.11325		
25199		
29517		
25370		
23820		
26065		
25789		
14690		
29966		
25386		
206044	04/18/16	6,573.43
206045	04/18/16	5,105.71
206046	04/18/16	459.00
206047	04/18/16	234.00
206048	04/18/16	123.66
206049	04/18/16	34.14
206050	04/18/16	69.95
206051	04/18/16	21,277.40
206052	04/18/16	189.97
206053	04/18/16	2,988.17
206054	04/18/16	237.43
206055	04/18/16	99.77
206056	04/18/16	6,595.75
206057	04/18/16	185.81
206058	04/18/16	3,000.00
206059	04/18/16	104.32
206060	04/18/16	6,533.93
206061	04/18/16	981.64
206062	04/18/16	530.00
206063	04/18/16	2,400.00
206064	04/18/16	66.00
206065	04/18/16	131.92
206066	04/18/16	100.00
206067	04/18/16	2,690.00
206068	04/18/16	1,800.00
206069	04/18/16	1,528.37
206070	04/18/16	1,498.48
206071	04/18/16	725.00
206072	04/18/16	625.00
206073	04/18/16	26,426.00
206074	04/18/16	39.00
206075	04/18/16	789.00
206076	04/18/16	88.00
206077	04/18/16	60.19
206078	04/18/16	88.00
206079	04/18/16	167.58
206080	04/18/16	129.00
206081	04/18/16	198.00
206082	04/18/16	23.48
206083	04/18/16	180.00
206084	04/18/16	367.50
206085	04/18/16	179.75
206086	04/18/16	1,311.13
206087	04/18/16	1,447.04
206088	04/18/16	1,310.00
206089	04/18/16	1,806.57
206090	04/18/16	780.00
206091	04/18/16	450.00

BANK	VENDOR	CHECK#	DATE	AMOUNT
WBVD WEST BANK				
13030	MIDAMERICAN ENERGY	206092	04/18/16	25,041.15
13030	MIDAMERICAN ENERGY	206093	04/18/16	3,641.99
13030	MIDAMERICAN ENERGY	206094	04/18/16	40.38
13030	MIDAMERICAN ENERGY	206095	04/18/16	12.83
13030	MIDAMERICAN ENERGY	206096	04/18/16	64,611.21
13029	MIDAMERICAN ENERGY	206097	04/18/16	69.59
30023	MIDAMERICAN-WDM-WAUKEE T	206098	04/18/16	101.93
27728	MILLER/NICOLE	206099	04/18/16	200.00
28543	MITCHELL/RANDY	206100	04/18/16	132.00
29597	MPS ENGINEERS	206101	04/18/16	183,317.53
28398	MSA PROFESSIONAL SERVICE	206102	04/18/16	20,305.23
28144	MTI DISTRIBUTING, INC.	206103	04/18/16	114,767.86
29248	MULCH MART, LLC	206104	04/18/16	1,296.75
28810	NATIONAL CREATIVE ENTERP	206105	04/18/16	1,470.00
27330	NESTINGEN, INC.	206106	04/18/16	17,400.00
29171	NETTELAND/STEPHEN	206107	04/18/16	2,040.00
26539	NINTH BRAIN SUITE LLC	206108	04/18/16	543.00
28497	NORTHERN TOOL & EQUIPMEN	206109	04/18/16	100.50
113224	OPN ARCHITECTS	206110	04/18/16	8,058.48
28438	OSMAN/LUTTI	206111	04/18/16	58.00
28970	OWENS & MINOR	206112	04/18/16	52.64
29884	PALMER GROUP	206113	04/18/16	1,643.35
29733	PARKER/MONTCA-LEE	206114	04/18/16	818.75
30026	PARKER/SATONITUS	206115	04/18/16	100.00
29920	PATERSON/CHRISTOPHER	206116	04/18/16	68,127.30
26538	PERFECTMIND TECHNOLOGY I	206117	04/18/16	30,562.50
27377	PLEVA MECHANICAL	206118	04/18/16	125,000.00
16650	POLK COUNTY CLERK OF COU	206119	04/18/16	25.00
11319	POLK COUNTY TREASURER	206120	04/18/16	3,050.00
27286	POITZ/BRIAN	206121	04/18/16	168.92
29560	PRAIRIE AG SUPPLY	206122	04/18/16	532.23
27661	PRO WASTE SERVICES LLC	206123	04/18/16	150.00
29908	PROVANTAGE LLC	206124	04/18/16	1,640.77
28896	RAY/RACHEL	206125	04/18/16	154.00
11321	RELIANT FIRE APPARATUS,	206126	04/18/16	236.19
30028	RICHHEY/JAN	206127	04/18/16	128.00
11329	RICKERS/TREW	206128	04/18/16	68,127.30
17600	ROSS/RICKY	206129	04/18/16	60.00
17625	ROTO-ROOTER CORP	206130	04/18/16	241.00
22400	ROY'S TOWING AND RECOVER	206131	04/18/16	275.00
25287	SCHILDBERG CONSTRUCTION	206132	04/18/16	4,070.64
29789	SCHLESZINSKI/RICHARD	206133	04/18/16	141.70
29339	SEWER SERVICES INC	206134	04/18/16	1,130.81
18292	SHIPT	206135	04/18/16	93.75
29643	SIMPLEX GRINWELL	206136	04/18/16	573.26
29643	SIXTA/ANDREW	206137	04/18/16	66.00
27422	SPECIALTY GRAPHICS INC	206138	04/18/16	1,036.00
	SPRINT	206139	04/18/16	175.65

FINANCIAL SYSTEM
04/14/2016 11:12:19

CITY OF WEST DES MOINES IOWA
GL540R-V07.27 PAGE 4

BANK VENDOR

CHECK# DATE AMOUNT

WBVD WEST BANK

CHECK#	DATE	AMOUNT
29657	04/18/16	66.00
29766	04/18/16	287.98
29373	04/18/16	150.00
26261	04/18/16	434.13
28433	04/18/16	1,016.00
29541	04/18/16	68,142.50
30025	04/18/16	68,127.30
27580	04/18/16	316.15
29288	04/18/16	283.20
28447	04/18/16	234,073.35
83413	04/18/16	12.92
29913	04/18/16	34,024.47
.11326	04/18/16	400.00
26935	04/18/16	661.85
19725	04/18/16	5,136.67
29045	04/18/16	11.22
20725	04/18/16	3,243.00
.11323	04/18/16	100.00
.29050	04/18/16	997.43
.11327	04/18/16	389.18
28093	04/18/16	2,096.35

2,716,169.45

WEST BANK

CHECK#	DATE	AMOUNT
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206141	04/18/16	
206142	04/18/16	
206143	04/18/16	
206144	04/18/16	
206145	04/18/16	
206146	04/18/16	
206147	04/18/16	
206148	04/18/16	
206149	04/18/16	
206150	04/18/16	
206151	04/18/16	
206152	04/18/16	
206153	04/18/16	
206154	04/18/16	
206155	04/18/16	
206156	04/18/16	
206157	04/18/16	
206158	04/18/16	
206159	04/18/16	
206160	04/18/16	

WEST BANK

CHECK#	DATE	AMOUNT
STEMMEL/MICHAEL		
STORAGE MART #1052		
STRANGE/JOHN		
SUBSURFACE SOLUTIONS		
SWINTON/ASHLEE		
SWISHER/MARK		
TAIT/ANNE		
TRITECH FORENSICS		
TRIZETTO PROVIDER SOLUTI		
TWO RIVERS GROUP, INC.		
UNITED PARCEL SERVICE		
UNIVERSAL FIELD SERVICES		
US PRISONER TRANSPORT		
VAN-WALL EQUIPMENT		
VERIZON WIRELESS		
VERMEER		
WEST DES MOINES COMM EDU		
WEST DES MOINES HUMAN		
WEX BANK		
WPS MEDICARE PART B		
WRIGHT LINE, LLC		

FINANCIAL SYSTEM
04/14/2016 11:32:30

BANK VENDOR

WBVD WEST BANK

29829 MCGIVERN/LEIGH
WEST BANK

Check Register

CHECK#	DATE	AMOUNT
206161	04/18/16	7,605.00
		7,605.00

FINANCIAL SYSTEM
 04/14/2016 10:37:42

Check Register

BANK VENDOR

CHECK# DATE AMOUNT

BANK	CHECK#	DATE	AMOUNT
WBVD WEST BANK			
90023	9158	04/18/16	1,252.99
90073	9159	04/18/16	190.00
90035	9160	04/18/16	73,951.57
90015	9161	04/18/16	29,292.78
90044	9162	04/18/16	2,798.00
90051	9163	04/18/16	676.50
90065	9164	04/18/16	11,566.05
90148	9165	04/18/16	401.41
90164	9166	04/18/16	154.00
90104	9167	04/18/16	389.16
90087	9168	04/18/16	210.29
90029	9169	04/18/16	536.30
90123	9170	04/18/16	312,305.98
90111	9171	04/18/16	740.00
90014	9172	04/18/16	526.50
90105	9173	04/18/16	8.54
90150	9174	04/18/16	5,300.20
90178	9175	04/18/16	576.00
90018	9176	04/18/16	75.00
90009	9177	04/18/16	50.00
90142	9178	04/18/16	1,427.00

442,428.38

WEST BANK

BANK	VENDOR	CHECK#	DATE	AMOUNT
WBVD WEST BANK				
70018	ABC ELECTRICAL CONTRACTO	2059953	04/18/16	5,220.74
70018	ABC ELECTRICAL CONTRACTO	2059954	04/18/16	5,365.61
70018	ABC ELECTRICAL CONTRACTO	2059955	04/18/16	234.47
70216	ADVENTURE LIGHTING	2059956	04/18/16	108.90
70158	ARAMARK UNIFORM SERVICES	2059957	04/18/16	1,261.96
70115	BENTLEY SYSTEMS INC	2059958	04/18/16	7,566.88
70017	CAPITAL SANITARY SUPPLY	2059959	04/18/16	1,490.19
70008	COMPETITIVE EDGE	2059960	04/18/16	834.45
70019	CORN STATES METAL	2059961	04/18/16	100.00
70187	D&K PRODUCTS	2059962	04/18/16	6,770.63
70083	DES MOINES REGISTER MEDI	2059963	04/18/16	2,283.79
70009	ELECTRONIC ENGINEERING	2059964	04/18/16	3,346.45
70039	G&L CLOTHING	2059965	04/18/16	1,153.01
70226	GALETON GLOVES	2059966	04/18/16	447.98
70161	GALLS LLC	2059967	04/18/16	7,760.50
70062	HOWARD R. GREEN CO.	2059968	04/18/16	7,946.25
70052	IMAGETEK, INC	2059969	04/18/16	3,058.70
70073	INLAND TRUCK PARTS	2059970	04/18/16	3,884.61
70194	INTERFLEET INC	2059971	04/18/16	2,892.00
70077	IOWA FIRE EQUIPMENT	2059972	04/18/16	540.00
70053	IOWA WATER MANAGEMENT CO	205973	04/18/16	376.89
70172	IOWA ENFORCEMENT TARGETS,	205974	04/18/16	568.49
70006	LOGAN CONTRACTORS SUPPLY	205975	04/18/16	355.38
70291	MENARDS	205976	04/18/16	66,749.30
70078	METRO WASTE AUTHORITY	205977	04/18/16	93.60
70276	NORTHLAND PRODUCTS	205978	04/18/16	1,038.09
70010	O'HALLORAN INTERNATIONAL	205979	04/18/16	3,190.75
70047	O'KEEFE ELEVATOR COMPANY	205980	04/18/16	61.27
70107	O'REILLY AUTOMOTIVE, INC	205981	04/18/16	757.52
70046	PITNEY BOWES	205982	04/18/16	539.18
70112	PLAYPOWER LT FARMINGTON,	205983	04/18/16	1,511.18
70076	PRAXAIR	205984	04/18/16	1,495.00
70170	PRIORITY DISPATCH	205985	04/18/16	1,163.88
70101	SCHINDLER ELEVATOR CORP	205986	04/18/16	16.32
70234	SPRAYER SPECIALTIES INC	205987	04/18/16	2,990.72
70026	STIVERS FORD	205988	04/18/16	613.00
70255	STRAUSS SAFE AND LOCK CO	205989	04/18/16	142.27
70080	TOMPKINS INDUSTRIES	205990	04/18/16	43.89
70013	TRANS IOWA EQUIPMENT CO	205991	04/18/16	873.09
70210	TRITECH SOFTWARE SYSTEMS	205992	04/18/16	2,580.00
70221	VAISALA INC	205993	04/18/16	1,085.11
70051	WORLDPOINT ECC, INC.	205994	04/18/16	680.60
70002	ZOLL MEDICAL	205995	04/18/16	

143,845.20

WEST BANK

FINANCIAL SYSTEM
04/06/2016 14:45:59

BANK VENDOR

WBVD WEST BANK

25595 COMMERCE BANK

WEST BANK

Check Register

CHECK#	DATE	AMOUNT
900058	03/31/16	40,606.44
		40,606.44

FINANCIAL SYSTEM
04/12/2016 15:45:07

BANK VENDOR

Check Register

CHECK# DATE AMOUNT

CHECK#	DATE	AMOUNT
90002	04/18/16	2,140.39
WEST BANK		2,140.39

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

ITEM: Approval of Liquor Licenses

DATE: April 18, 2016

FINANCIAL IMPACT: None

BACKGROUND: In accordance with the Iowa Code Section 123.1 and the West Des Moines City Code Title 3, Business and Licensing, Chapter 2, Beer and Liquor Control, the following licenses have been investigated and reviewed by the WDM Police Department and, when necessary, by Building Inspection and/or Fire Department staff, and are presented to the City Council for approval. Copies of license applications are available, for your review, in the Office of the City Clerk.

1. BW's Inc. d/b/a BW's, 3701 EP True Parkway, Suite 400 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
2. Fareway Stores, Inc. d/b/a Fareway Store #153, 329 Grand Avenue - Class LE Liquor License with Carryout Wine and Carryout Beer - Renewal
3. Kinseth Hotel Corporation d/b/a Hampton Inn, 6160 Mills Civic Parkway - Class BW Permit with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service - Renewal
4. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
5. Hy-Vee, Inc. d/b/a Hy-Vee Meeting Room, 1725 Jordan Creek Parkway - Transfer Location Temporarily to 1236 Jordan Creek Parkway (SpringHill Suites) - May 11-12, 2016
6. V Lounge, LLC d/b/a MiniBar (f/k/a V Lounge), 3535 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
7. GMRI, Inc. d/b/a The Olive Garden Italian Restaurant #1146, 3600 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
8. Rusty Spoke, Inc. d/b/a Rusty Spokes, 4221 South Orilla Road - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
9. St. Francis of Assisi Roman Catholic Church d/b/a St. Francis of Assisi Church, 7075 Ashworth Road - Class BW Permit with Sunday Sales - Renewal
10. Kelly Midwest Ventures LP d/b/a Staybridge Suites, 6905 Lake Drive - Class LB Liquor License with Sunday Sales - Renewal
11. Boggs Properties, LLC d/b/a Sully's Irish Pub, 110 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
12. T-Bowl Investments Inc. d/b/a Val Lanes Recreation Center, 100 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
13. Carson Advertising, Inc. d/b/a Vista Pub, 7205 Vista Drive, #116 - Class LC License with Sunday Sales and Outdoor Service - Renewal
14. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - New

OUTSTANDING ISSUES (if any): None

RECOMMENDATION: Motion to approve the issuance of liquor licenses in the City of West Des Moines.

Lead Staff Member: Ryan T. Jacobson, City Clerk *RTJ*

STAFF REVIEWS

Department Director	Ryan T. Jacobson, City Clerk
Appropriations/Finance	
Legal	
Agenda Acceptance	

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

ITEM: Motion - Approval of Orders for Violations of Alcohol Laws **DATE:** April 18, 2016

FINANCIAL IMPACT: \$1,000.00 (positive impact to City)

BACKGROUND:

Pursuant to state law, a municipality is required to assess a \$500.00 fine for a first violation and a \$1,500.00 fine for a second violation against alcohol permittees who have been found in violation of providing alcoholic beverages to persons under 21 years of age at their respective places of business.

On or about the date referenced on attached Exhibit "A", employees of the permittees, also referenced on Exhibit "A", were cited for providing alcoholic beverages to persons under 21 years of age. The City of West Des Moines Legal Department sent notice of the violation to the permittees. Since that time, said permittees acknowledged their respective orders and returned payment of fines for their alcohol violations.

OUTSTANDING ISSUES (if any): None.

RECOMMENDATION:

It is recommended that the City Council approve the Order and accept payment of fines regarding the alcohol violations of the permittees as referenced on the attached Exhibit "A".

Lead Staff Member: Greta Truman, Assistant City Attorney

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney	
Appropriations/Finance		
Legal		
Agenda Acceptance		

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	
Date Reviewed	
Recommendation	

EXHIBIT "A"

<u>Licensee</u>	<u>D/B/A</u>	<u>Date of Violation</u>	<u>#Violation</u>
Chocolate Storybook Too, Inc.	Chocolate Storybook 1000 Grand Avenue	November 13, 2015	1 st (minors)
Fall Foods Inc.	Godfather's Pizza 5919 Ashworth Road	November 13, 2015	1 st (minors)

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

4(e)

DATE: April 18, 2016

ITEM:

Motion - Approval to Sell Surplus City Equipment

FINANCIAL IMPACT:

Approximate revenue to the General Fund of \$615.00.

BACKGROUND:

On April 30, 2012, City Council approved a Disposal of Surplus Property Policy and retention of GovDeals.com for disposal of excess City property.

Public Works has accumulated and inventoried a list of surplus items to be sold by auction on GovDeals.com.

RECOMMENDATION:

City Council Approve:

- Motion authorizing the Department of Public Works to proceed with the on-line sale of accumulated surplus City equipment.

Lead Staff Member: Rian Rasmussen, Fleet Manager



Department Director	Bret Hodne, Public Works Director <i>RPH</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	
Agenda Acceptance	<i>(initials)</i>

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)		
Published In		Committee	Public Works Council	
Dates(s) Published		Date Reviewed	April 11, 2016	
		Recommendation	Yes	No
				Split

Items to Sell on GovDeals.com:

APPROXIMATE VALUE \$615.00

\$250.00	Emergency Call Boxes from Parks
\$15.00	Paper Shredder from PD
\$50.00	Server Racks from IT
\$300.00	Various Tires/Rims from Fleet

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

- ITEM:** Approval of Forestry Program Requests:
1. Motion – Approval of Change to Procedures
 2. Motion – Approval of Aerial Lift Truck Purchase

FINANCIAL IMPACT: If the recommended change in procedures is implemented, there may be cost savings related to street tree clearance issues (see attached spreadsheet). There would be an expense of \$96,460 for an aerial lift truck from funds budgeted in the Parks operating budget in the Emerald Ash Borer account (0100.40.344.3.7994). If approved, funds will be transferred to the Parks Pickup New account (0100.40.344.6.7430) with Budget Amendment #2.

BACKGROUND:

Change to Procedures

The Council is asked to consider a change in current procedures related to street tree clearance issues. The City Code (Title 7-Public Ways and Property, Chapter 10-Trees and Shrubs) requires that all trees have a minimum vertical clearance of 14 feet above any street and 8 feet above any sidewalk. The Code requires the abutting property owner to prune street trees in the public right-of-way, as well as trees on their own property, to meet these clearances. Property owners have been held responsible for pruning of street trees even though the Code does allow the City to prune street trees at the discretion of the City Forester.

Staff is asking for approval from the Council to allow the City Forester and his staff to address street tree clearance issues themselves rather than placing this responsibility solely on the abutting property owner. Several disadvantages of the current procedure are outlined below:

1. When requiring the property owner to correct clearance issues, a notification process must be followed. The current procedure involves notification of the property owner by regular and certified mail with 30 days given to address the clearance issue. If the issue is not corrected in 30 days, a door hanger is left at the property with a 10 day deadline. If it is still not corrected, a City contractor is requested to prune the tree. A minimum of 10 trees must "accumulate" before the contractor will do any work. The property owner is billed for the amount charged by the contractor. This process involves up to 20 steps and can take 59 days or longer (see attached flowchart).
2. The current procedure can require City staff to contact a property owner up to 4 times potentially resulting in a negative customer experience.
3. Trees are left in a potentially hazardous state or continue to cause damage to City and private vehicles for weeks to months.
4. Administrative staff is involved in the mailing of notices.

Advantages to allowing City staff to prune street trees to address clearance issues include:

1. The new procedure involves only 5 steps and, in many cases, can be completed in under an hour (see attached flowchart). Many clearance issues are very simple to correct by experienced staff with the right equipment.

2. Potentially hazardous trees and trees responsible for damage to vehicles, including City street sweepers, school busses, and garbage trucks, can be addressed quickly as complaints are received.
3. The potential exists for a positive experience for property owners. City staff may attempt to contact property owners as a courtesy by knocking on the door or leaving a door hanger, but the property owner is not required to be contacted.
4. The process does not involve administrative staff.
5. The tree inventory can be updated as pruning is being done.

Staff is not requesting that the City Code be changed. By leaving it as is, it allows for the flexibility to once again require the property owners to prune street trees if necessary. There are currently 300-350 clearance issues reported each year mostly by school district bus drivers, garbage haulers, and City street sweepers. At this point, City staff would continue to primarily address clearance issues as they are reported or as they are observed. There is no plan at this time to develop a City-wide inspection program for these types of issues. No additional staff is being requested as time spent on the current procedure is anticipated to exceed that needed to do the pruning.

The change in procedure and aerial lift truck purchase were approved by the Finance and Administration Committee on December 16, 2015. Councilman Trimble did ask that research be done into the liability of the City taking on the pruning of street trees. After reviewing the change, the City Attorney determined that, while there would be a minor increase in the City's liability, it would not be significant.

Aerial Lift Truck Purchase

Staff is requesting approval to purchase an aerial lift truck using available funds in the Emerald Ash Borer account. The truck will be used in the Forestry program for trimming of trees in parks and on City property. It will also be used to address street tree clearance issues if the Council approves the change in procedure. By having this piece of equipment, staff will be able to take care of potentially hazardous trees in a timely manner. Currently, a contractor has to be hired which oftentimes results in delays. After the Emerald Ash Borer infestation becomes serious in the next two to three years, it will be difficult and expensive to schedule tree contractors.

In addition to the Forestry program, the aerial lift truck will also be used in parks for tasks such as parking lot and shelter light bulb and ballast replacement, graffiti removal, and building repair and inspection. It could also be used as a back-up by the Public Works Department during an emergency.

Currently, Parks and Forestry staff must request help from the Public Works Department for tasks requiring a lift truck. This requires taking one of their lift trucks out of service along with an operator, which is highly dependent on Public Works' schedule. It was confirmed by Public Works that their lift trucks are in constant use, and one of them could not be made available for use by the Parks and Recreation Department even if our staff was trained to use it.

Rian Rasmussen, Fleet Coordinator, has located an aerial lift truck that meets the City's specifications at a cost of \$96,460. It is currently on hold with the vendor pending City Council approval.

OUTSTANDING ISSUES: None.

RECOMMENDATION: That the City Council approve the change in procedure related to street tree clearance issues and approve the purchase of an aerial lift truck.

Lead Staff Member: Sally Ortgies 

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	F & A		
Date Reviewed	12/16/15		
Recommendation	Yes	No	Split

Street Tree Clearance Issues

Addressed by City

	Average Estimated City Cost Per Tree	Property Owner Cost Per Tree	Minimum Time for Process	Estimated Annual City Cost ⁽¹⁾ (based on 350 complaints)
	\$124	\$0	1 day	\$43,400

(1) City cost includes staff hourly rates including benefits and vehicle/equipment hourly rates (FEMA Schedule of Equipment Rates) including costs of ownership and operation (depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, and other costs incidental to operation). Estimated Annual City Cost does not include the \$96,460 cost of the aerial lift truck purchase. If divided over the 10 year life span of the truck, this would be a \$9,646 annual cost. However, the truck would not be solely used for street tree clearance issues.

1. Property owner contacted 0 times by City
2. Potentially hazardous trees addressed in hours or at most days
3. Only involves Urban Forestry Supervisor and his staff
4. Tree inventory can be updated as trimming is being done

Addressed by Adjacent Property Owner

If	Average Estimated City Cost Per Tree	Property Owner Cost Per Tree	Minimum Time for Process	Estimated Annual City Cost ⁽¹⁾ (based on 350 complaints)
Issue Addressed after 1st Notice	\$145	\$0-\$150	32 days	\$50,750
Issue Addressed after 2nd Notice	\$178	\$0-\$150	43 days	\$62,300
Issue Not Addressed by Property Owner/ City's Contractor Prunes Tree	\$240	\$60 ⁽²⁾	59 days or more ⁽³⁾	\$84,000

(1) City cost includes staff hourly rates including benefits and vehicle/equipment hourly rates (FEMA Schedule of Equipment Rates) including costs of ownership and operation (depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, and other costs incidental to operation)

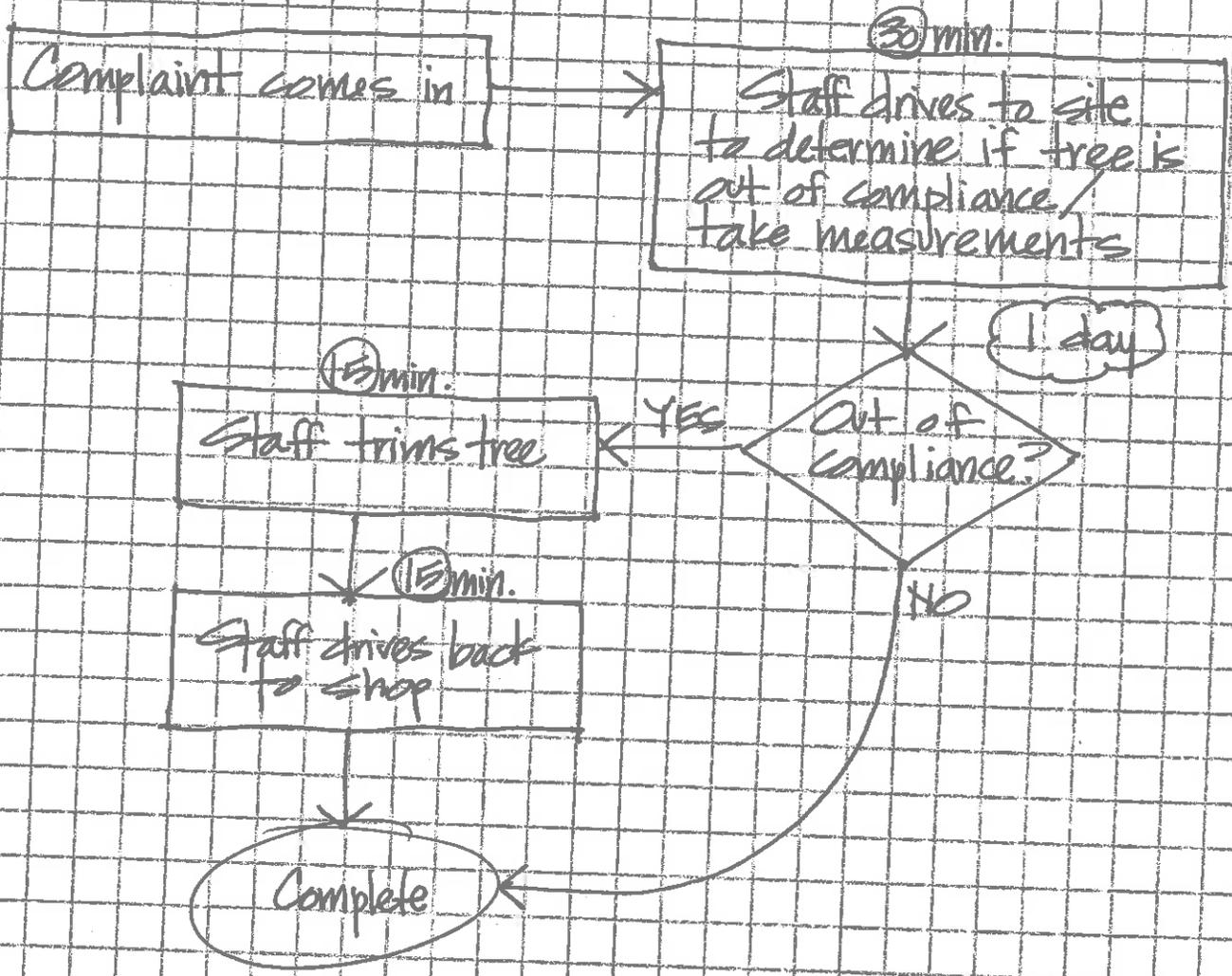
(2) contractor has indicated that their bid of \$60 was too low & would be higher when rebid / would be an average of \$124 if done by City staff and charged to property owner

(3) minimum of 10 trees before contractor will perform work

1. Property owner contacted up to 4 times by City
2. Trees left in potentially hazardous state and/or continue to cause damage to City and private vehicles for weeks to months
3. Involves Administrative Secretary in sending 1st notice by certified and regular mail and invoice (if necessary)

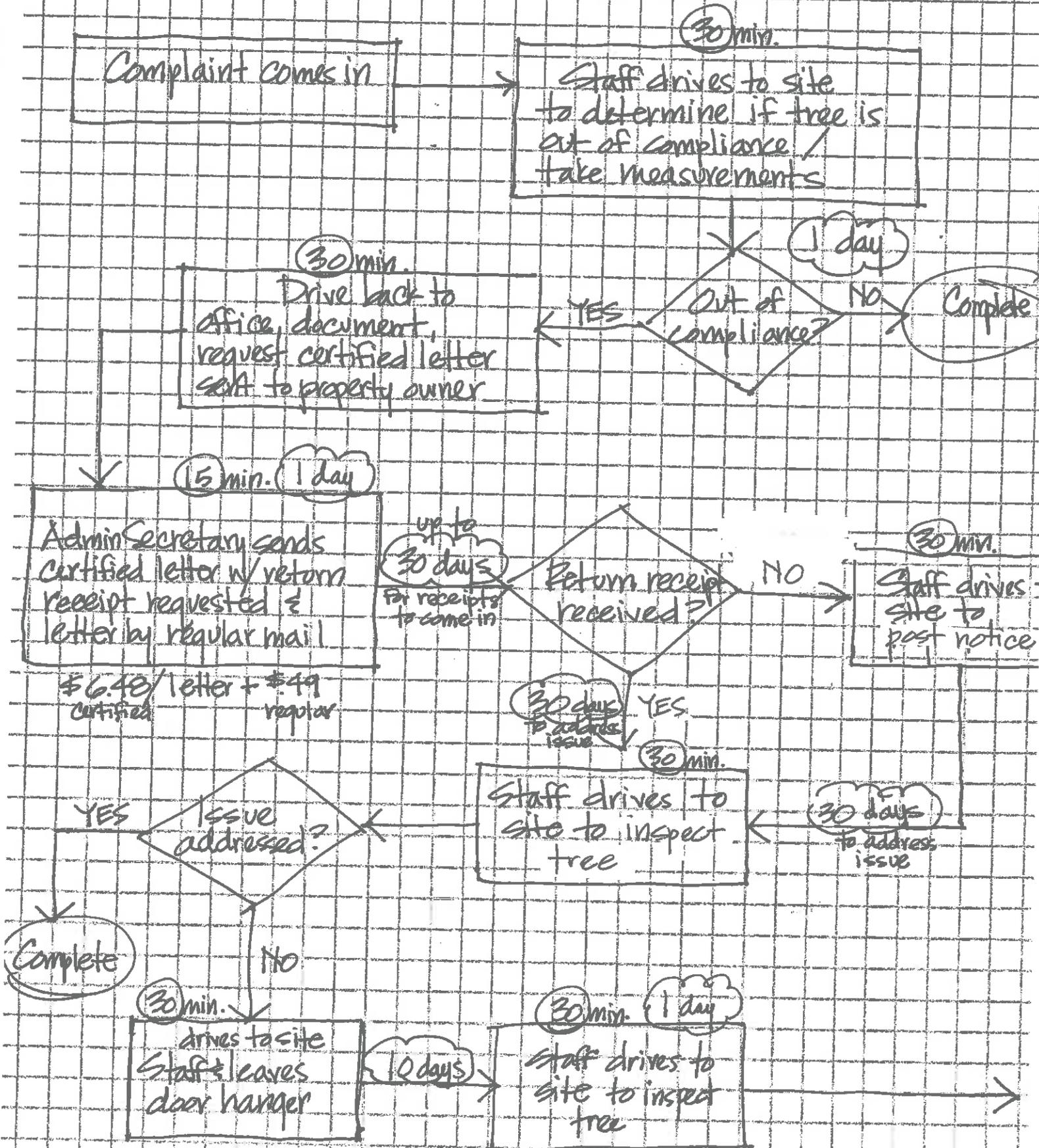
Street Tree Clearance Issues

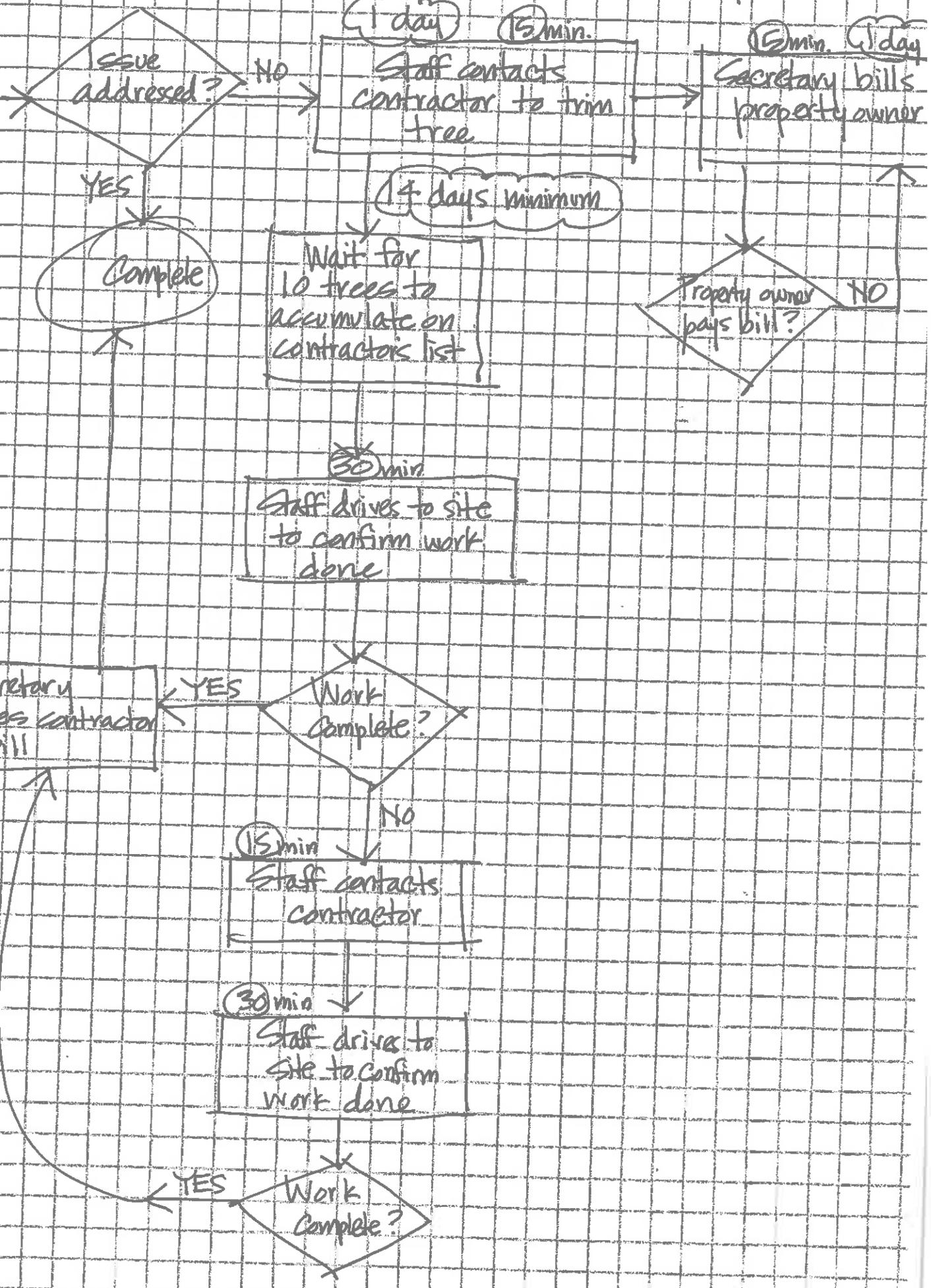
Addressed by City



Street Tree Clearance Issues

Addressed by Property Owner





**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

4(g)1

ITEM:

DATE: April 18, 2016

Motion – Approving Change Order #2
Grand Avenue Improvements Phase 5 – S. 35th Street to Raccoon River Regional Park
Corell Contractor, Inc. & Subsidiary

FINANCIAL IMPACT:

Contract Summary:

Description	Amount	Date Approved	Remarks
Construction Contract	\$ 7,485,604.84		
Change Order 1	\$ -0-	November 16, 2015	
Change Order 2	\$ 5,728.30	Pending	
Total	\$ 7,491,333.14		

Payments will be made from budgeted account no. 4047.75.820.6.7910 with the ultimate funding intended to come from General Obligation Bonds. The City will receive reimbursements for part of the cost from the Iowa Department of Transportation (IDOT) through Federal funding.

BACKGROUND:

This project is the last of six projects to reconstruct Grand Avenue from Railroad Avenue to I-35. The project was awarded to Corell Contractor, Inc. on June 1, 2015. Due to anticipated embankment settlement, the contract documents included a closure of Grand Avenue in the spring to complete paving of the northernmost lanes. This closure was limited to 7 days. The Contractor has indicated that it will not be possible to complete the remaining paving within the allotted 7-day window due to a variety of reasons, including how wet it was last year, and has requested an extension of the closure duration.

Change Order #2 modifies the contract to include a 30-day closure of Grand Avenue for spring 2016 paving. Corell Contractor, Inc. will complete all paving of Grand Avenue and S. 35th Street during this period. Remaining work items will be completed under traffic including, but not limited to, trail construction, finish grading, and final restoration. There will be no cost associated with the time extension.

Costs shown on this change order include work to temporarily open Grand Avenue through the winter months. This connection was reviewed with the Public Works Council Committee on November 17, 2015. Due to late season paving actual costs for the temporary connection were substantially less than projected.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Motion Approving Change Order #2 for Grand Avenue Improvements Phase 5 (Raccoon River Regional Park to South 35th Street)

Lead Staff Member: Duane C. Wittstock, P.E., L.S., City Engineer

STAFF REVIEWS

Department Director	Duane Wittstock, City Engineer <i>duw</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	Richard Scieszinski, City Attorney <i>RS</i>
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	April 11, 2016		
Recommendation	Yes	No	Split



CITY OF WEST DES MOINES

ENGINEERING SERVICES
 4200 Mills Civic Parkway
 West Des Moines, IA 50265-0320
 (515) 222-3620 Fax (515) 273-0602

CHANGE ORDER 2

Distribution:
 Owner _____
 Engineer _____
 Contract _____
 Other _____

Contractor: **Corell Contractor, Inc. & Subsidiary**
 1300 Lincoln Street
 West Des Moines, IA 50265

Project Title	Grand Avenue Improvements Phase 5 Raccoon River Park to S. 35th Street	
WDM Project File Number	0510-019-2013	
Purchase Order Number	4047-07	
Orig. Contract Amount & Date	\$7,485,604.84	May 18, 2015
Change Order Number	2	
Date	April 13, 2016	

THE CONTRACT IS CHANGED AS FOLLOWS:

ADJUST QUANTITY AND ADD ITEMS

- 7001 - Removal of quantity due to subgrade being protected by temporary surface.
- 8001 - Existing structure barrel section and lid had preexisting damage; repair necessary to return manhole to useable condition.
- 8002 - Due to unforeseen weather throughout the duration of the project, including portions of the project under water for considerable amount of time, completion of Phase 1 was unable to be completed prior to December 1, 2015. Temporary granular material will be placed on South 35th Street to open roadway to public use.
- 8003 - Due to unforeseen weather throughout the duration of the project, including portions of the project under water for considerable amount of time, Temporary Pavement will be installed to connect temporary granular material to South 35th Street as well as the radius return on Commerce Drive.
- 8004 - A full closure of up to 30 days will be allowed to complete work on Grand Avenue and South 35th Street/ Commerce Drive.

No additional calendar days will be added by this change order.

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
7001	Modified Subbase	CY	\$40.00	(334.000)	(\$13,360.00)
8001	Manhole Repair	EA	\$1,966.30	1.0	\$1,966.30
8002	Granular Surfacing	CY	\$40.00	334.00	\$13,360.00
8003	Temporary Pavement	SY	\$33.00	114.00	\$3,762.00
8004	Full Road Closure of Grand Ave, S. 35th St. and Commerce Dr.	Days	N/A	23	\$0.00
TOTAL					\$5,728.30

CHANGE ORDER SUMMARY	
The Original Contract Sum was	\$7,485,604.84
Net Change by previously authorized Change Orders	\$0.00
The Contract Sum prior to This Change Order was	\$7,485,604.84
The Contract Sum will be increased by this Change Order in the amount of	\$5,728.30
The new Contract Sum including this Change Order will be	\$7,491,333.14
Aggregate Change Order as a percent of Original Contract (if the aggregate is \$10,000, or greater than 5% of the original contract, whichever is greater, all signatures through the full Council are required)	0.08%
The Contract Time will be changed by	0 Days
The date of Final Completion as of the date of this Change Order therefore is	160 working days

NOT VALID UNTIL SIGNED BY THE CONTRACTOR, OWNER'S REPRESENTATIVE (if applicable) AND OWNER

Contractor: Corell Contractor, Inc. & Subsidiary	Recommended By: Foth Infrastructure & Environment, LLC	Checked By: City of West Des Moines
Signature:	Signature:	Signature:
Name:	Name: Duane C. Wittstock, P.E., L.S.	
Title:	Title: City Engineer	
Date:	Date:	Date:

Owner: **City of West Des Moines**

<input type="checkbox"/> ≤	\$2,500 Department Director	X _____	Date _____
<input type="checkbox"/>	\$2,501 to 5,000 City Manager	X _____	Date _____
<input type="checkbox"/>	\$5001 to 10,000 PW Council Committee scheduled for agenda on _____	_____	Date _____
<input type="checkbox"/> >	\$10,000 City Council approved or ratified at Council meeting on _____	_____	Date _____

Location Map



Grand Avenue Reconstruction Phase 5 0510-019-2013



To the best of our knowledge the information included in this document is correct. The City of West Des Moines makes no warranty as to the accuracy of the information.

Legend

 Project Location



**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

4(g)2

ITEM:

DATE: April 18, 2016

Motion – Approving Change Order #5
SE Soteria Avenue Improvements (S. 8th Street) – White Crane Road to County Line Road
Concrete Technologies, Inc.

FINANCIAL IMPACT:

Contract Summary:

Description	Amount	Date Approved	Remarks
Construction Contract	\$ 1,691,963.55	August 10, 2015	
Change Order 1	\$ 7,150.00	November 2, 2015	
Change Order 2	\$ 2,750.00	March 1, 2016	
Change Order 3	\$ 11,385.00	March 21, 2016	
Change Order 4	\$ 1,400.00	April 4, 2016	Reimbursed by consultant
Change Order 5	\$ 65,462.25	Pending	
Total	\$ 1,780,110.80		

Cost for this change order items will be paid from budgeted account no. 4263.77.820.6.7910 with the ultimate funding intended to come from the Alluvion TIF.

BACKGROUND:

The SE Soteria Avenue Improvements include construction from County Line Road to White Crane Road. The project was designed by MSA Professional Services, and Concrete Technologies, Inc. was awarded the contract on August 24, 2015. During construction, the Contractor identified an error in the quantity of earthwork required to construct the project. A clause in the specifications was invoked to complete a before-and-after survey of the project to determine actual earthwork quantities. Based on this survey, an additional 12,469 cubic yards of material was moved. Concrete Technologies, Inc. has agreed to complete this excavation at the unit price bid, including moving the excess material to a stockpile on City owned property to avoid conflicts with other projects.

Change Order #5 revises the contract to include the additional 12,469 cubic yards of excavation. Staff will pursue reimbursement of these costs through the design consultants insurance as an error and omission.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Motion Approving Change Order #5 for the SE Soteria Avenue (S. 8th Street) Improvements – White Crane Road to County Line Road project.

Lead Staff Member: Duane Wittstock, P.E., L.S., City Engineer

STAFF REVIEWS

Department Director	Duane Wittstock, City Engineer <i>duw</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>MS</i>
Legal	Richard Scieszinski, City Attorney <i>JBW</i>
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	April 11, 2016		
Recommendation	Yes	No	Split



CITY OF WEST DES MOINES

Department of Engineering Services
 4200 Mills Civic Parkway, Ste 2D
 West Des Moines, IA 50265-0320
 (515) 222-3620 Fax (515) 273-0602

CHANGE ORDER

Distribution:
 Owner
 Engineer
 Contractor
 Other

Contractor: **Concrete Technologies, Inc.**
 1001 SE 37th Street
 Grimes, IA 50111

Project Title	South 8th Street Improvements White Crane Road to County Line Road	
WDM Project File Number	0510-050-2014	
Purchase Order Number	4263-02	
Orig. Contract Amount & Date	\$1,691,963.55	August 24, 2015
Change Order Number	5	
Date	April 12, 2016	

THE CONTRACT IS CHANGED AS FOLLOWS: Additional Class 10 excavation quantity to grade project as shown on plans. Quantities shown in the proposal were inaccurate.

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
2.20	Excavation, Class 10, Roadway and Borrow	CY	\$5.25	12,469	\$65,462.25
TOTAL					\$65,462.25

CHANGE ORDER SUMMARY	
The Original Contract Sum was	\$1,691,963.55
Net Change by previously authorized Change Orders	\$22,685.00
The Contract Sum prior to This Change Order was	\$1,714,648.55
The Contract Sum will be increased by this Change Order in the amount of	\$65,462.25
The new Contract Sum including this Change Order will be	\$1,780,110.80
Aggregate Change Order as a percent of Original Contract (if the aggregate is \$10,000, or greater than 5% of the original contract, whichever is greater, all signatures through the full Council are required)	5.21%
The Contract Time will be changed by	0 Days
The date of Final Completion as of the date of this Change Order therefore is	May 31, 2016

NOT VALID UNTIL SIGNED BY THE CONTRACTOR, OWNER'S REPRESENTATIVE (if applicable) AND OWNER

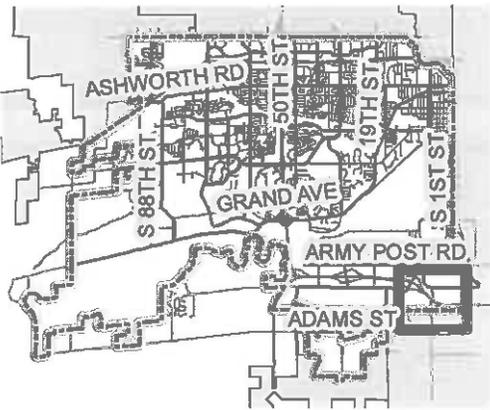
Contractor: Concrete Technologies, Inc.	Recommended By: MSA Professional Services	Checked By: [Signature]
Signature: [Signature]	Signature: [Signature]	City of West Des Moines
Name: [Signature]	Name: Carl Elshire, P.E.	Signature:
Title: Project Manager	Title:	Name: Duane C. Wittstock, P.E., L.S.
Date: 4-13-16	Date: 4/13/2016	Title: City Engineer
		Date:

Owner: City of West Des Moines

<input type="checkbox"/> ≤	\$2,500 Department Director	X _____	Date _____
<input type="checkbox"/>	\$2,501 to 5,000 City Manager	X _____	Date _____
<input type="checkbox"/>	\$5001 to 10,000 PW Council Committee scheduled for agenda on April 11, 2016		Date _____
<input type="checkbox"/> >	\$10,000 City Council approved or ratified at Council meeting on April 18, 2016		Date _____



VICINITY MAP



LEGEND

PROJECT LOCATION —————



**CITY OF WEST DES MOINES
ENGINEERING SERVICES**
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IOWA 50265
PH: (515) 222-3620 FAX: (515) 273-0602

PROJECT: **S. 8th STREET COUNTY LINE ROAD TO PINE AVENUE**

Project No. 0510-050-2014

LOCATION:

EXHIBIT "A"

DRAWN BY: BJM

DATE: 8/5/2015

SHT. 1 OF 1

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

ITEM:DATE: April 18, 2016

Motion – Approving Change Order #4
Community Center Interior Renovations
Covenant Construction Services

FINANCIAL IMPACT:

Contract Summary:

Description	Amount	Date Approved	Remarks
Construction Contract	\$ 585,549.00	July 27, 2015	Base Bid & Alternate 1
Change Order 1	\$ 203,338.00	December 2, 2015	New water service line
Change Order 2	\$ 8,656.00	January 26, 2016	Paving work related to CO #1
Change Order 3	\$5,110.00	February 8, 2016	Replacing flex ductwork
Change Order 4	\$19,103.00	Pending	
Total	\$ 821,756.00		Project Budget: \$1,100,000.00

Costs for the change order can be paid from budgeted account number 6554.75.840.6.7920 (Community Center - Renovation). With adjusting for the revised construction cost and accounting for the professional fees, the remaining balance in the project budget is \$110,324.00. Other pending costs include miscellaneous construction phase costs (testing, etc.), furniture, new interior signage, and IT/data equipment.

BACKGROUND:

On July 27, 2015 the City Council awarded the construction contract to Covenant Construction Services for the interior renovation of the Community Center including new restrooms facilities on both floors. The original design for the hallway ceiling was large format ceiling tile using 4x6 foot tiles. This design was chosen in order to center the ceiling grid on either side of the hallway. It was discovered that the large format tiles would present a problem in the future when the tiles would need to be lifted to access mechanical equipment for maintenance. Various ceiling options were considered and it was found that changes to accommodate access with the large tile would cause more conflicts with other light fixtures and registers resulting in a higher cost than implementing a new 2x2 foot ceiling grid. Although there will be some areas of the new ceiling tile that will not be centered in a hallway, Staff recommends moving forward with this layout as it will provide easier access for future maintenance. In addition to the cost involved in the ceiling change, two additional change requests are included in the change order: Cost for framing and drywall to correct jog in stair wall and costs to install soffits at the stair ceiling and upper floor restrooms to avoid structural issues in the ceiling.

City Council Subcommittee: This item was discussed at the April 11, 2016 Public Works Council Subcommittee meeting. The Subcommittee was concerned with the additional cost incurred by the City due to an apparent coordination issue. Staff is working with both the consultant and the contractor on this issue. In an effort to avoid further delays in construction, it was recommended that approval of the change order move forward while discussion continues on resolving the cost responsibility. Staff notes that the contractor has removed their profit and overhead on the ceiling work and they will not be charging for the site supervisor during the additional 45 days requested in the contract time to complete the ceiling work.

OUTSTANDING ISSUES: Resolution of the additional cost incurred by the City.

RECOMMENDATION:

- City Council Adopt:
- Motion approving Change Order #4

Lead Staff Member: Linda Schemmel, AIA

LS

STAFF REVIEWS

Department Director	Duane C. Wittstock, City Engineer <i>duw</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>M</i>
Legal	Richard Scieszinski, City Attorney <i>D</i>
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	N/A
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	April 11, 2016		
Recommendation	Yes	No	Split



CITY OF WEST DES MOINES

Engineering Services
 4200 Mills Civic Pkwy., PO Box 65320
 West Des Moines, IA 50265-0320
 (515) 222-3620 Fax (515) 273-0602

CHANGE ORDER 4

Distribution:

- Owner X
- Architect X
- Contractor X
- Other

Contractor: Covenant Construction Services, LLC
734 SE Alices Road
Waukee, Iowa 50263

Project Title	Community Center Interior Renovations	
WDM Project File Number	0510-077-2014	
Purchase Order Number	6554-07	
Orig. Contract Amount & Date	\$585,549.00	July 27, 2015
Change Order Number	4	
Date	April 12, 2016	

THE CONTRACT IS CHANGED AS INDICATED IN ATTACHED CHANGE ORDER REQUESTS:

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
COR 6 (version 2)	Install 2x2 ceiling tile in lieu of large format ceiling tile	LS	\$13,863.00	1.00	\$13,863.00
COR 7	Furring and drywall at stair wall	LS	\$775.00	1.00	\$775.00
COR 8	Add drywall soffits at stairway and upper floor restrooms	LS	\$4,465.00	1.00	\$4,465.00
TOTAL					\$19,103.00

CHANGE ORDER SUMMARY

The Original Contract Sum (base bid & alterate 1) was	\$585,549.00
Net Change by previously authorized Change Orders	\$217,104.00
The Contract Sum prior to This Change Order was	\$802,653.00
The Contract Sum will be increased by this Change Order in the amount of	\$19,103.00
The new Contract Sum including this Change Order will be	\$821,756.00
Aggregate Change Order as a percent of Original Contract (if the aggregate is \$10,000, or greater than 5% of the original contract, whichever is greater, all signatures through the full Council are required)	40.34%
The Contract Time will be increased by :	11 days (May 13, 2016)
The Contract Time will be increased for work included in Change Order Request 6:	45 days
The date of Final Completion as of the date of this Change Order therefore is	June 16, 2016

NOT VALID UNTIL SIGNED BY THE CONTRACTOR, OWNER'S REPRESENTATIVE (if applicable) AND OWNER

Contractor: Covenant Construction	Recommended By: OPN Architects	Checked By: City of West Des Moines
Signature:	Signature:	Signature:
Name:	Name:	Name: Linda Schemmel
Title:	Title:	Title: Development Coordinator
Date:	Date:	Date: 4/12/2016

Owner: City of West Des Moines

<input checked="" type="checkbox"/> ≤	\$2,500 Department Director	X _____	Date _____
<input checked="" type="checkbox"/>	\$2,501 to 5,000 City Manager	X _____	Date _____
<input type="checkbox"/>	\$5001 to 10,000 PW Council Committee scheduled for agenda on _____	scheduled for agenda on _____	Date _____
<input type="checkbox"/> >	\$10,000 City Council approved or ratified at Council meeting on _____		Date _____



Covenant Construction Services
 794 SE Alice's Road
 Waukee, IA 50263



West Des Moines Community Center	Quantity	Unit Bill	Unit Cost	Additional Considerations	Total
6226ed Coats Associated with ITC 10					
Division 00 - General Conditions					
* 3-11-16 (issue raised) - 4-28-16 (projected authorization)	18 days	0 / day	\$0.00	39	\$0.00
Div 09 - Finishes					
* Install 2x2 Tile and grid upstairs and downstairs in lieu of large format tile	1 ls	\$7,053.00 / ls	\$7,053.00	3	\$7,053.00
Div 22 & 23 - Plumbing & HVAC					
* Modify slot diffuser plenums at 3 locations due to above ceiling space constraints	1 ls	\$1,760.00 / ls	\$1,760.00		\$1,760.00
Div 25, 26, 27 - Electrical, Communications, Alarm					
* Revise above ceiling electrical to accommodate new layout. Add low profile cans at conflict with duct. Relocate cans to along North Wall.	1 ls	\$3,482.24 / ls	\$3,482.24	3	\$3,482.24
Sub-Total					\$12,295.24
Overhead					\$1,229.52
Profit					\$0.00
Payment & Performance Bond (2.5%)					\$385.12
Coats Associated with ITC 10					\$13,863.00

- * Much of the grid will need to be taken down and re-installed.
- * A like factory condition may not be achievable by painting the edge of the cut tiles.
- * Added Calendar days to period of performance
- * OCS General Conditions changed at zero because other work occurred in this time.

Trevor Cassel

From: Douglas Downs <tripleconstruction@hotmail.com>
Sent: Thursday, March 24, 2016 3:50 PM
To: Trevor Cassel
Subject: RE: West Des Moines Community Center

Trevor here is pricing for itc 10#

1. Configure tile as per itc #10 5098.00 (note this is a fiberglass tile no matter how you paint edges you will have a yellow tint. The paint is real thick so tile will have to be cut, reved edge cut, then taken out to dry {otherwise paint will cause tile to stick to grid making it susceptible to damage when removed} then reinstalled plus there still be some reconfiguring of grid.

2. Install 2x2 tile and grid downstairs where fast size tile is 5215.00. install 2x2 tile upstairs where fast size tile is 1838.00

3. Install 2x4 tile and grid downstairs where fast size tile is 6445.00. Install 2x4 tile upstairs where fast size tile is 2271.00

These quotes are per Douglas D Downs DDD Construction dated 3/24/2016

From: tripleconstruction@hotmail.com
Subject: Re: West Des Moines Community Center
Date: Thu, 24 Mar 2016 10:01:59 -0500
To: trevorc@ccsvet.com

I will have pricing to you later today

Sent from my iPhone

On Mar 24, 2016, at 9:52 AM, Trevor Cassel <trevorc@ccsvet.com> wrote:

Doug,

in addition to ITC #10 that was issued earlier this week. The city of West Des Moines would like a price to replace the entire large format ceiling with a 2x2 system. And a 2nd price to replace the large format upstairs with a 2x2 system.

Can you work up what that cost would be in addition to the cost of ITC #10.

Thanks,

Trevor Cassel

Covenant Construction Services

Trevor Cassel

From: Douglas Downs <tripleconstruction@hotmail.com>
Sent: Thursday, March 31, 2016 10:22 AM
To: Trevor Cassel
Subject: WDM COMMUNITY CENTER

Trevor here is break down

2x2

material aprox. 4981.00

labor rate 50.00 per hour } 2,050 Labor

labor hours 41

2x4

material aprox. 6499.00

labor rate 50.00

labor hours 44.00 2x4 tile takes longer to take out and cut reveal edge } 2,200 Labor

The cost of fast size tile 11,219.00

Trevor Cassel

From: Adam Drake <adrake@alliedconst.com>
Sent: Tuesday, March 29, 2016 10:16 AM
To: Trevor Cassel
Subject: RE: WDM Community Center - ITC 10 & 11

Trevor,

ITC #11 is ok, pretty minimal for us. ADD \$250.00 for ITC #10 for painting of edges.

Thanks,

Adam Drake
Branch Manager



Color, Inc.
515.288.4855 - Office
515.343.7834 - Mobile
515.288.2069 - Fax
adrake@alliedconst.com

From: Trevor Cassel [mailto:trevorc@ccsvet.com]
Sent: Tuesday, March 29, 2016 9:28 AM
To: Adam Drake <adrake@alliedconst.com>
Subject: WDM Community Center - ITC 10 & 11

Adam,
I haven't seen pricing for ITC 10 & 11 on the WDM community center. Can you get that to me today?

Thanks,

Trevor Cassel

Covenant Construction Services
734 Se Alice's Rd
Waukee, IA 50263
(p) 515.216.1017
(f) 515.216.1018

Blackhawk Automatic Sprinklers, Inc.
P.O. Box 998 Cedar Falls, IA 50613
phone 800-232-7721 fax 319-277-0000

WDM Community Center
West Des Moines, IA C #11193

ITC 10 - Cost Summary 03/24/16

Description: Relocate pendent sprinkler out side womens room 111 to the next tile east.

<u>Material</u>	QTY	Unit Price	Total
See material list	1	\$18.58	\$18.58
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
Material Total			\$18.58
			(+ 7% Tax) \$18.88
<u>Labor:</u>			
General Superintendent	0 hrs @	\$90.00 Vhr Installation	\$0.00
General Forman	4 hrs @	\$67.75 Vhr Installation	\$271.00
Forman	0 hrs @	\$65.62 Vhr Installation	\$0.00
Journeyman	0 hrs @	\$62.87 Vhr Installation	\$0.00
Fabrication	0 hrs @	\$55.00 Vhr Installation	\$0.00
Designer	0 hrs @	\$60.00 Vhr Installation	\$0.00
Project Manager	0 hrs @	\$60.00 Vhr installation	\$0.00
Par Diem	0 days@	\$80.00 per day	\$0.00
Labor Total			\$271.00
<u>Design Travel:</u>	0 miles@	0.540 Vmile	\$0.00
<u>Start-up Cost</u>	0 hrs. @	\$90.00 Vhr.	\$0.00
<u>Equipment:</u>			
Electric Lift	0 Lift @	\$0.00 Vday	\$0.00
Tools	0	\$0.00	\$0.00
Truck/Shipping	1	\$35.00	\$35.00
Equipment Total			\$35.00
Subtotal: Material, Labor, Shipping, Equipment & Start-up			\$325.88
Overhead & Profit		15%	\$48.88
Total: Material, Labor, Shipping & Equipment			\$374.74
<u>Subcontractors:</u>	QTY	Unit Price	Total
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
	0	\$0.00	\$0.00
Subcontract Subtotal			\$0.00
Subcontract Mark-up		5%	\$0.00
Subcontract Total			\$0.00
Bond		1%	\$0.00
Total Change (Add or Deduct)			\$374.74
		Total	\$375.00



Cody Schmidt
Central Iowa Mechanical
204 SW 2nd Street
Des Moines, Iowa 50309
Phone: (515) 243-8126
Fax: (515) 243-1804
cschmidt@cimech.com

March 24, 2016

BID # CP 06

Mr. Trevor Cassel
Covenant Construction Services
734 SE Alice's Rd
Waukee, IA 50263
Phone: (515) 216-1017
Fax: (515) 216-1018
Email: trevor@ccvet.com

Dear Trevor,

Per your request, this change proposal (CP 06) to perform the work as described below, we request an increase to our contract in the amount of \$ 1,760.00

West Des Moines Community Center – ITC 10 – New Ceiling Plan

Scope of Work:

1. Designed ceiling height does not allow room for slot diffuser plenums – must be modified
 - a. Field measure, design, and fabricate (3) slot diffuser plenums to allow for proper fit in ceiling, avoiding overhead obstacles.

Exclusions:

1. Overtime/ Shiftwork.
2. Unforeseen conditions.

Change Proposal #6 (CP 06)
ADD: \$ 1,760

Please call if you have questions or wish for us to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody Schmidt'.

Cody Schmidt
Estimator
Central Iowa Mechanical

Proposal is contingent upon approval of terms.
We reserve the right to withdraw our proposal.



Project Terms and Conditions

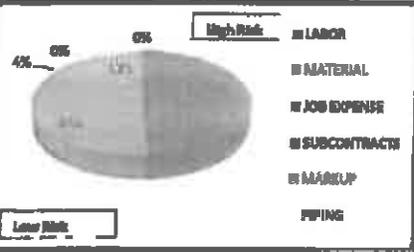
General:

1. Central Iowa Mechanical agrees to perform all work in a careful and workman-like manner and to furnish only materials of good quality.
2. The customer will provide reasonable access to all areas and equipment and will allow Central Iowa Mechanical to stop and start equipment as necessary to fulfill the scope of this project.
3. All work will be performed during our normal working hours of 7:00 a.m. to 4:30 p.m. Monday through Friday, excluding Central Iowa Mechanical holidays.
4. The customer will pay all invoices promptly upon receipt. Should a payment become thirty (30) days or more delinquent, Central Iowa Mechanical may stop all work on this project without notice and/or cancel this project, and the entire project amount will become due and payable immediately upon demand.
5. In addition to any price specified on the face hereof, the customer shall pay and be responsible for the gross amount of any present or future sales, use, excise, value-added, or other similar tax, however designated, applicable to the price, sale, or delivery of any products, services, or the work furnished hereunder or for their use by Central Iowa Mechanical on behalf of the customer whether such tax shall be local, state, or federal in nature.
6. In the event Central Iowa Mechanical must commence legal action in order to recover any amount payable under this agreement, the customer shall pay Central Iowa Mechanical all court costs and attorney's fees incurred by Central Iowa Mechanical.
7. Any legal action brought by the customer relating to this agreement, or the breach thereof, shall be commenced within one (1) year from completion of this work.
8. This proposal is valid for a period of 30 days after issuance.

Limitations of Liability and Indemnities:

1. Central Iowa Mechanical will not be liable for damage or loss caused by delay in installation or interrupted service due to fire, flood, corrosive substances in the air, strikes, lockout, disputes with workers, inability to obtain material or services, commotion, war, act of God, or any other cause beyond Central Iowa Mechanical's reasonable control.
2. In no event, whether as a result of breach of contract, or any tort including negligence or otherwise shall Central Iowa Mechanical or its suppliers, employees, or agents be liable for any special, consequential, incidental, or penal damage including, but not limited to loss or profit or revenues, loss of use of any products, machinery, equipment, damage to associated equipment, cost of capital, cost of substitute products, facilities, services, or replacement power, down time costs, lost profits, or claims of buyer's customers for such damages.
3. No other warranty expressed or other liability is given and no other affirmation of Central Iowa Mechanical, by word or action, shall constitute a warranty. This warranty is expressly in lieu of any other express or implied warranty including any implied warranty of merchantability of fitness, or any other obligation on the part of Central Iowa Mechanical.
4. Central Iowa Mechanical warrants materials only to the extent and for the time period said materials are warranted to Central Iowa Mechanical by the manufacturer(s) of the same. Central Iowa Mechanical's liability, if any, upon any warranty, either expressed or implied, shall be limited to replacement of defective materials and correction of faulty workmanship which is a violation of state, local, or federal building codes at the time of performance of the work by Central Iowa Mechanical.

Sheet Metal Estimate									
Job Name		Proposal #	Estimator	Est Date	Print Date				
WDM Community Center - WC 19			Orly Schwirt		8/24/20 2:50 PM	%			
Material Cost									
			Eqpt Recap Sheet	255					
			CRP Recap Sheet						
			Budget Recap Sheet						
			Rough Materials						
Diffuser Plenum Mod/Rebuild			Equipment & Spco						
			Tool Expenses	12					
			Eqpt. Rental	277					
			Material Sub-total >>>>	\$544					
		Tax	1.0%	\$9					
Total Materials >>>>					\$553				
Labor Cost									
	Hours	12	Rate	Totals					
General Foreman w/ Truck			\$75.00	\$0					
Foreman w/ Truck	0		\$70.00	\$0					
Journeyman w/ Truck			\$65.00	\$0					
Journeyman w/ Truck		12	\$40.00	\$0					
60% Apprentice	0		\$45.00	\$0					
Pre-App - Field			\$20.00	\$0					
Gen. Foreman w/ Truck - Shop			\$75.00	\$0					
Foreman w/ Truck - Shop	12		\$70.00	\$840					
Journeyman w/ Truck - Shop			\$65.00	\$0					
Journeyman - Shop			\$60.00	\$0					
Apprentice - Shop	0		\$45.00	\$0					
Pre-App. - Shop			\$20.00	\$0					
Service Foreman			\$75.00	\$0					
Service Journeyman			\$70.00	\$0					
Truck Driver	0	4%	\$40.00	\$19					
Wage Increase			\$1.00	\$0					
Total hours	12			12	Standard Rate	\$71.00			
Subtotal	Hours	Rate	Standard	Sub Total >>>>		\$553			
Local #31 >>>>				\$		-			
Local #42 >>>>				\$		-			
Total Labor >>>>						\$553	4%		
Job Expenses									
Job Expenses					Sub-Contractors				
Files & Permits				Inclusion					
Truck Expense	0			Temp. Controls					
Substances				Excavation					
Telephone				Sealing					
Shack-Warehouse				Painting					
Job Office Supplies				Concrete Cure					
Freight				Crew					
Special Tools				Electric					
Project Manager	75			Roof Patch					
Project Engineer				Private Location					
Costing Technician				Chemical Treatment					
				Gen. Trades					
				Sub-Total	\$0				
				Overhead & Profit	10%	\$0			
Total Job Expenses >>>>						\$0	4%		
Job Cost									
Total Labor Cost	\$553	Sub-total >>>>		\$1,511					
Total Material Cost	\$51	Sub-total >>>>		\$1,511					
Total Sub-Contract Cost	0	Sub-total >>>>		\$1,511					
Cost w/ Sub-Contracts	\$1,511	Overhead	11.66%	151		%			
Profit to Sub (Margin)	13.9%	Sub-total >>>>		\$1,662					
Profit to Cost (Margin)	15.8%	Profit	5.00%	83		%			
OT&P to Labor (Coverage)	27%	Sub-total >>>>		\$1,745					
		Warranty		\$15					
		Total Sub-Contracts		\$0					
		Sub-total >>>>		\$1,760					
Final Estimate									
Bond		N.							
Adjustment									
Total Bid >>>>		\$1,760							



DM Metro Electric

est. 1988 | a division of  Henrichsen
Electric

April 6, 2016

Covenant Construction Services
734 Se Alice's Rd
Waukee, IA 50263

Attn: Trevor Cassel

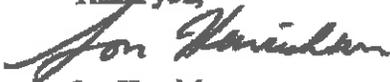
Re: West Des Moines Community Center Remodel - Electrical change order 4 - ITC 10.
Shallow can lights, shallow emergency battery and additional can light wiring.

Trevor,

For the sum of \$3,482.24 we propose to furnish all material, equipment, and labor necessary to install the Electrical portion of the above referenced project.

1. Reconfigure the conduits and junction boxes per DM Metros original install, add additional no cable, conduit, wire and junction boxes to serve the 3 additional can lights shown on the north side of the new drawing and not on the original drawing.
2. Coordinate with the owner on a new fixture layout.
3. Furnish and install (2) type 3 shallow can lights and trims.
4. Furnish and install (1) type 3e shallow can light and trim.
5. Furnish and install (1) shallow emergency battery.
6. The above scope of work will add 6 days to the original schedule.
7. Our quote is based on work being scheduled and performed during normal business hours.

Thank you,



Jon Henrichsen
515-201-2651



1032 4/20/18 ID West deamolish

Printed 4/18/18 - Material File Printing

JOB NAME West deamolish community Center Ch

(company name)

EST. #01: ID West deamolish

(address 1)

ESTIMATE West deamolish community Center Ch

(address 2)

PRINTED: 4/18/2018 10:28:42 AM

(address 3)

DATA SET #1: Comm Insum TBC/EST/NECA..

(phone #)

(fax #)

(e-mail)

MATERIAL Primary Pricing

LABOR Primary Labor

NOTES

Item					Material			Labor		
Size	Item Desc	Qty	UOM	Item Source	Mat Unit	Mat Adj	Mat Ext	Lbr Unit	Lbr Adj	Lbr Ext
(LABOR ITEM)	RECESSED INCAED.	2.00	EACH		172.00	1.00	344.00	1.0000	1.0000	3.2000
(LABOR ITEM)	RECESSED INUT	1.00	EACH		172.50	1.00	172.50	1.0000	1.0000	1.6000
(LABOR ITEM)	EMER BAT UNIT ONLY	1.00	EACH		880.80	1.00	880.80	3.2000	1.0000	3.20.00
1/2"	EMT STEEL BS CONN	8.00	EACH		0.42	1.00	3.36	0.8000	1.0000	0.4900
3/4"	EMT STEEL BS CONN	12.00	EACH		0.62	1.00	7.44	0.8000	1.0000	0.7200
	#12 GRD PIGTAIL	6.00	EACH		8.43	1.00	50.58	0.8000	1.0000	4.0400
	CADDY ICK CLIP	18.00	EACH		0.47	1.00	8.46	0.8000	1.0000	0.9400
1/4"	BEAM CLAMP-STEEL	4.00	EACH		1.04	1.00	4.16	0.1800	1.0000	0.0000
1/4-20	1/2 MACHINE SCREW	4.00	EACH		0.94	1.00	3.76	0.0000	1.0000	0.0000
	CADDY 4234 BOX SUPT	6.00	EACH		0.38	1.00	2.28	0.0000	1.0000	2.1600
	MC CONNECTOR SINGLE	10.00	EACH		0.80	1.00	8.00	0.8000	1.0000	2.8000
1/2"	SHEET METAL SCREW	15.00	EACH		0.01	1.00	0.15	0.0170	1.0000	0.2550
3/4"	MC 1 HOLE STRAP	15.00	EACH		0.88	1.00	13.20	0.8170	1.0000	0.9255
4 5/8 BOX	4 1/2 1/2 RD	4.00	EACH		5.91	1.00	23.64	0.1200	1.0000	0.4800
4 5/8 BOX	1-120 1/2 5/8 RD	8.00	EACH		3.91	1.00	31.28	0.1200	1.0000	0.9600
4 5/8	4 5/8 BLANK COVER	10.00	EACH		1.88	1.00	18.80	0.0500	1.0000	0.5000
#12-20	MC CABLE WORN GRD	114.00	FEET		0.88	1.00	100.32	0.0000	1.0000	0.0000
	WIFF NUT-1/4" / 1/2"	28.00	EACH		0.18	1.00	5.04	0.0000	1.0000	0.0000
Grand Totals							1,881.88			22,814.00

Labor: 22.50 + 81.50 = \$1,833.75

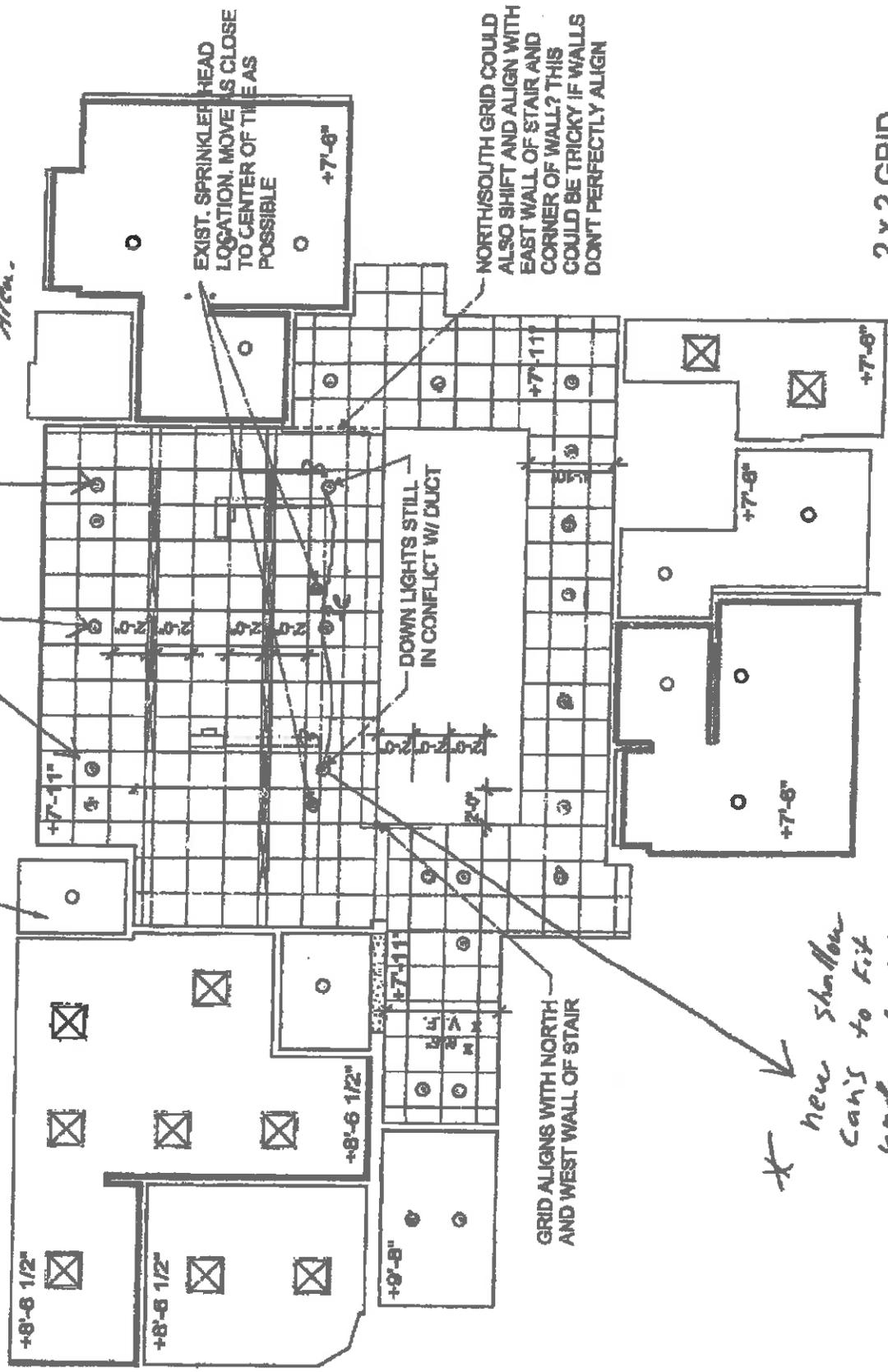
Materials: \$1,331.93

Sub total: \$3,165.68

10% off/profit: \$316.56

Total: \$3,482.24

* new location of the Revised Can's - we can use the existing Can's from the duct Area.



2 X 2 GRID

GRID ALIGNS WITH NORTH AND WEST WALL OF STAIR

NORTH/SOUTH GRID COULD ALSO SHIFT AND ALIGN WITH EAST WALL OF STAIR AND CORNER OF WALL? THIS COULD BE TRICKY IF WALLS DONT PERFECTLY ALIGN

EXIST. SPRINKLER HEAD LOCATION, MOVE AS CLOSE TO CENTER OF THE AS POSSIBLE

DOWN LIGHTS STILL IN CONFLICT W/ DUCT

* new shallow Can's to fit under duct + shallow Battery



Covenant Construction Services
 734 SE Alice's Road
 Waukegan, IA 50263



West Des Moines: Community Center

Change Order Description

7	Quantity	Unit Price	Unit Cost	Additional Calendar Days	Total
Costs Associated with ITC 11					
Div 09 - Finishes					
* Furring and drywall per ITC 11					
	1 ls	\$625.00 / ls	\$625.00	2	\$625.00
* Re-Paint drywall at fur-out					
	1 ls	\$0.00 / hr	\$0.00		
Sub-Total					
					\$625.00
Overhead Profit					
					\$62.50
Payment & Performance Bond (2.5%)					
					\$88.75
					\$18.91
Costs Associated with ITC 11					
					\$775.00

* Added Calendar days to period of performance

PROPOSAL

A&J DRYWALL COMPANY INC.

101 S. Kenwood Blvd.
 Indianola, IA 50125 Alvin Cell: 515-238-1502
 Tel: 515-961-5516 Greg Cell: 515-661-8208
 Fax: 515-961-8681

PROPOSAL NO: 1
Sheet No: 1
Date 3/23/2016

Email: ajdrywall@mediacombb.net
 Web: www.ajdrywallinc.com

SUBMITTED TO:	
NAME:	Covenant Construction Services
ADDRESS:	
Attn:	Trevor Cassel
PHONE:	216-1017
Fax:	216-1018

WORK TO BE PERFORMED AT:	
ADDRESS:	217 5 th. St.
	WestDesMoines
DATE OF PLANS:	
ARCHITECT:	
Email:	trevorc@ccrvt.com

WE HEREBY PROPOSE TO FURNISH THE MATERIALS AND PERFORM THE LABOR NECESSARY FOR THE COMPLETION OF:	
ITC-11.1	
Furring and drywall On a wall In corridor 110	625. 00

*All material is guaranteed to be as specified, and the above work to be performed in the accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

625. 00 Dollars

With payments to be made as follows:

--

*Any alteration or deviation from above specifications involving extra costs will be excluded only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

SUBMITTED BY: ALVIN VICKROY
Greg Vickroy
 DATE: _____

*Note-This proposal may be withdrawn by us if not accepted within 30 days.

Trevor Cassel

From: Adam Drake <adrake@alliedconst.com>
Sent: Tuesday, March 29, 2016 10:16 AM
To: Trevor Cassel
Subject: RE: WDM Community Center - ITC 10 & 11

Trevor,

ITC #11 is ok, pretty minimal for us. ADD \$250.00 for ITC #10 for painting of edges.

Thanks,

Adam Drake
Branch Manager



Color, Inc.

515.288.4855 - Office
515.343.7834 - Mobile
515.288.2069 - Fax
adrake@alliedconst.com

From: Trevor Cassel [mailto:trevorc@ccsvet.com]
Sent: Tuesday, March 29, 2016 9:28 AM
To: Adam Drake <adrake@alliedconst.com>
Subject: WDM Community Center - ITC 10 & 11

Adam,

I haven't seen pricing for ITC 10 & 11 on the WDM community center. Can you get that to me today?

Thanks,

Trevor Cassel

Covenant Construction Services

734 Se Alice's Rd
Waukee, IA 50263
(p) 515.216.1017
(f) 515.216.1018



Covenant Construction Services
 734 SE Alice's Road
 Waukee, IA 50263



West Des Moines Community Center

Change Order Description	Quantity	Unit Price	Unit Cost	Additional Calendar Days	Total
3 Costs Associated with ITC 12					
Div 09 - Finishes					\$3,600.00
* Frame soffit, furring, drywall et stairway per ITC 12	1 ls	\$2,350.00 / ls	\$2,350.00	3	
* Frame soffits @ upstairs restrooms per ITC 12	1 ls	\$1,250.00 / ls	\$1,250.00		
Div 21 - Fire Protection					\$0.00
* Relocate sprinkler heads to center of stairway.	1 ls	\$0.00 / ls	\$0.00	0	
Sub-Total					\$3,600.00
Overhead					\$360.00
Profit					\$396.00
Payment & Performance Bond (2.5%)					\$108.90
Costs Associated with ITC 12					\$4,465.00

* Added Calendar days to period of performance

PROPOSAL

A&J DRYWALL COMPANY INC.

101 S. Kenwood Blvd.
 Indianola, IA 50125 Alvin Cell: 515-238-1502
 Tel: 515-961-5516 Greg Cell: 515-661-8208
 Fax: 515-961-8681

PROPOSAL NO: 1
Sheet No: 1
Date 3/30/2016

Email: ajdrywall@mediacombb.net
 Web: www.ajdrywallinc.com

SUBMITTED TO:	
NAME:	covenant construction Servives
ADDRESS:	
Attn:	Trevor
PHONE:	
Fax:	

WORK TO BE PERFORMED AT:	
ADDRESS:	
DATE OF PLANS:	
ARCHITECT:	
Email:	trevorc@ccsvet.com

WE HEREBY PROPOSE TO FURNISH THE MATERIALS AND PERFORM THE LABOR		
NECESSARY FOR THE COMPLETION OF: West DesMoines Community Center		
ITC-012R		
Add new soffits for linear lights in Womens 004		1250.00
Material		370.00
Labor	16 Hours @ 55.00	880.00

*All material is guaranteed to be as specified, and the above work to be performed in the accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

1250.00 Dollars

With payments to be made as follows:

*Any alteration or deviation from above specifications involving extra costs will be excluded only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

SUBMITTED BY: ALVIN VICKROY
Greg Vickroy
 DATE: _____

*Note-This proposal may be withdrawn by us if not accepted within 30 days.

PROPOSAL

A&J DRYWALL COMPANY INC.

101 S. Kenwood Blvd.
 Indianola, IA 50125 Alvin Cell: 515-238-1502
 Tel: 515-961-5516 Greg Cell: 515-661-8208
 Fax: 515-961-8681

PROPOSAL NO: 1
Sheet No: 1
Date 3-31-2016

Email: ajdrywall@mediacombb.net
 Web: www.ajdrywallinc.com

SUBMITTED TO:	
NAME:	covenant construction Survives
ADDRESS:	
Attn:	Trevor
PHONE:	
Fax:	

WORK TO BE PERFORMED AT:	
ADDRESS:	
DATE OF PLANS:	
ARCHITECT:	
Email:	trevorc@ccsvet.com

WE HEREBY PROPOSE TO FURNISH THE MATERIALS AND PERFORM THE LABOR		
NECESSARY FOR THE COMPLETION OF: West DesMoines Community Center		
ITC - 012		
Metal stud framing , furring and drywall for new soffit in stair ceiling		2350. 00
Material		315. 00
Labor	37 hours @ 55. 00	2035. 00

*All material is guaranteed to be as specified, and the above work to be performed in the accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

2350. 00 Dollars

With payments to be made as follows:

--

*Any alteration or deviation from above specifications involving extra costs will be excluded only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control.

SUBMITTED BY: ALVIN VICKROY
Greg Vickroy
 DATE: _____

*Note-This proposal may be withdrawn by us if not accepted within 30 days.



Location Map
Community Center - 217 5th Street

N



**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

ITEM:

DATE: April 18, 2016

Resolution - Ordering Construction
Fox Creek Trunk Sewer Extension Phase 2

FINANCIAL IMPACT:

The Engineering Estimate of construction cost for the Fox Creek Trunk Sewer Extension Phase 2 is \$1,789,804.00. Payments will be made from budgeted account no. 5061.80.820.6.7910 with the ultimate funding intended to come from the Sewer Fee account and an existing cost sharing agreement with the City of Waukee.

BACKGROUND:

The Fox Creek Trunk Sewer Extension Phase 2 is a continuation of the Fox Creek Trunk Sewer project begun in 2015. This segment will extend sewer from the northern terminus of the Fox Creek Trunk Sewer to the intersection of 98th Street and Ashworth Road. Construction of this sewer is part of an existing agreement with the City of Waukee.

A Bid Letting should be scheduled for 2:00 p.m. on Wednesday, April 27, 2016, and a Public Hearing on the project should be scheduled for 5:35 p.m. on Monday, May 2, 2016. The contract would be awarded on Monday, May 2, 2016, and work will begin shortly thereafter.

The completion date for the project is November 15, 2016.

OUTSTANDING ISSUES: None.

RECOMMENDATION:

City Council Adopt:

- Resolution Ordering Construction of Fox Creek Trunk Sewer Extension Phase 2.
- Fixing 2:00 p.m. on Wednesday, April 27, 2016, as time and date for project Bid Letting.
- Ordering the City Clerk to publish notice of Letting and Public Hearing.

Lead Staff Member: Duane C. Wittstock, P.E., L.S.

STAFF REVIEWS

Department Director	Duane C. Wittstock, P.E., L.S. <i>DW</i> City Engineer
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney <i>JBW</i>
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Works		
Date Reviewed	April 11, 2016		
Recommendation	Yes	No	Split

**Resolution Ordering Construction and
Notice of Public Hearing on Plans, Specifications,
Form of Contract, Estimate of Cost, and
Directing Advertisement for Bids**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, that the following described public improvement:

**Fox Creek Trunk Sewer Extension Phase 2
Project No. 0510-005-2015**

is hereby ordered constructed according to the Plans and Specifications prepared by the Engineering Division of the City of West Des Moines and now on file in the office of City Clerk.

BE IT FURTHER RESOLVED, that the detailed Plans and Specifications, Form of Contract, Bid Security, and Notice to Bidders are hereby approved, subject to hearing thereon, and that the same are now on file in the office of City Clerk for public inspection.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to publish notice of hearing on the Plans and Specifications, Form of Contract, Bid Security and Estimate of Costs for said project to be held at 5:35 p.m. on Monday, May 2, 2016, with said notice published not less than four (4) days nor more than twenty (20) days prior to the date heretofore fixed.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to publish Notice to Bidders for said project with publication not less than four (4) days nor more than forty-five (45) days prior to the date for receiving bids. Said bids are to be filed prior to 2:00 p.m. on Wednesday, April 27, 2016.

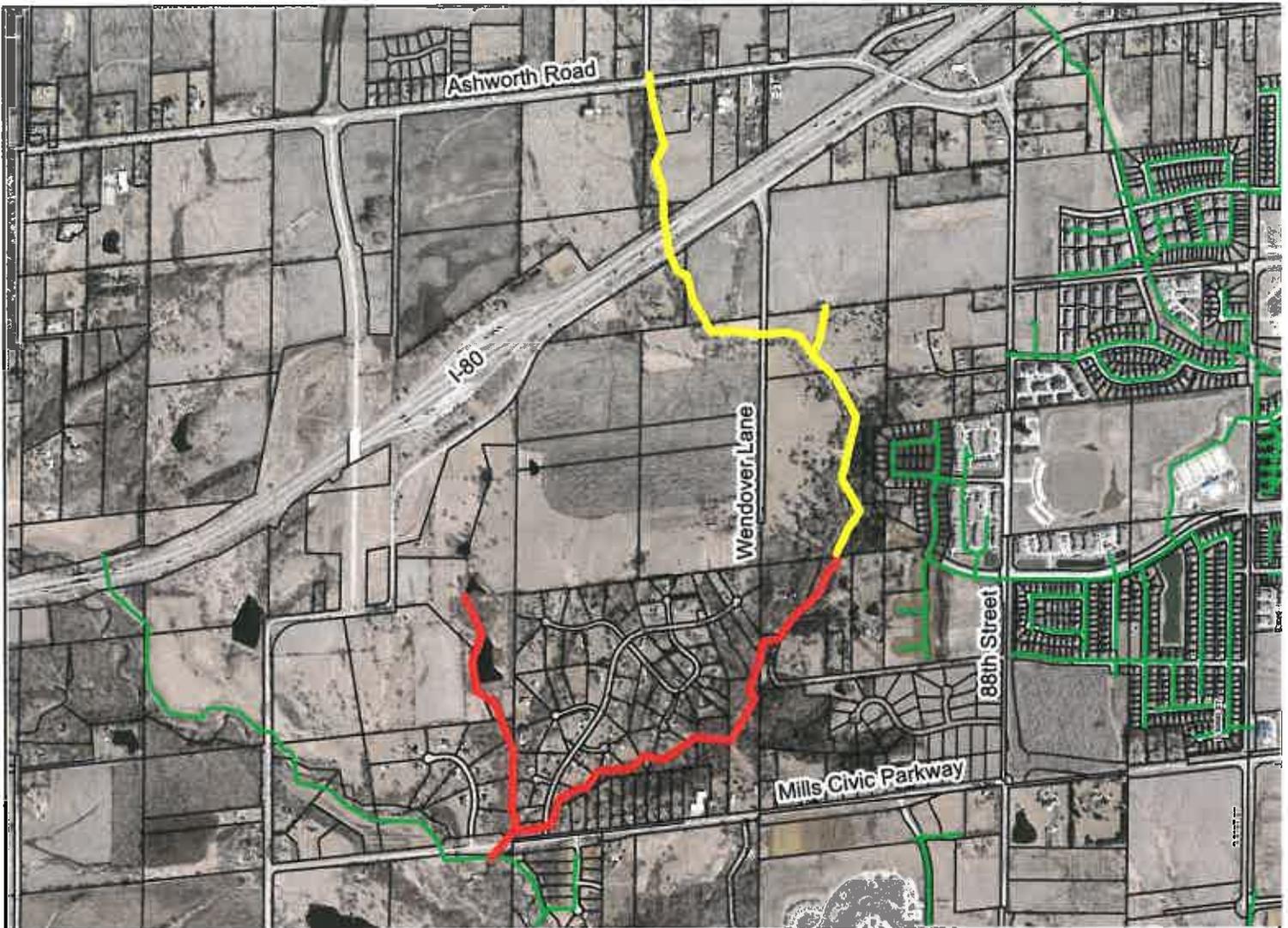
BE IT FURTHER RESOLVED, that the bids received for construction of said improvements will be opened, publicly read and tabulated by the City Clerk or City Clerk designee at 2:00 p.m. on Wednesday, April 27, 2016, and the results of said bids shall be considered at a meeting of this Council on Monday, May 2, 2016, at 5:35 p.m. and acted upon at said time, or such time as may then be fixed.

PASSED AND APPROVED this 18th day of April, 2016.

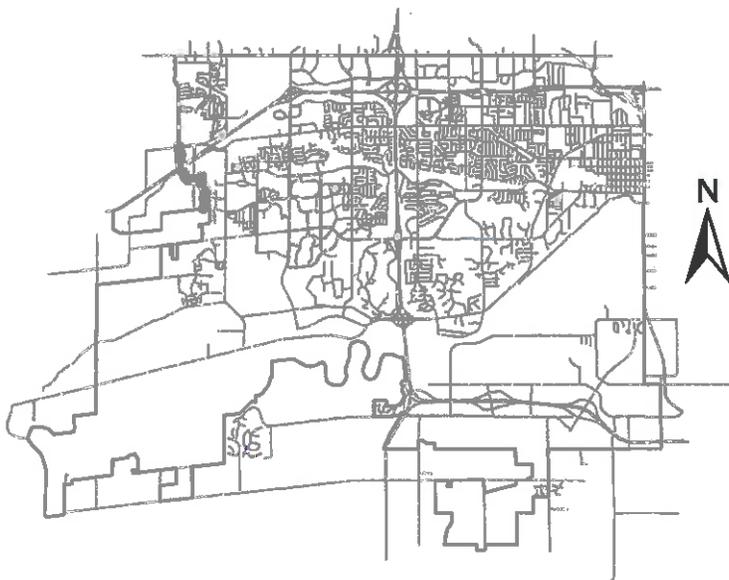
Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk



VICINITY MAP



LEGEND

-  PROJECT LOCATION
-  FOX CREEK TRUNK SEWER EXTENSION
-  FOX CREEK TRUNK SEWER
-  EXISTING SEWER



DEPARTMENT OF ENGINEERING SERVICES
 4200 MILLS CIVIC PARKWAY (515) 222-3620
 WEST DES MOINES, IOWA 50265
 FAX NO. (515) 273-0802

PROJECT:	Fox Creek Trunk Sewer Extension Project No. 0510-005-2015		
LOCATION:	Wendover Lane - South of I-80 to Ashworth Road		
DRAWN BY:	JMS	DATE:	1/12/15
		SHT.	1 OF 1

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM:

Resolution - Accepting Work
2015 Sewer Cleaning & Televising Program
Sewer Services, Inc.

FINANCIAL IMPACT:

The total construction cost for the 2015 Sewer Cleaning & Televising Program was \$78,992.33 which was paid from budgeted Account No. 5097.80.820.6.7910. The original cost of the project was \$81,536.96. There was one (1) Change Order on the project that totaled (\$2,544.63).

BACKGROUND:

Sewer Services, Inc. was working under an agreement dated April 6, 2015, for construction services for the 2015 Sewer Cleaning & Televising Program. This project was part of the ongoing maintenance program to clean and televise sanitary sewer lines at various locations throughout the City of West Des Moines' sanitary sewer system.

This action accepts the public improvements and authorizes staff to pay the retainage no sooner than 30 days.

OUTSTANDING ISSUES:

None.

RECOMMENDATION:

City Council Adopt:

- Resolution Accepting Work

Lead Staff Member: Duane C. Wittstock, P.E., L.S., City Engineer

STAFF REVIEWS

Department Director	Duane C. Wittstock, P.E., L.S., City Engineer <i>DW</i>
Appropriations/Finance	Tim Stiles, Finance Director <i>TS</i>
Legal	Richard Scieszinski, City Attorney <i>JSW</i>
Agenda Acceptance	<i>JSW</i>

PUBLICATION(S) (if applicable)		SUBCOMMITTEE REVIEW (if applicable)		
Published In		Committee	Public Works	
Dates(s) Published		Date Reviewed	April 11, 2016	
		Recommendation	Yes	No
				Split

Resolution Accepting Work

WHEREAS, on April 6, 2015, the City Council entered into a contract with Sewer Services, Inc. of Belle Plaine, Minnesota, for the following described public improvement:

**2015 Sewer Cleaning & Televising Program
0510-012-2015**

And,

WHEREAS, said contractor has substantially completed the construction of said improvement in accordance with plans and specifications as shown by the report of the City Engineer filed with the City Clerk on April 18, 2016.

WHEREAS, the City has retained 5% of the construction costs,

Therefore

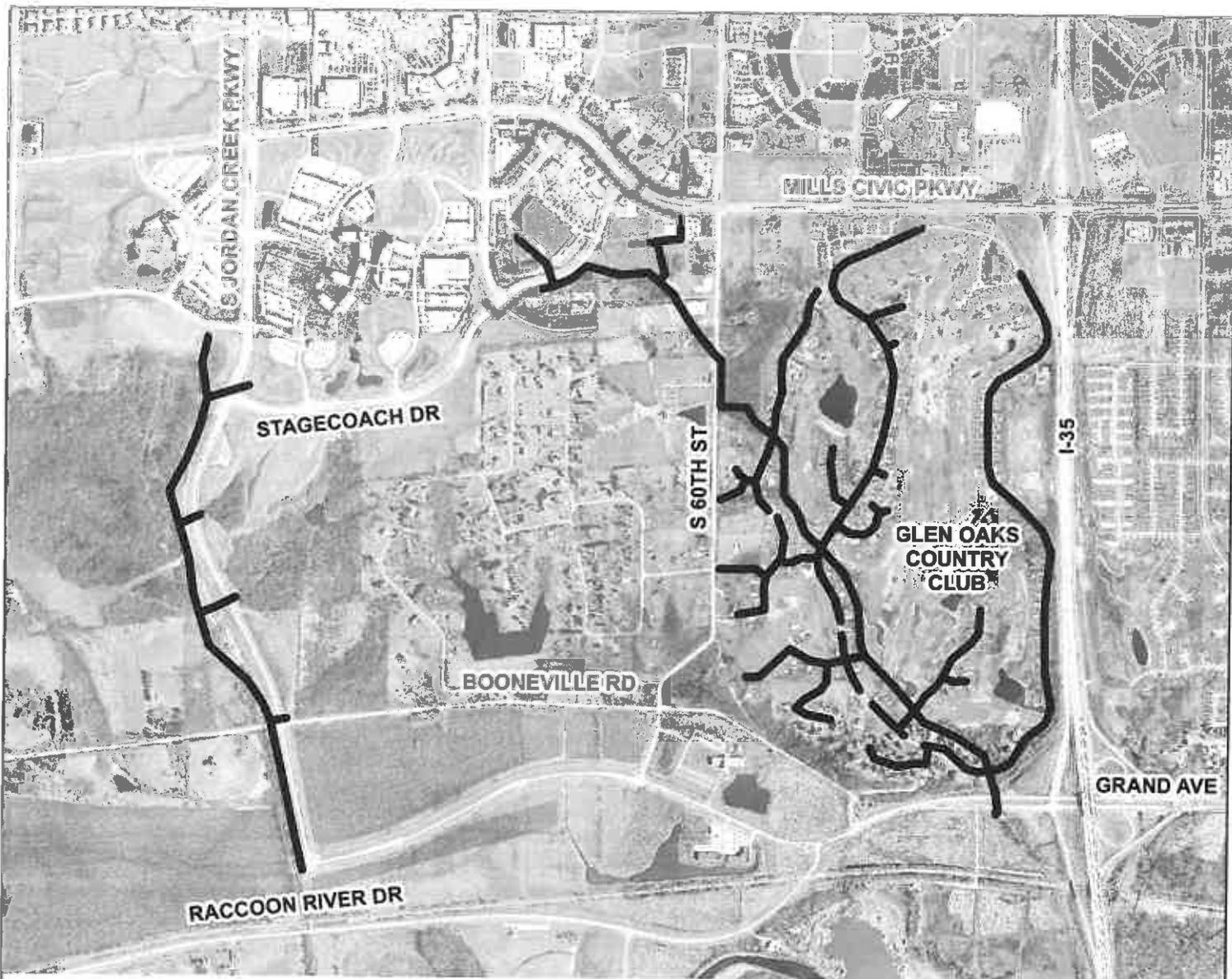
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, that said report of the City Engineer is hereby approved and said public improvement is accepted as having been substantially completed in accordance with plans and specifications and the total final construction cost of said improvement is \$78,992.33 as shown in said report, and that the Finance Director is hereby authorized to make payment to the Contractor in the amount of \$3,330.37, which includes retainage for the project, no sooner than 30 days subject to the Contractor satisfying all the conditions of the contract.

PASSED AND APPROVED this 18th day of April, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk



VICINITY MAP



LEGEND

———— SEWERS TO BE
CLEANED & TELEVISED



**CITY OF WEST DES MOINES
ENGINEERING SERVICES**
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IOWA 50265
PHONE: (515) 222-3620
FAX: (515) 273-0602

PROJECT: **2015 SEWER CLEANING & TELEVISIONING PROGRAM**

PROJECT NO. - **0510-012-2015**

LOCATION: **VARIOUS LOCATIONS**

DRAWN BY: JMS

DATE: 03/23/2015

SHT. 1 OF 1

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM: Resolution – Accept Work – Ashworth Road Trail Extension – 58th Street to Prairie View Drive

FINANCIAL IMPACT: The total construction cost of this project is \$323,715.80. All costs of the project have been paid from the Ashworth Road Trail C.I.P. account (Account 6536.75.840.6.7910). Retainage will not be paid in less than 30 days.

BACKGROUND: Concrete Connection, LLC of West Des Moines, Iowa is working under an agreement dated July 27, 2015 for work related to the Ashworth Road Trail project. Work is substantially complete.

The project involved earthwork, utility adjustments, 6 inch reinforced concrete trail, existing pavement removal, driveway approach replacement, pedestrian ramps with detectable warning panels, and sodding.

The contract was split into two divisions. Division 1 included the primary portion of the trail, while Division 2 followed the installation of a sanitary sewer project along a section of trail located near 54th Street. In addition, at the same time this contractor also completed a portion of trail on the west end along the commercial area as part of a parkland dedication agreement for a development located in this area. The costs associated with this segment were paid directly by the developer. All three sections were substantially completed last fall.

OUTSTANDING ISSUES: None

RECOMMENDATION: That the City Council approve the Resolution.

Lead Staff Member: Sally Ortgies 

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes	No	Split

Resolution Accepting Work

WHEREAS, on July 27, 2015 the City Council entered into a contract with Concrete Connection, LLC of West Des Moines, Iowa for the following described public improvement:

Ashworth Road Trail Extension

and,

WHEREAS, said contractor has completed the construction of said improvement in accordance with plans and specifications as shown by the Council Communication filed with the City Clerk on April 18, 2016.

Therefore

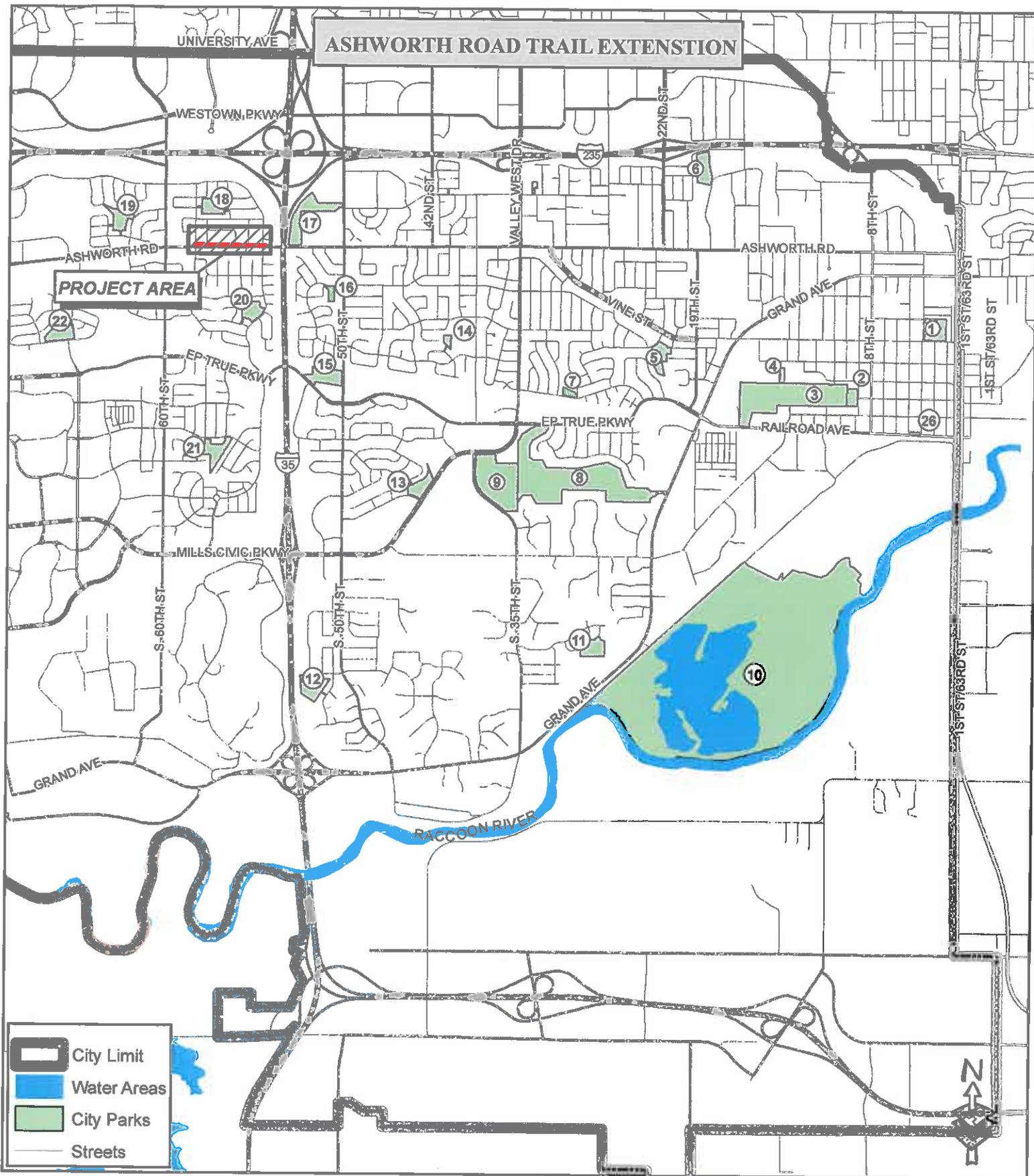
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, that said report of the Superintendent of Parks be approved and said public improvement is accepted as having been completed in accordance with plans and specifications and the total final construction cost of said improvement is \$323,715.80 as shown in said report.

PASSED AND APPROVED, this 18th day of April, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan Jacobson, City Clerk



- | | | | |
|---------------------|---------------------------|-------------------------|-------------------------|
| 1. Legion Park | 8. East Jordan Creek Park | 15. Jordan Creek Park | 22. Wild Rose Park |
| 2. Wilson Park | 9. Southwoods Park | 16. Knolls Park | 23. Brookview Park |
| 3. Holiday Park | 10. Raccoon River Park | 17. CrossRoads Park | 24. Valley View Park |
| 4. Florer Park | 11. Scenic Valley Park | 18. Jaycee Park | 25. Maple Grove Park |
| 5. Fairmeadows Park | 12. Quail Cove Park | 19. Peony Park | 26. Railroad Park |
| 6. Pearson Park | 13. Ashawa Park | 20. Meadowview Park | 27. Huston Ridge Park |
| 7. Kiwanis Park | 14. Western Hills Park | 21. Willow Springs Park | 28. Woodland Hills Park |



**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM: Renewal by Anderson, 515 Railroad Avenue - Approval and Acceptance of Sanitary Sewer Easement – Steffes Holdings LC– PC-002967-2016

Resolution: Approval and Acceptance of Sanitary Sewer Easement

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The Board of Adjustment approved a warehouse/office building for Renewal by Andersen, 515 Railroad Avenue, at their meeting on April 6, 2016. As part of the approval of the permitted conditional use permit, a sanitary sewer easement was required to be executed for the sanitary sewer adjacent to their site.

Exhibit II is a copy of the agreement. For policy purposes, formal acceptance by the City Council of a these agreements is required.

CITY COUNCIL SUBCOMMITTEE: Acceptance of this document by Council is a required formality; this item was not presented to the Development and Planning City Council Subcommittee.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Adopt a resolution approving and accepting the Sanitary Sewer easement granted to the City as part of the approval of a permitted conditional use permit for the construction of a warehouse/office at 515 Railroad Avenue.

Lead Staff Member: Kara V. Tragesser, AICP *Vanna*

STAFF REVIEWS

Department Director	<i>JK</i>	<i>JS</i>
Appropriations/Finance		
Legal		
Agenda Acceptance	<i>(M)</i>	

PUBLICATION(S) (if applicable)

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

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Resolution
- Exhibit II - Agreement

Prepared by: KTragesser Development Services, City of WDM, PO Box 65320, WDM, 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

RESOLUTION

A RESOLUTION APPROVING AND ACCEPTING SANITARY SEWER EASEMENT RELATED TO A PERMITTED CONDITION USE PERMIT GRANTED TO RENESWAL BY ANDERSON FOR A WAREHOUSE/OFFICE BUILDING TO BE LOCATED AT 515 RAILROAD AVENUE

WHEREAS, it is the policy of the City of West Des Moines, Iowa to approve and accept all easement and agreements conveying property and other interests to the City; and

WHEREAS, the following document has been presented to the City for approval and acceptance; and

Sanitary Sewer Easement

WHEREAS, it is in the best interest of the citizens of the City to approve and accept the above-described document.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT the document(s) described above conveying property and other interests to the City of West Des Moines, Iowa, are hereby approved and accepted and shall be filed with the county recorder as appropriate.

PASSED AND ADOPTED this 18th day of April 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

Prepared by: KTragesser Development Services, PO Box 65320, West Des Moines, 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

SANITARY SEWER EASEMENT(S)

KNOW TO ALL MEN BY THESE PRESENTS:

1. **Grant of Easement(s).**

The undersigned, Steffes Holdings, L.L.C., (hereinafter referred to as the "Grantor(s)"), owner(s) and/or developer(s) of Lots 11, 12, 13, and 14 in Block Five in Valley Junction, an official plat in and forming a part of the City of West Des Moines, Polk County, Iowa, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, grant, and convey to the City of West Des Moines, Iowa, a municipal Corporation (hereinafter referred to as "the City"), a permanent and perpetual easement (hereinafter referred to as "Sanitary Sewer Easement" or "Easement(s)") and right-of-way upon, over, under, through and across the real property, legally described as:

The East 6.00 feet of Lots 11, 12, 13, and 14 in Block 5, Valley Junction, an Official Plat now included in and forming a part of the City of West Des Moines, Polk County, Iowa.

Said tract of land contains 1,110 square feet fore or less.

2. **Use and Purpose of Easement(s).**

This Easement shall be granted for the purpose of locating sanitary sewer(s) (hereinafter referred to as "Sewer(s)") and to permit and allow the city to enter at any time upon, over, under, through, and across into said Easement(s) herein described to use as much of the surface and sub-surface thereof to construct, replace, locate, rebuild, enlarge, reconstruct, patrol, repair (including the right to place and build additional Sewer(s) therein or to connect and/or join Sewer(s) and appurtenances thereto) and to forever maintain Sewer(s) whenever necessary within the Easement(s) granted herein. No structure or building of any kind whatsoever shall be erected upon property that is the subject of this Easement without the express written consent of the City.

3. **Maintenance.**

After the initial construction of the Sewer(s), and acceptance by the City, the City agrees, as part of the reconstruction, maintenance and patrolling of the Sewer(s), to restore and replace the Easement area(s) to substantially the same condition as prior to the time of entry or as agreed upon by the City and the Grantor(s), except the City shall not be required to replace landscaping, trees, shrubs, bushes, landscape elements, structures, or underground water systems nor shall the City be required to restore the Easement area by reason of settlement, depression, or any unknown conditions which arise subsequent to the restoration and/or replacing of the easement area; any subsequent restoration by reason of settlement, depression or any unknown conditions shall be the sole responsibility of the Grantor(s) at the Grantor(s)' sole expense.

4. Hold Harmless.

The Grantor(s) agrees to indemnify and hold harmless the City, its elected officials, employees, officers, agents, representatives, contractors, and attorneys from and against any and all claims or demands for liability, loss, damage, costs, expenses, or attorney's fees of any kind for actions or omissions of the Grantor(s) arising out of or in connection with any undertaking arising out of or otherwise related to this Easement.

5. Running of Benefits and Burdens.

The terms and conditions of this Easement are binding upon the Grantor including, but not limited to, future owners, developers, lessees or occupants. All provisions of this instrument, including benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

6. Jurisdiction and Venue.

The City and the Grantor(s) agree the District Court of the State of Iowa shall have exclusive jurisdiction over the subject matter and enforcement of the terms and conditions of this Easement and said parties consent to the jurisdiction of the person being in Polk County, Iowa.

7. Words and Phrases.

Words and phrases shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to context.

8. Parties.

The term "City" as used herein shall refer to the City of West Des Moines, Iowa, its elected officials, agents, employees, officers, and contractors. The term "Grantor(s)" shall refer to Steffes Holdings, L.L.C. their heirs, assigns, successors-in-interest, or lessees, if any.

9. Attorney's Fees.

Either party may enforce this instrument by appropriate action, and should they prevail in such litigation they shall recover as part of their costs the reasonable attorney's fees incurred in such litigation.

10. Integration.

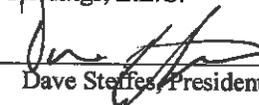
This Agreement shall constitute the entire Agreement between the parties and no amendments or additions to this Agreement shall be binding unless in writing and signed by both parties.

11. Paragraph Headings.

The paragraph headings in this Agreement are included solely for convenience and shall not affect or be used in connection with the interpretation of this Agreement.

Dated this day of , 2016.

Steffes Holdings, L.L.C.

By:  _____
Dave Steffes, President

STATE OF IOWA)

COUNTY OF Polk)

)SS

On this 13 day of April, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Dave Steffes, to me personally known, who being by me duly sworn, did say that he is President of Steffes Holdings, L.L.C., executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act..



William G. Finnegan
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA

Steven K. Gaer, Mayor

Attest:

Ryan Jacobson, City Clerk

STATE OF IOWA)
)SS
COUNTY OF POLK)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Steven K. Gaer and Ryan Jacobson, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk of the City of West Des Moines, Iowa, a municipal corporation, executing the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed of the City of West Des Moines, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM: Imani Family Church, 815 8th Street - Approval and Acceptance of Irrevocable Offer of Dedication and Storm Water Management Facility Maintenance Agreement – Imani Family Church and West Des Moines Community School District – PC-002911-2015

Resolution: **Approval and Acceptance of Irrevocable Offer of Dedication and Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement**

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The Board of Adjustment approved a permitted conditional use permit for Imani Family Church to be located at 815 8th Street on April 6, 2016 (PC-002911-2015). As part of the approval of the permitted conditional use permit an Irrevocable Offer of Right-of-Way Dedication of fifteen (15) additional feet of public street right-of-way to meet Comprehensive Plan standards and a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement for the maintenance of an existing storm water management facility to be maintained by the Imani Church and the adjacent West Des Moines Community School District were required to be executed.

Exhibit II is a copy of the agreements. For policy purposes, formal acceptance by the City Council of a these agreements is required.

CITY COUNCIL SUBCOMMITTEE: Acceptance of these documents by Council is a required formality; this item was not presented to the Development and Planning City Council Subcommittee.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Adopt a resolution approving and accepting the Irrevocable Offer of Dedication for right-of-way along 8th Street and a Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement, granted to the City as part of the approval of a permitted conditional use permit for the use of the existing building for a religious facility at 815 8th Street.

Lead Staff Member: Brian S. Portz, AICP *BP*

STAFF REVIEWS

Department Director	<i>UK</i>
Appropriations/Finance	<i>JK</i>
Legal	<i>JBW</i>
Agenda Acceptance	<i>m</i>

PUBLICATION(S) (if applicable)

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

SUBCOMMITTEE REVIEW (if applicable)

Committee	None		
Date Reviewed			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Resolution
- Exhibit II - Agreements

Prepared by: B. Portz Development Services, City of WDM, PO Box 65320, WDM, 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

RESOLUTION

A RESOLUTION APPROVING AND ACCEPTING AN IRREVOCABLE OFFER OF DEDICATION OF RIGHT-OF-WAY AND A STORM WATER MANAGEMENT FACILITY MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT RELATED TO A PERMITTED CONDITIONAL USE PERMIT GRANTED TO 815 8th STREET FOR THE USE OF THE EXISTING BUILDING FOR A RELIGIOUS FACILITY

WHEREAS, it is the policy of the City of West Des Moines, Iowa to approve and accept all easement and agreements conveying property and other interests to the City; and

WHEREAS, the following documents have been presented to the City for approval and acceptance;

Storm Water Management Facility Maintenance Covenant and Permanent
Easement Agreement and Irrevocable Offer of Dedication of right-of-way for that
property locally known as 1238 8th Street and legally described as:

LOT 32, EXCEPT THE WEST 2 FEET AND EXCEPT THE EAST 195 FEET, WEST DES MOINES HEIGHTS AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

AND

THE NORTH 49.92 FEET OF THE EAST 337.15 FEET OF THE WEST 339.15 FEET OF LOT 33, WEST DES MOINES HEIGHTS, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

WHEREAS, it is in the best interest of the citizens of the City to approve and accept the above-described documents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT the document(s) described above conveying property and other interests to the City of West Des Moines, Iowa, are hereby approved and accepted and shall be filed with the county recorder as appropriate.

PASSED AND ADOPTED this 18th day of April, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

EXHIBIT II

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

IRREVOCABLE OFFER OF DEDICATION

THIS AGREEMENT, made this 4th day of March, 2016, by and between HEARTLAND CHURCH and IMANI FAMILY CHURCH, hereinafter called "Owner," and the City of West Des Moines, Iowa, hereinafter called "City."

WHEREAS, the Owner has submitted the Permitted Conditional Use Permit, Imani Family Church, for review and approval by the City for the property located at 815 8th Street in West Des Moines, Iowa, and legally described herein below, and;

Lot 32 in WEST DES MOINES HEIGHTS, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa, (Except street and Except the East 140 feet thereof) and (Except the West 2 feet and the East 5 feet thereof conveyed to the City of West Des Moines)

AND

The North 42.92 feet of the East 337.15 feet of the West 339.15 feet of Lot 33 in WEST DES MOINES HEIGHTS, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa.

Locally known as: 815 – 8th Street, West Des Moines IA

WHEREAS, in order to provide their full half of the 100 feet of total right-of-way that may be necessary for this portion of 8th Street, the Owner will need to deed to the City an additional 15 feet right-of-way adjacent to the existing east right-of-way line that is currently located 35 feet from the centerline of 8th Street, and;

WHEREAS, the Owner agrees to dedicate the 15 feet of right-of-way adjacent to Imani Family Church, without cost to the City when the City requests said dedication, and;

WHEREAS, the City Council of the City of West Des Moines as part of the Permitted Conditional Use Permit approval, grants to the Owner a deferment of the dedication of the required 15 feet of additional right-of-way along 8th Street until such time as the City requests said right-of-way, and;

WHEREAS, the City has approved the Permitted Conditional Use Permit for Imani Family Church, project number PC-002911-2015, on the 16th day of December, 2015 subject to the conditions contained herein.

NOW THEREFORE, FOR THE MUTUAL COVENANTS herein contained each to the other, the parties agree as follows:

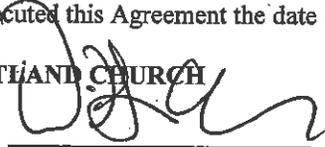
1. The Owner certifies ownership of certain real property legally described above. Said real property was the

subject of a Permitted Conditional Use Permit for Imani Family Church on the 6th day of April, 2016.

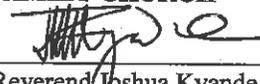
2. The Owner, its heirs, successors in interest or assigns, agree to irrevocably dedicate to the City when requested by the City and at no cost to the City, by deed, fifteen (15) additional feet of permanent and perpetual street right-of-way along the current right-of-way line of 8th Street adjacent to the Owner's property,
3. Approval of the Permitted Conditional Use Permit for the real property described above is conditioned upon the future dedication of right-of-way as described herein and at such time as requested by the City.
4. This Agreement cannot be assigned by the Owner without the express written consent of the City Council of the City of West Des Moines, Iowa. This consent shall not be unreasonably withheld.
5. The Parties agree that this Agreement will be recorded in the Office of the Recorder of Polk County, Iowa.
6. The term "Owner" as used herein shall include Owner's heirs, successors-in-interest and assigns.
7. The City and the Owner agree that the District Court in and for Polk County, State of Iowa, shall have exclusive jurisdiction over the subject matter of this Agreement, and said parties consent to the jurisdiction of the person being in Polk County, Iowa.
8. This Agreement made herein shall survive any sale or transfer of ownership to the property. It is the intent of the parties, in the event of any receivership, insolvency, bankruptcy, assignment for the benefit of creditors, reorganization or arrangement with creditors, whether or not pursuant to bankruptcy laws, sale of all or substantially all the assets and liabilities of the Owner, will cause the transfer of this dedicated easement area to the city which shall be made forthwith, without cost to the City.
9. Words and phrases herein shall be construed as in the single or plural number and as masculine, feminine, or neutral gender, according to the context.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement the date set forth above.

HEARTHAND CHURCH

By: 
Name: Pastor David L. Olson
Its: Senior Pastor

IMANI FAMILY CHURCH

By: 
Name: Reverend Joshua Kyande
Its: Founder

CITY OF WEST DES MOINES, IOWA

By: _____
Steven K. Gaer, Mayor

(City Seal)

Attest: _____
Ryan T. Jacobson, City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 4th day of March, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Pastor David L. Olson, to me personally known, who being by me duly sworn, did say that he is Senior Pastor of **HEARTLAND CHURCH** executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Church, by it and by him voluntarily executed.



[Signature]
Notary Public in and for said State

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 4th day of March, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Reverend Joshua Kyande, to me personally known, who being by me duly sworn, did say that he is Founder of **IMANI FAMILY CHURCH** executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Church, by it and by him voluntarily executed.



[Signature]
Notary Public in and for said State

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Steven K. Gaer and Ryan T. Jacobson, to me known to be the Mayor and City Clerk, respectively, of the City of West Des Moines, Iowa; that the seal affixed is the corporate seal of the City, and that the instrument was signed and sealed on behalf of the City, by authority of its City Council as contained in the resolution passed on the _____ day of _____, 2015, by the City Council of the City of West Des Moines, Iowa, and that the Mayor and the City Clerk acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

Notary Public in and for the State of Iowa

Prepared by: Richard J. Scieszinski, City Attorney for the City of West Des Moines, (515) 222-3614
Return to: City Clerk, City of West Des Moines, 4200 Mills Civic Parkway, West Des Moines, IA 50265

Project Name: Imani Family Church
Project File #: PC-002911-2015

**IMANI FAMILY CHURCH STORM WATER MANAGEMENT FACILITY
MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT**

THIS STORM WATER MANAGEMENT FACILITY MAINTENANCE COVENANT AND PERMANENT EASEMENT AGREEMENT is entered into between **Heartland Church, Imani Family Church, and West Des Moines Community School District** (hereinafter referred to as "Grantor or Grantors") and the **City of West Des Moines, Iowa** (hereinafter referred to as "City"), in consideration for the approval by the City of West Des Moines, Iowa of the Permitted Conditional Use Permit. (Whenever the term "Grantor(s)" is used herein, it shall mean "Grantors and Grantor's successors and assigns" unless otherwise specifically denoted).

Grantors are obligated by the Municipal Code of the City of West Des Moines to control storm water runoff for the proposed development. In consideration for the City's approval of the Heartland Church and Imani Family Church Permitted Conditional Use Permit, the parties enter into this Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement to control and address storm water runoff for the following described property:

West Des Moines Community School District

Lots 10 & 11 of Murrowdale, an Official Plat included in and forming a part of the City of West Des Moines, Iowa, Polk County, Iowa; and Lot 33 (except the North 42.92 feet of the East 337.15 feet of the West 339.15 feet thereof), Lot 9, Lot 10, The South 16.0' of Lot 11, and the South 150.0' of Lot 12, of West Des Moines Heights, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; the West 3.0' of Lots 5 & 6 of Sternagel Place, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; and the vacated portion of Sixth Street shown as parts of Lots C and D as described in the Deed Without Warranty from the City of West Des Moines, Iowa, to the West Des Moines Community School District recorded on June 27, 2003, in Book 9938, Page 624 of the Polk County Recorder.

Heartland Church (Legal Title Holder) Imani Family Church (Equitable Title Holder)

Lot 32 in WEST DES MOINES HEIGHTS, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa, (Except street and Except the East 140 feet thereof) and (Except the West 2 feet and the East 5 feet thereof conveyed to the City of West Des Moines)
AND

The North 42.92 feet of the East 337.15 feet of the West 339.15 feet of Lot 33 in WEST DES MOINES HEIGHTS, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa

(hereinafter referred to as the "Benefited Property").

PART I – COVENANTS ON THE BENEFITED PROPERTY

The following provisions are covenants running with the land to the City of West Des Moines, binding on all successors and assigns of the Benefited Property and shall only be amended or released with the written permission of the City.

1. Grantors hereby agree that the storm water runoff for the subdivision/site shall be controlled through installation, construction and maintenance of a Storm Water Management Facility as detailed in the documents submitted for the site development permit upon, over, under, through and across the following described property:

Lot 9, Lot 10, The South 16.0' of Lot 11, and the South 150.0' of Lot 12, of West Des Moines Heights, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; and the vacated portion of Sixth Street shown as parts of Lots C and D as described in the Deed Without Warranty from the City of West Des Moines, Iowa, to the West Des Moines Community School District recorded on June 27, 2003, in Book 9938, Page 624 of the Polk County Recorder

(hereinafter referred to as the "Easement Area").

2. Grantor covenants and agrees that the design, construction and maintenance of the Storm Water Management Facility shall be in compliance with the Storm Water Management Plan now on file with the City of West Des Moines and which is available for public inspection. The design, construction and maintenance of the Storm Water Management Facility shall meet the storm water runoff control requirements of the Municipal Code of the City of West Des Moines, Iowa.
3. It is hereby agreed and covenanted that the above described Benefited Property receives benefit from the Storm Water Management Facility by controlling runoff from the Benefited Property to meet the requirements of the Post-Construction Storm Water Management Ordinance of the Municipal Code of the City of West Des Moines, Iowa and the Subdivision Design requirements of Section 10-3-1 or succeeding legislation of the Municipal Code of the City of West Des Moines, Iowa.
4. It is hereby agreed that Grantor is solely responsible for constructing, installing and ensuring that the Storm Water Management Facility meets the standard set forth in the Post-Construction Storm Water Ordinance and Section 10-3-1 of the Municipal Code of the City of West Des Moines, Iowa.
5. Grantors hereby designate, appoints and agree on behalf of Grantors and all successors and assigns that: (a) the Grantor West Des Moines Community School District ("School District") is responsible for the repair, grading and maintenance of the Storm Water Management Facility; and (b) the Grantors and any other property owner whose property becomes a Benefited Party shall be responsible for the costs of the replacement and reconstruction of the Storm Water Management Facility, if needed, based upon each separate Grantor's pro-rata share of such costs using the square foot percentage of each Grantor's property in relation to the cumulative square footage of property benefited by the Easement Area. In the event of any assessment by the City of West Des Moines under the Agreement and Waiver (Exhibit "A"), each separate Grantor's pro-rata share of such assessment shall be the square foot percentage of such Grantor's property in relation to the cumulative square footage of property benefited by the Easement Area.
6. Grantors hereby covenant and agree that Grantor School District is hereby designated and authorized to accept notices and service of process as it relates to the inspection, replacement, reconstruction, repair, grading and

maintenance of the Storm Water Management Facility or permanent easement or notice of assessment for replacement, reconstruction, repair, grading and maintenance of the Storm Water Management Facility.

7. In accordance with Paragraph 5 above, Grantor(s) shall be responsible for all maintenance, repair and replacement of the Storm Water Management Facility, including obligations set forth in Part II, paragraph 12. In accordance with Paragraph 5 above, Grantor(s) shall comply with all terms of the Easement set forth in Part II herein.
8. Grantor School District shall inspect the Storm Water Management Facility on an annual basis, including but not limited to all pipes, inlets and outlets for defects, obstructions or changes in the Storm Water Management Facility from the original design of the Facility. The inspection shall be documented with date stamped photographs of the Storm Water Management Facility. Grantor School District shall document such inspection by completing the Inspection Report Form available from the City of West Des Moines Public Works Department. Any deficiencies or defects noted by the inspection shall be corrected by Grantor(s) in accordance with Paragraph 5 above. The Inspection photographs and Inspection Report Form shall be made available to the City for review upon request and shall be kept and maintained for a period of 5 years from the date of inspection.
9. Grantor hereby agrees and consents on behalf of itself and all successors and assigns of the Benefited Property to assessment of the costs of maintaining, reconstructing, repairing, grading or dredging the Easement Area and Storm Water Management Facility on all Benefited Property established by the Grantor pursuant to the obligations set forth in paragraph 10, below. Grantor, on behalf of itself and all successors and assigns of the Benefited Property, shall execute a Petition and Waiver in favor of the City to allow the City to recover any costs expended for action taken as set forth in paragraph 10, below, to address the maintenance, reconstruction, repair, grading or dredging of the Storm Water Management Facility or Easement Area.
10. Should Grantor fail to maintain, reconstruct, repair, grade or dredge the Storm Water Management Facility or the Easement Area upon notice from the City, the City may cause such action to be done and assessed to the Benefited Properties pursuant to the following formula:

The pro-rata share shall be the square foot percentage of each separate Grantor's property in relation to the cumulative square footage of property affected by the easement as identified in the legal description above.

The assessments on the Benefited Property shall be immediately due and payable from Grantor to the City pursuant to the terms of the Agreement and Waiver (see Exhibit A, attached hereto and made a part hereof).

PART II – Easement for Storm Water Management Facility and Surface Water Flowage

The following provisions in Part II herein are for a permanent easement over the Easement Area running with the land to the City of West Des Moines and Grantor.

11. Grantor hereby grants to the City a Permanent Surface Water Flowage Easement and Storm Water Management Facility under, over, through and across the Easement Area described above for the purpose of constructing, reconstructing, repairing, grading and maintaining the Storm Water Management Facility and the surface of the Easement Area in a manner that will permit the free and unobstructed flow of surface water over the Easement Area described above.
12. It is the obligation of the Grantor and all subsequent owners of the above described Easement Area to maintain the Easement Area and the Storm Water Management Facility as set forth below in accordance with Paragraph 5 above. The Grantor and all subsequent owners of the Easement Area shall perform the maintenance obligations set forth below in accordance with Paragraph 5 above. The maintenance obligations for the Storm Water Management Facility are as follows:

Storm water detention and retention ponds or basins:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.

- b. Remove all trash, litter, debris or obstructions in the basin in the Easement Area and any inlets or outlets located within the Easement Area.
- c. Plant, maintain and replant as necessary permitted vegetation.
- d. Inspect for any defects, obstructions, or any changes in the original design.
- e. Inspect and determine the depth of the pond or basin on an annual basis.
- f. Remove any accumulated sediment from the outlet structures and remove any sediment which may accumulate greater than 12 inches in ponds or basins and greater than 6 inches in an underground detention basin.
- g. Till the soil at the bottom of the riparian buffer if it does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
- h. All repairs shall conform to the original design.
- i. Maintaining the storm water and retention pond or basin to assure the effectiveness for storm water runoff for the subdivision/site.

Grass and Bioretention Swales:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
- b. Remove all trash, litter, debris or obstructions in the grass or bioretention swale and Easement Area.
- c. No chemicals or substances shall be applied to the Easement Area that shall harm or impair the effectiveness of the swale as a storm water runoff control measure.
- d. Replant vegetation as soon as practical when any vegetation dies.
- e. Inspect and determine the depth of the swale on an annual basis.
- f. Remove any sediment accumulated greater than 6 inches which may accumulate in the swale.
- g. Till the soil at the bottom of the swale if the grass swale does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
- h. All repairs shall conform to the original design.
- i. Maintain the grass and/or bioretention swale to assure the effectiveness for storm water runoff for the subdivision/site.

Riparian Buffer, if any:

- a. Mow on a regular basis to maintain the vegetation at the height designated on the original design to prevent erosion.
 - b. Replant the vegetation in the Easement Area as soon as practical when any vegetation dies.
 - c. Remove all trash, litter, debris or obstructions in the Easement Area.
 - d. Inspect for erosion in the riparian buffer on an annual basis.
 - e. Inspect and determine the depth of the riparian buffer on an annual basis.
 - f. Remove any sediment accumulated greater than 25% of the original design depth.
 - g. Till the soil at the bottom of the riparian buffer if it does not drain out within the time established in the design plan and replant vegetation as designated on the original design.
 - h. All repairs shall conform to the original design.
 - i. Maintain the riparian buffer to assure the effectiveness for storm water runoff for the subdivision/site.
13. No chemicals or any substance shall be applied to the storm water maintenance facility that shall harm or impair the effectiveness of the storm water maintenance facility as a storm water runoff control measure.
 14. No structure shall be erected over or within the Easement Area without obtaining the prior written approval of the City Engineer.
 15. No structure, material, device, thing or matter which could possibly obstruct or impede the normal flow of surface water over the Easement Area shall be erected or caused to be placed on the Easement Area without obtaining the prior written approval of the City Engineer.
 16. No planting of trees and shrubs is allowed within the Easement Area (other than planting allowed and required pursuant to the original Storm Water Management Control Plan on file with the City of West Des Moines).
 17. No change shall be made to the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.

18. The City and their agents, contractors, employees and assigns shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described, including, but not limited to, the right to remove any unauthorized plantings or structures placed or erected on the Easement Area and the right to do maintenance, repair, reconstruction, grading and dredging.
19. Grantor School District covenants on behalf of its Benefited Property that the Easement Area or any other area appurtenant to or necessary for the operation of the Storm Water Management Facility shall not be sold, transferred, donated or in any other manner conveyed in order to relieve the Grantor from complying with the requirements of this Agreement.
20. This Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement and Petition and Waiver shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Signed this 11 day of April, 2016.

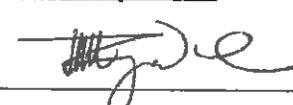
Grantor: West Des Moines Community School District

By: 
 Name: Vicky Poole
 Title: Board President

Grantor: Heartland Church

By: 
 Name: Pastor David L. Olson
 Title: Senior Pastor

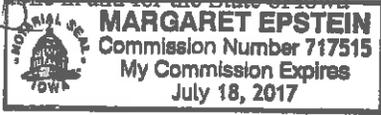
Grantor: Imani Family Church

By: 
 Name: Reverend Joshua Kyande
 Title: Founder

STATE OF IOWA)
)SS
 COUNTY OF POLK)

On this 11 day of April, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Vicky Poole, to me personally known, who being by me duly sworn, did say that she is President of School Board for West Des Moines Community Schools,

executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the West Des Moines Community School District, by it and by him voluntarily executed.

Margaret Epstein
Notary Public in and for the State of Iowa


STATE OF IOWA)
)SS
COUNTY OF POLK)

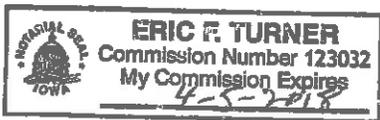
On this 4th day of March, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Pastor David L. Olson, to me personally known, who being by me duly sworn, did say that he is Senior Pastor for Heartland Church, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Church, by it and by him voluntarily executed.



Eric F. Turner
Notary Public in and for the State of Iowa

STATE OF IOWA)
)SS
COUNTY OF POLK)

On this 4th day of March, 2016, before me, the undersigned, a Notary Public in and for said County and State personally appeared Reverend Joshua Kyande, to me personally known, who being by me duly sworn, did say that he is Founder for Imani Family Church, executing the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed of the Church, by it and by him voluntarily executed.



Eric F. Turner
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA

I, Ryan T. Jacobson, City Clerk of the City of West Des Moines, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of West Des Moines by Resolution and Roll Call No. _____, passed on the _____ day of _____, 2016, and this certificate is made pursuant to authority contained in said Resolution.

Signed this _____ day of _____, 2016.

Ryan T. Jacobson
City Clerk

EXHIBIT A

**AGREEMENT AND WAIVER
POST CONSTRUCTION STORM WATER MANAGEMENT**

THIS AGREEMENT made and entered into by and between the City of West Des Moines, Iowa, hereinafter referenced the CITY, and Heartland Church, Imani Family Church and West Des Moines Community School District, hereinafter referenced the PROPERTY OWNERS.

WITNESSETH:

WHEREAS, the City desires to encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, consistent with its Comprehensive Plan, adopted in December 1993, as amended, and in accordance with Iowa Code Chapter 354, Platting, Division and Subdivision of Land; and

WHEREAS, pursuant to U.S. EPA's National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR"), the City is required to obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4); and

WHEREAS, as a condition of the City's MS4 Permit, the City is obliged to develop, implement, and enforce a program to address storm water runoff from new construction and reconstruction projects for which State NPDES General Permit #2 storm water permit coverage is required; and

WHEREAS, the Property Owner, as the developer and/or owner of a construction or reconstruction project in the City of West Des Moines, is subject to the program implemented by the City to address storm water runoff from the project; and

WHEREAS, in order to comply with the program implemented by the City, the Property Owner has executed an Offsite Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement (hereinafter "Agreement") with the City to address the rights and obligations of the parties regarding control of post-construction storm water runoff from the project; and

WHEREAS, a provision of the Agreement requires the Property Owner to execute this Agreement and Waiver in favor of the City to allow the City to recover any costs expended for action taken by the City, its consultants, contractors and assigns to address the maintenance, reconstruction, repair, grading or dredging of the Storm Water Management Facility or Easement Area if the Property Owner or the Property Owner's successors and assigns fail to do so; and

WHEREAS, this Agreement and Waiver is made in conjunction with the Offsite Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement located on:

West Des Moines Community School District

Lots 10 & 11 of Murrowdale, an Official Plat included in and forming a part of the City of West Des Moines, Iowa, Polk County, Iowa; and Lot 33 (except the North 42.92 feet of the East 337.15 feet of the West 339.15 feet thereof), Lot 9, Lot 10, The South 16.0' of Lot 11, and the South 150.0' of Lot 12, of West Des Moines Heights, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; the West 3.0' of Lots 5 & 6 of Sternagel Place, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; and the vacated portion of Sixth Street shown as Lots C and D as described in the Deed Without Warranty from the City of West Des Moines, Iowa, to the West Des Moines Community School District recorded on June 27, 2003, in Book 9938, Page 624 of the Polk County Recorder.

Heartland Church (Legal Titleholder) and Imani Family Church (Equitable Titleholder)

Lot 32 in WEST DES MOINES HEIGHTS, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa, (Except street and Except the East 140 feet thereof) and (Except the West 2 feet and the East 5 feet thereof conveyed to the City of West Des Moines)

AND

The North 42.92 feet of the East 337.15 feet of the West 339.15 feet of Lot 33 in WEST DES MOINES HEIGHTS, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa

and applies to the property described as:

Lot 9, Lot 10, The South 16.0' of Lot 11, and the South 150.0' of Lot 12, of West Des Moines Heights, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; and the vacated portion of Sixth Street shown as parts of Lots C and D as described in the Deed Without Warranty from the City of West Des Moines, Iowa, to the West Des Moines Community School District recorded on June 27, 2003, in Book 9938, Page 624 of the Polk County Recorder.

NOW, THEREFORE, BE IT AGREED AMONG THE PARTIES AS FOLLOWS:

1. In the event the Property Owner or its successors and assigns fail to comply with the requirements of the Offsite Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement regarding any action necessary for the maintenance, reconstruction, repair, grading or dredging of the Storm Water Management Facility or Easement Area, the City shall have the right to cause the above-described actions completed in accordance with such plans and specifications as it shall deem appropriate.
2. For the purpose of this Agreement, the City may elect to enter into a contract for the completion of such actions as a part of any contract(s) and assess the cost of such actions to the Property Owner or its successors and assigns pursuant to the formula established in the Offsite Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement.
3. In consideration for the completion of such actions by the City, the undersigned Property Owners hereby WAIVE the following:
 - A. All legal formalities of whatsoever kind or character required by the laws of Iowa to be observed by cities in the completion of said actions where the expense of such Improvements is to be assessed against private property; and
 - B. Each and every question of jurisdiction, the intention of the Property Owners being to authorize and direct said City to complete such actions without requiring any of the formalities or legal proceedings required of cities by the statutes of Iowa; and
 - C. Any limitation of the amount of said assessment as a percentage of valuation as provided in the Code of Iowa; and
 - D. Any right to defer or postpone the payment for any such action.
4. It is further agreed that:
 - A. When said actions have been constructed or completed in accordance with the plans and specifications, the City may make assessments against the properties of the undersigned Property Owners, or their successors or assigns, for their pro-rata share of the entire cost of the construction and/or completion of said actions.
 - B. Said assessments shall be due immediately and will be paid to the City of West Des Moines and shall constitute a lien upon the properties hereinafter described. Further, each of the undersigned Property Owners hereby agree to accept responsibility for the assessment which is thus assessed against the Owner's property.

- C. Said assessments shall have the same legal force and effect as if all the legal formalities provided by law in such cases had been fully and faithfully performed and observed.
5. The amount and proportion of the cost of the actions completed by the City to be paid shall be ascertained and determined by the Engineers and reported to the City Council, which shall make such changes or alterations as they may require. When said costs are determined and approved by the City Council, they shall constitute the assessments against the properties.
 6. The Property Owners retain the right to request of the City a review of the mathematical calculations made to ensure their accuracy.
 7. Property Owners hereby authorize the City Council to pass any Resolution requisite or necessary to order and secure said actions, to provide for the construction of the same and to make the assessments herein provided for, without further notice to said Property Owners or any of them. Any such Resolution may contain recitals that said actions are ordered or made by the Council without petition of Property Owners, without in any way qualifying this Agreement or releasing the Property Owners from their obligation to pay the assessments levied against their property for the cost of said action.
 8. Each lienholder designated below, by execution of this Agreement and Waiver, consent to the subordination of its lien to the lien of the assessment levied pursuant hereto.
 9. Each Property Owner further agrees that the terms of this Agreement and Waiver shall become a covenant which runs with the land of the below-referenced property, and shall be binding upon all successors and assigns. Furthermore, each Property Owner shall give a copy of this Agreement and Waiver to all successors and assigns.
 10. The signatories and the City agree this document will be recorded in the office of the appropriate county recorder to ensure that any and all future purchasers of property are put on notice of the above conditions.

Description of Property: West Des Moines Community School District

Lots 10 & 11 of Murrowdale, an Official Plat included in and forming a part of the City of West Des Moines, Iowa, Polk County, Iowa; and Lot 33 (except the North 42.92 feet of the East 337.15 feet of the West 339.15 feet thereof), Lot 9, Lot 10, The South 16.0' of Lot 11, and the South 150.0' of Lot 12, of West Des Moines Heights, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; the West 3.0' of Lots 5 & 6 of Sternagel Place, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa; and the vacated portion of Sixth Street shown as Lots C and D as described in the Deed Without Warranty from the City of West Des Moines, Iowa, to the West Des Moines Community School District recorded on June 27, 2003, in Book 9938, Page 624 of the Polk County Recorder.

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AND

The North 42.92 feet of the East 337.15 feet of the West 339.15 feet of Lot 33 in WEST DES MOINES HEIGHTS, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa

PROPERTY OWNER NAME: West Des Moines Community School District

By [Signature]

Name Wicky Poole Title PRESIDENT Board of Education

Date APR 1 2016

Witness [Signature]

Name Elaine Watkins-Miller

PROPERTY OWNER NAME: Heartland Church

By [Signature]

Name Pastor David L. Olson Title Senior Pastor

Date March 4, 2016

Witness [Signature]

Name ERIC F. TURNER

PROPERTY OWNER NAME: Imani Family Church

By [Signature]

Name Reverend Joshua Kyande Title Founder

Date March 4, 2016

Witness [Signature]

Name ERIC F. TURNER

LIENHOLDER'S NAME: U.S. Bank

By [Signature]

Name ROB BAKKER

Title VICE PRESIDENT

Date 3/9/16

Witness [Signature]

Name ERIC F. TURNER

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM: Resolution - Approval and Acceptance of Purchase Agreement and Deed for the Walnut Creek Outfall Storm Sewer Improvements Project, Project Number 0510-009-2013

FINANCIAL IMPACT: \$276,000.00 (previously budgeted)

BACKGROUND: Property interests necessary for the Walnut Creek Outfall Storm Sewer Improvements Project have been acquired through a negotiated Purchase Agreement at the appraised fair market value from the owners shown on Exhibit "A." This property currently houses the Grand Avenue Veterinarian Clinic, 108 Grand Avenue. The building will eventually be demolished in order to allow for the installation of a storm sewer to serve the Val-Gate area. Representatives of the veterinarian clinic have requested to continue to lease the property from the City until demolition. Any subsequent lease by the City to the clinic will be presented to the City Council for approval. Costs associated with acquisition of the property interests and easements will be paid from Account No. 5533.80.820.6.7930.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

Adopt Resolution approving and accepting the Purchase Agreement and Deed for the Walnut Creek Outfall Storm Sewer Improvements Project.

Lead Staff Member: Duane Wittstock, Engineer

STAFF REVIEWS

Department Director	Richard J. Scieszinski, City Attorney
Appropriations/Finance	<i>[Signature]</i>
Legal	<i>[Signature]</i>
Agenda Acceptance	<i>[Signature]</i>

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Finance & Adm. and Dev. Planning Joint Meeting		
Date Reviewed	August 27, 2015		
Recommendation	Yes		

RESOLUTION NO. _____

AUTHORIZING APPROVAL AND ACCEPTANCE OF PURCHASE AGREEMENTS AND DEEDS AND EASEMENTS FOR THE CONSTRUCTION OF THE WALNUT CREEK OUTFALL STORM SEWER IMPROVEMENTS PROJECT, PROJECT NUMBER 0510-009-2013

WHEREAS, on September 21, 2015, the City Council approved the acquisition of property, for the project; and

WHEREAS, it is the policy of the City of West Des Moines, Iowa, to approve the conveyance of all property interests to the City; and

WHEREAS, the City of West Des Moines has negotiated purchase agreements for the acquisition of property necessary for the Project; and

WHEREAS, documents conveying property interests necessary to complete the project have been presented to the City for approval; and

WHEREAS, the names of the property owners and the fair market value of the property to be acquired are attached hereto as Exhibit "A" and made a part of this resolution; and

WHEREAS, it is in the best interest of the citizens of the City to approve and accept the above-described documents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA THAT:

1. The documents described above conveying property interests to the City of West Des Moines, Iowa, are hereby approved and accepted.
2. The City Clerk is directed to certify the Council's approval and acceptance.
3. The City Attorney is authorized to take all steps necessary and consistent with the Purchase Agreements to acquire the property interests.
4. The documents shall be filed with the county recorder as appropriate.
5. The Director of Finance is authorized to make payment to the property owners shown on the attached Exhibit "A" pursuant to the terms and conditions of the Purchase Agreements.

PASSED AND ADOPTED this 18th day of April, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

Exhibit "A"

**WALNUT CREEK OUTFALL STORM SEWER IMPROVEMENTS
WDM PROJECT NO. 0510-009-2013**

<u>PARCEL #</u>	<u>PROPERTY OWNER</u>	<u>CONDEMNATION AWARD/ ACQUIRED PRICE-FMV</u>	
320/02942 -000-000	Lisa Abelson, Christopher J. Patterson, Anne Tait tenants in common and Trew Rickers and Tyler Rickers Co-Trustees of the Joanne Patterson Family Trust 108 Grand Avenue	\$276,000.00	*total acquisition
	TOTAL	\$276,000.00	

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

Date: April 18, 2016

ITEM: Fox Valley, Generally the area south of SE Adams Street and west of SE Orilla Road – Amend Comprehensive Plan Land Use Map to change approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family Residential (SF) and designate the same 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and the same 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation - Charles I. & Ruth Colby National Development Trust - ZC-002969-2016/CPA 004026-2016

RESOLUTION: Approval of Comprehensive Plan Amendment
ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Charles I. & Ruth Colby National Development Trust, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning for property located in the area south of SE Adams Street and west of SE Orilla Road. The applicant is requesting to change approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family Residential (SF).

Upon changing the Comprehensive Plan Land Use designations on the property, the applicant is then requesting to designate the same 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and the same 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation.

Plan and Zoning Commission Action:

Vote: 6-0 approval, with Commissioner Brown absent

Date: April 11, 2016

Motions: Adopt a resolution recommending the City Council approve the request to amend the City's Comprehensive Plan Land Use Map and adopt a resolution recommending the City Council approve the Rezoning Request

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 - *Development & Planning: March 21, 2016*
- Staff Review and Comment
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Property Owner/Applicant/Applicant Representative 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 approval of the Comprehensive Plan Land Use Map amendment for approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family

Residential (SF); and approve the rezoning request to amend the Zoning Map to designate the same 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and the same 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP **BP**

Staff Reviews:

Department Director	US
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	MA

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section
Date(s) Published	April 1, 2016
Letter sent to surrounding property owners	March 29, 2016

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	March 21, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission Communication
 - Attachment A - Resolution – Approval of the Comprehensive Plan Amendment
 - Attachment B - Resolution – Approval of the Rezoning
 - Exhibit A - Conditions of Approval
 - Attachment C - Location Map
 - Attachment D - Current Zoning Map
 - Attachment E - Comprehensive Plan Map
 - Attachment F - Comprehensive Plan Land Use Map Amendment Sketch
 - Attachment G - Rezoning Sketch
- Exhibit II - Council Resolution – Approval of Comprehensive Plan Amendment
- Exhibit III - Ordinance for Rezoning

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: April 11, 2016

Item: Fox Valley, Generally the area south of SE Adams Street and west of SE Orilla Road – Amend Comprehensive Plan Land Use Map to change approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family Residential (SF) and designate the same 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and the same 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation - Charles I. & Ruth Colby National Development Trust - ZC-002969-2016/CPA 004026-2016

Requested Action: Approval of Comprehensive Plan Land Use Map Amendment and Rezoning

Case Advisor: Brian S. Portz, AICP 

Applicant's Request: The applicant, Charles I. & Ruth Colby National Development Trust, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning for property located in the area south of SE Adams Street and west of SE Orilla Road. The applicant is requesting to change approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family Residential (SF).

Upon changing the Comprehensive Plan Land Use designations on the property, the applicant is then requesting to designate the same 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and the same 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation.

History: The property was annexed into the City as a part of the Orilla Road annexation. The property has not been previously platted.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on March 21, 2016. Councilmembers had no comments and expressed no disagreement with the proposal.

Staff Review and Comment: This request was distributed to various City departments and outside agencies for their review and comment. There are no outstanding issues.

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: This request was originally scheduled for the March 28, 2016, Plan & Zoning Commission meeting and April 4, 2016 City Council meeting. The original notice was published in the Des Moines Register on March 18, 2016 and notice of the public hearings was mailed to surrounding property owners on March 15, 2016. It was discovered that the original public notice had incorrect information regarding the proposed zoning changes. The public hearing on this item scheduled for the March 28th Plan & Zoning Commission meeting was continued until April 11, 2016 to allow for a re-notice of the request.

On April 1, 2016, notice for the April 11, 2016, Plan and Zoning Commission and April 18, 2016, City Council Public Hearings on this project was re-published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on March 29, 2016.

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, Staff recommends the Plan and Zoning Commission adopt a resolution to approve the Comprehensive Plan Land Use Map amendment for approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family Residential (SF); and approve the rezoning request to amend the Zoning Map to designate the same 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and the same 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) consistent with the Comprehensive Plan Land Use designation, subject to the applicant meeting all City Code requirements.

Property Owner/Applicant: Charles I. & Ruth Colby National Development Trust
6581 University Avenue
Windsor Heights, IA 50311
Attn: Theresa Greenfield
theresa@colbyinterests.com

Applicant's Representatives: Civil Engineering Consultants
2400 86th Street, Suite 12
Des Moines, IA 50322
Attn: Ed Arp
arp@ceclac.com

ATTACHMENTS:

Attachment A	-	Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
Attachment B	-	Plan and Zoning Commission Resolution – Rezoning
Exhibit A	-	Conditions of Approval
Attachment C	-	Location Map
Attachment D	-	Current Zoning Map
Attachment E	-	Comprehensive Plan Map
Attachment F	-	Comprehensive Plan Land Use Map Amendment Sketch
Attachment G	-	Rezoning Sketch

RESOLUTION NO. PZC-16-020

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 COMPREHENSIVE PLAN LAND USE MAP FOR 1.2 ACRES FROM SINGLE FAMILY RESIDENTIAL (SF) TO MEDIUM DENSITY RESIDENTIAL (MD) AND 10.3 ACRES FROM MEDIUM DENSITY RESIDENTIAL (MD) TO SINGLE FAMILY RESIDENTIAL (SF)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Charles I. & Ruth Colby National Development Trust, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003026-2016) to change the land use designation of approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family Residential (SF) and located within the area legally described as:

Legal Description

PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ SECTION OF 4-77-25 IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN 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 April 11, 2016, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-003026-2016);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

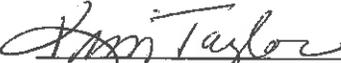
SECTION 1. The request for a change in the land use designation from Single Family Residential (SF) to Medium Density Residential (MD) for approximately 1.2 acres and Medium Density Residential (MD) to Single Family Residential (SF) for approximately 10.3 acres in the area south of SE Adams Street and west of SE Orilla Road, is recommended to the City Council for approval.

PASSED AND ADOPTED on April 11, 2016.



Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

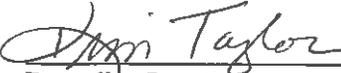


Ann Taylor
Recording Secretary

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 April 11, 2016, by the following vote:

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

ATTEST:



Ann Taylor
Recording Secretary

RESOLUTION NO. PZC-16-021

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 (ZC-002969-2016) FOR THE PURPOSE OF CONSISTENCY ZONING 11.5 ACRES OF PROPERTY LOCATED GENERALLY IN THE AREA SOUTH OF SE ADAMS STREET AND WEST OF SE ORILLA ROAD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Charles I. & Ruth Colby National Development Trust, has requested approval of a Rezoning Request for that property located in the area south of SE Adams Street and west of SE Orilla Road to amend the Zoning Map and designate 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning;

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 April 11, 2016, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-002969-2016);

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 April 11, 2016, or as amended orally at the Plan and Zoning Commission hearing of April 11, 2016, are adopted.

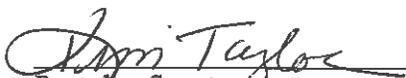
SECTION 2. REZONING REQUEST (ZC-002969-2016) to designate 1.2 acres from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and 10.3 acres from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated April 11, 2016, 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 April 11, 2016.



Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:



Ann Taylor
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 April 11, 2016, by the following vote:

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

ATTEST:

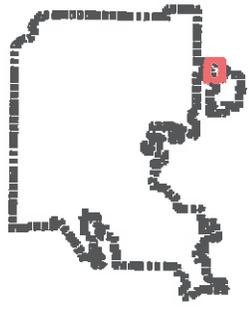
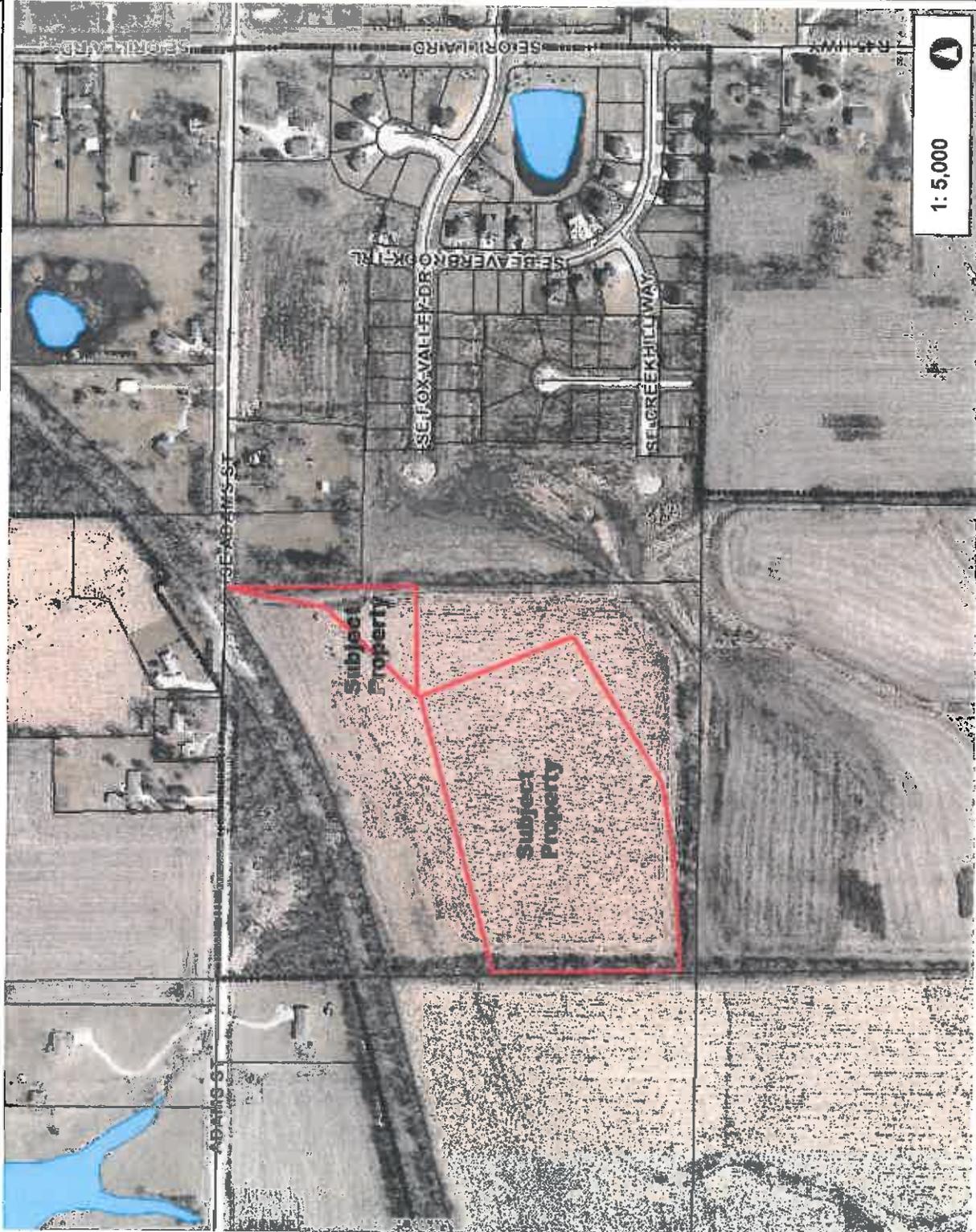


Ann Taylor
Recording Secretary

EXHIBIT A
Conditions of Approval

No Conditions of Approval

Location Map



- Legend**
- Parcels
 - Parks
 - Greenways

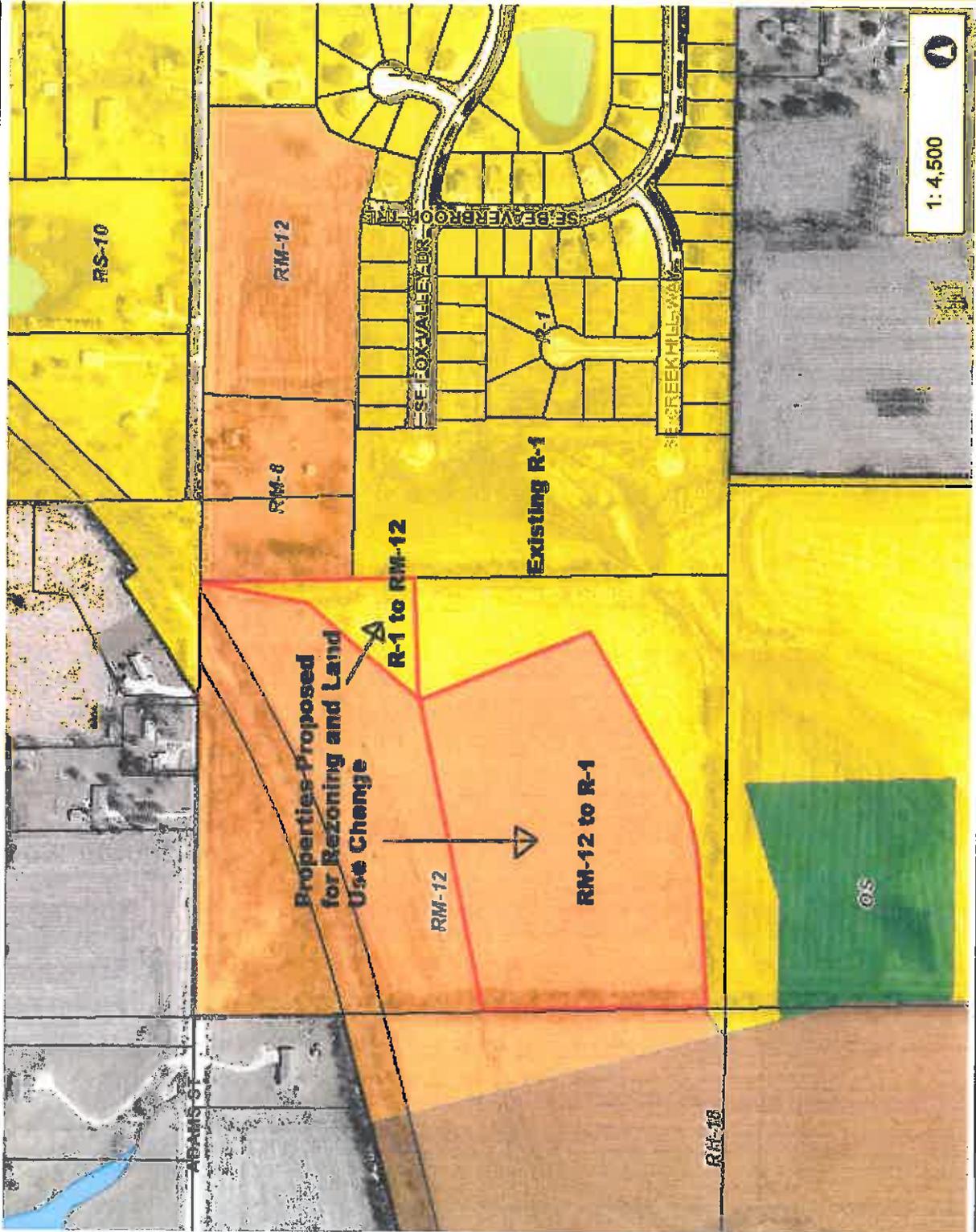
1: 5,000



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

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
 © City of West Des Moines, Iowa

Zoning Map



1 : 4,500



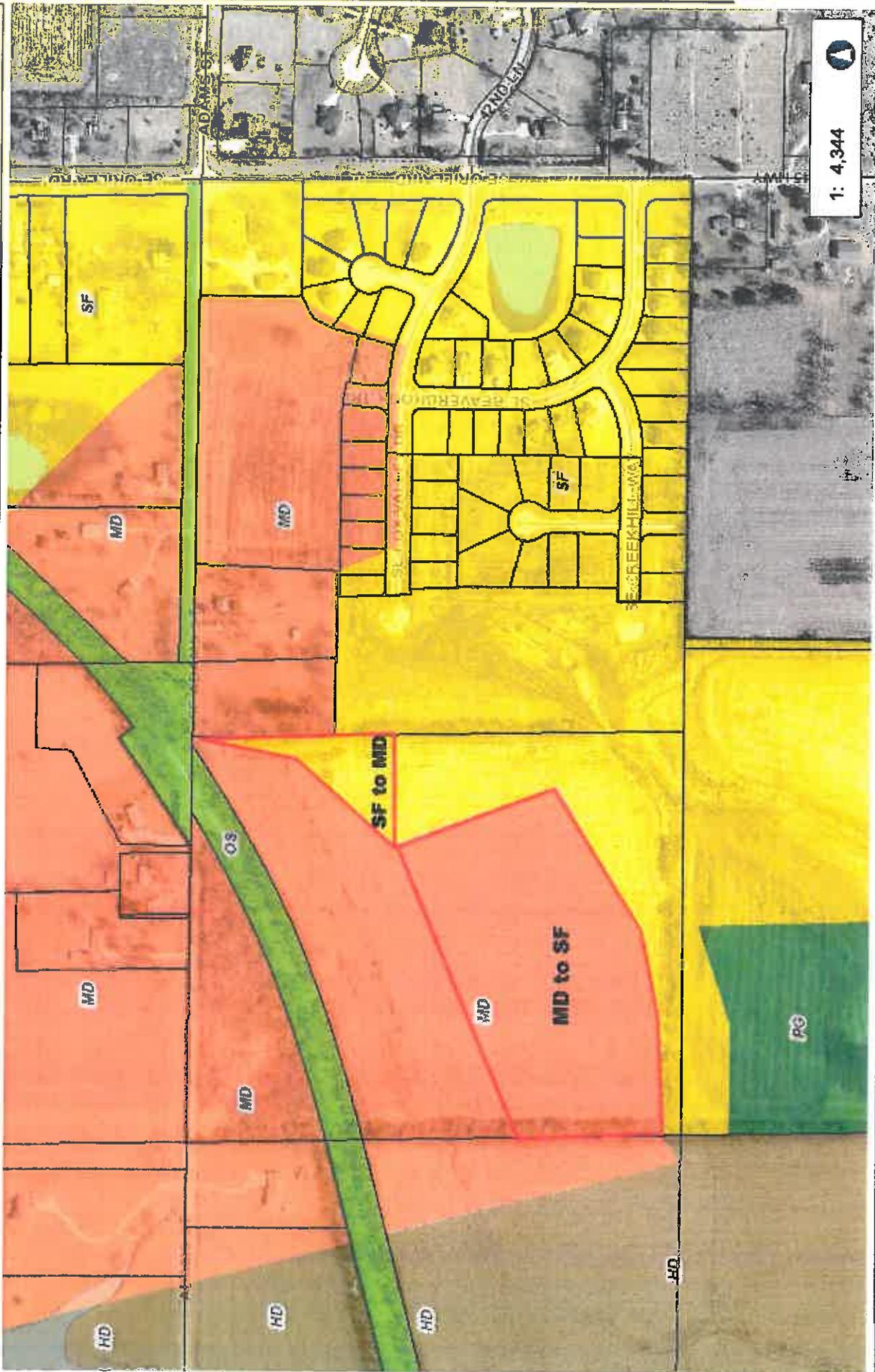
Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Parcels
- Zoning Area Labels
- Town Center Overlay District
- Zoning Conditional Zones
- Zoning PUD Boundaries
- Zoning**
- Unzoned
- Open Space/Agricultural (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Resider
- Single-Family - Valley Junction Res
- Manufactured Housing (MH)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (V)
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce Park (PCP)
- Warehouse Retail (WR)
- Business Park (BP)
- Valley Junction Light Industrial (VJI)
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space



Comprehensive Plan Amendment



1: 4,344

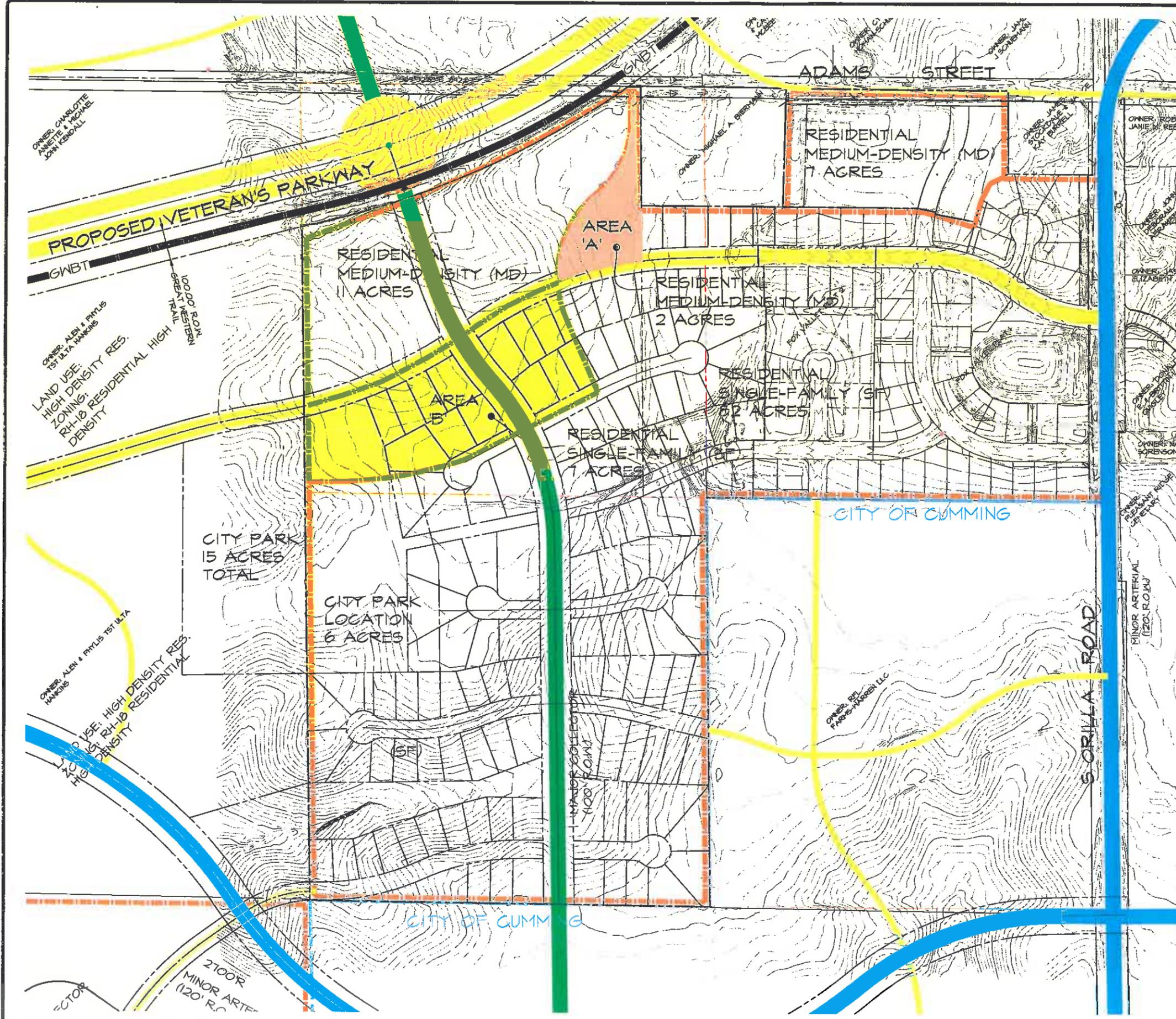


723.9 0 361.97 723.9 Feet

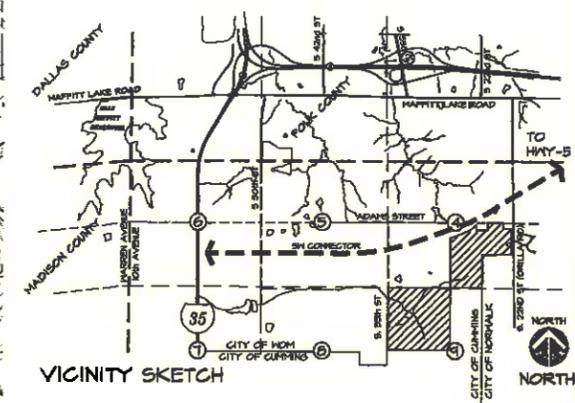
NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa

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



OWNER/DEVELOPER
 CHARLES I. COLBY & RUTH COLBY NATIONAL
 DEVELOPMENT TRUST
 6581 UNIVERSITY AVE.
 HINDSKOR HEIGHTS, IOWA 50311



COMPREHENSIVE PLAN
 EXISTING: MEDIUM DENSITY RESIDENTIAL (MD)
 SINGLE FAMILY RESIDENTIAL (SF)

DATE	REVISIONS	COMMENTS
01-15-16	1	02-15-2016
	2	05-11-2016
	3	05-28-2016
	4	
	5	
	6	

LEGAL DESCRIPTION

PART OF N 1/2 SE 1/4 SECTION 4-71-25 AND THE SW 1/4 SE 1/4 SECTION 4-71-25 AND THE NW 1/4 SECTION 4-71-25 ALL IN AND PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA.

BENCHMARK

CITY OF WEST DES MOINES NETWORK POINT #10
 1" REBAR ENGAGED IN A 6" DIA. X 48" MINIMUM DEPTH CONCRETE CYLINDER WITH A 1-1/2" DIA. ALUMINUM CAP AFFIXED TO THE TOP OF THE REBAR.
 CITY OF WEST DES MOINES DATUM = 158.91
 1985 DATUM = 464.98

IOWA SOUTH ZONE (1402)
 HORIZ. DATUM: NAD83(85RS2007)
 VERT. DATUM: NAVD 1985
 US SURVEY FEET
 NORTHING: 551021.64
 EASTING: 1276443.14
 ORTHOMETRIC HEIGHT: 164.98
 ELLIPSOID HEIGHT: 867.755FT 660104
 LATITUDE: 41°50'43.82500"
 LONGITUDE: 93°43'34.33360"
 MAPPING ANGLE: -0°0'10"
 COMBINATION SCALE FACTOR: 0.999421643

LEGEND

	MAJOR ARTERIAL (120' R.O.W)
	MAJOR COLLECTOR (100' R.O.W)
	MINOR ARTERIAL (120' R.O.W)
	MINOR COLLECTOR (100' R.O.W)
	GWBT
	GREAT WESTERN BIKE TRAIL
	MASTER PLAN AREA
	CORPORATE LIMITS
	INTERSECTION MODE

NOTES

1. AREA NORTH OF ADAMS STREET WILL BE SERVED BY A FUTURE SANITARY SEWER FROM THE NORTH.
2. PHASING SHALL COMMENCE FROM THE NORTHEAST CORNER AND PROCEED TO THE SOUTHWEST.

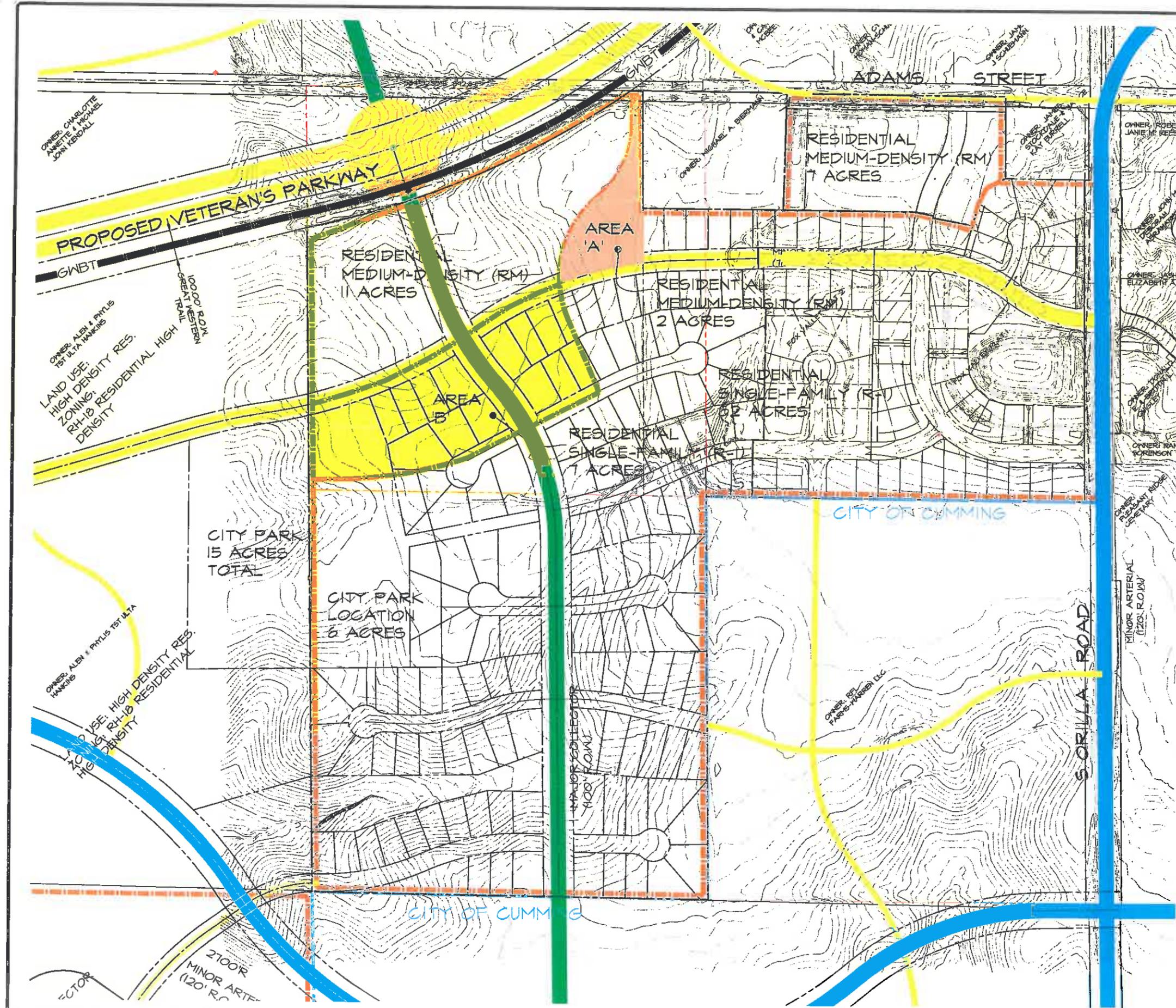


Civil Engineering Consultants, Inc.
 2400 86th Street, Unit 12, Des Moines, Iowa, 50322
 515.276.4884 · Fax: 515.276.7084 · mail@cecinc.com

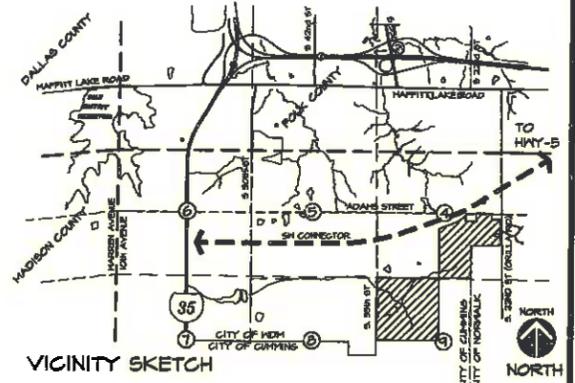
CEC

FOX VALLEY
 WEST DES MOINES, IOWA
 COMPREHENSIVE PLAN AMENDMENT

SHEET 1 OF 1
 A164B



OWNER/DEVELOPER
 CHARLES L. COLBY & RUTH COLBY NATIONAL
 DEVELOPMENT TRUST
 6501 UNIVERSITY AVE.
 WINDSOR HEIGHTS, IOWA 50311



COMPREHENSIVE PLAN
 EXISTING: MEDIUM DENSITY RESIDENTIAL (MD)
 SINGLE FAMILY RESIDENTIAL (SF)

ZONING

EXISTING	PROPOSED
AREA A = (R-1) RESIDENTIAL SINGLE FAMILY / (RM-12) RESIDENTIAL MEDIUM DENSITY (2 ACRES)	
AREA B = (RM-12) RESIDENTIAL MEDIUM DENSITY / (R-1) RESIDENTIAL SINGLE FAMILY (7 ACRES)	

LEGAL DESCRIPTION

PART OF N 1/2 SE 1/4 SECTION 4-77-25 AND THE SW 1/4 SE 1/4 SECTION 4-77-25 AND THE NW 1/4 SECTION 4-77-25 ALL IN AND PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA.

BENCHMARK

CITY OF WEST DES MOINES NETWORK POINT #10
 15 REBAR ENCASED IN A 6" DIA. X 48" MINIMUM DEPTH CONCRETE CYLINDER WITH A 1/2" DIA. ALUMINUM CAP AFFIXED TO THE TOP OF THE REBAR.
 CITY OF WEST DES MOINES DATUM = 145.91
 UGSS DATUM = 964.98

IOWA SOUTH ZONE (1402)
 HORIZ. DATUM: NAD83(NRS2007)
 VERT. DATUM: NAVD 83
 US SURVEY FEET

NORTHING: 551027.64
 EASTING: 1576443.14
 ORTHOMETRIC HEIGHT: 964.98
 ELLIPSOID HEIGHT: 967.795 FT GCS/D04
 LATITUDE: N41°30'43.85500"
 LONGITUDE: W89°43'54.33860"
 MAPPING ANGLE: -0°01'01"
 COMBINATION SCALE FACTOR: 0.999921643

LEGEND

- MAJOR ARTERIAL (120' ROW)
- MAJOR COLLECTOR (100' ROW)
- MINOR ARTERIAL (120' ROW)
- MINOR COLLECTOR (10' ROW)
- GHET
- GREAT WESTERN BIKE TRAIL
- MASTER PLAN AREA
- CORPORATE LIMITS
- INTERSECTION NODE

NOTES

1. AREA NORTH OF ADAMS STREET WILL BE SERVED BY A FUTURE SANITARY SEWER FROM THE NORTH.
2. PHASING SHALL COMMENCE FROM THE NORTHEAST CORNER AND PROCEED TO THE SOUTHWEST.



Civil Engineering Consultants, Inc.
 2400 86th Street - Unit 12 - Des Moines, Iowa 50322
 515.276.4884 - Fax: 515.276.7084 - mail@cecinc.com

CEC

DATE	REVISIONS	COMMENTS
01-15-16	1	02-18-2016
	2	03-11-2016
	3	03-28-2016
	4	
	5	
	6	

DATE OF SURVEY: 02/15/16
 DESIGNED BY: CEC
 DRAWN BY: CEC

FOX VALLEY
 WEST DES MOINES, IOWA
REZONING SKETCH

SHEET 1 OF 1
 A164B

EXHIBIT II

Prepared by: B. Portz, Development Services Dept., PO Box 65320 West Des Moines IA 50265-0320 (515) 273-0770
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 COMPREHENSIVE PLAN AMENDMENT (CPA-003026-2016) TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP FOR 1.2 ACRES FROM SINGLE FAMILY RESIDENTIAL (SF) TO MEDIUM DENSITY RESIDENTIAL (MD) AND 10.3 ACRES FROM MEDIUM DENSITY RESIDENTIAL (MD) TO SINGLE FAMILY RESIDENTIAL (SF)

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner, Charles I. & Ruth Colby National Development Trust, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003026-2016) to change the land use designation of approximately 1.2 acres from Single Family Residential (SF) to Medium Density Residential (MD) and 10.3 acres from Medium Density Residential (MD) to Single Family Residential (SF) and located within the area legally described as:

LEGAL DESCRIPTION

PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ SECTION OF 4-77-25 IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN 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 April 11, 2016, the Plan and Zoning Commission did recommend the City Council approve the Comprehensive Plan Amendment (CPA-003026-2016);

WHEREAS, on April 18, 2016, this City Council held a duly-noticed public hearing to consider the application for Comprehensive Plan Amendment (CPA-003026-2016);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION 1. The findings as stated in the staff report, dated April 18, 2016, or as amended orally at the City Council hearing of April 18, 2016, are adopted.

SECTION 2. The amendment of the Comprehensive Plan Land Use Map as described above is hereby adopted.

PASSED AND ADOPTED on April 18, 2016.

Steven K. Gaer, Mayor

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 April 18, 2016, by the following vote:

ATTEST:

Ryan T. Jacobson
City Clerk

EXHIBIT III

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

ORDINANCE NO.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9: ZONING, CHAPTER 4: ZONING DISTRICTS AND MAP

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

SECTION 1. AMENDMENT: The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by rezoning the portions of the following legally described property from Single Family Residential (R-1) to Medium Density Residential (RM-12) zoning and from Medium Density Residential (RM-12) to Single Family Residential (R-1) zoning in compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

Legal Description

PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ SECTION OF 4-77-25 IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA.

SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this 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 title 1, Chapter 4, Section 1 and Section 2 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 from and after its passage, approval, and publication as provided by law.

Approved and passed by the City Council on the _____ day of _____, 2016

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

I certify that he foregoing was published as Ordinance No. _____ on the _____ day of _____, 2016.

Ryan T. Jacobson
City Clerk

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

ITEM: Ordinance Amendment - Amend Title 4 (Health and Safety Regulations) and Title 9 (Zoning) to establish regulations pertaining to solar energy systems - City Initiated – AO-002916-2015 (Continued from March 7, 2016)

Date: April 18, 2016

Ordinance: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff requests an amendment to City Code, Title 4, Nuisances and Title 9, Zoning, to establish regulations pertaining to solar energy systems.

Plan and Zoning Commission Action:

Vote: 4-0 approval, Commissioners Andersen, Crowley, and Southworth absent

Date: March 28, 2016

Motion: Adopt a resolution recommending the City Council approve the ordinance amendment.

Staff notes that this item was considered by the Plan and Zoning Commission at their February 29 and March 14, 2016 meetings. During the February 29, 2016 public hearing for this item, several people provided comment on the proposed regulations for solar energy, all stating in some form that the proposed ordinance was too restrictive. With the volume of public comment received at the meeting and the intricacy of the proposed amendment, members of the Commission indicated that they would need additional time to fully consider the ordinance and the public comment. The Commission deferred action on the proposed ordinance to their March 14, 2016, meeting. To assist in the consideration of the ordinance, staff offered to provide a summary of the concerns expressed at the meeting (See Exhibit I Attachment D for summary provided to the Commission on March 7, 2016).

At the March 14, 2016 meeting, the Commission accepted additional comment from the public on this item even though the public hearing had been closed at the previous meeting. In general, the public was supportive of the proposed modifications noted in Exhibit I - Attachment D. The Commission requested Staff incorporate the modifications as discussed and then bring forward a revised ordinance for consideration at the March 28, 2016 Commission meeting.

At the March 28, 2016 meeting, the Commission recommended approval of the ordinance as revised based on the discussion at the March 14, 2016 meeting with the incorporation of revised language on solar access easements per a clarification memo responding to concerns from Commissioner Southworth forwarded prior to the March 28, 2016 meeting (see Exhibit II).

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
- City Council Subcommittee (*Development & Planning, November 5 and 19, 2015. January 11 and February 22, 2016*)
- Staff Review and Comments
 - *Building mounted systems*
 - *Ground mounted systems*
 - *Summary of February 29, 2016 Public Hearing*
 - *Revised Ordinance*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations

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 to establish regulations pertaining to solar energy systems, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Linda Schemmel, AIA 

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	<i>Des Moines Register</i>	
Date(s) Published	November 27, 2015	
Letter sent to surrounding property owners	N/A	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	11/5/2015, 11/19/2015, 1/11/2016, 2/22/2016		
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input checked="" type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Proposed Ordinance Amendment (*now Exhibit IV*)
- Attachment B - Visual Design Guidelines from February 29, 2016 staff report
- Attachment C - Comments from Residents from February 29, 2016 and March 14, 2016 meeting
- Attachment D - Summary of the February 29, 2016 meeting comments and possible modifications
- Attachment E - Images of the back side of systems – discussed at the March 14, 2016 meeting
- Attachment F - Additional comments received after the March 14, 2016 meeting
- Attachment G - Ordinance revision summary
- Exhibit II - Memo clarifying solar access easements
- Exhibit III - Public comment received after the March 28, 2016 Commission meeting
- Exhibit IV - Proposed Ordinance Amendment

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: March 28, 2016

Item: Ordinance Amendment - Amend Title 4 (Health and Safety Regulations) and Title 9 (Zoning) to establish regulations pertaining to solar energy systems - City Initiated – AO-002916-2015 (Continued from March 14, 2016)

Requested Action: Approval of an amendment to the City Code

Case Advisor: Linda Schemmel, AIA 

Applicant's Request: Staff requests an amendment to City Code, Title 4, Nuisances and Title 9, Zoning, to establish regulations pertaining to solar energy systems.

Previous Plan and Zoning Commission Action:
Vote: 5-0 approval, Commissioner Brown and Southworth absent
Date: February 29, 2016
Motion: Defer item to the March 14, 2016, Plan & Zoning Commission meeting

Vote: 5-0 approval, Commissioner Brown and Andersen absent
Date: March 14, 2016
Motion: Defer item to the March 28, 2016, Plan & Zoning Commission meeting

During the February 29, 2016 public hearing for this item, several people provided comment on the proposed regulations for solar energy, all stating in some form that the proposed ordinance is too restrictive. With the volume of public comment received at the meeting and the intricacy of the proposed amendment, members of the Plan & Zoning Commission indicated that they would need additional time to fully consider the ordinance and the public comment. The Commission deferred action on the proposed ordinance to the Commission's March 14, 2016, meeting. To assist in the consideration of the ordinance, staff offered to provide the Commission a summary of the concerns expressed at the meeting (See Attachment D for summary provided to the Commission on March 7, 2016).

At the March 14, 2016 meeting, The Commission did accept additional comment from the public on this item even though the public hearing had been closed at the previous meeting. In general the public was supportive of the proposed modifications noted in Attachment D. Staff was then able to step through the proposed modifications with the Commission and discussed their level of support for each modification. The Commission then requested Staff incorporate the modifications as discussed and then bring forward a revised ordinance for consideration at the March 28, 2016 Commission meeting.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee on the following meeting dates: November 5 and November 19, 2015, January 11, 2016, and February 22, 2016. The discussion in the two November 2015 meetings were responding to specific applications for solar energy systems (currently not allowed as City code does not address these systems). The result of these discussions was direction to Staff to initiate an ordinance amendment to establish regulations for these systems. Discussions at the meeting on January 11, 2016, included review of the draft ordinance which resulted in the Subcommittee recommending that the ordinance be part of a Council Workshop for further discussion and review. The Council workshop was held on February 8th. The follow up on the February 8, 2016 Council workshop was discussed at the February 22, 2016, subcommittee meeting.

Staff Review and Comment: There are no outstanding issues. Staff drafted the ordinance based on the approach and regulations already established for small wind energy conversion systems, with modifications as needed to respond to the specifics of solar energy systems, as well as incorporating research on how other jurisdictions regulate these systems and the input provided at the Development and Planning Subcommittee meetings and the City Council workshop. Modifications to respond to the direction of the Commission during their consideration of this item have been incorporated into the ordinance.

The proposed ordinance is intended to regulate photovoltaic and thermal solar energy systems that generate energy for use by just the property owner and covers both ground and building mounted systems. It does not address utility-scale systems. Systems will be regulated on height, size and location and will be required to meet all fire, electrical and building codes, and utility regulations. Potential nuisances such as glare, visual impact, lighting, signage as well as abandoned systems are addressed in the ordinance.

Staff would summarize the following key points of interest:

- ***Building mounted systems:*** **Staff recommendation:** Allowed in all zoning districts. **Rational:** To balance the desire for clean, renewable energy resources and the necessity to protect the general welfare of the community at large.

Requests for solar energy systems would be reviewed and approved via a building permit for single family residential and open space zoning districts and a site plan permit for all other districts. Mitigating visual impact as well as regulating the size and location of these system would be addressed by the following standards (*modified per discussions at the March 14, 2016 Commission meeting*):

- Size limited to roof surface area minus required access pathways and setbacks from the roof edge (one foot setback for every one foot in height measured from the roof surface).
 - Height limited to 18 inches above the roof surface for sloped roofs and 7 foot from the roof surface for flat roofs.
 - System can be installed only on the roof of the primary or an accessory structure (including trellises, carports, sheds and detached garages).
 - Systems that are visible from street or neighboring properties:
 - Panel arrangement shall take in account the proportion of the roof surface and place the panels in a consistent manner.
 - The color of the structure and equipment for flat roof installations shall be selected to be a similar color to the surrounding building materials to help mitigate their appearance.
- ***Ground mounted systems:*** **Staff recommendation:** Allowed in all zoning districts. **Rational:** To balance the desire for clean, renewable energy resources and the necessity to protect the general welfare of the community at large. Although roof mounted systems may be more adept at mitigating the visual impact of a system, implementation of roof mounted systems may not be an option because of roof orientation, shading, condition of the existing roofing, or insufficient structural capacity of the existing building.

Requests for solar energy systems would be reviewed and approved via a building permit for single family residential and open space zoning districts and a site plan permit for all other districts. Mitigating visual impact as well as regulating the size and location of these systems would be addressed by the following standards (*modified per discussions at the March 14, 2016 Commission meeting*):

- Size limited to the allowable area for accessory structures in single family residential or open space zoning districts, (10% of lot size with a maximum of 1000 square feet in RS, R-1, SF-VJ, and SF-CR districts) or a maximum of 15 kW capacity (approximately 1200 square feet of collector area) – whichever is more restrictive. This is maximum allowable for all accessory structures, including solar arrays, sheds, detached garages, etc. within a parcel.
- Size limited to the equivalent of 50% of primary structure footprint in the remaining districts.
- Height limited to a maximum of 10 feet above grade.
- Setback from the property line equal to the height of the system or the accessory structure setback – whichever is greater.

- Systems that are visible from the public street or adjacent properties (from grade level) will require screening of undesirable features of the system. These features can be screened with a screen wall or panels or landscaping. Images of the back side of solar energy systems to illustrate features that would be considered undesirable (as discussed on March 14th) are included as Attachment E.
- Summary of February 29, 2016 Public Hearing: On March 7, 2016, Staff forwarded to the Commission a summary of the concerns expressed at the meeting and where appropriate, included the reasoning behind the regulation noted and possible modifications to the regulation to assist in their consideration of the regulations. The summary is included as Attachment D.
- Revised Ordinance: To assist in the Commission's review of the ordinance, a summary of the revisions made to the document to incorporate the direction of the Commission at the March 14, 2016 meeting are included as a separate document (see Attachment G).

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 November 27, 2015, notice of the December 7, 2015, Plan and Zoning Commission and December 14, 2015, City Council public hearings for this project was published in the *Des Moines Register*. Staff notes that the public hearings for this item were continued to the February 29, 2016, March 14, 2016, and March 28, 2016 Plan and Zoning Commission and continued to the March 7, 2016 and April 18, 2016, City Council meetings.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

ATTACHMENTS:

- | | | |
|--------------|---|--|
| Attachment A | - | Plan and Zoning Commission Resolution |
| Exhibit A | - | Proposed Ordinance |
| Attachment B | - | Visual Design Guidelines from February 29, 2016 staff report |
| Attachment C | - | Comments from Residents from February 29, 2016 and March 14, 2016 meeting |
| Attachment D | - | Summary of the February 29, 2016 meeting comments and possible modifications |
| Attachment E | - | Images of the back side of systems – discussed at the March 14, 2016 meeting |
| Attachment F | - | Additional comments received after the March 14, 2016 meeting |
| Attachment G | - | Ordinance revision summary |

RESOLUTION NO. PZC-16-019

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 4: HEALTH AND SAFETY REQUIREMENTS, CHAPTER 4: NUISANCES, SECTION 2: NUISANCES DECLARED AND TITLE 9: ZONING, CHAPTER 10: PERFORMANCE STANDARDS, SECTION 4: SPECIFIC USE REGULATIONS, AND CHAPTER 14: ACCESSORY STRUCTURES, SECTION 11: FENCES AND WALLS AND SECTION 14: VARIANCES TO ESTABLISH REGULATIONS PERTAINING TO SOLAR ENERGY SYSTEMS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff has requested an amendment to Title 4 (*Health and Safety Regulations*), Chapter 4, (*Nuisances*), Section 2 (*Nuisances Declared*) and Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Performance Standards*) and, Chapter 14 (*Accessory Structures*), Section 11 (*Fences and Walls*), and Section 14 (*Variances*) to establish regulations pertaining to solar energy systems.

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 29, 2016, March 14, 2016 and March 28, 2016, this Commission held a duly-noticed public hearing to consider the application for an amendment to City Code;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

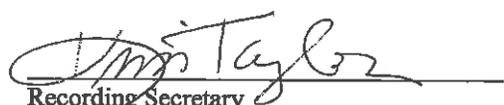
SECTION 1. The findings, for approval, in the staff report, dated March 28, 2016, or as amended orally at the Plan and Zoning Commission hearing of March 28, 2016, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-002916-2015) is recommended to the City Council for approval, as attached or as amended in Exhibit A.

PASSED AND ADOPTED on March 28, 2016.


 Craig Erickson, Chair
 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 March 28, 2016 by the following vote:

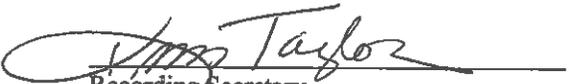
AYES: Brown, Costa, Erickson, Hatfield

NAYS: -0-

ABSTENTIONS: -0-

ABSENT: Andersen, Crowley, Southworth

ATTEST:


 Recording Secretary

Proposed Guidelines – Solar Energy Systems

General Guidelines

Building mounted systems can only be mounted on the roof surface of a structure.



Building Integrated Systems are allowed - Building Integrated means the collector component maintains a uniform profile or surface with the building's vertical walls, window openings or roofing and the appearance of the collector components is consistent with the surrounding materials.



Solar Energy Systems are limited to producing energy solely for use by the owner on site. Utility scale systems are not allowed.



Proposed Guidelines – Solar Energy Systems

Building Mounted – Slope Roof (Residential and Commercial)

Array size is limited to roof surface area minus setback from roof edge (setback equal to system height) and any code required access pathways. Height is limited to no more than one foot above roof surface.



Correct: Panels are setback from roof edge and have access aisles



Incorrect: Panels extend past the roof edge



Correct: Panels are within 1 foot of roof surface



Incorrect: Panels are mounted higher than 1 foot from roof surface

Proposed Guidelines – Solar Energy Systems

Building Mounted – Flat Roof (Primarily Commercial)

Size limited to roof surface area minus setback from roof edge (equal to system height) and any code required access pathways. Height is limited to no more than seven feet above roof surface. Panels are to be located in such a manner that fall protection railings are not required or are not visible.



Correct: Panels are set back from roof edge



Incorrect: Panels are too close to roof edge



Correct: System height less than 7' above roof



Incorrect: System height greater than 7' above roof



Correct: Panels are installed far from roof edge no fall protection rail required



Incorrect: Panels are installed close to roof edge requiring a fall protection railing

Proposed Guidelines – Solar Energy Systems

Visible Building Mounted System – Sloped Roof (Residential and Commercial)

When visible, panels shall be arranged to match the shape and proportion of the subject roof area and be installed in a consistent manner without gaps



Correct: Matches proportion and shape of the roof



Incorrect: Inconsistent arrangement, does not follow the shape of roof



Correct: Consistent arrangement and centered in the available roof area (does not need to match shape of roof)



Correct: Consistent arrangement, no gaps



Incorrect: Not consistent, gaps in arrangement

Proposed Guidelines – Solar Energy Systems

Visible Building Mounted System – Flat Roof (Primarily Commercial)

When visible, panels shall be arranged to match the shape and proportion of the subject roof area and be installed in a consistent manner without gaps. Framework and associated mechanical equipment shall be a similar color to the roof surface.



Correct: Consistent arrangement, no gaps matches roof proportions



Incorrect: Not consistent, gaps in arrangement



Correct: Frame and equipment match roof color



Incorrect: Frame and equipment do not match roof color

Proposed Guidelines – Solar Energy Systems

Visible Ground Mounted (Residential and Commercial)

When visible, the system framework and mechanical equipment shall be screened to mitigate the visual impact of the system. Screening methods include enclosing the framework with opaque panels or installing screen walls composed of materials compatible with the primary structure. If topography allows, system can be integrated into a hillside. Ground mounted systems are not allowed in the front yard.



Correct: Framework enclosed in materials compatible with primary structure



Incorrect: Framework is not fully enclosed



Correct: Framework hidden with screen wall



Incorrect: No screening of framework



Correct: array built into ground slope and surface colored to match surrounding landscape



Permissible? No screen but area around system landscaped to soften visual appearance

Proposed Guidelines – Solar Energy Systems

Building Mounted Systems - Accessory Structures

The following are examples of acceptable building mounted systems on accessory structures:



Attached structure – Covered porch



Detached structure – Garden shed



Detached structure -Trellis or pergola



Detached structure – Garage



Detached structure – Residential carport



Detached structure – Commercial carport

Schemmel, Linda

From: Jim Miller, HVJF Executive Director <director@valleyjunction.com>
Sent: Thursday, February 25, 2016 11:49 AM
To: Schemmel, Linda
Subject: Solar panels

Hello Linda,

I will be out of town on February 29, but wanted to send my thoughts before the P & Z meeting.

Thanks much,
Jim

As a resident of West Des Moines, it is with great interest that I follow and read the concerns about solar panels in the City of West Des Moines.

As I consider the concerns that have been expressed, the phrase 'solution in search of a problem' is what comes to my mind. With all due respect, I have neighbors, and many of us have neighbors in West Des Moines, with sheds, swing sets, patio tents, pergolas, backyard art, junk and many other items on their private property. I think the idea that someone's solar panels would be an eyesore is simply not considering the full picture and the very positive environmental benefits. As stated in the Des Moines Register article, the projected benefits from the proposed Whitney solar project:

"Over the next 25 years, Scott Whitney's 7-kilowatt system is expected to reduce greenhouse gas emissions by 154 metric tons of carbon dioxide. That's equivalent to:"

- 3,949 trees planted and grown for 10 years
- 358 barrels of oil consumed
- 165,414 pounds of coal burned
- 366,667 miles driven in a car

To state the obvious, they are significant benefits. Solar power, and solar panels, aren't new. The use continues to grow, and quite honestly, I think needs to be encouraged at the highest level. It is interesting to consider the encouragement / lack of and regulations / lack of for other communities. The sheds, swing sets, patio tents, pergolas, backyard art, junk and other items in the community are often in plain view, without specific and costly barriers required for their installation. Personally, I would gladly look at solar panels in a neighbor's backyard and might just be impressed that they are that forward-thinking in their environmental concerns. Go for it!

West Des Moines is regularly cited as a leading community; in many capacities we are. Green energy, power reduction and sustainable development options should be at the forefront of future planning, both for public and private projects. I do not believe that any elected official is trying to eliminate solar panels. I do however, think that regulation should be at a reasonable level, one that provides basic guidance for these projects, without discouraging residents and without substantially increasing project costs.

Thank you,
Jim Miller
423 34th Street
West Des Moines, IA 50265



February 29, 2016

Planning and Zoning Commission
City of West Des Moines
4200 Mills Civic Parkway, Suite D
P.O. Box 65320
West Des Moines, Iowa 50265-0320

Linda Schemmel
Planner, City of West Des Moines
4200 Mills Civic Parkway, Suite D
P.O. Box 65320
West Des Moines IA 50265-0320

Re: Proposed Ordinance Amending the City Code of West Des Moines to Establish Regulations Pertaining to Solar Energy Systems

Dear Ms. Schemmel and members of the City of West Des Moines Planning and Zoning Commission:

The Iowa Environmental Council (IEC) submits the following public comments concerning the City of West Des Moines' proposed Solar Energy Ordinance. IEC is an alliance of over sixty Iowa organizations representing public health, agriculture, conservation, and environmental interests as well as hundreds of individuals. We work to protect Iowa's environment via public policy improvements, with a focus on expanding renewable energy and energy efficiency in Iowa. Our membership includes residents of the City of West Des Moines.

SUMMARY

Increased support for clean energy resources including wind and solar, strengthens our state and local economies, protects the health and welfare of our communities, decreases Iowa's dependence on out-of-state fossil fuels, and increases our energy security.

Outspoken support from both the public and state leaders, state law, and recent changes in state and federal tax incentives provide a strong foundation for solar energy growth in Iowa. Without supportive local land use regulations and development guidelines, however, this growth may be inhibited.

To that end, IEC offers the following comments aimed at strengthening access to solar energy in the City of West Des Moines. IEC thanks City staff for their proactive approach in developing zoning regulations to address solar energy and strongly supports their recommendations for allowing a diversity of solar energy systems. We are concerned, however, that a number of provisions intended to address aesthetic concerns would, in practice, significantly limit the adoption of solar in West Des Moines. We identify these concerns in more detail below and offer suggestions to improve the ordinance.

IOWA HAS STRONG PUBLIC SUPPORT FOR INCREASING ACCESS TO SOLAR ENERGY

Limiting access to solar energy based on aesthetic concerns is inconsistent with public support in Iowa.



In his *2016 Condition of the State Address*, Governor Branstad noted that “solar power generation is a growing and attractive renewable resource that a number of Iowans are utilizing,” further stating that, “we must keep looking to the future, working to understand our needs and pushing for more renewable, reliable, and low-cost clean energy to meet our needs.”¹ Governor Branstad also highlighted that “companies who have invested and located in Iowa have cited our low cost of energy and growing use of renewables as major reasons for locating here.”²

Recent bipartisan polling of Iowa voters demonstrates broad public support for the use of solar energy: 91% of Iowa voters support increasing the use of solar energy (including 85% of Republicans, 96% of Democrats and 92% of Independents) and 93% say they have the right to put solar on their own home.³

This broad public support for solar translates across ages, genders, and income levels: 92% of voters ages 18-64 and 89% of voters over age 65 would like to see more use of solar in Iowa;⁴ 91% of both male and female voters in Iowa support an increased use of solar;⁵ and 94-95% of voters with incomes between \$25,000-\$100,000 and 88% of voters with incomes over \$100,000 support increased solar energy in Iowa.⁶

IOWA STATE LAW REQUIRES ZONING REGULATIONS SUPPORT ACCESS TO SOLAR ENERGY

Ensuring that West Des Moines’ local zoning regulations support access to solar energy is not only consistent with public opinion in Iowa, it is also expressly required under Iowa law: According to the Iowa Code Chapter 414.3, zoning regulations “shall be made in accordance with a comprehensive plan and designed to... promote reasonable access to solar energy.”⁷

Iowa law also requires that the basis for zoning regulations be “to promote health and the general welfare.”⁸ Promoting access to solar energy is consistent with this requirement.

Access to Solar Energy Promotes Public Health

Using solar energy to provide electricity uses no water, produces no carbon emissions and releases none of the other harmful air pollutants and waste products associated with fossil fuel-fired power plants.

While Iowa is leading the nation in its reliance on renewable wind energy (nearly 30% of our electricity is supplied by locally-produced, wind generation⁹), there is still enormous potential to expand our state’s clean energy portfolio: Iowa ranks among the top third of U.S. states in its technical potential for solar energy production,¹⁰ with enough solar PV potential to meet our state’s annual electric needs by more than 150 times over.¹¹ Ensuring local zoning regulations promote this growth will not only protect public health of Iowans, but will also help grow our state and local economies.

Access to Solar Energy Promotes the General Welfare

To meet Iowa’s electricity demand, Iowans spend approximately \$590 million per year to import coal into the state.¹² Encouraging locally-grown, solar energy in Iowa via supportive zoning regulations would help keep these valuable dollars in our state, provide Iowans with jobs, attract local business development, and increase home values.

Iowa’s solar industry already supports approximately 975 workers in the state¹³ and 47 Iowa companies are in the solar industry supply chain.¹⁴ The growth potential for the industry is significant: 30% of all



new electric generating capacity brought on-line in the U.S. during the first three quarters of 2015 came from solar energy.¹⁵ The number of solar jobs in the U.S. has doubled in the last five years.¹⁶

Solar energy systems also add to home values: Recent research sponsored by the Department of Energy found that U.S. “home buyers consistently have been willing to pay more for homes with host-owned solar photovoltaic (PV) energy systems —averaging about \$4 per watt of PV installed—across various states, housing and PV markets, and home types.¹⁷ This equates to a premium of about \$15,000 for a typical PV system.”¹⁸

REGULATIONS SHOULD BE REVISED TO SUPPORT REASONABLE ACCESS TO SOLAR ENERGY

Given the benefits of solar energy, strong public support for solar energy growth, and legal requirements to design zoning regulations to permit reasonable solar energy access, we strongly encourage the City of West Des Moines to make the following revisions to the proposed ordinance:

Both Building- and Ground-Mounted Solar Energy Systems Should be Permitted Accessory Structures

We support recommendations by the City of West Des Moines staff that both building- and ground-mounted solar energy systems (SESS) should be permitted in all residential and commercial zoning districts.

Variances in solar exposure, roof structures, etc. can make building-mounted installation of solar energy systems uneconomical for some residences and businesses. Possible modifications to the proposed ordinance that would prohibit ground-mounted solar installations would unreasonably limit access to solar for these residences and/or businesses.

Potential modifications that would require an applicant to demonstrate that building-mounted systems are “not viable” would also unreasonably limit access to solar energy and are ambiguous. Requiring such a subjective “viability” demonstration prior to permitting a ground-mounted solar installation would also unnecessarily add to the project’s soft costs, which can be more than 64% the cost of a solar installation already.¹⁹ In some cases, this increased financial burden may prohibit or deter an applicant from moving forward with the project.

Regulations Should be Revised to Permit for Pole-Mounted Systems

As currently proposed, the regulations do not address “pole-mounted” solar energy systems. The definition of “ground-mounted” systems should either be expanded to include pole-mounted systems, or this type of mounting system should be defined separately and permitted as an accessory structure in all commercial and residential zoning districts. Allowing pole-mounted solar energy systems provides needed flexibility on the most economic or best performing installation options for both residential and business installations.

Height Restrictions for Ground and Building Mounted Systems Should be Revised

Height restrictions on ground mounted solar energy systems unreasonably limit access to solar: Panel heights plus clearance requirements above grade may easily exceed the 7’ height restriction for ground-mounted systems. We propose ground-mounted systems be permitted at heights up to 15’, with the potential for heights exceeding that limit to be granted via application.



Under the draft regulations, building-mounted systems may not exceed one foot above the roof surface on a sloped roof. This requirement may preclude solar installations on certain roofs, depending on their degree of slope. We recommend increasing height restrictions to 18” on sloped roof surfaces,²⁰ with the potential for heights exceeding that limit to be granted via application.

Size Restrictions for Ground-Mounted Systems Should be Eliminated

Currently, ground-mounted SESs are restricted in single family residential zones to a size “no more than 50% of the allowed area for accessory structures on the specific property.” We recommend eliminating this restriction, as it would unnecessarily limit solar access for some residents who have existing, accessory structures. Setback limits, as well as over capacity restrictions on the size of SESs in residential areas already limit the potential size of ground-mounted systems under the draft regulation.

Location Restrictions for Ground-Mounted Systems Should be Revised for Commercial Zoning Districts

Currently, ground-mounted SESs are restricted to locations behind “the rear wall of the primary structure.” We recommend allowing ground-mounted SESs to the front or side of primary structures in commercial zoning districts, provided they meet required set-backs.

Screening Requirements for Solar Energy Systems Should be Eliminated

Additional screening requirements based on aesthetic concerns do not reflect broad public support for solar energy in Iowa and, as currently proposed, would increase financial burdens for applicants and limit reasonable access to solar.

According to the draft regulations, ground-mounted SESs require screening with a wall/panels “built out of material consistent with the architecture and materials of the principal building.” A strict reading of this language could require a screen or wall comprised of brick, should the principal building be comprised of such material. Less costly materials and landscaping may still unreasonably prohibit a solar installation. With tax incentives covering nearly half of the upfront costs, screening requirements could add a significant amount to a resident or business owners’ out-of-pocket expense.²¹ Even if some homeowners may be willing to see a delayed return on their initial solar investment, commercial business owners may have much less tolerance for extending the simple payback or worsening the return on investment and be deterred from investing in a solar energy system at all. This provision, if enacted, could disproportionately impact access to solar by businesses in West Des Moines.

Regulations Should be Revised to Allow for Community Solar Projects as a Principal Use

When a resident or business owner cannot integrate an on-site solar energy system, community solar projects are an important option to ensure solar energy access. These projects are already being successfully implemented in Iowa: The City of Cedar Falls recently donated 8 acres near a local park for a 1.5 MW community solar project, allowing more than 1,200 businesses and residents to purchase solar energy units.²² Several other communities in Iowa have constructed community solar projects and a number of communities in Iowa are currently developing or exploring these projects.

As currently proposed, the City of West Des Moines’ regulations do not permit community solar projects. The regulations should be revised to permit these projects as principal uses in appropriate zoning districts.



Conclusion

How Iowans meet their energy needs is significantly important to the health and economic vitality of our communities. Thank you for considering our suggestions to strengthen access to this important clean energy resource.

Sincerely,

A handwritten signature in black ink that reads "Ralph Rosenberg".

Ralph Rosenberg
Executive Director
Iowa Environmental Council

¹ Governor Branstad 2016 Condition of the State Address to the Iowa General Assembly (January 12, 2016), available at <https://governor.iowa.gov/2016/01/gov-branstad-delivers-the-2016-condition-of-the-state-address-to-the-iowa-general-assembly>

² Id.
³ Dave Metz and Lori Weigel, *Voter Attitudes Toward Energy Issues in Iowa: Key Findings from A Statewide Voter Survey*. Public Opinion Strategies (August 2014), available at <http://iowaipl.org/wp-content/uploads/2014/09/2014-Midwestern-Energy-Issues-Survey-IOWA-RELEASE.pptx>

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Iowa Code §414.3 (2016), available at <https://www.legis.iowa.gov/law/statutory>

⁸ Id.

⁹ American Wind Energy Association and Wind Energy Foundation, *A Wind Vision for New Growth in Iowa*, available at <http://windenergyfoundation.org/wp-content/uploads/Iowa-State-Report1.pdf>

¹⁰ Lopez et al., NREL, *U.S. Renewable Energy Technical Potentials: A GIS-Based Analysis* (2012).

¹¹ Iowa Environmental Council, *Real Potential, Ready Today: Solar Energy in Iowa* (2012), available at: http://www.iaenvironment.org/webres/File/Program%20Publications/RealPotentialReadyToday_pub_web.pdf

¹² NRDC, *Economic Opportunities of Cutting Carbon Pollution and Climate Change in Iowa* (March 2014), available at: <http://www.nrdc.org/globalwarming/files/carbon-pollution-state-jobs-1A-2.pdf>

¹³ Solar Foundation, 2015 Solar Jobs Census, available at: <http://www.thesolarfoundation.org/solar-jobs-census/> *Of the 975 workers supported by the solar industry in Iowa, 349 spend more than 50% of their time on solar and 626 spend less than 50% of their time on solar.*

¹⁴ Environmental Law and Policy Center, *Iowa Wind Power & Solar Energy Supply Chain Businesses* (March 2015), available at <http://elpc.org/2015-clean-energy-supply-chain-reports/>

¹⁵ Solar Energy Industry Association, *Solar Market Insight 2015 Q3*, available at: <http://www.scia.org/research-resources/solar-market-insight-2015-q3>

¹⁶ Patrick Gillespie, *Solar Energy Jobs Double in Five Years*, CNN Money (January 12, 2006), available at: <http://money.cnn.com/2016/01/12/news/economy/solar-energy-job-growth-us-economy/>

¹⁷ *We note that installed costs in Iowa are now below \$4 per watt and were closer to an average of \$3 per watt for 2015.*

¹⁸ Allen Chen, *Berkeley Lab Illuminates Price Premiums for U.S. Solar Home Sales*, (January 13, 2015) available at <http://newscenter.lbl.gov/2015/01/13/berkeley-lab-illuminates-price-premiums-u-s-solar-home-sales/>. See full report, Ben Hoen, et al., Lawrence Berkeley National Laboratory, *Selling into the Sun: Price Premium Analysis of a Multi-State Dataset of Solar Homes*, (January 2015) available at <https://emp.lbl.gov/sites/all/files/selling-into-the-sun-jan12.pdf>

¹⁹ U.S. Department of Energy, <http://energy.gov/eere/sunshot/soft-costs>

²⁰ See, City University of New York, *Solar Planning and Implementation Guide* on behalf of New York City (June 2013) pg. 8, https://www.cuny.edu/about/resources/sustainability/solar-america/reports/Solar_PZ_Implementation_Guide_FINAL.pdf

²¹ See, Kim Norvell, *Experts worry W.D.M. solar proposal too limiting*, Des Moines Register (February 24, 2016), available at <http://www.desmoinesregister.com/story/news/local/west-des-moines/2016/02/24/experts-worry-wdm-solar-proposal-too-limiting/80306718/>

²² Iowa Association of Municipal Utilities, *Cedar Falls Utilities Building 1.5MW Community Solar Project* (November 2, 2015), available at <http://members.iamu.org/blogpost/1270236/230875/Cedar-Falls-Utilities-Building-1-5-MW-Community-Solar-Project>

Schemmel, Linda

From: Twedt, Lynne
Sent: Monday, February 29, 2016 11:05 AM
To: Schemmel, Linda
Subject: FW: Solar Power hearing Monday Feb

From: Jonas Cutler [mailto:jonasmt@gmail.com]
Sent: Sunday, February 28, 2016 8:35 AM
To: Twedt, Lynne <Lynne.Twedt@wdm.iowa.gov>; Trimble, Russ <Russ.Trimble@wdm.iowa.gov>
Subject: Solar Power hearing Monday Feb

Dear Ms. Twedt:

City Councilman Trimble informed me that the best way to have my thoughts on potential solar power ordinances in West Des Moines, the topic of the upcoming City Council meeting, was to submit them in written form in this manner. I drafted my position below---

Esteemed West Des Moines City Council Persons-

I am unable to attend the meeting tonight due to family commitments but hope that my written comments can be read into the record to be considered by the Council.

I am opposed to restrictions being placed on solar panels on a person's own private property.

It has been claimed that when one person places solar panels on their private property it will adversely affect the value of adjoining property owners. I have never seen any facts that prove that to be remotely true.

Another position claimed is that some do not want to look out their window and see solar panels because they are not aesthetically pleasing. I've looked around West Des Moines and noticed many homes with pieces of art in their yards and prairie grass. Some of these pieces of art are large coming various colors including bright red and yellow. I am certain the home owner finds them enjoyable to look at but I know that other neighbors do not find the same pleasure. Right behind City Hall is a piece with a red spiral on the top, I'm sure that the opinions of that piece of art span the full spectrum.

In West Des Moines we have houses painted distinctly bright yellow and others purple. In back yards we have large sheds, swimming pools, playground equipment, near professional basketball courts, even an entire football field at one point on Fuller directly across from Valley Southwoods. I go on, some people have large koi ponds, huge organic gardens and still others have something closer to the hanging gardens of Babylon. None of these uses of private property cause much concern, beauty is in the eye of the beholder.

In West Des Moines some neighborhoods have a “neighborhood association” with restrictive covenants, others do not. A person looking at buying a house in West Des Moines has the option of selecting a house in a neighborhood with restrictive covenants where the buyer knows exactly what they are buying into. Those come with a purchase price and ongoing fees through association dues and the kind. Others of us decided for whatever reason to not buy into that kind of community. To have the city come along and assert an ordinance that amounts to an unpurchased restrictive covenant stopping all owners from freely exercising their will on their own private property is an abuse when there is no harm what so ever being done.

We’ve done well here in West Des Moines maintaining a small government within its proper scope, let’s keep it that way.

Jonas Cutler

4300 Maple Street

West Des Moines, Iowa 50265



March 11, 2016

Planning and Zoning Commission
City of West Des Moines
4200 Mills Civic Parkway, Suite D
P.O. Box 65320
West Des Moines, Iowa 50265-0320

Linda Schemmel
Planner, City of West Des Moines
4200 Mills Civic Parkway, Suite D
P.O. Box 65320
West Des Moines IA 50265-0320

Re: Proposed Ordinance Amending the City Code of West Des Moines to Establish Regulations Pertaining to Solar Energy Systems

Dear Ms. Schemmel and members of the City of West Des Moines Planning and Zoning Commission:

Thank you for your time and consideration of the Iowa Environmental Council's (IEC) recent public comments concerning the City of West Des Moines' proposed Solar Energy Ordinance. Certain modification options proposed by City staff (attached) would strengthen the ordinance and access to solar energy in West Des Moines. The Council supports the following modifications:

GROUND-MOUNTED SYSTEMS

Screening

The Council supports *Possible Modification B* (attached) with the following amendments, noted below:

*Ground mounted solar energy systems ~~shall~~ **should** be sited to minimize their visual presence to surrounding properties and public thoroughfares. The City is aware of the operating needs of these types of structures and acknowledges that it may be impossible to totally screen a system; however, ~~every~~ effort should be made by the applicant to visually mitigate the undesirable features of a system especially the structural components and associated mechanical equipment.*

The Council supports the use of permissive language (i.e., should) in the ordinance to suggest that SESs be sited/screened to minimize their visual presence, but does not support language that could impose a mandatory requirement (i.e., shall). A mandatory siting requirement that would require property owners to minimize visual presence of SESs would not provide the flexibility needed to balance site constraints and impacts on a SESs' operation.

As noted in our February 29th comments, mandatory screening requirements based on aesthetic concerns do not reflect broad public support for solar energy in Iowa, would increase financial burdens for applicants, and could limit access to solar. Mandatory screening requirements are also not in keeping with surrounding municipalities (e.g, the solar ordinance being developed by the City of Des Moines has no screening requirements¹).



Height

The Council supports *Possible Modification B* (see attached):

Height of system is limited to a maximum of 15 feet above grade to allow up to a triple row arrangement.

As noted in our previous comments, solar panel heights plus clearance requirements above grade may easily exceed the 7' height restriction for ground-mounted systems and preclude their installation. A 15 foot height limit would improve solar access and is in keeping with other Iowa municipalities (e.g., the City of Iowa City limits the height of solar energy systems to 15feet.²)

Size

The Council supports *Possible Modification B* (see attached).

Size limited to 100% of allowable area for accessory structures in single family residential or open space zoning districts, (10% of lot size with a maximum of 1000 square feet in RS, R-1, SF-VJ, and SF-CR districts) to a maximum of 15 kW capacity.

Setback limits and capacity restrictions on the size of SESs in residential areas already limit the potential size of ground-mounted systems under the draft ordinance. Modifying the ordinance to permit SESs to occupy 100% of the allowable area for accessory structures would eliminate unnecessarily restrictions on solar access.

Setback

The Council supports *Possible Modification A* (see attached):

Staff is in agreement that this provision will be problematic for commercially zoned property and recommend that it's retained only for single family residential and open space zoning districts.

Under the proposed ordinance, all ground-mounted SESs are restricted to locations behind "the rear wall of the primary structure." A modification that would allow ground-mounted SESs to the front or side of primary structures in commercial zoning districts would promote solar access.

BUILDING MOUNTED SYSTEMS (Sloped Roof)

Height

The Council supports *Possible Modification B* (see attached).

Height of a system mounted to a sloped roof is limited to a maximum of 18 inches above the roof surface to accommodate the occasional roof slope lower than 4/12, a different panel orientation or to allow higher clearance under the panel for snow melt.

Increasing height restrictions to 18" on sloped roof surfaces would increase access to building-mounted SESs and is in keeping with height restrictions imposed by other U.S. cities.³



Conclusion

Thank you again for considering our suggestions to strengthen access to solar energy in West Des Moines. It is our understanding that the City intends to address solar energy as a principal use (i.e., community solar gardens, utility-scale solar projects) in a subsequent action. We encourage the City to do so, as these projects 1) provide an important option for ensuring solar access where it cannot be integrated on-site and 2) help accelerate our transition to a cleaner, healthier energy portfolio.

Sincerely,

A handwritten signature in black ink that reads "Ralph Rosenberg". The signature is written in a cursive, flowing style.

Ralph Rosenberg
Executive Director
Iowa Environmental Council

¹ See, Kim Norvell, *Experts Worry W.D.M Solar Proposal Too Limiting*, Des Moines Register (February 24, 2016), available at <http://www.desmoinesregister.com/story/news/local/west-dcs-moines/2016/02/24/experts-worry-wdm-solar-proposal-too-limiting/80306718/>

² Id.

³ See, City University of New York, *Solar Planning and Implementation Guide* on behalf of New York City (June 2013) pg. 8, https://www.cuny.edu/about/resources/sustainability/solar-america/reports/Solar_PZ_Implementation_Guide_FINAL.pdf

Solar Energy System Ordinance

Possible Modifications to Respond to Public Comments

Ground Mounted Systems

Screening

Current regulations in proposed ordinance that received comments:

Requires screening for ground mounted systems that are visible at grade from any adjacent public thoroughfare or property. The methods noted for screening of the structural elements and equipment of these systems are an opaque fence or enclosure screening the visible portions of these elements. Comments received indicated the belief that the ground mounted systems are not visually undesirable and the unnecessary cost incurred for screening the system.

Possible modification A:

Landscape plantings that are composed of evergreen materials to provide year-round screening may be implemented in lieu of screen fence or enclosure to wholly screen views of the undesirable features of a system.

Possible modification B:

Ground mounted solar energy systems shall be sited to minimize their visual presence to surrounding properties and public thoroughfares. The City is aware of the operating needs of these types of structures and acknowledges that it may be impossible to totally screen a system; however, every effort should be made by the applicant to visually mitigate the undesirable features of a system especially the structural components and associated mechanical equipment.

Height

Current regulations in proposed ordinance that received comments:

Height of system is limited to a maximum of 7 feet above grade. Comments received indicated the need for additional height for ground mounted systems.

How the height limit was determined:

A 3' distance from grade to the bottom of the panels was assumed to allow clearance for snow cover in the winter. Then using the largest standard solar panel size with a vertical orientation and tilting it at the recommended angle for West Des Moines' latitude, an additional 4' in height is needed to accommodate a single row panel arrangement, or a total of 7' from grade to the highest point of the system.

The advantage of a maximum array height of 7' is that a privacy fence, landscaping or another building on the property could easily hide the system from view and the structure is less imposing. The disadvantage is a single row arrangement will result in a longer system length which may call more attention to the system and cause setback issues in comparison to a double row system arrangement.

Possible modification A:

Height of system is limited to a maximum of 11 feet above grade to allow up to a double row arrangement.

Possible modification B:

Height of system is limited to a maximum of 15 feet above grade to allow up to a triple row arrangement.

Solar Energy System Ordinance Possible Modifications to Respond to Public Comments

Size

Current regulations in proposed ordinance that received comments:

Size limited to 50% of allowable area for accessory structures in single family residential or open space zoning districts, (5% of lot size with a maximum of 500 square feet in RS, R-1, SF-VJ, and SF-CR districts) or a maximum of 15 kW capacity – whichever is more restrictive. Size limited to the equivalent of 50% of primary structure footprint in the remaining districts. Comments received indicated the need for additional size for ground mounted systems to provide additional system capacity.

How the size limit was determined:

A solar energy system within the framework of this ordinance is intended to provide energy for only the property owner and is accessory or subordinate to the primary building. As with other accessory structures, the size limit for the structure is proportional to the lot size or the primary building to protect against a secondary structure overwhelming the primary structure or the context of the area.

In residential areas, 50% of the allowed accessory structure size should provide sufficient capacity to provide 50% to 100% of the electrical needs for a home depending on the size of the home, how efficient the home is and what heating source is used. Capacity figures for other zoning districts is difficult to determine as there are more variations in primary building size and energy needs.

Possible modification A:

Removing the maximum size of 500 square feet in RS, R-1, SF-VJ, and SF-CR districts and allowing a ground mounted system to be up to 5% lot size to a maximum of 15kW capacity (1100 to 1200 square feet).

Possible modification B:

Size limited to 100% of allowable area for accessory structures in single family residential or open space zoning districts, (10% of lot size with a maximum of 1000 square feet in RS, R-1, SF-VJ, and SF-CR districts) to a maximum of 15 kW capacity.

Setback

Current regulations in proposed ordinance that received comments:

Setback from the property line is equal to the accessory structure setback for the zoning district or the height of the system – whichever is greater. Comments received indicated the need for reduced setback for ground mounted systems to provide additional system capacity.

How the setback was determined:

Setback requirements follow the typical requirements for accessory structures unless the height of the system exceeds the required setback distance for the zoning district. Accessory structures setbacks are less restrictive than for the primary structure, however they do set minimum distances to allow sufficient space to install or maintain a system and to provide additional distance from a neighboring property should a structure be larger in bulk or height.

Possible modification A:

No modifications recommended

Solar Energy System Ordinance Possible Modifications to Respond to Public Comments

Current regulations in proposed ordinance that received comments:

The system cannot be located in front of the rear wall of the primary structure, even if it meets the front yard setback requirements. Comments received indicated the need for eliminating this setback requirement for ground mounted systems in commercial properties as it significantly limits the ability to locate a system on a site.

How the setback was determined:

An accessory building is not allowed in the front yard of a property to protect against a secondary structure overwhelming the primary structure. A setback completely behind the primary structure for ground mounted systems was recommended to aid in screening the view of the system with the primary structure.

Possible modification A:

Staff is in agreement that this provision will be problematic for commercially zoned property and recommend that it's retained only for single family residential and open space zoning districts.

Building Mounted Systems (Sloped Roof)

Height

Current regulations in proposed ordinance that received comments:

Height of system is limited to a maximum of 1 foot above the roof surface. Comments received indicated the need for additional height for slope roof mounted systems.

How the height limit was determined:

One foot in height from the roof surface to the top edge of a solar panel will accommodate the difference in the panel slope and a 4/12 roof slope (generally the lowest slope used for roof systems in this climate) assuming a horizontal panel orientation tilted at the recommended angle for West Des Moines' latitude.

The advantage of limiting the height of the system from the roof surface is that the closer the panels are to the roof surface, the better they blend with the roof structure and mitigate the visual impact of the system.

Possible modification A:

Height of a system mounted to a sloped roof is limited to a maximum of 18 inches above the roof surface to accommodate the occasional roof slope lower than 4/12, a different panel orientation or to allow higher clearance under the panel for snow melt.

**Solar Energy System Ordinance
Possible Modifications to Respond to Public Comments**

Ground Mounted Systems

Screening

Current regulations in proposed ordinance that received comments:

Requires screening for ground mounted systems that are visible at grade from any adjacent public thoroughfare or property. The methods noted for screening of the structural elements and equipment of these systems are an opaque fence or enclosure screening the visible portions of these elements. Comments received indicated the belief that the ground mounted systems are not visually undesirable and the unnecessary cost incurred for screening the system.

Possible modification A:

Landscape plantings that are composed of evergreen materials to provide year-round screening may be implemented in lieu of screen fence or enclosure to wholly screen views of the undesirable features of a system.

Possible modification B:

Ground mounted solar energy systems shall be sited to minimize their visual presence to surrounding properties and public thoroughfares. The City is aware of the operating needs of these types of structures and acknowledges that it may be impossible to totally screen a system; however, every effort should be made by the applicant to visually mitigate the undesirable features of a system especially the structural components and associated mechanical equipment.

Height

Current regulations in proposed ordinance that received comments:

Height of system is limited to a maximum of 7 feet above grade. Comments received indicated the need for additional height for ground mounted systems.

How the height limit was determined:

A 3' distance from grade to the bottom of the panels was assumed to allow clearance for snow cover in the winter. Then using the largest standard solar panel size with a vertical orientation and tilting it at the recommended angle for West Des Moines' latitude, an additional 4' in height is needed to accommodate a single row panel arrangement, or a total of 7' from grade to the highest point of the system.

The advantage of a maximum array height of 7' is that a privacy fence, landscaping or another building on the property could easily hide the system from view and the structure is less imposing. The disadvantage is a single row arrangement will result in a longer system length which may call more attention to the system and cause setback issues in comparison to a double row system arrangement.

Possible modification A:

Height of system is limited to a maximum of 11 feet above grade to allow up to a double row arrangement.

Possible modification B:

Height of system is limited to a maximum of 15 feet above grade to allow up to a triple row arrangement.

Solar Energy System Ordinance Possible Modifications to Respond to Public Comments

Size

Current regulations in proposed ordinance that received comments:

Size limited to 50% of allowable area for accessory structures in single family residential or open space zoning districts, (5% of lot size with a maximum of 500 square feet in RS, R-1, SF-VJ, and SF-CR districts) or a maximum of 15 kW capacity – whichever is more restrictive. Size limited to the equivalent of 50% of primary structure footprint in the remaining districts. Comments received indicated the need for additional size for ground mounted systems to provide additional system capacity.

How the size limit was determined:

A solar energy system within the framework of this ordinance is intended to provide energy for only the property owner and is accessory or subordinate to the primary building. As with other accessory structures, the size limit for the structure is proportional to the lot size or the primary building to protect against a secondary structure overwhelming the primary structure or the context of the area.

In residential areas, 50% of the allowed accessory structure size should provide sufficient capacity to provide 50% to 100% of the electrical needs for a home depending on the size of the home, how efficient the home is and what heating source is used. Capacity figures for other zoning districts is difficult to determine as there are more variations in primary building size and energy needs.

Possible modification A:

Removing the maximum size of 500 square feet in RS, R-1, SF-VJ, and SF-CR districts and allowing a ground mounted system to be up to 5% lot size to a maximum of 15kW capacity (1100 to 1200 square feet).

Possible modification B:

Size limited to 100% of allowable area for accessory structures in single family residential or open space zoning districts, (10% of lot size with a maximum of 1000 square feet in RS, R-1, SF-VJ, and SF-CR districts) to a maximum of 15 kW capacity.

Setback

Current regulations in proposed ordinance that received comments:

Setback from the property line is equal to the accessory structure setback for the zoning district or the height of the system – whichever is greater. Comments received indicated the need for reduced setback for ground mounted systems to provide additional system capacity.

How the setback was determined:

Setback requirements follow the typical requirements for accessory structures unless the height of the system exceeds the required setback distance for the zoning district. Accessory structures setbacks are less restrictive than for the primary structure, however they do set minimum distances to allow sufficient space to install or maintain a system and to provide additional distance from a neighboring property should a structure be larger in bulk or height.

Possible modification A:

No modifications recommended

Solar Energy System Ordinance Possible Modifications to Respond to Public Comments

Current regulations in proposed ordinance that received comments:

The system cannot be located in front of the rear wall of the primary structure, even if it meets the front yard setback requirements. Comments received indicated the need for eliminating this setback requirement for ground mounted systems in commercial properties as it significantly limits the ability to locate a system on a site.

How the setback was determined:

An accessory building is not allowed in the front yard of a property to protect against a secondary structure overwhelming the primary structure. A setback completely behind the primary structure for ground mounted systems was recommended to aid in screening the view of the system with the primary structure.

Possible modification A:

Staff is in agreement that this provision will be problematic for commercially zoned property and recommend that it's retained only for single family residential and open space zoning districts.

Building Mounted Systems (Sloped Roof)

Height

Current regulations in proposed ordinance that received comments:

Height of system is limited to a maximum of 1 foot above the roof surface. Comments received indicated the need for additional height for slope roof mounted systems.

How the height limit was determined:

One foot in height from the roof surface to the top edge of a solar panel will accommodate the difference in the panel slope and a 4/12 roof slope (generally the lowest slope used for roof systems in this climate) assuming a horizontal panel orientation tilted at the recommended angle for West Des Moines' latitude.

The advantage of limiting the height of the system from the roof surface is that the closer the panels are to the roof surface, the better they blend with the roof structure and mitigate the visual impact of the system.

Possible modification A:

Height of a system mounted to a sloped roof is limited to a maximum of 18 inches above the roof surface to accommodate the occasional roof slope lower than 4/12, a different panel orientation or to allow higher clearance under the panel for snow melt.



Schemmel, Linda

From: Twedt, Lynne
Sent: Friday, March 18, 2016 8:05 AM
To: Schemmel, Linda
Subject: FW: Comments on Solar Energy Panels

From: Development Services
Sent: Thursday, March 17, 2016 4:48 PM
To: Riesenber, Michelle <Michelle.Riesenber@wdm.iowa.gov>; Twedt, Lynne <Lynne.Twedt@wdm.iowa.gov>
Subject: FW: Comments on Solar Energy Panels

From: Marvin Rickert
Sent: Thursday, March 17, 2016 4:48:15 PM (UTC-06:00) Central Time (US & Canada)
To: Development Services
Subject: Comments on Solar Energy Panels

Dear Craig and members of the Planning & Zoning Commission,

I read the Register's March 1st article, "W.D.M. Residents: Embrace solar energy and update code" and would like to share a comment.

We are 42 year residents of West Des Moines and have lived in the Ponderosa Valley Development for almost 20 years. I would consider a solar panel on the ground in my established neighborhood an eyesore.

Perhaps roof panels could be considered in new developments but ground panels are tacky!

Thanks,
Marie Rickert
5443 Ponderosa Drive, WDM

Solar Energy System Ordinance Summary of Revisions to the Ordinance

Screening of Solar Energy Systems

Previous:

The structural elements, equipment and accessories related to ground mounted solar energy systems that are visible at grade from any adjacent public thoroughfare or adjacent properties shall be visibly screened from public view with an enclosure of an opaque screen wall or panels built out of materials consistent with the architecture and materials of the principal building. Landscape plantings may be implemented in addition to a screen enclosure or wall to soften the appearance of the installation. Building mounted systems do not require screening if they comply with the requirements as noted in Title 9 (Zoning), Chapter 14 (Accessory Structures), Section 14 (Solar Energy Systems) of the West Des Moines City Code. However the structural elements, equipment and accessories related to a system mounted on a flat roof that are visible from any adjacent public thoroughfare or adjacent property shall be a similar color to the roof surface or adjacent building materials to mitigate the visual impact of the system. Wall or ground mounted mechanical equipment related to any Solar Energy System as noted in subsection A2a of this Section will require screening.

Revised:

Ground mounted solar energy systems should be sited to visually mitigate undesirable features that are visible at grade from surrounding properties and public thoroughfares. The City is aware of the operating needs of these types of structures and acknowledges that it may be impossible to orient a system to hide its undesirable features such as the structural elements, rear face of the collector panels, mechanical equipment and accessories. Should any of these features be visible, the following options are acceptable methods of screening the view of these undesirable features:

- 1. An enclosure or a freestanding screen wall or fence of an opaque design built out of materials consistent with the architecture and materials of the principal building. Landscape plantings may be implemented in combination with the screen enclosure, fence or wall to soften the appearance of the installation.*
- 2. Landscape plantings that are composed of evergreen materials to provide year-round screening may be implemented in lieu of screen enclosure, fence or wall. Plant material shall be of sufficient height and size at the time of installation to fully screen the undesirable features of the system.*

Building mounted systems do not require screening if they comply with the requirements as noted in Title 9 (Zoning), Chapter 14 (Accessory Structures), Section 14 (Solar Energy Systems) of the West Des Moines City Code. However the structural elements, equipment and accessories related to a system mounted on a flat roof that are visible from any adjacent public thoroughfare or adjacent property shall be selected to be a similar color to the roof surface or adjacent building materials to mitigate the visual impact of the system. Wall or ground mounted mechanical equipment related to any Solar Energy System as noted in subsection A2a of this Section will require screening.

Solar Energy System Ordinance

Summary of Revisions to the Ordinance

Front Yard Setback

Previous:

The SES cannot be located in front of the rear wall of the primary structure, even if it meets the front yard setback requirements.

Revised:

A SSES cannot be located in front of the rear wall of the primary structure, even if it meets the front yard setback requirements. A LSES cannot be located in the front yard setback.

Panel arrangement on a roof

Previous:

Panels that are visible shall be arranged to match the shape and proportion of the subject roof area and be installed in a consistent manner without gaps.

Revised:

Building mounted SES shall be designed to minimize their visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take in account the proportion of the roof surface and place the panels in a consistent manner without gaps unless necessary to accommodate vents, skylights or equipment.

System Height

Previous:

Ground Mounted SES

The maximum height of the SES shall not exceed seven (7) feet in height as measured from existing grade

Building Mounted SES

The collector panel surface and mounting system shall not extend higher than one (1) foot above the roof surface of a sloped roof.

Revised:

Ground Mounted SES

The maximum height of the SES shall not exceed ten (10) feet in height as measured from existing grade.

Building Mounted SES

The collector panel surface and mounting system shall not extend higher than eighteen (18) inches above the roof surface of a sloped roof.

Solar Energy System Ordinance

Summary of Revisions to the Ordinance

System Size

Previous:

Ground Mounted SES

In single family residential used or zoned property the SES is restricted in size to no more than 50% of the allowed area for detached accessory structures on the specific property.

Revised:

Ground Mounted SES

In single family residential used or zoned property the SES is restricted in size to no more than the allowed area for detached accessory structures on the specific property. The SES would be included in the collective total of all detached accessory structures.

New language for non-conforming systems

Nonconforming Systems: A SES that has been installed on or before the effective date of this Section and is in active use and does not comply with any or all of the provisions of this section shall be considered a legal non-conforming structure and will be regulated by the provisions noted in Chapter 3 (General Zoning Provisions), Section 4 (Nonconforming Buildings, Structures, Uses, Uses of Land or Uses of Buildings or Structures) of this title.

Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any SES or associated building or structure, or part thereof declared to be unsafe by the appropriate authority.

**CITY OF WEST DES MOINES
MEMORANDUM**

TO: Chairperson Erickson and Members of the Plan and Zoning Commission

FROM: Linda Schemmel, AIA, Development Coordinator 

DATE: March 28, 2016

RE: Item 3a – Ordinance Amendment – Amend Title 4 (Health and Safety Regulations) and Title 9 (Zoning) to establish regulations pertaining to solar energy systems

As a follow up to the inquiry by Commissioner Southworth's forwarded to City staff and the Commission on March 25th regarding the potential impact of solar energy systems and solar access, please see the attached response from Assistant City Attorney Greta Truman.

Staff would note that the proposed ordinance already contains a provision on solar access easements. To further clarify that provision in light of the questions raised by Commissioner Southworth, the following modifications (indicated in bold text) are recommended.

- 15. Solar Access Easements: The enactment of this chapter does not constitute the granting of an easement by the city. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided by the site. Such covenants, easements, or similar documentation is the sole responsibility of the owner/operator. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined and the easement document executed in compliance with the regulations contained in the Chapter 564A (Access to Solar Energy) of the Iowa Code.*

cc. Tom Hadden, City Manager
Richard Scieszinski, City Attorney
Lynne Twedt, Director of Development Services

Schemmel, Linda

Subject: FW: Plan & Zoning Meeting

From: Truman, Greta

Sent: Monday, March 28, 2016 3:37 PM

To: Schemmel, Linda <Linda.Schemmel@wdm.iowa.gov>; Twedt, Lynne <Lynne.Twedt@wdm.iowa.gov>; Scieszinski, Richard <Richard.Scieszinski@wdm.iowa.gov>

Subject: RE: Plan & Zoning Meeting

Linda,

As we discussed, the proposed ordinance does not create a solar access easement, a dominant estate or a servient estate as defined by state law. (See Iowa Code section 564A.2) The City does not have a responsibility to provide adequate access to sunlight to operate a solar energy system. It is incumbent upon a property owner to evaluate their sunlight access and, if necessary, privately negotiate needed easements with the neighboring property owners or obtain easements through the procedure outlined in Iowa Code Chapter 564A.

Greta

Schemmel, Linda

From: Jill Southworth <jill.southworth@gmail.com>
Sent: Friday, March 25, 2016 5:31 PM
To: Taylor, Kimberly
Cc: DS Plan and Zoning Commission; Mayor/Council_Members; Hadden, Tom; Scieszinski, Richard; Hemesath, Brian; Twedt, Lynne; Schemmel, Linda; Portz, Brian
Subject: Re: Plan & Zoning Meeting

I have another board meeting that will likely run late on Monday. Please do not count on me attending the P&Z meeting although I will do my best to be there.

The proposed Solar Installation regulation troubles me. Not the language but the impact of its enactment. As I mentioned at the end of our last meeting, there are legal issues affecting property rights triggered by installation of free-standing solar panel (to a lesser extent roof panels are implicated).

All properties are entitled to light and air. Property owners have the right to use their property as they see fit unless there is an existing restriction of which they have notice, i.e. setbacks, driveway placement, utility lines. If one property owner installs solar panels (dominant estate) does that impliedly restrict nearby landowners (servient estate) from planting trees or creating structures blocking sunlight to those panels? Arguably trees carry a greater environmental and social benefit than individual access to solar energy. If an agreement to not build / plant trees is executed does that have to be recorded to be enforceable? If recorded it will run with the land and forever be an encumbrance on the servient estate? Restrictions on property usage reduces value What is the servient estate wishes to install solar panels but that installation will block the dominant estate's solar panels--who wins that battle?.

Please understand I am a huge supporter of solar energy. At one time I owned property in Boulder, CO and had upfront experience with solar installations. I believe city staff is approaching this issue in a thoughtful way but believe there are still issues to be resolved. I don't have the answer to the problem but do not want to face unintended consequences in the future. I strongly suggest that the city attorney render an opinion on these matters before P&Z proceeds with the ordinance.

Thank you for consideration of these comments.

On Fri, Mar 25, 2016 at 3:44 PM, Taylor, Kimberly <Kimberly.Taylor@wdm.iowa.gov> wrote:

Commissioners:

Attached is the agenda for the Plan and Zoning Commission meeting scheduled for Monday, March 28,

2016. The supporting materials have been placed on the City's website and can also be accessed by clicking the on the link below.

<http://www.wdm.iowa.gov/Home/Components/Calendar/Event/11453/120>

Please let me know if you are unable to attend this meeting so that we can ensure a quorum. If I do not hear from you, I will see you on Monday, March 28.

Have a great weekend.

Kim

Kimberly Taylor | Development Services | City of West Des Moines

ph: [515.273.0609](tel:515.273.0609) | fax: [515.273.0602](tel:515.273.0602)

4200 Mills Civic Pkwy Ste 2D | P.O. Box 65320 | West Des Moines, IA 50265

Schemmel, Linda

From: Scot Glasford <SGlasford@athene.com>
Sent: Thursday, April 14, 2016 8:56 AM
To: Schemmel, Linda
Subject: Opinion on Solar Ordinance

Linda,

This e-mail is in regards to the solar ordinance up for review in the WDM city council.

When I first caught wind of this, I was taken aback. I was surprised that WDM would even consider such an ordinance.

When I think of Des Moines, I think of a city expanding. I think of a city that is creating new and exciting opportunities in different fields for many young professionals. Both my wife and I have selected WDM as our home because of these opportunities. I am proud to say that I am a WDM resident because of this vision I have of the city.

Because of this growth and the influx of young professionals WDM should be happy to attract, they should try to make decisions that are consistent with the vision I currently have of WDM.

Passing an ordinance to restrict the installation of solar panels seems like a step in the opposite direction.

As seen in the presidential primaries, there is a candidate with a strong message on the environment who is getting the vote of 20 and 30 year olds at a 75% rate. That candidate is Bernie Sanders and he is the only candidate that has seriously addressed the issue of climate change. Young people care about the world that will be left to them, they are less concerned about how some residents might view a solar panel as 'tacky'. Dismissing the environment and environmental issues is sure fire way to send a message to young people that their opinion doesn't matter.

Also, for those that want to get in to an ascetics argument, ascetics are a personal preference. If certain residents have a vision of their own neighborhood and enough of these people have the same opinion, let them deal with the solar panels within their HOAs, not at a city level. Many young people will be buying their first home in the same neighborhood, as they will be priced out of certain neighborhoods. Let them determine what is appropriate for their neighborhood.

One other thing about ascetics, what is considered 'tacky' in one era will be considered trendy in another era. Because ascetics are an ever evolving subjective criteria, this argument is flimsy at best.

Also, how can this particular regulation be rationalized under the two major political ideologies? If you're a republican, aren't you against regulation and against government interference in any aspect of your personal life? If you're a democrat aren't you supposedly environmentally progressive?

I appreciate consideration of my thoughts on this matter.

Thank you!

Scot Glasford, FSA, MAAA

1476 Sugar Creek Circle
West Des Moines, IA 50266
319 573 8435

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Prepared by: L. Schemmel, Development Services Development, PO Box 65320, West Des Moines, IA 50265, 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 BY AMENDING TITLE 4, NUISANCES, CHAPTER 2, NUISANCES DECLARED AND TITLE 9, ZONING, CHAPTER 10: PERFORMANCE STANDARDS, SECTION 4, SPECIFIC USE REGULATIONS, AND CHAPTER 14, ACCESSORY STRUCTURES, SECTION 11, FENCES AND WALLS AND SECTION 14, VARIANCES

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

Section 1. Amendment. Title 4, *Health and Safety Regulations*, Chapter 4, *Nuisances*, Section 2, *Nuisances Declared* is hereby modified by inserting the language indicated in italicized and bolded text below.

4-4-2: NUISANCES DECLARED

Whatever is injurious to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance. Nuisances shall include, but not be limited to, those activities and items hereafter set forth in this section:

- A. Weeds: Weeds or vegetation allowed to grow to a height greater than ten inches (10") on the average, or any accumulation of dead weeds, grass, brush, or trees on any occupied or unoccupied lot or land. Exceptions include:
 1. Trees And Shrubs: The use of trees and shrubs for landscaping purposes;
 2. Erosion Control: Areas planted to offset and control any soil loss problems, both occurring or predicted, including areas along waterways and edges of lakes, ponds, and stormwater retention/detention facilities;
 3. Wooded Areas: All areas that are predominately wooded and over one acre in size;
 4. Educational Programs: Any areas designated for educational studies;
 5. Gardens: Areas dedicated to growing fruits or vegetables for personal consumption or to growing flowers, native plants, ornamental grasses, ground covers, shrubs, and similar plants which are cultivated and/or mulched to remain free of weeds, grassy weeds, or volunteer plants. Vegetation in gardens shall not be allowed to grow onto adjacent property. Fruit and vegetable gardens are prohibited within the public right of way. Landscaping with flowers, plants, and grasses may be allowed within the public right of way, but shall be limited to the

immediate area surrounding a mailbox, shall not exceed eight (8) square feet in size, and shall not interfere with the vision triangle as provided in this code. There shall be no compensation by the city to the property owner for any damage to or removal of such items placed within the public right of way;

6. Streetscapes: Plantings within the public right of way that are part of a planned city streetscape or a landscape plan submitted and approved as part of a development permit;
 7. Parks And Open Space: Any and all public parks and open space lands whether under the jurisdiction of federal, state, county, or local agencies, including private conservation/preservation organizations; and
 8. Native Planting Areas: Areas of native plant species on any parcel, with the exception of individual single-family lots, that are part of a landscape plan submitted and approved as part of a development permit.
 9. All vegetation, other than trees and shrubs, must be cut at least once annually to a height no greater than ten inches (10"). As an alternative to cutting, native planting areas (see exceptions at subsections A7 and A8 of this section) on both private and public property may be maintained by controlled burning with an approved permit from the city's fire department. Natural areas in public parks and greenways shall be exempt from annual maintenance requirements.
 10. No exceptions will be granted that violate the Iowa noxious weeds and the Iowa weed law chapter 317, Code of Iowa, 2009.
- B. Rubbish, Trash: Accumulation of rubbish, trash, refuse, junk, and other salvage materials, such as metals and lumber, that are allowed to accumulate to the prejudice of others or any material having lost its value for the original purpose for which it was created or manufactured.
 - C. Debris On Right Of Way: Mud, dirt, gravel, snow, leaves, or other debris, substances, or objects deposited upon the public right of way, including, but not limited to, debris, substances, or objects that unnecessarily restrict the movement of vehicular or pedestrian traffic along the public streets and sidewalks.
 - D. Dilapidated Buildings: Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or any building or structure defined as a dangerous building in the uniform code for the abatement of dangerous buildings, 1988 edition, as adopted by the city.
 - E. Abandoned Buildings: Abandoned buildings or other structures.
 - F. Inoperable/Obsolete Vehicles: The storage, parking, leaving, or permitting the storage, parking, or leaving of an inoperable/obsolete vehicle upon private property within the city. This subsection shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a junkyard, or auto and truck oriented use operated in the appropriate zone, pursuant to the zoning laws.
 - G. Vehicles Parked On Unpaved Surfaces: Vehicles parked on private property with residential zoning on an unpaved surface or a surface that does not comply with subsections 9-15-4B and 9-15-6G of this code.
 - H. Fences: Fences that are not in a structurally sound condition.
 - I. Vermin Harborage: Conditions which are conducive to the harborage or breeding of vermin.
 - J. Sanitary Sewer Facilities: Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drainfields, which have failed or do not function properly or which are overflowing, leaking or emanating odors. Septic tanks, cisterns, and cesspools which are

abandoned or no longer in use unless they are emptied and filled with clean fill. Any vault, cesspool, or septic tank which does not comply with the Polk County or Dallas County department of health regulations.

- K. **Overland Flowage Easements And Stormwater Flowage Easements:** No alteration or modification shall be made nor any obstructions placed in the overland flowage easement or storm flowage easement which prevents, obstructs, or impedes the overland water flow or surface water flow from adjacent lands entering or draining into and through the easement without first obtaining the expressed written consent of the city.
- L. **Other Nuisances:** Any nuisance described as such by chapter 657 of the Iowa Code.
- M. **Waste Disposal:** The placing in a compost pile, yard, or garden, the burying or the burning of rubbish, trash, refuse, junk, used construction materials, or unprocessed animal waste, or any other inappropriate items which are generally offensive to the senses of the general public.
- N. **Discharge Of Waters:** Any discharge of waters which collect upon private real estate from subsurface or surface drainage to a point upon or adjacent to a public sidewalk, street, or property line as to permit the waters discharged to drain upon a public sidewalk, street, or onto adjoining real estate. The public works director or designee may require that any such discharge be connected to the public storm sewer system, if available, or be directed to a discharge point which eliminates or lessens the nuisance. (Ord. 1910, 2-22-2011)
- O. ***Dilapidated/Inoperable Mechanical Equipment: The storage, leaving, or permitting the storage, of dilapidated/inoperable mechanical equipment upon private property within the city including but not limited to: heating, ventilating and cooling equipment, pumps, generators and solar or wind generated energy systems.***

Section 2. Amendment. Title 9, *Zoning*, Chapter 10, *Performance Standards*, Section 4, *Specific Use Regulations* is hereby modified by inserting the language indicated in italicized and bolded text below.

9-10-4: SPECIFIC USE REGULATIONS

A. The Following Standards Shall Apply To All Zoning Districts Unless Noted Otherwise In This Title:

- 1. **Fuel Supply Systems:** All fuel supply systems shall be constructed and installed in accordance with all applicable requirements of this Title, the Uniform Building Code as adopted and amended by the City, the Uniform Fire Code as adopted and amended by the City, and any other applicable, local, County, State, or Federal regulations or requirements.
- 2. **Screening Of Mechanical Units:** The following standards apply to the location and screening of mechanical equipment:
 - a. **Screening Of Ground Mounted Mechanical Units:** For all uses, except for single-family detached and bi-attached residential uses, all ground-mounted mechanical units, including but not limited to: air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from any adjacent public thoroughfare shall be visibly screened from public view by the use of a screening wall built out of materials compatible and consistent with the architecture and materials of the principal building, landscape plantings of predominately evergreen materials to provide year-round screening, or a combination of the above. The type of screening to be used shall be identified as part of the site plan or permitted conditional use permit (Pc) submittal.
 - b. **Screening Of Roof Mounted Mechanical Units:** All roof-mounted mechanical units shall be screened from adjacent public thoroughfares by the use of an opaque screening material compatible with the architecture of the building or architecturally designed screening, such as

a parapet wall. The screening of the roof-mounted units shall be designed to blend with the building and roof materials. Additional screening may be required due to topographic differences in the adjoining properties.

- c. **Location Of Meters In Single-Family And Bi-Attached Developments:** Single-family and bi-attached residential developments shall be prohibited from locating the mechanical units and meters in the front yard of the property unless adequate screening is provided to visibly screen these elements from the public view. (Ord. 1190, 6-17-1996)

3. **Screening of Solar Energy Systems:**

- a. ***Ground mounted solar energy systems should be sited to visually mitigate undesirable features that are visible at grade from surrounding properties and public thoroughfares. The City is aware of the operating needs of these types of structures and acknowledges that it may be impossible to orient a system to hide its undesirable features such as the structural elements, rear face of the collector panels, mechanical equipment and accessories. Should any of these features be visible, the following options are acceptable methods of screening the view of these undesirable features:***
 1. ***An enclosure or a freestanding screen wall or fence of an opaque design built out of materials consistent with the architecture and materials of the principal building. Landscape plantings may be implemented in combination with the screen enclosure, fence or wall to soften the appearance of the installation.***
 2. ***Landscape plantings that are composed of evergreen materials to provide year-round screening may be implemented in lieu of screen enclosure, fence or wall. Plant material shall be of sufficient height and size at the time of installation to fully screen the undesirable features of the system.***
- b. ***Building mounted systems do not require screening if they comply with the requirements as noted in Title 9 (Zoning), Chapter 14 (Accessory Structures), Section 14 (Solar Energy Systems) of the West Des Moines City Code. However the structural elements, equipment and accessories related to a system mounted on a flat roof that are visible from any adjacent public thoroughfare or adjacent property shall be selected to be a similar color to the roof surface or adjacent building materials to mitigate the visual impact of the system. Wall or ground mounted mechanical equipment related to any Solar Energy System as noted in subsection A2a of this Section, will require screening.***

Section 3. Amendment. Title 9, Zoning, Chapter 14, Accessory Structures, Section 11, Fences and Walls is hereby modified by inserting the language indicated in italicized and bolded text below.

9-14-11: FENCES AND WALLS

C. Fence Regulations:

1. **Residential Estate And Agriculture/Open Space Districts:** Unless otherwise specified herein, eight foot (8') fences shall be allowed within residential estate (RE) and open space districts (OS). All eight foot (8') fences shall be constructed of decorative metal and maintain a consistency of fifty percent (50%) open space for the full length of said fence, and the use of any chainlink fence, of any type, shall be prohibited. This calculation shall be provided at the time of a building permit application.
2. **Industrial Districts:** Unless otherwise specified herein, fences and walls not exceeding eight feet (8') in height are allowed within the limits of side and rear yards. Fences may be allowed within the limits of the front yard if approved by the city council through the site plan or permitted

conditional use permit process. The use of barbed wire may be allowed, provided the barbed wire is not less than six feet (6') above the ground. (Ord. 1354, 3-22-1999)

3. Warehouse Retail District: Fences and screen walls not exceeding twelve feet (12') in height are allowed within the limits of the side and rear yards. Fences may be allowed within the limits of the front yard if approved by the city council or board of adjustment through the site plan or permitted conditional use permit process. (Ord. 1629, 4-25-2005)
4. All Other Districts: Unless otherwise specified herein, fences and walls not exceeding six feet (6') in height are allowed within the limits of side and rear yards. A fence or wall, not exceeding four feet (4') in height is allowed up to the property line provided the visual clearance is maintained.
5. Decorative Features: In all districts, decorative features such as individual posts, trellises, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence height by no more than twelve inches (12"). Decorative features shall not be counted towards the open space percentage of the fence. Pedestrian entry features which only include arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to design review and approval of the director of community development. (Ord. 1354, 3-22-1999; amd. Ord. 1629, 4-25-2005)
6. Single Faced Fences: Single faced fences shall have their unfinished side (side with exposed posts) facing towards the property on which the fence is erected. Provisions for landscaping to soften the visual appearance of the fence or wall and provide additional buffering may be required and will be reviewed on a case by case basis. In addition, the following shall apply:
 - a. Safety rails or fencing may be required to satisfy building code requirements.
7. *Screening of Mechanical Units: Unless otherwise specified herein, fences or walls installed as a method of screening mechanical equipment may exceed height limitations of the specific zoning districts in order to effectively screen the mechanical equipment if they are located in direct proximity to the equipment. All screen fences or walls shall be opaque in design and be built out of materials consistent with the architecture and materials of the principal building. Any open area required for ventilation of the equipment shall be designed to prevent full view of the equipment. The design of the screen fence or wall and the height required for full screening shall be provided at the time of a building permit or site plan application.*

Section 4. Amendment. Title 9, Zoning, Chapter 14, Accessory Structures, Section 14, Variances is hereby modified by inserting the italicized and bolded language and deleting the highlighted strikethrough language included below.

9-14-14: ~~VARIANCES~~ SOLAR ENERGY SYSTEMS

~~Application for a variance of any of the above provisions shall be made to the board of adjustment in the manner provided in title 2 of this code.~~

A. INTENT: *The intent of this ordinance is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The City finds these regulations are necessary to ensure that Solar Energy Systems are appropriately designed, sited and installed.*

B. DEFINITIONS

COLLECTOR PANEL: *An equipment assembly used for gathering, concentrating or absorbing solar energy as useful thermal energy or to generate electric energy.*

HEIGHT, TOTAL GROUND MOUNT SYSTEM: *The height above grade of the system from the highest point, including the supporting structure, related equipment and the collector panels. Adjustable angle systems will be measured from the highest point when the system is at its maximum vertical extension.*

HEIGHT, TOTAL BUILDING MOUNTED SYSTEM: *The height above the roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.*

LARGE SOLAR ENERGY SYSTEM (LSES): *A solar energy system which has a nameplate rated capacity of over fifteen (15) kilowatts in electrical energy or fifty (50) KBTU of thermal energy for non-single family residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a LSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.*

OFF GRID: *An electrical system that is not connected to a utility distribution grid.*

SMALL SOLAR ENERGY SYSTEM (SSES): *A solar energy system which has a nameplate rated capacity of up to fifteen (15) kilowatts in electrical energy or fifty (50) KBTU of thermal energy for residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.*

SOLAR ACCESS: *A property owner's right to have sunlight shine on his land.*

SOLAR ENERGY: *Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use or photovoltaic use.*

SOLAR ENERGY SYSTEM (SES): *An aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert radiant energy from the sun into mechanical or electrical energy.*

SOLAR ENERGY SYSTEM, BUILDING INTEGRATED: *A solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building's vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building-integrated system may occur within vertical facades, replacing glazing or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.*

SOLAR ENERGY SYSTEM, BUILDING MOUNTED: *A SES which is securely fastened to any portion of a building roof, whether attached directly to the principal or accessory building*

SOLAR ENERGY SYSTEM, GROUND MOUNTED: *A SES which is not located on a building and is ground mounted.*

UTILITY SCALE SOLAR ENERGY SYSTEM: *A solar energy system which supplies electrical power or thermal energy solely for use by off-site consumers.*

C. GENERAL REGULATIONS:

1. **Allowances for Solar Energy Systems (SES) shall be as follows:**
 - **A building integrated system**
 - **A building mounted system attached to the roof of an accessory or primary structure.**
 - **A ground mounted system as a detached accessory structure to a primary structure.**
 - **Large Solar Energy Systems (LSES) are not allowed in Open Space zoning district and single family residential used or zoned property.**
 - **Utility Scale Solar Energy Systems are not allowed.**
2. **Permit Required: It shall be unlawful to construct, erect, install, alter or locate any Solar Energy System (SES) within the City of West Des Moines, unless approved with:**
 - **Building Permit in the following Zoning Districts: Open Space and single family residential zoned property.**
 - **Site Plan, Major or Minor Modification to a Site Plan permit for all other zoning districts.**
 - **The owner/operator of the SES must also obtain any other permits required by other federal, state and local agencies/departments prior to erecting the system.**
3. **Installation: Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire and electric codes. All electrical components must meet code recognized test standards.**
4. **Number of Systems per Zoning Lot: No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the City Council.**
5. **Engineer Certification: Applications for any SES shall be accompanied by standard drawings of the receiving structure if newly constructed, including the supporting frame and footings. For systems to be mounted on existing buildings, an engineering analysis showing sufficient structural capacity of the receiving structure to support the SES per the applicable code regulations, certified by an Iowa licensed professional engineer shall be submitted.**
6. **Color: The SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare.**
7. **Lighting: No lighting other than required safety lights or indicators shall be installed on the SES.**
8. **Signage: No advertising or signage other than required safety signage and equipment labels shall be permitted on the SES.**
9. **Maintenance: Facilities shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and may be abated in accordance with Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) of the West Des Moines City Code.**
10. **Displacement of Parking Prohibited: The location of the SES shall not result in the net loss of required parking as specified in Chapter 15 of this title.**
11. **Utility Notification: No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent**

to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- 12. Interconnection: The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa utilities board.*
- 13. Restriction on Use of Energy Generated: A SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SSES and not presently needed for on site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.*
- 14. Shut Off: A clearly marked and easily accessible shut off for any SES that generates electricity will be required as determined by the Fire Marshal.*
- 15. Electromagnetic Interference: All SES shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a SES may be revoked if electromagnetic interference from the SES becomes evident.*
- 16. Solar Access Easements: The enactment of this chapter does not constitute the granting of an easement by the city. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided by the site. Such covenants, easements, or similar documentation is the sole responsibility of the owner/operator. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined and the easement document executed in compliance with the regulations contained in the Chapter 564A (Access to Solar Energy) of the Iowa Code.*
- 17. Compliance with National Electric Code: Applications for SES shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.*
- 18. Removal: If the SES remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, collector panels and related equipment from the property excluding foundations. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be abated in accordance with Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) of the West Des Moines City Code.*
- 19. Screening: SES that are visible from the public thoroughfare or adjacent properties will require screening in accordance to regulations for screening of mechanical units noted in Chapter 4 (Specific Use Regulations) and in Chapter 10 (Performance Standards) of this title. The need for and type of screening to be used shall be identified as part of the Building Permit, Major or Minor Modification to a Site Plan or Site Plan Permit submittal.*
- 20. Nonconforming Systems: A SES that has been installed on or before the effective date of this Section and is in active use and does not comply with any or all of the provisions of this section shall be considered a legal non-conforming structure and will be regulated by the provisions noted in Chapter 3 (General Zoning Provisions), Section 4 (Nonconforming Buildings, Structures, Uses, Uses of Land or Uses of Buildings or Structures) of this title.*
- 21. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any SES or associated building or structure, or part thereof declared to be unsafe by the appropriate authority.*

D. BULK REGULATIONS

1. Location:

• Ground Mounted SES

- 1. No part of a SES shall be located within or over drainage, utility or other established easements, or on or over property lines.**
- 2. The SES shall be located in accordance to the regulations for detached accessory structures in Chapter 14 (Accessory Structure) of this title or not less than one (1) foot from the property line for every one (1) foot of the system height measured at its maximum height, whichever is most restrictive.**
- 3. A SSES cannot be located in front of the rear wall of the primary structure, even if it meets the front yard setback requirements. A LSES cannot be located in the front yard setback.**
- 4. A SES shall not be located in any required buffer.**
- 5. The setback from underground electric distribution lines shall be at least five feet.**
- 6. No SES shall be located which may obstruct vision between a height of thirty inches (30") and ten feet (10') on any corner lot within a vision triangle of twenty five feet (25') formed by intersecting street right of way lines.**

• Building Mounted SES

- 1. The solar energy system shall be setback not less than one (1) foot from the exterior perimeter of the roof for every one (1) foot the system extends above the parapet wall or roof surface.**
- 2. Should the solar energy system be mounted on an existing structure that does not conform to current setback requirements, the solar energy system shall be installed to meet the current setback requirements applicable to the receiving structure.**
- 3. Shall be designed to minimize their visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take in account the proportion of the roof surface and place the panels in a consistent manner without gaps unless necessary to accommodate vents, skylights or equipment.**
- 4. Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.**
- 5. Shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.**

• Building Integrated SES

- 1. No setback required**
- 2. Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.**
- 3. Shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.**

- No SES shall be constructed within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops).**

2. Height:

• Ground Mounted SES

- 1. The maximum height of the SES shall not exceed ten (10) feet in height as measured from existing grade.**

• Building Mounted SES

- 1. The collector panel surface and mounting system shall not extend higher than eighteen (18) inches above the roof surface of a sloped roof.**
- 2. The collector panel surface and mounting system shall not extend higher than seven (7) feet above the roof surface of a flat roof.**

• Building Integrated SES

- 1. The collector panel shall maintain a uniform profile or surface with the building's vertical walls, window openings, and roofing.**

3. **Size:**

- *Size of the SES is calculated by measuring the total surface area of the collector panels for the system.*
- *Ground Mounted SES:*
 1. *In single family residential used or zoned property the SES is restricted in size to no more than the allowed area for detached accessory structures on the specific property. The SES would be included in the collective total of all detached accessory structures.*
 2. *In all other zoning districts the SES is restricted in size to no more than 50% of the area of the primary structure(s) footprint.*
- *Building Mounted SES: System size will be determined by the available roof area subject to the installation minus the required setbacks or access pathways.*
- *Building Integrated SES: System size will be determined by the available building surface area subject to the installation minus the required access pathways.*
- *In no case shall a SSES exceed the nameplate rated capacity of fifteen (15) kilowatts or fifty (50) KBTU.*

4. **APPLICATION REQUIRED:** *Application for SES shall be made on forms provided by the City of West Des Moines. No action may be taken regarding requests for SES until completed applications have been filed and fees paid.*

Section 5. **Amendment.** Title 9, *Zoning*, Chapter 14, *Accessory Structures*, Section 15, *Variances* is hereby added by inserting the italicized and bolded language included below.

9-14-15: **VARIANCES**

Application for a variance of any of the above provisions shall be made to the board of adjustment in the manner provided in Title 2 of this Code.

Section 6. **Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 7. **Savings Clause.** If any section, provision, sentences, clause, phrase or part of this 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, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 8. **Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 9. **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 10. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2016, and approved this _____ day of _____, 2016.

Steven K. Gaer
Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2016, and was published in the Des Moines Register on _____, 2016.

Ryan T. Jacobson
City Clerk

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

Date: April 18, 2016

ITEM: Self-Storage - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), Chapter 15 (Off-Street Parking and Loading) to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage mini-warehousing – City Initiated - AO-002949-2015 (continued from April 4, 2016)

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff requests an amendment to Title 9, Zoning, to amend Chapter 2, Definitions to redefine self-storage facilities, to amend Chapter 6, Commercial, Office, and Industrial Zoning use matrix to modify approvals for interior access and exterior access self-storage facilities, to amend Chapter 10, Performance Standards to set development standards for exterior unit access and interior unit access self-storage facilities, and to amend Chapter 15, Off-Street Parking and Loading, to modify parking standards for interior access and exterior access self-storage facilities. This item was deferred from the City Council's February 8, 2016.

Plan and Zoning Commission Action:

Vote: 6-0 Denial, Commissioner Erickson absent

Date: February 16, 2016

Motion: Approved a resolution recommending the City Council deny the first reading of the amendment to Title 9, Zoning

At the Plan & Zoning Commission meeting of January 18, 2016, the Commissioners discussed issues related to the office park tenant expectations of adjacent tenant spaces to be office-related, the lack of demand for indoor self-storage, and the potential negative impact on valuation of areas where indoor self-storage was located in office and professional commerce park districts. The Commission continued the item to the February 1, 2016 meeting. At the February 1, 2016 meeting, the Commission did not approve the resolution to recommend to the City Council approval of the ordinance amendment. At their February 16, 2016, meeting the Commission adopted a resolution to recommend to the City Council that it deny the ordinance amendment.

In reference to the letter of request from a property owner to allow indoor self-storage in an office district, on property located north of Mills Civic Parkway and east of South Prairie View Drive, the Commission felt that if that location was deemed acceptable, that the planned unit development (PUD) ordinance may be amended to include the use for that location, but to allow indoor self-storage in all office and professional commerce park districts was not supported among the Commissioners.

OUTSTANDING ISSUES: Of note are the following:

City Council March 7, 2016: At the City Council meeting where the ordinance was first presented, March 7, 2016, the City Council requested that the City Attorney prepare a legal opinion on whether the indoor self-storage use could be included in the PUD for the specific area that was the subject of the property owner's request. The attorney's opinion (see Exhibit II- Legal Opinion), after reading city code, is that the self-storage use, currently allowed in the industrial districts could not be put in the PUD with office uses.

Previous Plan and Zoning Commission Discussion: The Plan & Zoning Commission generally felt that the specific request to allow indoor self-storage in an office district, such as the written request that the City has received, is better accommodated in the Planned Unit Development (PUD) ordinance for the area. There was concern expressed with indoor self-storage being allowed in the Office district, in that it may devalue the area and that office building tenants expect to be located within an area where there are active tenants in the same building or in the adjacent buildings. See Exhibit IV for meeting minutes.

Staff notes: As noted in Exhibit I, staff feels that the proposed ordinance is written to address the Commissioners' concerns in the performance standards related to conversion of existing space into storage by requiring that the building be in conformance with building regulations and fire code regulation for the storage use.

In addition to addressing the Commission's concerns, the proposed ordinance includes several performance standards for self-storage that are not in the city code today. There are no performance standards in today's code to address fencing, screening, aesthetics, and most especially prohibiting uses such as workshops, manufacturing, repair, retail sales, keeping of animals, and uses not compatible with storage.

The proposed ordinance also includes provisions for indoor self-storage which is not addressed at all in the city code. Indoor self-storage is defined to be that type of storage where all of the storage units are accessed by interior hallways, not from the outside. These types of buildings should emulate the adjacent buildings in style, typically have a store/office front for business activities, and may be more than one story. The proposed ordinance acknowledges this type of self-storage and sets performance standards and parking standards, which is not included in the current city code. Indoor self-storage is different from other indoor storage in that only the tenant has access to the property inside the unit rather than the owner having access to the warehouse as a whole.

While the Commission focused on the use of indoor-self storage in the office and professional commerce park districts, the ordinance provides much more guidance on the construction and operation of both the single story self-storage with exterior access and the indoor self-storage that staff feels is needed regardless whether indoor self-storage in the office and professional park zoning districts is allowed.

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 - *Development & Planning: November 5, 2015, December 17, 2015, and January 25, 2016*
- Staff Review and Comment
 - *Plan and Zoning Concerns*
 - *Adherence to Building and Fire Code Regulations*
 - *Loading Areas*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendation and Conditions of Approval

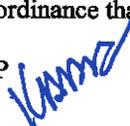
PLAN AND ZONING COMMISSION RECOMMENDATION: The Plan and Zoning Commission recommends the City Council deny the first reading of the ordinance amendment to Title 9, Zoning, Chapter 2, Chapter 10, and Chapter 15 related to self-storage facilities.

Staff notes that City Code provides that in order to approve the first reading of the ordinance, against the Plan & Zoning Commission's recommendation, that a super majority of the City Council must vote in favor of the action. A super majority of the City Council is four out of the five members of the council.

STAFF RECOMMENDATION: Based upon staff review and findings that the proposed ordinance is consistent with the goals and polices of the Comprehensive Plan, Staff recommends that the City Council approve the first reading of the ordinance amendment to Title 9, Zoning, Chapter 2, Chapter 10, and Chapter 15, related to self-storage facilities.

However, if the City Council does not want to allow indoor self-storage in the Office districts, instead of denying the ordinance, staff recommends referring the ordinance back to the Plan & Zoning Commission where staff will remove the allowance of the indoor-storage from the use matrix for Office and Professional Commerce Park and present to the Commission the performance standards that staff recommends be put in place. The referral is required since there is substantive change contemplated to the ordinance that the Commission should consider.

Lead Staff Member: Kara Tragesser, AICP



Staff Reviews:

Department Director	JJA
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section
Date(s) Published	January 8, 2016
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 5, 2015, December 17, 2015, and January 25, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission February 1, 2016 Communication
- Attachment A - Plan & Zoning Commission Resolution
- Attachment B - Proposed Ordinance (*moved to Exhibit V*)
- Exhibit II - Plan and Zoning Commission January 18, 2016 Communication (part thereof)
- Exhibit III - Legal Opinion
- Exhibit IV - January 18 and February 1, 2016 Plan and Zoning Commission meeting minutes
- Exhibit V - Ordinance

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION**

Meeting Date: February 1, 2016

Item: Self-Storage - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage mini-warehousing – City Initiated – AO-002949-2015

Request Action: Approval of an amendment to the City Code

Case Advisor: Kara Tragesser, AICP

VAMO

Request: The City of West Des Moines requests an amendment to Title 9, Zoning, to amend Chapter 2, Definitions to redefine self-storage facilities; to amend Chapter 6, Commercial, Office, and Industrial Zoning use matrix to modify approval process for interior access and exterior access self-storage facilities; to amend Chapter 10, Performance Standards to set development standards for interior access and exterior access self-storage facilities; and to amend Chapter 15, Off-Street Parking and Loading, to modify parking standards for interior access and exterior access self-storage facilities.

Previous Plan and Zoning Commission Action:

Vote: 6-0 approval, Commissioner Andersen absent

Date: January 18, 2016

Motion: Defer item to the February 1, 2016, Plan & Zoning Commission meeting

Members of the Plan & Zoning Commission expressed a preference for accommodating interior-access self-storage facilities within specific PUDs rather than changing the city code. Commission members were concerned that there may be a devaluation of office space and underutilization of current office space with the proposed allowance of self-storage within office buildings. The Commission directed staff to re-review the ordinance and deferred action on the proposed ordinance to the Commission's February 1, 2016, meeting.

City Council Subcommittee: This item was discussed at the November 5, 2015, and the December 17, 2015, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance to allow indoor storage facilities with the right performance standards; however, the subcommittee reached no consensus on support of these facilities in the commercial districts, especially Neighborhood Commercial.

This item also was discussed at the January 25, 2016, Development Planning City Council Subcommittee to update the Subcommittee on the progress of the amendment. The Subcommittee expressed concern about the location of loading doors and was in varied support of allowing indoor storage in the office districts, but seemed comfortable with allowing them if the appropriate performance standards were in place. However, the Subcommittee was looking forward to the Plan & Zoning Commission recommendation and reviewing the proposed ordinance at the next City Council meeting.

Staff Review and Comment:

Plan & Zoning Concerns: Staff reviewed the ordinance to allow indoor or interior accessed self-storage facilities in office and professional commerce park zoning districts with performance and building form standards. Staff believes that the aesthetics, operation, and activity level can be compatible with office and professional park uses and that these facilities could benefit the community by providing more opportunity for these facilities to be located closer to residential areas and thus what would be believed as the majority of users. Essentially, staff feels that if the self-storage building can act like and look like an office building, it should be compatible with office development.

Staff contacted a commercial assessor in the Polk County Assessor's Office to ask questions related to how the assessor might evaluate an indoor storage use in an office setting. The assessor spoke to evaluating negative impacts such as traffic, truck traffic, noise, property condition, etc. and noted that the City has been successful with the former Wall Street building on Westown Parkway which was production dominate and the Centurylink building on Westown Parkway which has light patron activity being in office districts with no apparent impact to valuations in that area.

Changes to Original P&Z Review: Staff proposes the following two changes to the ordinance:

- **Adherence to Building and Fire Code Regulations:** In response to concerns that an office building might become a mix of operating office spaces mixed amongst offices now rented for the purposes of mini-storage, staff has included a requirement that indoor self-storage facilities comply with building and fire code requirements. The impact of this requirement will add requirements for sprinkler systems and alarm systems for the addition of self-storage to an office building which otherwise may not require sprinkler systems. Staff perceives that this requirement will inhibit the conversion of part of an office building to self-storage.
- **Loading Areas:** In response to concerns that individuals would be loading and unloading goods at the main entry, staff included a provision that the transfer of goods to the storage units shall not be done through the front door of the building, or any main public entry door that leads to operating office spaces. All transfer of goods is intended to occur at a service entry or defined loading dock at the rear of the building. As building access would likely be access-code based, which accesses would be used by office users versus renters of storage space could be somewhat controlled.

Noticing Information: On January 8, 2016, notice of the January 18, 2016, Plan and Zoning Commission public hearing for this project was published in the *Des Moines Register*. On January 18, 2016, the Plan and Zoning Commission held the public hearing, closed the public hearing, and deferred action on the item until the February 1, 2016, meeting.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

- Attachment A – Proposed Resolution
- Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-16-009

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT DENY AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 6 (COMMERCIAL, OFFICE, AND INDUSTRIAL ZONING DISTRICT), CHAPTER 10 (PERFORMANCE STANDARDS), AND CHAPTER 15 (OFF-STREET PARKING AND LOADING) TO ESTABLISH STANDARDS AND REGULATIONS RELATED TO INDOOR SELF-STORAGE AND MODIFY STANDARDS AND REGULATIONS FOR SELF-STORAGE MINI-WAREHOUSING

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage mini-warehousing;

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 January 18, 2016, Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, on February 1, 2016, Commission did consider the application for an amendment to ordinance;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. Based upon the information provided in the staff report submitted and presented at the meeting, the Plan & Zoning Commission's finds that the ordinance allowing self-storage facilities in the office and professional commerce park districts is not compatible with the uses allowed in those districts.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-002949-2015) is recommended to the City Council for denial, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on February 16, 2016.


Michele Brown, Vice 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 February 16, 2016, by the following vote:

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

ATTEST:


Recording Secretary

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION**

Meeting Date: January 18, 2016

Item: Self-Storage - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), Chapter 15 (Off-Street Parking and Loading) to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage mini-warehousing – City Initiated - AO-002949-2015

Request Action: Approval of an amendment to the City Code

Case Advisor: Kara Tragesser, AICP

Applicant's Request: The City of West Des Moines requests an amendment to Title 9, Zoning, to amend Chapter 2, Definitions to redefine self-storage facilities, to amend Chapter 6, Commercial, Office, and Industrial Zoning use matrix to modify approvals for interior access and exterior access self-storage facilities, to amend Chapter 10, Performance Standards to set development standards for exterior unit access and interior unit access self-storage facilities, and to amend Chapter 15, Off-Street Parking and Loading, to modify parking standards for interior access and exterior access self-storage facilities.

This ordinance amendment request stems from a letter (see Attachment B – Request Letter) requesting that the City consider an amendment to allow interior accessed self-storage on a parcel zoned Professional Commerce Park. The parcel is in the West Glen Town Center PUD, however, staff feels that a city-wide amendment to the city code should be considered to address whether self-storage should be allowed in zoning districts other than the currently allowed Warehouse retail and various Industrial districts.

City Council Subcommittee: This item was discussed at the November 5, 2015, and the December 17, 2015, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance to allow indoor storage facilities with the right performance standards; however, the subcommittee reached no consensus on support of these facilities in the commercial districts, especially Neighborhood Commercial.

Staff Review and Comment: There are no outstanding issues. According to information gathered from the Self Storage Association, most of the self-storage facilities operating today are typical row buildings, some multi-story facilities and conversion of older buildings. A new generation of facilities are emerging characterized by location in non-industrial zoning districts and aesthetics in construction and design compatible with office and retail development. The City has received its first inquiries into re-using vacant buildings and constructing new buildings in non-industrial zoning districts for indoor or interior access self-storage, and as mentioned above, the City received a request to change the zoning ordinance to allow an indoor self-storage facility in a Professional Commerce Park zoning district. To address this request, staff discussed what the challenges may be and what mitigation of those challenges should be to allow this activity in non-industrial zones. Staff presented and discussed this matter with the Development and Planning Subcommittee and developed a draft ordinance after receiving feedback from the Subcommittee.

Self-storage facilities in non-industrial zones: Staff discussed the challenges presented by allowing indoor self-service storage facilities in non-industrial and non-residential zones and how those challenges may be mitigated. The challenges discussed included: aesthetics of the building and the view of roll up exterior doors, activity level, outdoor storage, screening, loading and unloading locations, and buffering. Staff believes that if self-storage was to be allowed in non-industrial zones that it should not be allowed in residential districts as the aesthetic and design of the facility (typically not a residential style) and operation do not appear to be compatible with residential development. Also, staff believes that self-storage should not be allowed in the commercial districts as the low activity level is not really compatible with retail districts. Retail has high activity levels during business hours, where storage facility activity is low and sporadic creating 'dead-zones' within the otherwise active and energetic retail areas.

Staff proposes to allow indoor or interior accessed self-storage facilities in office and professional commerce park zoning districts with performance and building form standards. Staff believes that the aesthetics, operation, and activity level can be compatible with office and professional park uses and that these facilities could benefit the community by providing more opportunity for these facilities to be located closer to where the majority of users are located. Staff notes that office and professional commercial park zones frequently are designated in close proximity to residential zones within

the city. Essentially, staff feels that if the self-storage building can act like and look like an office building, it should be compatible with office development.

Indoor or interior access self-storage facilities versus traditional mini-storage: Traditional self-storage, sometimes called mini-storage or mini-warehousing, is typified by long rows of connected storage units with roll-up doors open to the outdoors and often clustered in groups of buildings constructed to a minimal industrial standard. Indoor or interior access self-storage facilities are proposed to be storage units that are fully enclosed in a building with the access to the individual storage units being from interior hallways of the building, rather than from accessing the unit directly from the outdoors. Staff proposes to redefine self-service storage facilities into two sub-definitions to differentiate between the interior access and exterior access types of facilities and put in place more applicable performance standards to each and allow for the differing aesthetics and building form.

Expansion of performance standards for self-storage: The current city code does not provide performance standards for aesthetics or building form for self-storage. In order to consider the opportunity to allow self-storage in non-industrial zones, staff believes that performance and building form standards need to be established to ensure that the use and site are compatible with the zoning district in which is located and mitigate any impacts it may have on adjacent property. Staff proposes performance and building form standards for both exterior access and interior access self-storage facilities to mitigate typical negative elements such as overhead doors, outdoor storage, use of the self-storage units, façade materials and form, and overall aesthetics. In the case of interior access self-storage, performance standards are proposed to enhance the aesthetics and use of the facility to emulate the surrounding office and professional commerce park development, as well as these districts through-out the city in general.

Parking: Staff proposes changes to the parking standards for self-storage to more closely resemble industry and other communities' standards. Also, to allow for re-use of an indoor or interior access facility, staff proposes that a site demonstrate the ability to meet the parking standards of common re-use of a building in the office or professional park district, but only require the construction of the parking required for a self-storage facility. This requirement plans for the possibility of the self-storage building being re-used for an office building with the ability to provide for the parking of the office use. In the event a storage building becomes vacant, the re-use of the building will be easier to accommodate with sufficient area on the site for parking. Staff recognizes that while the building is used for self-storage that more of the site will be open space, but staff feels it is important to plan for the re-use of the building which otherwise may have restricted re-use in the future.

Outdoor Storage: Along with proposing to allow interior access self-storage in the office and professional commercial park districts, staff proposes that no outdoor storage be allowed in these districts. Outdoor storage is prohibited in these two districts for all other uses allowed in the districts due to the negative aesthetics and difficulty in screening the storage. Staff likewise feels that the views of tops of RVs, boats, trailers, and other typical outdoor storage materials cannot be sufficiently screened from public view and the views from adjacent property to allow them to be stored in these districts. The city code provides for outdoor storage in the industrial districts.

Noticing Information: On January 8, 2016, notice of the January 18, 2016, Plan and Zoning Commission public hearing for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

- Attachment A – Proposed Resolution
- Exhibit A – Proposed Ordinance
- Attachment B - Letter

CITY OF WEST DES MOINES, IOWA
OFFICE OF THE CITY ATTORNEY
LEGAL OPINION

TO: Kara Tragesser, Planner

FROM: Richard Scieszinski, City Attorney *RJS*

DATE: April 15, 2016

RE: Establishment of PUD

This memorandum addresses the ability of the City of West Des Moines to establish a Planned Unit Development (PUD) for the purpose of incorporating a use that would otherwise not be permitted in the underlying zoning district.

West Des Moines Code of Ordinance 9-9-1 defines a Planned Unit Development as:

“any development in which the proposed land uses, transportation elements, building densities, arrangements and types are set out in a unified plan. A planned unit development may consist of mixed residential, commercial, office and public land uses or a single use development.”

A PUD is intended to be used as “an alternate development tool for those developments that propose a creative and innovative development whose layout is not achievable by the standards under which the property is currently zoned.” *West Des Moines Code of Ordinance 9-9-3.*

The intent and purpose of a PUD is to allow flexibility in development of the land and to provide a procedure which can relate the type, design and layout of development to the particular site in order to preserve the site’s natural characteristics.

A PUD must meet the spirit and intent of the City’s Comprehensive Plan and conform to the intent, purpose and character of the zoning district in which it is located. It may include any uses permitted by right, specially permitted uses, or accessory uses as provided in the underlying district. However, if the use proposed in the PUD represents a substantial change to those uses allowed in the zoning district, an amendment to the Comprehensive Plan may be required. This requirement provides clear evidence that the intent in establishing a PUD is not solely to circumvent zoning provisions.

Because the proposed use of indoor storage is currently only allowed in Industrial zoning districts in the City, allowing indoor storage in the PUD would not meet the spirit or intent of the Comprehensive Plan or conform to the intent, purpose and character of the underlying zoning district. It would instead appear to be done in order to circumvent current zoning. Therefore, establishing a PUD for this purpose would be contrary to its intended and appropriate use.

PLAN AND ZONING COMMISSION MEETING

January 18, 2016

Direction: CITY1494.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, January 18, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Present
Andersen.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of January 4, 2015

Chairperson Erickson asked for any comments or modifications to the January 4, 2016 minutes.

Moved by Commissioner Southworth, seconded by Commissioner Brown, the Plan and Zoning Commission approve the minutes of the January 4, 2016 meeting.

Vote: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen.....Absent

Motion carried.

Item 2 – Public Hearings

Item 2a – Self-Storage - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), Chapter 15 (Off-Street Parking and Loading) to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage mini-warehousing – City Initiated - AO-002949-2015

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published on January 8, 2016 in the Des Moines Register.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Hatfield, seconded by Commissioner Southworth, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Planner Tragesser outlined the provisions in the proposed ordinance which revised the definition of self-storage, allowed internal-access self-storage in office and professional commerce park zoning districts, revised the parking requirements, and established performance standards for external-access and internal-access self-storage facilities. Ms. Tragesser noted that the City received a request for an ordinance change to enable an internal-access (indoor) self-storage facility in West Glen on a parcel to the north of the Target store.

Chairperson Erickson questioned the situation that may occur where part of the parcel would not be able to be used for a building because of the requirement to plan for the parking that would be required in the case of a future re-use of the building as something other than self-storage. He asked if provision could be made for using more of the parcel where the property owner acknowledges that future re-use of the building may involve loss of building area to accommodate more parking required for the new use.

Planner Tragesser replied that a current situation exists where a site has fewer parking spaces than a re-use of the building requires. Ms. Tragesser pointed out that staff felt that it was more effective to show that future parking can be accommodated on the site than to request that part of a building be left vacant or demolished to meet the available parking.

Commissioner Crowley stated that he believed it would be better to address this specific request in the West Glen Town Center Planned Unit Development (PUD). Mr. Crowley felt that allowing self-storage in the office district may diminish the long-term value of these areas. He noted the re-use of the former publishing building at 4125 Westown Parkway as an example where instead of self-storage, this building was re-used as multi-tenant office. Commissioner Hatfield expressed agreement, and that in this situation it would be more suitable to amend the PUD for this site.

Chairperson Erickson inquired if this ordinance would prevent someone from walling off units and start renting them out. He was informed that this would not be allowed in an office designation.

Ms. Schemmel noted that staff was interested in obtaining a balance between the impacts of a proposed use and providing property owners the flexibility to pursue a variety of uses or users that are appropriate within the zoning. Staff had also been concerned with appearance and activity. It was felt that if a building had the appearance office building, it would match the context of the surrounding properties and mitigate any concerns of perceived value.

Chairperson Erickson commented that he was respectful of what staff was trying to accomplish and the mechanism being used, but was also cognizant of Commissioner Crowley's and Commission Hatfield's perspective.

Chairperson Erickson asked if anyone from the audience would like to speak to this item.

Justin Brown, Downing Construction, 2500 West 2nd Avenue, Indianola, stated that he had approached staff regarding this option. He appreciated all the dialogue and the work completed by staff.

Chairperson Erickson asked if anyone else would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Commissioner Crowley stated that for self-storage he would suggest amending the zoning and not allow in an office or commercial district. His preference would be to only allow self-storage in an industrial zoning district or in a PUD.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission recommended that action be deferred on this item to the February 1, 2016 Plan and Zoning Commission meeting, and directed staff to revisit the ordinance in light of the concerns expressed by the commissioners related to the recommendation for a proposed ordinance to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage and mini-warehousing.

Vote: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen.....Absent
Motion carried.

Item 2b - Breweries - Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to revise the regulations of breweries and tap rooms that are between 5,000 sq. ft. and 10,000 sq. ft. in size and amend the approval process for breweries and tap rooms – City Initiated - AO-002956-2016

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published on January 8, 2016 in the Des Moines Register.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Crowley, seconded by Commissioner Brown, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Planner Tragesser stated that in response to a clarification request last year from the City’s codifier, staff requests approval of an ordinance amendment that would amend the commercial, office, and industrial zoning use matrix to address a discrepancy in brewery size and amend the approval process for breweries and tap rooms.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Moved by Commissioner Brown, seconded by Commissioner Crowley, the Plan and Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Vote: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Andersen.....Absent

Motion carried.

Item 3 – Old Business

There were no Old Business items on the agenda.

Item 4 – New Business

Item 4a – Guide One Mutual Insurance, 1200 12th Street – approval to allow two temporary trailers for housing of employees during a building remodel – GC3, LLC – SP-002964-2016

In the absence of the applicant, Development Coordinator Schemmel summarized the requested approval to allow for two temporary trailers during the Guide One building remodel to house employees. She stated that this approval was similar to the process used to approve Microsoft’s request for temporary facilities.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Southworth, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Site Plan to allow the

PLAN AND ZONING COMMISSION MEETING

January 18, 2016

implementation of two temporary trailers to that site located at 1200 12th Street, subject to the applicant meeting all City Code requirements and the following:

1. Removal of the trailers, decking, and ramps no later than May 31, 2016; and,
2. Applicant abiding by all Building and Fire Codes and West Des Moines Water Works regulations as they relate to the temporary trailers.

Vote: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen.....Absent
 Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson asked for a motion to adjourn the meeting.

Moved by Commissioner Hatfield, seconded by Commissioner Brown to adjourn the meeting.

Vote: Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
 Andersen.....Absent
 Motion carried.

The meeting adjourned at 6:02 p.m.

Craig Erickson, Chairperson

Kimberly Taylor, Recording Secretary

PLAN AND ZONING COMMISSION MEETING

February 1, 2016

Direction: CITY1508.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, February 1, 2016, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth.....Present
Brown.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of January 18, 2016

Chairperson Erickson asked for any comments or modifications to the January 18, 2016 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission approve the minutes of the January 18, 2016 meeting.

Vote: Crowley, Costa, Andersen, Erickson, Hatfield, Southworth.....Yes
Brown,Absent

Motion carried.

Item 2 – Public Hearings

Item 2a – 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

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on January 22, 2016.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Hatfield, seconded by Commissioner Erickson, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Hatfield, Erickson, Andersen, Costa, Crowley, Southworth.....Yes
Brown,Absent

Motion carried.

Kevin Wilde, Sign & Zoning Administrator, briefly explained he is representing the applicant, who was unable to attend the meeting. The request is not just one of the applicant for their business, but also amends the Village of Ponderosa Specific Plan Ordinance which governs signage for all commercial establishments in the development. The signage regulations of the Specific Plan is written based upon where the entrance is to the building. If Market Street were treated as a public street and given the 1:1 ratio that is typically given for a public street along with S. Prairie View Drive, this particular business would be allowed additional signage. The applicant’s request is for additional signage and staff believes that this would be beneficial for a majority of the commercial entities in the Village of Ponderosa development. Staff is in support of the request to amend the Specific Plan Ordinance.

Commissioner Crowley inquired if this covered Phases 1-3 of the Ponderosa development and if it included the West Glen development.

Mr. Wilde confirmed that it would include the commercial and office developments within the Village of Ponderosa, but that it does not include the West Glen development as they have their own set of standards regarding signage.

James Wenman, 5845 Fairway Court, asked a question regarding the size of the signage that would be allowed for this type of amendment.

Mr. Wilde replied that the amendment is not about the size of an individual sign as much as it is the total accumulation of the signs.

Mr. Wenman inquired if they were the only entity to have requested the additional signage and if so, would the entire PUD be amended to accommodate their sole request.

Mr. Wilde replied affirmatively and because it makes sense since if the applicant were not a part of the (Village of Ponderosa) Specific Plan (i.e. located at 35th Street and Valley West Drive), they would be allowed to use two street frontages for calculation purposes, as what is being requested for Wellman's.

Mr. Wenman stated that his concern is with those individuals who reside in the Village and have agreed to the PUD, that they would not have a say in the amendment request.

Chairperson Erickson explained that his presence at tonight's meeting is that opportunity. Chairperson Erickson indicated that his concerns expressed at tonight's meeting will, as well as the action of the Commission be forwarded to the City Council. He indicated that the resident could also attend the Council meeting to also state his concerns. To add to Mr. Wilde's comments, by amending the Specific Plan Ordinance staff is assuring consistency and fairness for all occupants in the Village of Ponderosa development.

Chairperson Erickson asked if anyone from the audience would like to speak to this item and seeing none, closed the public hearing and asked for continued discussion or a motion.

Commissioner Hatfield commented that the amendment request is based on Mr. Wilde's presentation and the consistency it will bring as it relates to other locations within the City.

Commissioner Andersen clarified that the square footage of a sign is calculated based on public streets and that Market Street is a private street was not previously used in calculations.

Mr. Wilde responded that the Specific Plan allows 1½ sq. ft. for the wall that has the entrance and that a public street vs. private street was irrelevant, per the Specific Plan. This amendment would use S. Prairie View and Market Street for calculation at 1:1 ratio.

Moved by Commissioner Hatfield, seconded by Commissioner Crowley, the Plan and Zoning Commission approve 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.

Vote: Hatfield, Crowley, Andersen, Costa, Erickson, Southworth.....Yes
Brown.....Absent

Motion carried.

Item 2b – Ordinance Amendment - Amend Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) and Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 14 (Accessory Structures) to establish regulations pertaining to solar energy systems – City Initiated – AO-002916-2015 (Continue to February 29)

Chairperson Erickson asked for a motion and a second to defer this item to the February 29, 2016 meeting to accommodate review at a City Council workshop and a subsequent Development and Planning City Council Subcommittee, if needed.

Moved by Commissioner Crowley, seconded by Commissioner Southworth, the Plan and Zoning Commission defer this item to the February 1, 2016 Plan and Zoning Commission meeting.

Vote: Crowley, Southworth, Andersen, Costa, Erickson, Hatfield, Southworth.....Yes
Brown.....Absent
Motion carried.

Commissioner Hatfield inquired when this item would be reviewed by the Development & Planning City Council Subcommittee.

Development Coordinator Schemmel replied that it is scheduled for a City Council workshop after the February 8th City Council meeting.

Item 3 – Old Business

Item 3a – Self-Storage – Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) to establish standards and regulations related to indoor self-storage and modify standards and regulations for self-storage mini-warehousing – City Initiated – AO-002949-2015 (deferred from January 18, 2016 meeting)

Brief discussion was held regarding whether or not to reopen the public hearing item. Chairperson Erickson then asked for a summarization by City staff.

Kara Tragesser, Planner, explained that this item was deferred at the previous Commission meeting and the public hearing portion was closed with no action being taken. Staff discussed the concerns that were raised by the Commission at the prior meeting and noted that staff remains of the opinion that the proposed ordinance amendment is still valid. From those comments, staff does propose two (2) additional performance standards. The first performance standard is that self-storage locations need to comply with both the Building and Fire Codes regarding storage in a building and fire sprinkler requirements. The second amendment is a result of concerns that were received from the Development & Planning City Council Subcommittee meeting with regard to the use of the building. The performance standard is in regards to the loading doors and the loading of personal goods that must be completed in the rear yard and not through the front doors. Ms. Tragesser indicated she contacted a representative with the Polk County Assessor’s office regarding commercial property valuation and it was explained that although commercial properties are dependent on what is around them, assessors do take into consideration where they’re located, the use of the building the condition of the building, and their impacts on adjacent properties. Planner Tragesser did reference examples of properties located in West Des Moines in the staff report that the Assessor’s office felt did not appear to negatively impact or devalue the neighborhood in which they were located. In conclusion, staff does recommend approval of the ordinance with the two (2) proposed amendments.

Commissioner Crowley commented that for an office zoning, storage is not an appropriate use and that the request would be better handled as a PUD (Planned Unit Development) request.

Commissioner Hatfield concurred with Commissioner Crowley's comments.

Chairperson Erickson clarified that the motion is to deny this request.

Development Coordinator Schemmel explained that the motion is for approval of the proposed amendment requests. If the Commission votes to deny the proposed amendments, another motion would need to be made to recommend denial of the proposed amendments.

Chairperson Erickson confirmed that the proposal in front of the Commission is to approve the ordinance as written. Staff replied affirmatively.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, denial for the self-storage amendment and that staff processes the request as a PUD amendment.

Chairperson Erickson noted that the motion is to deny but the action in front of the board is a recommendation for approval of the ordinance as written. He then requested that the Commission first vote on the recommendation for approval. No motion or second was made for the motion to approve although a vote was taken in error indicating that and the motion for approval would fail. Chairperson Erickson then asked that since the Commission was not in support for approval of the ordinance amendments, would another vote be necessary for to recommend a PUD modification for the specific request.

Development Coordinator Schemmel explained that if the Commission is recommending that the specific property that generated the discussion on the ordinance amendment be handled through a PUD modification, that recommendation can be incorporated into the comments that will be forwarded to the Council. A motion or vote is not needed as a modification to the PUD for a specific project is not part of the requested action.

Chairperson Erickson explained that his 'yes' vote is the fact that he feels that this is unique enough that the likelihood of the office market being diminished by a self-storage use or that building conversions would be done is unlikely. He does, however, understand Commissioner Crowley's concern with the conversion of large parcels of office space into self-storage uses.

Commissioner Costa added that there are existing office parks that would like control over whether or not these types of uses are allowed. Office tenants like to utilize the services provided by the park and amenities close by and if you remove the number of office workers and the buildings, it changes the dynamics of the project.

Commissioner Hatfield added that floor loading requirements for storage are completely different than for an office use. He indicted agreement with Commissioner Crowley in that this proposal would be more appropriate as a PUD request.

Commissioner Crowley commented that he does not see the demand for self-storage uses and therefore, doesn't see the need for a City Code amendment. If someone should warrant a use for it the PUD should be amended.

Vote: No valid vote was taken

Item 4 – New Business

Item 4a – Newport Office Building - 1075 Jordan Creek Parkway – Approval of a Phased Site Plan to allow grading of the site and installation of private site infrastructure and building footings and foundations – R&R Realty Group – MaM-002943-2015

Commissioner Hatfield indicated that he would be abstain from voting on this item due to a conflict of interest.

Tom Rupprecht, R & R Realty Group, 1225 Jordan Creek Parkway, representing RRH Woods, LC, explained that the applicant has proposed to construct a 75,000 sq. ft., three-story office building located at 1075 Jordan Creek Parkway and would be very similar in appearance to the existing Sonoma office building. Minor changes are proposed regarding color schemes and other minor adjustments to provide character to the building. Regarding staff comments on the future street lights, the applicant will perform an analysis to see if additional street light poles are needed and that analysis would be completed prior to occupancy. Otherwise, the applicant is in full agreement with staff recommendations and conditions.

Chairperson Erickson clarified that if lighting is required, the applicant would bond or provide for that.

Mr. Rupprecht replied affirmatively.

Planner Tragesser briefly commented that staff has no additional comments other than that they recommend approval of the proposed request.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Major Modification to a site plan to construct a 75,000 sq. ft. office building at 1075 Jordan Creek Parkway, subject to the applicant meeting all City Code requirements and the following:

1. That the applicant acknowledge that prior to any occupancy permit for the building, the landscaping for open space, parking lot, and screening be installed, inspected, and approved or in the event the landscaping is not complete, surety in an amount equal to 1 ½ times the landscape contract be submitted to the City in order to receive a temporary occupancy permit. The applicant further acknowledges that all site improvements, including landscaping will need to be completed, inspected by staff, and deficiencies remedied prior to the issuance of a Final Occupancy Permit for the building.
2. That the applicant acknowledge that final site plan drawings which address all staff comments must be submitted prior to any work that may require City inspections.
3. That the City Council accept right-of-way and utility easements for an additional 2.5 feet of right-of-way along Jordan Creek Parkway adjacent to this site and for an additional 5 feet of right-of-way along 72nd Street adjacent to this site, prior to any occupancy of the building.
4. That the City Council allow ingress/egress easement, the street light agreement (if needed), and the storm water facility management agreement and certifications to be submitted prior to any occupancy of the building.

PLAN AND ZONING COMMISSION MEETING

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Vote: Andersen, Costa, Crowley, Erickson, Southworth.....Yes
Hatfield.....Abstain
Brown.....Absent
Motion carried.

Item 5 – Staff Reports

There were no staff reports.

Item 6 - Adjournment

Chairperson Erickson asked for a motion to adjourn the meeting.

Moved by Commissioner Southworth, seconded by Commissioner Costa to adjourn the meeting.

Vote: Southworth, Costa, Andersen, Crowley, Erickson, Hatfield.....Yes
Brown.....Absent
Motion carried.

The meeting adjourned at 5:54 p.m.

Craig Erickson, Chairperson

Michelle Riesenber, Recording Secretary

Prepared by: K Tragesser, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 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, TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 6 (COMMERCIAL, OFFICE, AND INDUSTRIAL ZONING DISTRICT), CHAPTER 10 (PERFORMANCE STANDARDS), AND CHAPTER 15 (OFF-STREET PARKING AND LOADING) TO ESTABLISH STANDARDS AND REGULATIONS RELATED TO INDOOR SELF-STORAGE AND MODIFY STANDARDS AND REGULATIONS FOR SELF-STORAGE

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

Section 1. Amendment. Title 9: Zoning, Chapter 2: Zoning Rules and Definitions, is hereby amended by deleting the definition for Self-Service Storage Facility as illustrated by the highlighted strikethrough lettering and replacing it with the text in bold italic lettering:

~~SELF SERVICE STORAGE FACILITY: A building, group of buildings or outdoor storage yard divided into separate, divided compartments or defined areas leased to individuals on a seasonal or long term basis for the self-storing of household and personal property, including operable vehicles, recreational vehicles, including, but not limited to, RVs, boats, snowmobiles, etc., and enclosed and open air trailers. No commercial activity, except the leasing of storage units/area is allowed.~~

SELF SERVICE STORAGE FACILITY (mini-warehousing/climate-controlled/indoor storage/single or multi-story): a non-residential building, portion of building, or group of buildings with defined storage space or units rented to and accessible to the public for the storage of household and personal property, operable vehicles, and recreational vehicles, including, but not limited to, RVs, boats, snowmobiles, enclosed or open air trailers, etc.

A. Exterior Unit Access: an exterior accessed self-storage facility generally consists of a long, single-story, simplified building structure with roll-up doors and direct drive-up access to conventional outside units.

B. Interior Unit Access: an interior accessed self-storage facility consists of a building with all units contained within that building and all units having an access door from an interior hallway.

Section 3. Amendment. Title 9: Zoning, Chapter 6: Commercial, Office and Industrial District, Section 6, Commercial, Office, and Industrial Use Regulations, Subsection C. Table 6.1 is hereby amended by deleting text in highlighted strikethrough lettering and adding text in bold italic lettering:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
4225 Mini-warehousing and self-Service storage facility including caretakers' facilities															
<i>-Exterior Unit Access With no outside storage yard</i>								P		Pc	P	P			
<i>-Exterior Unit Access With paved outdoor storage yard</i>								Pe			Pe	P			
<i>-Exterior Unit Access With gravel outdoor storage yard (*see also subsection 9-10-4A7 of this Title)</i>												P*			
<i>- Interior Unit Access with no outside storage yard</i>								P	P	P	P	P	P	P	
<i>- Interior Unit Access with paved outside storage yard</i>								P			P	P			
<i>- Interior Unit Access with gravel outdoor storage yard (*see also subsection 9-10-4A7 of this Title)</i>												P*			

Section 4. Amendment. Title 9: Zoning, Chapter 10: Performance Standards, Section 4, Specific Use Regulations, Subsection A, is hereby amended by adding the following language in bold italic lettering:

15. Self Service Storage Facilities: *The intent of these performance standards is to allow two distinct building forms while maintaining building form compatibility with the zoning district in general and the site-specific surrounding development.*

A. Exterior Unit Access (mini warehouse storage): *This building type is intended to allow for single-story, long-row, connected units with exterior access doors in the Warehouse Retail and Industrial districts. The following development standards shall apply, in addition to development standards cited elsewhere in this Title, including, but not limited to, landscaping, open space, buffers, screening, parking, setbacks, trash enclosures, etc.*

- 1.** *Views of individual unit exterior access doors shall be screened from the public street or from adjacent non-industrial or warehouse retail zoned or developed property.*
- 2.** *The building(s) shall be surfaced with materials compatible with adjacent industrial or Warehouse Retail development. Facades visible from the public street shall be enhanced to add visual character and distinction from the interior of the development. Facades facing adjacent residential property shall be screened with a fence or evergreen landscaping and otherwise*

enhanced by incorporating front façade materials or enhanced materials used elsewhere in the development. 360° architecture is not intended for mini-storage, but those buildings visible from the street or adjacent residential developed or zoned property shall be expected to reflect material enhancements that may not be commonly considered in Warehouse Retail and industrial developments.

- 3. Outdoor storage areas, as allowed in this Title, should be consolidated into a single area and screened as required elsewhere in this Title.*
- 4. Fences and walls used to provide screening shall be maintained in a neat, clean, safe, and structurally sound condition. RVs, boats, and recreational trailers may exceed the height of the fence or wall; all other materials shall not exceed the height of the wall or fence. Fences shall be placed no closer to the front lot line than the front yard established by the building or building setback line, whichever is greater.*
- 5. Wall signage for the development shall be calculated according to the sign code calculations located elsewhere in this Title for the building façade in which the business office is located. No signage or advertising is allowed on screen walls or fencing.*
- 6. Vehicle circulation shall allow for two way drive aisles and circulation with no dead-ends.*

B. Interior Unit Access: *This building type is intended to allow for facilities where all units are accessed by interior hallways. These structures shall emulate the exterior architecture and characteristics of buildings in the specific district in which the facility is located. The following development standards shall apply, in addition to development standards cited elsewhere in this Title, including, but not limited to, landscaping, open space, buffers, screening, parking, setbacks, etc.:*

- 1. All storage units shall gain access from the interior of the building, no individual unit doors may face the street or be visible from off the property.*
- 2. One entrance and one exit overhead door shall be allowed. If the facility abuts residentially zoned property, the facility loading bays, docks, or doors shall not be visible from the residential property. Whenever possible, these features shall be located on facades which face non-residentially zoned or developed property. These features shall not be located on the façade facing the public street.*
- 3. Ground floor and upper floor facades shall be designed to be compatible with expected four-sided office design in the city's office districts. Examples of such architectural and design features include varied massing, proportion, façade modulation, exterior building materials and detailing, varied roof line, pedestrian scale, windows, repetition, etc. Views of storage units through windows shall be mitigated. The building shall present as an office building.*
- 4. The building shall be surfaced with high-quality, durable materials consistent with the surrounding commercial or office uses. Un-faced concrete block, painted masonry, tilt-up and pre-cast concrete panels and non-architectural metal siding are prohibited in the office districts. Prefabricated buildings are not allowed in the office districts.*
- 5. There shall be a pedestrian entrance facing the street. This entrance shall be considered the main or principal entrance, even if the tenants enter through loading docks, bays, doors or other side or rear entrances. This entrance shall present as a prominent feature that emulates a store front or office lobby. This entrance shall not be used for the transfer of goods to the storage unit.*
- 6. To accommodate future potential redevelopment of the building, parking for re-use of the building for other permitted or permitted conditional uses in the applicable zoning district shall be demonstrated at the applicable ratio; however, only the parking required for the indoor self-storage shall be required to be constructed.*
- 7. Indoor self-storage facilities shall abide by all city codes and regulations such as, but not limited to, building code and fire code provisions.*
- 8. Tenant access shall be restricted to the hours of 7 a.m. to 10 p.m.*

C. Prohibited Uses: *the only activity permitted in individual storage units shall be the storage of goods and property. Storage units shall not be used for:*

- 1. Residences, offices, workshops, studios, hobby, events, or rehearsal areas;*
- 2. Manufacturing, fabrication, or processing of goods, services, or repair of vehicles, engines, appliances, or other electrical equipment or any other industrial activity;*

3. *Retail sales of any kind including, but not limited to, garage sales, estate sales, auctions or to conduct any other commercial activity, except in the business office as permitted in the zone in which the facility is located; excludes auctions of units conducted by the property owner or manager due to non-payment, default, or other storage business operation.*
4. *The storage of flammable, perishable, or hazardous materials.*
5. *The keeping of animals.*
6. *Accessory uses such as the rental of trucks, trailers, moving equipment, or the installation of trailer hitches are prohibited unless otherwise permitted in the zone in which the facility is located.'*

Section 5. Amendment. Title 9: Zoning, Chapter 15: Off-Street Parking and Loading, Section 7, Number of Parking Spaces Required, Subsection E., is hereby amended by deleting text in highlighted strikethrough lettering and adding text in bold italic lettering:

4225 General Warehousing and Storage (except Miniwarehouse and Self-Service Storage Facility Storage)	*Up to 10,000 s.f. of G.F.A.- 1 space per 500 s.f. *Over 10,001 s.f. of G.F.A.- 1 space per 5,000 s.f
Miniwarehouses and Exterior Unit Access Self-Service Storage Facility Storage Including Manager's Quarters	*1 space per 20,000 s.f. of G.F.A. *1 space per 50 vehicle or boat storage spaces, with a minimum of 3 spaces
Indoor Access Self-Service Storage Facility	*1 space per 200 s.f. of G.F.A. for office area *1 space per 50 units or 1 space per 10,000 G.F.A, whichever is greater or a minimum of 3 spaces *Demonstrate parking availability for re-use of the building for a common use in the zoning district in which it is located

Section 6. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 7. Savings Clause. If any section, provision, sentence, clause, phrase or part of this 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 8. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 9. 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 10. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2016, and approved this _____ day of _____, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan T Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2016, and was published in the Des Moines Register on _____, 2016.

Ryan T. Jacobson
City Clerk

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

Date: April 18, 2016

ITEM: Ordinance Amendment – Amend Title 9 (Zoning), Chapter 7, (Setback and Bulk Density Regulations) to modify the Bulk Regulations for Office zoning districts – City Initiated – AO-003037-2016

Ordinance: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff requests an amendment to City Code, Title 4, Nuisances and Title 9, Zoning, to modify bulk density regulations pertaining to the Office zoning district. Current office related zoning districts are Office or Professional Commerce Park (PCP). The major differences in the two designations is PCP has larger bulk density requirements (setbacks, open space and minimum parcel size) and allows for additional uses such as restaurants, hotels, larger event centers, recreation clubs and hospitals. Moving forward, the PCP zoning district is not intended to be utilized; replaced by Office and Support Office zoning districts to better separate office and commercial uses. The proposal to eliminate the maximum parcel size in bulk density requirements for Office use (currently 2 acres) will enable Office zoning to be applied to larger parcel sizes in future zoning designations. Similarly, elimination of the maximum acreage for the Office district will allow existing PCP zoned properties that are non-conforming in bulk regulations the option to rezone and implement Office district bulk regulations which will encourage redevelopment and provide a mechanism for these properties to eliminate non-conformities.

Plan and Zoning Commission Action:

Vote: 6-0 approval, with Commissioner Brown absent

Date: April 11, 2016

Motion: Adopt a resolution recommending the City Council approve the ordinance amendment.

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
- City Council Subcommittee (*Development & Planning, March 21, 2016*)
- Staff Review and Comments
 - *Maximum Acreage Size*
 - *Side yard Setbacks against Similar Zoning Districts*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations

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 to modify the Bulk Regulations for Office zoning districts, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Linda Schemmel, AIA 

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	 

PUBLICATION(S) (if applicable)

Published In	<i>Des Moines Register</i>
Date(s) Published	April 1, 2016
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	March 21, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Proposed Ordinance Amendment (*now Exhibit II*)
- Exhibit II - Proposed Ordinance Amendment

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: April 11, 2016

Item: Ordinance Amendment – Amend Title 9 (Zoning), Chapter 7, (Setback and Bulk Density Regulations) to modify the Bulk Regulations for Office zoning districts – City Initiated – AO-003037-2016

Requested Action: Approval of an amendment to the City Code

Case Advisor: Linda Schemmel, AIA

Applicant's Request: Staff requests an amendment to City Code, Title 4, Nuisances and Title 9, Zoning, to modify bulk density regulations pertaining to the Office zoning district.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee on March 21, 2016. Discussion on the differences in Bulk Density Requirements for both Office and Professional Commerce Park (PCP) zoning districts occurred as well as how the proposed changes could be implemented in redevelopment situations. In general, the Subcommittee was supportive of the amendment.

Staff Review and Comment: There are no outstanding issues. Current office related zoning districts are Office or Professional Commerce Park. The major differences in the two designations is PCP has larger bulk density requirements (setbacks, open space and minimum parcel size) and allows for additional uses such as restaurants, hotels, larger event centers, recreation clubs and hospitals. Moving forward, the PCP zoning district is not intended to be utilized; replaced by Office and Support Office zoning districts to better separate office and commercial uses. Staff notes the following:

- **Maximum Acreage Size:** Staff also notes that in researching older developed PCP areas (such as Westown Parkway and Office Park Road corridors) there are a significant number of properties that do not comply with current PCP bulk density requirements although they are zoned as PCP. Staff is proposing to eliminate the maximum parcel size in bulk density requirements for Office use (currently 2 acres) to enable Office zoning to be applied to larger parcel sizes in future zoning designations. Similarly, elimination of the maximum acreage for the Office district will allow existing PCP zoned properties the option to rezone and implement Office district bulk density standards which will encourage redevelopment and provide a mechanism for these properties to eliminate non-conformities.
- **Side yard Setbacks against Similar Zoning Districts:** In addition to eliminating the maximum parcel size for Office zoning districts, staff is recommending adding the exception to the side yard setback to allow a 0 foot setback when a parcel abuts a similar zoning district. This exception is currently allowed for all commercial and industrial zoning districts. This exception will also provide a method to eliminate non-conformities in existing PCP districts.

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 April 1, 2016, notice of the April 11, 2016, Plan and Zoning Commission and April 18, 2016, City Council public hearings for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

ATTACHMENTS:

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Proposed Ordinance

RESOLUTION NO. PZC-16-022

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9: ZONING, CHAPTER 7: SETBACK AND BULK DENSITY REGULATIONS, TABLE 7.9: BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS, TO MODIFY BULK REGULATIONS FOR OFFICE ZONING DISTRICTS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff has requested an amendment to Title 9 (*Zoning*), Chapter 7, (*Setback and Bulk Density Regulations*), Table 7.9(*Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts*) to modify bulk regulations for office zoning districts.

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;

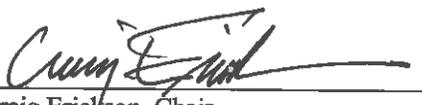
WHEREAS, on April 11, 2016, this Commission held a duly-noticed public hearing to consider the application for an amendment to City Code;

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 April 11, 2016, or as amended orally at the Plan and Zoning Commission hearing of April 11, 2016, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003037-2016) is recommended to the City Council for approval, as attached or as amended in Exhibit A.

PASSED AND ADOPTED on April 11, 2016.



Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:



Heidi Taylor
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 April 11, 2016 by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth

NAYS: -0-

ABSTENTIONS: -0-

ABSENT: Brown

ATTEST:



Heidi Taylor
Recording Secretary

Prepared by: L. Schemmel, Development Services Development, PO Box 65320, West Des Moines, IA 50265, 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 BY AMENDING TITLE 9: ZONING, CHAPTER 7: SETBACK AND BULK DENSITY REGULATIONS, TABLE 7.9: BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS

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

Section 1. Amendment. Title 9, *Zoning*, Chapter 7, *Setback and Bulk Density Regulations*, Table 7.9 *Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts* is hereby modified by removing language indicated by the highlighted, struck through text and inserting the language indicated in italicized and bolded text below.

TABLE 7.9
BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS

REQUIRED STANDARDS	BP	VJLI	LI	GI	OF	PCP	OS
Minimum lot area ¹	20,000 square feet	7,250 square feet	21,000 square feet	20,000 square feet	10,000 square feet minimum—2 acre maximum—	2 acres	20 acres
Minimum setback (feet) ²							
- Front yard	50	15	45	40	30	50	50
- Rear yard	50	10 (from alleyway)	40	35	35	50	50
- Side yard	50	0 ⁴ 10 ⁵	50 ⁴	35 ⁴	10 ⁴	50	50
Minimum lot width (feet)	75	50	75	75	80	350	200
Maximum height (feet)	60 ³	15 30 ⁶	60 ³	60 ³	36 ³	60 ³	60 ³
Open space required (minimum percentage)	35	20	20	20	25	35	75

1. Except for condominium ownership.
2. Refer to setback definitions in the zoning ordinance.
3. Additional twelve feet (12') of height allowed for each additional ten feet (10') of setback.
4. Setback of zero feet (0') allowed if abuts a similar district.
5. Setback of ten feet (10') required if abuts a residential property.
6. Maximum height of thirty feet (30') allowed with a building setback of twenty feet (20').

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 3. Savings Clause. If any section, provision, sentences, clause, phrase or part of this 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, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 4. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 5. 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 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2016, and approved this _____ day of _____, 2016.

Steven K. Gaer
Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2016, and was published in the Des Moines Register on _____, 2016.

Ryan T. Jacobson
City Clerk

RESOLUTION NO. PZC-16-019

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 4: HEALTH AND SAFETY REQUIREMENTS, CHAPTER 4: NUISANCES, SECTION 2: NUISANCES DECLARED AND TITLE 9: ZONING, CHAPTER 10: PERFORMANCE STANDARDS, SECTION 4: SPECIFIC USE REGULATIONS, AND CHAPTER 14: ACCESSORY STRUCTURES, SECTION 11: FENCES AND WALLS AND SECTION 14: VARIANCES TO ESTABLISH REGULATIONS PERTAINING TO SOLAR ENERGY SYSTEMS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff has requested an amendment to Title 4 (*Health and Safety Regulations*), Chapter 4, (*Nuisances*), Section 2 (*Nuisances Declared*) and Title 9 (*Zoning*), Chapter 10 (*Performance Standards*), Section 4 (*Performance Standards*) and, Chapter 14 (*Accessory Structures*), Section 11 (*Fences and Walls*), and Section 14 (*Variances*) to establish regulations pertaining to solar energy systems.

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 29, 2016, March 14, 2016 and March 28, 2016, this Commission held a duly-noticed public hearing to consider the application for an amendment to City Code;

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 March 28, 2016, or as amended orally at the Plan and Zoning Commission hearing of March 28, 2016, are adopted.

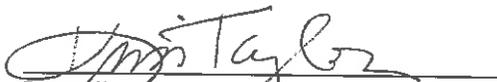
SECTION 2. The AMENDMENT TO ORDINANCE (AO-002916-2015) is recommended to the City Council for approval, as attached or as amended in Exhibit A.

PASSED AND ADOPTED on March 28, 2016.



Craig Erickson, Chair
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 March 28, 2016 by the following vote:

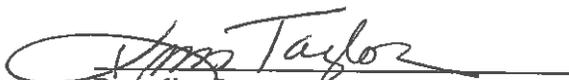
AYES: Brown, Costa, Erickson, Hatfield

NAYS: -0-

ABSTENTIONS: -0-

ABSENT: Andersen, Crowley, Southworth

ATTEST:



Recording Secretary

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

- ITEM:** Public Hearing – 2016 Concrete Trail Renovation:
1. Resolution – Approval of Plans and Specifications
 2. Motion – Receive and File Report of Bids
 3. Resolution – Approve Contract

FINANCIAL IMPACT: Total expense of \$79,541.01 to be paid out of the following C.I.P account: Miscellaneous Trail Improvements (6996.75.840.6.7910). The estimate for the project was \$80,161.20 plus an additional \$7,000.00 for an add alternate. There is a total of \$218,000 available in FY 15-16 for both concrete and asphalt trail renovation.

BACKGROUND: The Council is asked to approve the plans and specifications for the 2016 Concrete Trail Renovation project and to receive and file the report of bids that is attached. Six bids were received for the project. The lowest responsible bid of \$79,541.01 was submitted by MNM Concrete Specialist, Inc. of Des Moines, Iowa.

The project involves the repair and replacement of portions of existing concrete trail located in several areas of the city. The locations are shown on the attached map. The areas being addressed were identified as a high priority following the inspection of the entire trail system in the fall of 2015 by City staff. The majority of defects in the existing trail involve deflections and cracking of the concrete trail surface. Defective areas of the trail are being replace with 6" thick reinforced PCC (Portland Cement Concrete) to help prevent future problems. This will further extend the life of the new trail.

OUTSTANDING ISSUES: None.

RECOMMENDATION: That the Council hold the public hearing and pass the resolution to approve the plans and specifications, move to receive and file the report of bids, and award the contract for the 2016 Concrete Trail Renovation project in the amount of \$79,541.20.

Lead Staff Member: Sally Ortgies 

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Dates(s) Published	April 8, 2016

SUBCOMMITTEE REVIEW (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes	No	Split

**Resolution Adopting Plans,
Specifications, Form of Contract, and
Estimate of Cost**

WHEREAS, on April 4, 2016 Plans, Specifications, Form of Contract, and Estimate of Cost were filed with the City Clerk for the following described public improvement:

2016 Concrete Trail Renovation

and,

WHEREAS, notice of hearing on Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvements was published as required by law;

therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, that the Plans, Specifications, Form of Contract, and Estimate of Cost for said public improvement are hereby approved.

PASSED AND APPROVED this 18th day of April, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan Jacobson, City Clerk

Resolution Approving Contract

WHEREAS, the City Council of the City of West Des Moines has heretofore directed advertisement for bids for the following described public improvement:

2016 Concrete Trail Renovation

and,

WHEREAS, bids have been received and opened by the City Clerk, Deputy City Clerk, or designee and placed on file by the City Council.

and,

WHEREAS, the bid of MNM Concrete Specialist, Inc. of Des Moines, Iowa in the amount of \$79,541.01 is the lowest responsible bid received for said public improvement, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA, that a contract for the 2016 Concrete Trail Renovation project is hereby awarded to MNM Concrete Specialist, Inc. in the amount of \$79,541.01 and the bond of said bidder for the project is hereby fixed in the same amount.

BE IT FURTHER RESOLVED that the Director of Parks and Recreation is authorized and directed to return bid bonds and/or checks to any unsuccessful bidder.

BE IT FURTHER RESOLVED that work on said project may commence as soon as the final contract and bond have been approved by the Director of Parks and Recreation and have been signed by the Director of Finance and after the contractor is given a written notice to proceed by the Director of Parks and Recreation.

PASSED AND APPROVED this 18th day of April, 2016.

Steven K. Gaer, Mayor

ATTEST:

Ryan Jacobson, City Clerk

2016 Concrete Trail Renovation Project
 Project # PR - 05-2016
 BID TABULATION

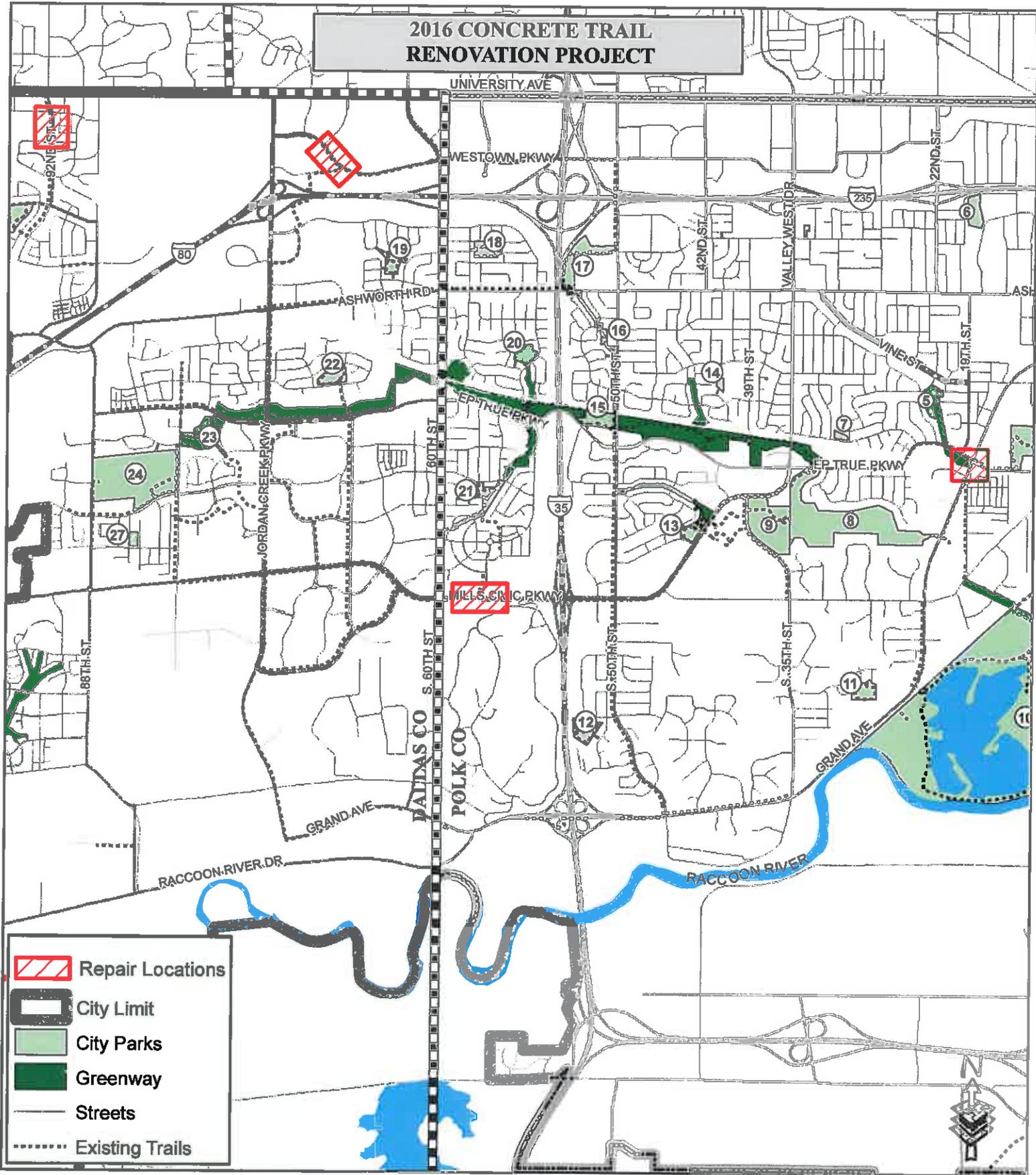


I hereby certify that this is a true and correct tabulation of bids received on April 13, 2016 for the 2016 Concrete Trail Renovation Project in West Des Moines, Iowa
 David R. Decker, P.A. License #2081 Date

DESCRIPTION	UNIT	QTY	SMALL	ESTIMATE		Bidder No. 1 MINN Concrete Specialist, Inc Des Moines, IA		Bidder No. 2 JDA Construction Marshalltown, IA		Bidder No. 3 Wintum, Inc Brooklyn, IA		Bidder No. 4 Hill Contracting Leon, IA		Bidder No. 5 Howrey Construction, Inc Rockwell City, IA		Bidder No. 6 Concrete Contracting Company, Inc. Grimes, IA		
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	
GENERAL PROVISIONS																		
1. Mobilization	LS	1		\$ 7,500.00	\$ 7,500.00	\$ 1,500.00	\$ 1,500.00	\$ 7,500.00	\$ 7,500.00	\$ 8,000.00	\$ 8,000.00	\$ 3,000.00	\$ 3,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	
2. Traffic Control	LS	1		\$ 4,000.00	\$ 4,000.00	\$ 600.00	\$ 600.00	\$ 4,000.00	\$ 4,000.00	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00	\$ 9,750.00	\$ 9,750.00	
EARTHWORK																		
3. Excavation and Subgrade Prep	SF	0.045		\$ 1.00	\$ 0.045	\$ 1.75	\$ 15,026.75	\$ 1.50	\$ 13,567.50	\$ 1.00	\$ 9,045.00	\$ 1.00	\$ 9,045.00	\$ 2.00	\$ 18,090.00	\$ 2.00	\$ 18,090.00	
STREETS AND RELATED WORK																		
4. Concrete Removal	SF	7,990		\$ 1.00	\$ 7,990.00	\$ 1.10	\$ 8,789.00	\$ 2.00	\$ 15,980.00	\$ 1.25	\$ 9,987.50	\$ 1.00	\$ 7,990.00	\$ 1.00	\$ 7,990.00	\$ 1.00	\$ 7,990.00	
5. Curb and Gutter, PCC	LF	18		\$ 40.00	\$ 720.00	\$ 66.67	\$ 1,200.06	\$ 55.00	\$ 990.00	\$ 90.00	\$ 1,620.00	\$ 100.00	\$ 1,800.00	\$ 40.00	\$ 720.00	\$ 65.00	\$ 1,170.00	
6. Trail, Reinforced PCC, 6"	SF	5,190		\$ 5.00	\$ 25,950.00	\$ 4.80	\$ 24,912.00	\$ 4.00	\$ 20,760.00	\$ 5.50	\$ 28,582.50	\$ 7.00	\$ 36,330.00	\$ 8.00	\$ 41,520.00	\$ 7.65	\$ 39,652.50	
7. Detachable Warning Panels	SF	20		\$ 50.00	\$ 1,000.00	\$ 130.00	\$ 2,600.00	\$ 50.00	\$ 1,000.00	\$ 25.00	\$ 500.00	\$ 30.00	\$ 600.00	\$ 30.00	\$ 600.00	\$ 55.00	\$ 1,100.00	
SITE WORK AND RESTORATION																		
8. Site Restoration - Sod	SF	5,139		\$ 1.00	\$ 5,139.00	\$ 0.80	\$ 4,111.20	\$ 1.00	\$ 5,139.00	\$ 2.00	\$ 10,278.00	\$ 0.75	\$ 3,854.25	\$ 1.50	\$ 7,708.50	\$ 3.70	\$ 19,074.30	
Subtotal					\$ 76,344.00													
5% Contingency					\$ 3,817.20													
TOTAL BASE BID					\$80,161.20		\$73,941.01		\$80,936.50		\$65,755.50		\$86,619.25		\$122,816.50		\$129,967.80	
ADD-ALTERNATE #1																		
1. Additional Joint Sealing	LF	3,500		\$ 2.00	\$ 7,000.00	\$ 1.80	\$ 6,300.00	\$ 3.00	\$ 10,500.00	\$ 2.00	\$ 7,000.00	\$ 1.50	\$ 5,250.00	\$ 4.00	\$ 14,000.00	\$ 2.20	\$ 7,700.00	
TOTAL (BASE BID + ALTERNATE)					\$87,161.20		\$79,541.01		\$91,436.50		\$92,755.50		\$91,869.25		\$130,816.50		\$137,667.80	

Denotes corrected extended price

2016 CONCRETE TRAIL RENOVATION PROJECT



- | | | | |
|---------------------|---------------------------|-------------------------|-------------------------|
| 1. Legion Park | 8. East Jordan Creek Park | 15. Jordan Creek Park | 22. Wild Rose Park |
| 2. Wilson Park | 9. Southwoods Park | 16. Knolls Park | 23. Brookview Park |
| 3. Holiday Park | 10. Raccoon River Park | 17. CrossRoads Park | 24. Valley View Park |
| 4. Florer Park | 11. Scenic Valley Park | 18. Jaycee Park | 25. Maple Grove Park |
| 5. Fairmeadows Park | 12. Quail Cove Park | 19. Peony Park | 26. Railroad Park |
| 6. Pearson Park | 13. Ashawa Park | 20. Meadowview Park | 27. Huston Ridge Park |
| 7. Kiwanis Park | 14. Western Hills Park | 21. Willow Springs Park | 28. Woodland Hills Park |



**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM: West Green Industrial, 175 S. 9th Street and 250 S. 11th Street – Approval of a Phased Site Plan to allow grading, installation of utilities, and footings and foundations – Next Phase Development – SP-003001-2016

RESOLUTION: Approval of a Phased Site Plan

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Next Phase Development, is requesting phased approval of a site plan to initiate grading and to allow the installation of underground utilities and building footings and foundations at 175 S. 9th Street and 250 South 11th Street (see Attachments B – Location Map and Attachment C – Grading Plan) in anticipation of approval of a Site Plan in late April 2016 or early May 2016 for the construction of industrial buildings for storage. The site plan is not ready for full approval and the applicant is requesting approval of the grading plan and approval to begin construction of utilities and footings and foundations to begin construction of the project. The applicant will return to the Plan and Zoning Commission and City Council for second approval of the site plan which will provide full details of the above ground elements.

Plan and Zoning Commission Action:

Vote: 6-0 approval, Commissioner Brown absent

Date: April 11, 2016

Motion: Adopt a resolution recommending the City Council approve the phased Site Plan

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):

- Applicant's Request
- History
- City Council Subcommittee – Development and Planning (*March 17, 2016*)
- Staff Review and Comments
- Comprehensive Plan Consistency
- Findings
- Staff Recommendation and Conditions of Approval
- Owner/Applicant/Applicant Representative 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 adopt a resolution to approve the phased site plan to allow the installation of public and private utilities and building footings and foundation, subject to the applicant meeting all City Code requirements and the following:

1. The applicant acknowledges that the approval to allow the applicant to proceed with grading the site is at their own risk as the grading plan is subject to the risk of change stemming from the continued review of the Major Modification for the construction of the office building and development of the site;
2. The applicant install and maintain all necessary soil erosion measures;
3. The applicant agrees that any site infrastructure work and installation of building footings and foundations done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, utilities or footings or foundation, that the applicant will need to make the necessary changes at their own cost with no compensation from the City; and,

4. The applicant acknowledges that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.
5. That City-approved construction drawings for the public sanitary sewer be obtained prior to any work on the sanitary sewer.
6. The applicant agrees to obtain all appropriate building and construction permits prior to initiation of any site work
7. The applicant agrees to obtain a NPDES permit prior to commencing grading on the site.

Lead Staff Member: Kara Tragesser, AICP *KAT*

STAFF REVIEWS

Department Director	<i>KS</i>
Appropriations/Finance	
Legal	<i>JS</i>
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 Subcommittee		
Date Reviewed	March 17, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission Communication
 - Attachment A - Plan and Zoning Commission Resolution
 - Attachment B - Location Map
 - Attachment C - Site Plan: Grading, Site Layout, & Utility
- Exhibit II - City Council Resolution

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: April 11, 2016

Item: West Green Industrial, 175 S. 9th Street and 250 S. 11th Street – Approval of a Phased Site Plan to allow grading, installation of utilities, and footings and foundations – Next Phase Development – SP-003001-2016

Requested Action: **Resolution:** Approval of a Grading Plan and Phased Site Plan

Case Advisor: Kara V. Tragesser, AICP 

Applicant's Request: The applicant, Next Phase Development, is requesting phased approval of a site plan to initiate grading and to allow the installation of underground utilities and building footings and foundations at 175 S. 9th Street and 250 South 11th Street (see Attachments B – Location Map and Attachment C – Grading Plan) in anticipation of approval of a Site Plan in late April 2016 or early May 2016 for the construction of industrial buildings for storage. The site plan is not ready for full approval and the applicant is requesting approval of the grading plan and approval to begin construction of utilities and footings and foundations to begin construction of the project. The applicant will return to the Plan and Zoning Commission and City Council for second approval of the site plan which will provide full details of the above ground elements.

History: The project covers lots 2 and 3, Goodman Industrial Park. On Lot 3, there is an existing building which is proposed to remain. The balance of the two properties is undeveloped and is proposed to have industrial buildings for primarily storage constructed.

City Council Subcommittee: This project was presented to Development and Planning Subcommittee on March 17, 2016. The Subcommittee was supportive of the project.

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 on the phased site plan. Staff notes the following:

Grading: The grading plan is recommended for approval as an 'at-risk' to the property owner/developer as changes to the grading plan may be warranted subject to the continued review of the West Green Industrial site plan.

Site Infrastructure and Footings and Foundations: The applicant is requesting authorization to install underground utilities and the footings and foundations for the buildings at this time. As with the proposed grading approval, this request is recommended for approval as an 'at-risk' to the property owner/developer as changes to the site plan, including realignment of private utilities or adjustments to building location or heights may be warranted subject to continued review of the industrial buildings site plan. Also, staff recommends a caveat to the approval that no above ground construction commence until the site plan is approved and all necessary documentation, including final plans, have been submitted to the City.

The applicant is requesting approval for the installation of utilities, both public and private. There is a public sanitary sewer proposed on the site that cannot be constructed until the City approves construction drawings. Therefore, a condition of approval is that the sanitary sewer cannot be constructed until public utility construction drawings are approved. There is a private water main running through the site that could be constructed as an 'at-risk' element.

Staff is comfortable with recommending approval of the grading plan, the installation of utilities, and the footings and foundations as an "at-risk" project; the final issues that prevent the plan from being approved in full are securing easements and some construction details that are in the process of being finalized.

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.

Site Plan Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that 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.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

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 approving the phased site plan to allow grading and the installation of site infrastructure and building footings and foundation, subject to the applicant meeting all City Code requirements and the following:

1. The applicant acknowledges that the approval to allow the applicant to proceed with grading the site is at their own risk as the grading plan is subject to the risk of change stemming from the continued review of the Major Modification for the construction of the office building and development of the site;
2. The applicant install and maintain all necessary soil erosion measures;
3. The applicant agrees that any site infrastructure work and installation of building footings and foundations done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, utilities or footings or foundation, that the applicant will need to make the necessary changes at their own cost with no compensation from the City; and,
4. The applicant acknowledges that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.
5. That City-approved construction drawings for the public sanitary sewer be obtained prior to any work on the sanitary sewer.
6. The applicant agrees to obtain all appropriate building and construction permits prior to initiation of any site work
7. The applicant agrees to obtain a NPDES permit prior to commencing grading on the site.

Owner: Next Phase Development
175 S. 9th street
West Des Moines IA 50265
515-420-1818

Applicant: Same as Owner

Applicant Representative: Brad Overturf
Cooper Crawford & Associates
475 S. 50th Street
West Des Moines IA 50265
515-224-1344
boverturf@cooper-crawford.com

Attachments:

- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Location Map
- Attachment C - Site Plan: Grading, Site Layout, & Utility

RESOLUTION NO. PZC-16-023

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, APPROVING THE WEST GREEN INDUSTRIAL PHASED SITE PLAN (SP-003001-2016) FOR THE PURPOSE OF GRADING THE SITE AT 175 S. 9TH STREET AND 250 S. 11TH STREET AND INSTALLING UTILITY INFRASTRUCTURE AND BUILDING FOOTINGS AND FOUNDATIONS IN ANTICIPATION OF NEW CONSTRUCTION OF INDUSTRIAL BUILDINGS

WHEREAS, pursuant to the provisions of Title 8, Building, Chapter 5, Site Grading Regulations, et seq, of the West Des Moines Municipal Code, the property owner, Next Phase Development, has requested approval for a Grading Plan as part of a pending site plan (SP-003001-2019) for approximately 7.10 acres located at 175 S. 9th Street and 250 S. 11th Street, Lots 2 and 3 Goodman Industrial Park, for the purpose of grading the property in anticipation of the construction of industrial buildings;

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Next Phase Development, has requested approval for a Phased Site Plan (SP-003001-2016) for approximately 7.10 acres located at 175 S. 9th Street and 250 S. 11th Street, Lots 2 and 3, Goodman Industrial Park, for the purpose of allowing installation of underground utilities and building footing and foundations in anticipation of the construction of industrial buildings;

WHEREAS, studies and investigations were made and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

WHEREAS, on April 11, 2016, this Commission held a duly-noticed meeting to consider the application for West Green Industrial (SP-003001-2016) to allow site grading and installation of utilities and building footings and foundations only;

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 or as amended orally at the Plan and Zoning Commission meeting are adopted.

SECTION 2. The Phase Site Plan (SP-003001-2016) permit to grade the property and allow installation of utilities and building footings and foundations for that site located at 175 S. 9th Street and 250 S. 11th Street is hereby approved by the Plan and Zoning Commission, subject to compliance with all the conditions in the staff report including conditions added at the meeting and attached hereto as Exhibit "A". 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 April 11, 2016.


Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:


Ann Taylor
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 April 11, 2016.

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth

NAYS: -0-

ABSTENTIONS: -0-

ABSENT: Brown

ATTEST:


Ann Taylor
Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

1. The applicant acknowledges that the approval to allow the applicant to proceed with grading the site is at their own risk as the grading plan is subject to the risk of change stemming from the continued review of the Major Modification for the construction of the office building and development of the site;
2. The applicant install and maintain all necessary soil erosion measures;
3. The applicant agrees that any site infrastructure work and installation of building footings and foundations done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, utilities or footings or foundation, that the applicant will need to make the necessary changes at their own cost with no compensation from the City; and,
4. The applicant acknowledges that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.
5. That City-approved construction drawings for the public sanitary sewer be obtained prior to any work on the sanitary sewer.
6. The applicant agrees to obtain all appropriate building and construction permits prior to initiation of any site work
7. The applicant agrees to obtain a NPDES permit prior to commencing grading on the site.



VICINITY SKETCH

NO SCALE

WEST GREEN INDUSTRIAL PARK

175 S. 9th & 250 S. 11th STREET

OWNER/APPLICANT
 WEST GREEN DEVELOPMENT, LLC
 175 S. 9th Street, Des Moines, IA 50319

COMP. PLAN
 INDUSTRIAL, GENERAL INDUSTRIAL
 ZONING

LAND USE
 VACANT
 PROPOSED
 INDUSTRIAL

BUILDING HEIGHT
 25.0 FEET

SITE AREAS
 1. 10.0 ACRES
 2. 10.0 ACRES
 3. 10.0 ACRES

LEGAL DESCRIPTION
 LOTS 2 AND 3 SADDEN INDUSTRIAL PARK, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, IOWA

FLOOD HAZARD INFORMATION
 DATES: FEBRUARY 2008

BENCHMARK
 823.6 (NAD83 Datum)
 823.6 (NAD83 Datum)

NOTICE
 THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY OF WEST DES MOINES.

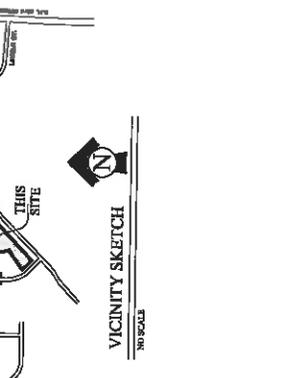
LEGEND
 PLAT BOUNDARY
 WATER MAIN & SIZE
 SANITARY MAIN & SIZE
 UNDERGROUND ELECTRIC CABLE
 UNDERGROUND TELEPHONE CABLE
 GAS MAIN & SIZE
 MANHOLE
 POT HOLE
 POWER POLE/LIGHT POLE
 UTILITY BOULDER/PHONE FIBER
 EXISTING CONTOURS
 PROPOSED CONTOURS
 BELT DRIVE OR APPROVED PATENTATION SOCK
 TREES
 FENCE

NOTICE OF THE CITY OF WEST DES MOINES
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WEST GREEN DEVELOPMENT, LLC
 175 S. 9th Street, Des Moines, IA 50319

SCALE: 1"=20'
 DATE: 2/12/08
 SHEETS: 1-3

WEST GREEN INDUSTRIAL PARK



PARKING REQUIREMENTS
 1. 1 SPACE PER 100 S.F.A.
 2. 1 SPACE PER 100 S.F.A.
 3. 1 SPACE PER 100 S.F.A.

NOTES
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF WEST DES MOINES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF WEST DES MOINES.

STANDARD NOTES
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 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF WEST DES MOINES.

SHEET LIST
 1. DIMENSION PLAN
 2. UTILITY PLAN
 3. CONSTRUCTION PLAN
 4. FUTURE DEVELOPMENT

CURVE TABLE

CURVE	BEARING	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
1	N 02°12'40" E	366.91	124.73	124.73	124.73	124.73
2	S 02°12'40" W	366.91	124.73	124.73	124.73	124.73

COOPER CRAWFORD & ASSOCIATES, L.L.C.
 CIVIL ENGINEERS
 475 S. 9th Street, Des Moines, IA 50319
 PHONE: (515) 281-1111
 FAX: (515) 281-1112
 REVISED: 2/12/08

DIMENSION PLAN
 WEST GREEN INDUSTRIAL PARK



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PARKING REQUIREMENTS
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 2. 1 SPACE PER 100 S.F.A.
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LEGEND
 PLAT BOUNDARY
 WATER MAIN & SIZE
 SANITARY MAIN & SIZE
 UNDERGROUND ELECTRIC CABLE
 UNDERGROUND TELEPHONE CABLE
 GAS MAIN & SIZE
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WEST GREEN DEVELOPMENT, LLC
 175 S. 9th Street, Des Moines, IA 50319

BUILDING HEIGHT
 25.0 FEET

SITE AREAS
 1. 10.0 ACRES
 2. 10.0 ACRES
 3. 10.0 ACRES

LEGAL DESCRIPTION
 LOTS 2 AND 3 SADDEN INDUSTRIAL PARK, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, IOWA

FLOOD HAZARD INFORMATION
 DATES: FEBRUARY 2008

BENCHMARK
 823.6 (NAD83 Datum)
 823.6 (NAD83 Datum)

WATER QUANTITIES
 1" = 1.0 GPM
 2" = 4.0 GPM
 3" = 9.0 GPM
 4" = 16.0 GPM
 6" = 36.0 GPM
 8" = 64.0 GPM
 10" = 100.0 GPM
 12" = 144.0 GPM
 14" = 196.0 GPM
 16" = 256.0 GPM
 18" = 324.0 GPM
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 24" = 576.0 GPM
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Prepared by: KTragesser City of West Des Moines 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 PHASED SITE PLAN (SP-003001-2016) TO ALLOW FOR THE INSTALLATION OF PUBLIC AND PRIVATE SITE UTILITIES AND THE CONSTRUCTION OF BUILDING FOOTINGS AND FOUNDATION ON PROPERTY LOCATED AT 175 S. 9th STREET AND 250 S. 11th STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Next Phase Development requests approval for a phased site plan to install public and private utilities and construct building footings and foundation for property legally described as:

Legal Description of Property

Lots 2 and 3 Goodman Industrial Park, an official plat now in and forming a part of 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 April 11, 2016, the Plan and Zoning Commission recommended to the City Council approval of the phased Site Plan; and

WHEREAS, on April 18, 2016, this City Council held a duly-noticed meeting to consider the application for a phased site plan

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 for the phased site plan, or as amended orally at the City Council hearing on April 18, 2016, are adopted.

SECTION 2. The phased Site Plan to install public and private utilities and building footings and foundation is approved, subject to compliance with all conditions in the staff report, including conditions added at the Hearing, and attached hereto as Exhibit "A". 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 April 18, 2016.

Steve Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

EXHIBIT "A"
CONDITIONS OF APPROVAL

1. The applicant acknowledges that the approval to allow the applicant to proceed with grading the site is at their own risk as the grading plan is subject to the risk of change stemming from the continued review of the Major Modification for the construction of the office building and development of the site;
2. The applicant install and maintain all necessary soil erosion measures;
3. The applicant agrees that any site infrastructure work and installation of building footings and foundations done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, utilities or footings or foundation, that the applicant will need to make the necessary changes at their own cost with no compensation from the City; and,
4. The applicant acknowledges that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.
5. That City-approved construction drawings for the public sanitary sewer be obtained prior to any work on the sanitary sewer.
6. The applicant agrees to obtain all appropriate building and construction permits prior to initiation of any site work
7. The applicant agrees to obtain a NPDES permit prior to commencing grading on the site.

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM: Mill Ridge, Southwest corner of S. 88th Street and Stagecoach Drive – Approval of a Phased Site Plan to allow grading of the site and installation of underground private utilities – Hubbell Realty Company – SP-002936-2015

RESOLUTION: Approval of a Phased Site Plan

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The property is generally undeveloped. All except the 24 acres at the northeast corner of the proposal was previously platted in the Corrected Michael's Landing Plat 1. The 24 acres was a large acreage property belonging to James Miller. On December 14, 2015 the City Council approved an amendment to the Comprehensive Plan Land Use Map and amendment to the Tallyn's Reach Planned Unit Development (PUD) to incorporate the Miller property and modify regulations to accommodate this development. On March 21, 2016 the City Council approved the Preliminary Plat. The applicant is on a tight construction schedule and wishes to complete the infrastructure and have some units built before next winter. The applicant will return to the Plan and Zoning Commission and City Council for approval of the full site plan which will provide details of the above ground elements.

Plan and Zoning Commission Action:

Vote: 6-0, approval with Commissioner Brown absent

Date: April 11, 2016

Motion: Adopt a resolution recommending the City Council approve the phased Site Plan

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):

- Applicant's Request
- History
- City Council Subcommittee – Development and Planning (*March 7, 2016*)
- Staff Review and Comments
- Comprehensive Plan Consistency
- Findings
- Staff Recommendation and Conditions of Approval
- Owner/Applicant/Applicant Representative 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 adopt a resolution to approve the phased site plan to allow the installation of private site infrastructure and building footings and foundation, subject to the applicant meeting all City Code requirements and the following:

1. The applicant install and maintain all necessary soil erosion measures;
2. The applicant agrees that any infrastructure work done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, or utilities, that the applicant will need to make the necessary changes at their own cost with no compensation from the City; and,
3. The applicant acknowledges that approval of this site plan does not allow for any above foundation work or ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.

4. The applicant agrees to obtain all appropriate building permits prior to initiation of any site work

Lead Staff Member: J. Bradley Munford, Case Planner

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

Handwritten initials: JS (circled) and a circled 'W'.

PUBLICATION(S) (if applicable)

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

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning Subcommittee		
Date Reviewed	March 7, 2016		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

- Exhibit I - Plan and Zoning Commission Communication
 - Attachment A - Plan and Zoning Commission Resolution
 - Exhibit A - Conditions of Approval
 - Attachment B - Location Map
 - Attachment C - Site Plan: Grading, Site Layout, & Utility
- Exhibit II - City Council Resolution

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: April 11, 2016

Item: Mill Ridge, Southwest corner of S. 88th Street and Stagecoach Drive – Approval of a Phased Site Plan to allow grading of the site and installation of underground private utilities – Hubbell Realty Company – SP-002936-2015

Requested Action: Approval of a Phased Site Plan

Case Advisor: J. Bradley Munford 

Applicant's Request: The applicant, Hubbell Realty Company, represented by Josh Trygstad of Civil Design Advantage, is requesting phased approval of a site plan to initiate grading and to allow the installation of underground private utilities for approximately 65 acres generally located at the southwest corner of S. 88th Street and Stagecoach Drive in anticipation of approval of a full site plan in the near future for the construction of 60 single family lots and 240 townhome lots on the site. The applicant is on a tight construction schedule and wishes to complete the infrastructure and have some units built before next winter. The applicant will return to the Plan and Zoning Commission and City Council for approval of the full site plan which will provide details of the above ground elements.

History: The property is generally undeveloped. All except the 24 acres at the northeast corner of the proposal was previously platted in the Corrected Michael's Landing Plat 1. The 24 acres was a large acreage property belonging to James Miller. On December 14, 2016 the City Council approved an amendment to the Comprehensive Plan Land Use Map and amendment to the Tallyn's Reach Planned Unit Development (PUD) to incorporate the Miller property and modify regulations to accommodate this development. On March 21, 2016 the City Council approved the Preliminary Plat.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on March 7, 2016 and an informational item only. The Subcommittee expressed support of the development.

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 notes the following:

Grading and Site Infrastructure: The applicant is still working with staff on the design of the proposed multi-family units. The applicant is requesting authorization to grade and install underground private utilities while they continue to work to resolve details on the unit designs. At a later date, the applicant will return to the Plan and Zoning Commission and City Council for approval of the full site plan which will provide full architectural details of all of the units being built. As a part of this approval, staff recommends a caveat that no above ground construction commence until the site plan is approved and all necessary documentation, including final plans, have been submitted to the City.

Staff is comfortable with the applicant proceeding with grading and utility installation while minor architectural details are finalized. Phased approval of a site plan has been done in other cases within the City, most notably, both Microsoft data center sites and the Newport office building.

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.

Site Plan Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that 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.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

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 approving the phased site plan to allow grading and the installation of site infrastructure, subject to the applicant meeting all City Code requirements and the following:

1. The applicant install and maintain all necessary soil erosion measures;
2. The applicant agrees that any infrastructure work done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, or utilities, that the applicant will need to make the necessary changes at their own cost with no compensation from the City; and,
3. The applicant acknowledges that approval of this site plan does not allow for any above foundation work or ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.
4. The applicant agrees to obtain all appropriate building permits prior to initiation of any site work

Property Owner:

Mill Ridge Homes, LLC
6900 Westown Parkway
West Des Moines, Iowa 50266

Applicant:

Joe Pietruszynski
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266
Joe.Pietruszynski@HubbellRealty.com

Applicant's Representatives:

Josh Trygstad P.E.
Civil Design Advantage.
3405 SE Crossroads Drive Suite G
Grimes, Iowa 50111
JoshT@cda-eng.com

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Site Plan: Grading, Site Layout, & Utility

RESOLUTION NO. PZC-16-024**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, APPROVING THE MILL RIDGE PHASED SITE PLAN (SP-002936-2015) FOR THE PURPOSE OF GRADING THE SITE AND INSTALLING PRIVATE INFRASTRUCTURE IN ANTICIPATION OF NEW CONSTRUCTION OF 60 SINGLE FAMILY AND 240 TOWNHOME LOT SUBDIVISION**

WHEREAS, pursuant to the provisions of Title 8, Building, Chapter 5, Site Grading Regulations, et seq, of the West Des Moines Municipal Code, the property owner, Hubbell Realty Company, has requested approval for a Grading Plan as part of a pending site plan (SP-002936-2015) for approximately 65 acres generally located at the southwest corner of S. 88th Street and Stagecoach Drive, for the purpose of grading the property in anticipation of the construction of 60 single family and 240 townhome lot subdivision;

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hubbell Realty Company, has requested approval for a Phased Site Plan (SP-002936-2015) for approximately 65 acres generally located at the southwest corner of S. 88th Street and Stagecoach Drive, for the purpose of allowing installation of underground private utilities in anticipation of the construction of 60 single family and 240 townhome lot subdivision;

WHEREAS, studies and investigations were made and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

WHEREAS, on April 11, 2016 this Commission held a duly-noticed meeting to consider the application for Mill Ridge Site Plan (SP-002936-2015) to allow site grading and installation of underground private infrastructure only;

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 or as amended orally at the Plan and Zoning Commission meeting are adopted.

SECTION 2. The Phase Site Plan (SP-002936-2015) permit to grade the property and allow installation of underground private utilities for that site located at the southwest corner of S. 88th Street and Stagecoach Drive is hereby approved by the Plan and Zoning Commission, subject to compliance with all the conditions in the staff report including conditions added at the meeting and attached hereto as Exhibit "A". 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 April 11, 2016.


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 April 11, 2016, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth

NAYS: -0-

ABSTENTIONS: -0-

ABSENT: Brown

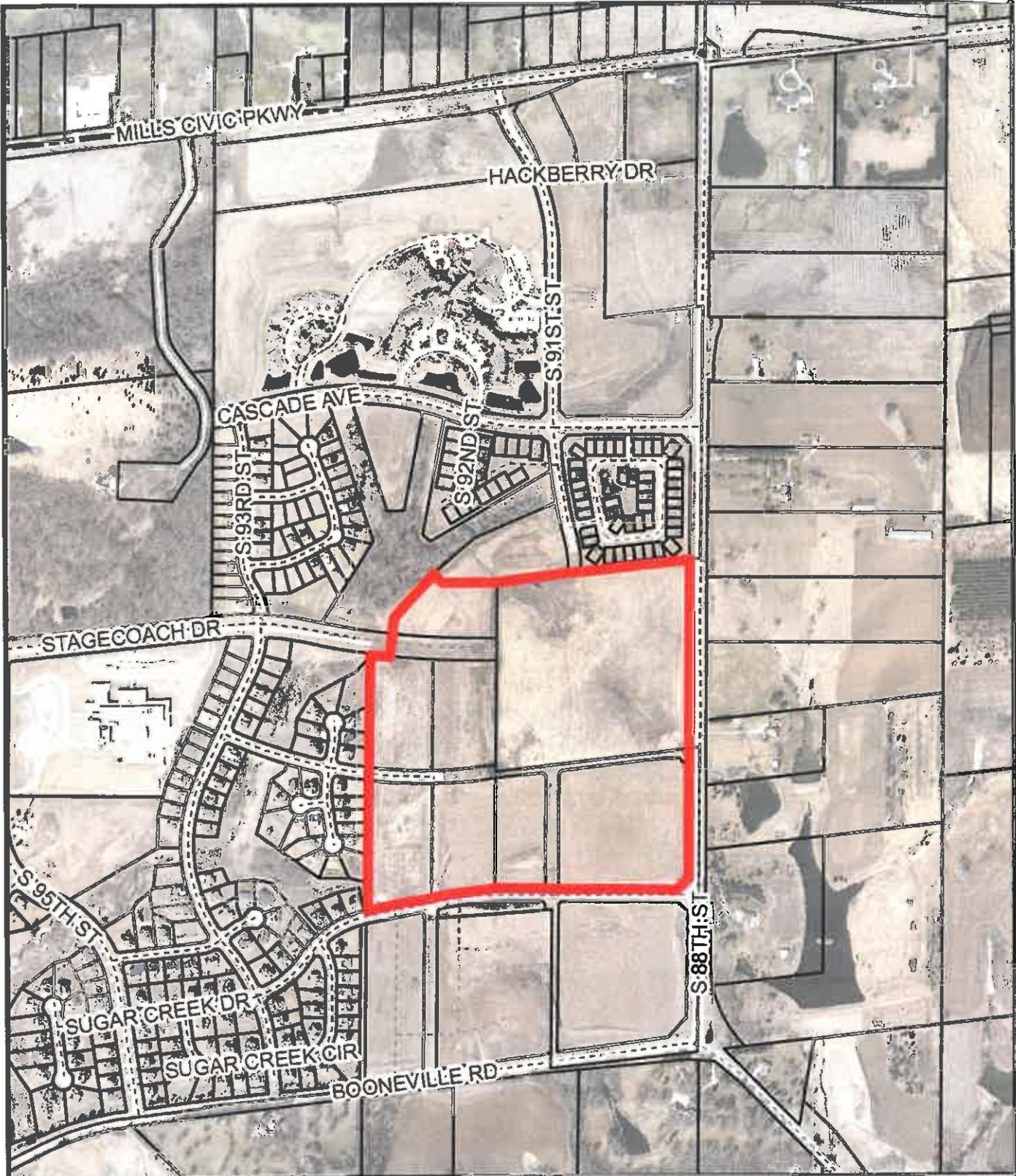
ATTEST:


Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

EXHIBIT A

1. The applicant install and maintain all necessary soil erosion measures
2. The applicant agrees that any grading or infrastructure work done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, or utilities, that the applicant will need to make the necessary changes at their own cost with no compensation from the City
3. The applicant acknowledges that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.
4. The applicant agrees to obtain all appropriate building permits prior to initiation of any site work



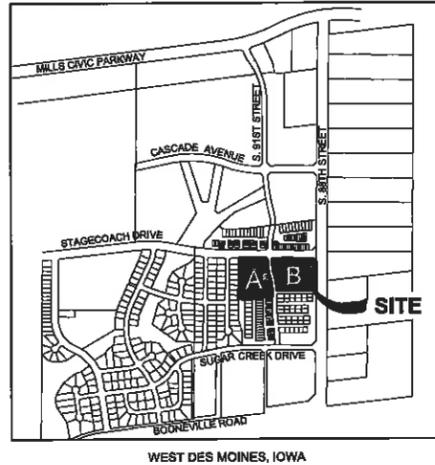
Mill Ridge



NOT TO SCALE

SITE PLAN FOR: MILL RIDGE TOWNHOMES - PHASE 1 WEST DES MOINES, IOWA

VICINITY MAP
NOT TO SCALE



OWNER

MILLER LAND PARTNERSHIP
1390 S 88TH STREET
WEST DES MOINES, IOWA 50266

AND

COMMUNITY BUSINESS LENDERS, LLC
5000 WESTOWN PARKWAY, SUITE 420
WEST DES MOINES, IOWA 50266

APPLICANT

HUBBELL REALTY COMPANY
CONTACT: JOE PIETRUSZYSKI
8900 WESTOWN PARKWAY
WEST DES MOINES, IA 50266
PH. (515) 280-2059

ENGINEER

CIVIL DESIGN ADVANTAGE
CONTACT: JOSH TRYSTAD
EMAIL: JOSHT@CDA-ENG.COM
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH. (515) 369-4400
FX. (515) 369-4410

SURVEYOR

CIVIL DESIGN ADVANTAGE, LLC
CONTACT: MIKE BROONER
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH. (515) 369-4400
FX. (515) 369-4410

ARCHITECT

SUBMITTAL DATES

-SITE PLAN SUBMITTAL TO CITY #1: 12/08/15
-SITE PLAN SUBMITTAL TO CITY #2: 02/03/16
-SITE PLAN SUBMITTAL TO CITY #3: 02/26/16

COMPREHENSIVE LAND USE

SINGLE FAMILY RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL

ZONING

TALLYN'S REACH P.U.D. -
MEDIUM DENSITY (PARCEL G)
SINGLE FAMILY RESIDENTIAL (PARCEL J)

AREA 'A' SUMMARY

AREA: 5.58 ACRES (243,206 SF)

OPEN SPACE CALCULATION:

TOTAL SITE: = 243,206
BUILDINGS = 65,100 SF
DRIVEWAYS = 25,959 SF
SIDEWALK = 4,547 SF
OPEN SPACE PROVIDED = 128,564 SF (52%)
IMPERVIOUS AREA = 95,606

AREA 'B' SUMMARY

AREA: 6.67 ACRES (290,452 SF)

OPEN SPACE CALCULATION:

TOTAL SITE: = 290,452
BUILDINGS = 77,973 SF
DRIVEWAYS = 25,500 SF
SIDEWALK = 10,682 SF
OPEN SPACE PROVIDED = 139,387 SF (48%)
IMPERVIOUS AREA = 95,606

BENCHMARKS

BM#1 BURY BOLT ON HYDRANT NW CORNER S. 88TH STREET & SUGAR CREEK
ELEVATION=165.62

BM#2 BURY BOLT ON FIRST HYDRANT SOUTH FROM THE NE CORNER OF SITE
ELEVATION=193.37

BM#3 WEST DES MOINES STANDARD BM #35 @ INTERSECTION OF MILLS CIVIC PKWY AND SOUTH 88TH STREET, NORTHEAST CORNER OF INTERSECTION, 206 FEET EAST OF SOUTH 88TH STREET, 49 FEET NORTH OF THE CENTERLINE OF MILLS CIVIC PKWY, 2 FEET SOUTH OF THE FENCE LINE.
ELEVATION=219.04

BM#4 WEST DES MOINES STANDARD BM #87 3960 +/- FEET WEST OF INTERSECTION OF SOUTH 88TH STREET AND 335TH STREET (DALLAS COUNTY)(MILLS CIVIC PARKWAY), 3 FEET NORTH OF EAST/WEST FENCE, 10 FEET EAST OF NORTH/SOUTH FENCE, ON 335TH STREET (DALLAS COUNTY)(MILLS CIVIC PARKWAY) ACROSS FROM HOUSE #3307 AND #3308.
ELEVATION=167.68

CONSTRUCTION SCHEDULE

ANTICIPATED START DATE = MARCH 2016
ANTICIPATED FINISH DATE = AUGUST 2016

INDEX OF SHEETS

NO.	DESCRIPTION
1	COVER SHEET
2	DETAILS
3	SITE LAYOUT AND EASEMENT INFORMATION
4-5	DIMENSION PLAN
6-10	GRADING PLAN
11-12	UTILITY PLAN
13-14	LANDSCAPE PLAN

AREA 'A' DESCRIPTION

A PART OF OUTLOT 'M' AND STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, AND A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF OUTLOT 'M', CORRECTED MICHAEL'S LANDING PLAT 1; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID OUTLOT 'M' AND A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 4060.00 FEET, WHOSE ARC LENGTH IS 173.20 FEET AND WHOSE CHORD BEARS SOUTH 88°11'39" EAST, 173.19 FEET; THENCE SOUTH 89°24'59" EAST ALONG SAID NORTH LINE, 102.05 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°24'59" EAST ALONG SAID NORTH LINE, 61.23 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT 'M'; THENCE SOUTH 89°24'59" EAST, 311.57 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 39.19 FEET AND WHOSE CHORD BEARS SOUTH 44°30'09" EAST, 35.30 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 835.00 FEET, WHOSE ARC LENGTH IS 247.81 FEET AND WHOSE CHORD BEARS SOUTH 08°05'38" EAST, 247.00 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 785.00 FEET, WHOSE ARC LENGTH IS 220.28 FEET AND WHOSE CHORD BEARS SOUTH 08°21'02" EAST, 219.52 FEET; THENCE SOUTH 00°06'05" EAST, 43.81 FEET; THENCE SOUTH 88°52'33" WEST, 84.09 FEET; THENCE SOUTH 00°10'35" EAST, 17.05 FEET; THENCE SOUTH 89°49'25" WEST, 150.97 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 375.00 FEET, WHOSE ARC LENGTH IS 24.78 FEET AND WHOSE CHORD BEARS SOUTH 02°23'46" EAST, 24.78 FEET; THENCE SOUTH 89°49'25" WEST, 50.00 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 325.00 FEET, WHOSE ARC LENGTH IS 10.22 FEET AND WHOSE CHORD BEARS NORTH 01°27'15" WEST, 10.22 FEET; THENCE NORTH 89°58'48" WEST, 96.41 FEET; THENCE NORTH 00°00'00" EAST, 2.58 FEET; THENCE SOUTH 90°00'00" WEST, 89.76 FEET; THENCE NORTH 00°37'08" EAST, 565.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.56 ACRES (242,095 SQUARE FEET).

AREA 'B' DESCRIPTION

A PART OF STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES AND A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1; THENCE NORTH 00°29'50" EAST ALONG THE EAST LINE OF SAID STREET LOT 'F', 67.28 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90°00'00" WEST, 549.67 FEET; THENCE NORTH 00°06'05" WEST, 15.70 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 835.00 FEET, WHOSE ARC LENGTH IS 240.43 FEET AND WHOSE CHORD BEARS NORTH 08°21'02" WEST, 239.60 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 785.00 FEET, WHOSE ARC LENGTH IS 226.78 FEET AND WHOSE CHORD BEARS NORTH 08°06'29" WEST, 225.93 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 39.36 FEET AND WHOSE CHORD BEARS NORTH 45°29'01" EAST, 35.42 FEET; THENCE SOUTH 89°24'59" EAST, 545.43 FEET; THENCE SOUTH 44°27'35" EAST, 70.76 FEET TO THE WEST LINE OF THE ACQUISITION PLAT RECORDED IN BOOK 2008 PAGE 5204; THENCE SOUTH 00°29'50" WEST ALONG SAID WEST LINE AND THE SOUTHERLY EXTENSION THEREOF, 445.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.67 ACRES (290,452 SQUARE FEET).

GENERAL LEGEND

PROPOSED	EXISTING
PROJECT BOUNDARY	SANITARY MANHOLE
LOT LINE	WATER VALVE BOX
SECTION LINE	FIRE HYDRANT
CENTER LINE	WATER CURB STOP
RIGHT OF WAY	WELL
PERMANENT EASEMENT	STORM SEWER MANHOLE
TEMPORARY EASEMENT	STORM SEWER SINGLE INTAKE
TYPE SW-501 STORM INTAKE	STORM SEWER DOUBLE INTAKE
TYPE SW-503 STORM INTAKE	FLARED END SECTION
TYPE SW-505 STORM INTAKE	ROOF DRAIN/ DOWNSPOUT
TYPE SW-508 STORM INTAKE	DECIDUOUS TREE
TYPE SW-513 STORM INTAKE	CONIFEROUS TREE
TYPE SW-401 STORM MANHOLE	DECIDUOUS SHRUB
TYPE SW-402 STORM MANHOLE	CONIFEROUS SHRUB
TYPE SW-301 SANITARY MANHOLE	ELECTRIC POWER POLE
STORM/SANITARY CLEANOUT	GUY ANCHOR
WATER VALVE	STREET LIGHT
FIRE HYDRANT ASSEMBLY	POWER POLE W/ TRANSFORMER
SIGN	UTILITY POLE W/ LIGHT
DETECTABLE WARNING PANEL	ELECTRIC BOX
STORM SEWER STRUCTURE NO.	ELECTRIC TRANSFORMER
STORM SEWER PIPE NO.	ELECTRIC MANHOLE OR VAULT
SANITARY SEWER STRUCTURE NO.	TRAFFIC SIGN
SANITARY SEWER PIPE NO.	TELEPHONE JUNCTION BOX
SANITARY SEWER WITH SIZE	TELEPHONE MANHOLE/VAULT
SANITARY SERVICE	TELEPHONE POLE
STORM SEWER	GAS VALVE BOX
STORM SERVICE	CABLE TV JUNCTION BOX
WATERMAIN WITH SIZE	CABLE TV MANHOLE/VAULT
WATER SERVICE	MAIL BOX
SAWCUT (FULL DEPTH)	BENCHMARK
SILT FENCE	SOIL BORING
	UNDERGROUND TV CABLE
	GAS MAIN
	FIBER OPTIC
	UNDERGROUND TELEPHONE
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	FIELD TILE
	SANITARY SEWER W/ SIZE
	STORM SEWER W/ SIZE
	WATER MAIN W/ SIZE

REFER TO GEOTECHNICAL EXPLORATION REPORT NO. 141355 DATED FEBRUARY 27, 2015 PREPARED BY ALLENDER BUTZKE ENGINEERS, INC. FOR GEOTECHNICAL REQUIREMENTS.

THE PROJECT REQUIRES AN IOWA NPDES PERMIT #2 AND CITY OF WEST DES MOINES GRADING PERMIT. CIVIL DESIGN ADVANTAGE WILL PROVIDE THE PERMITS AND THE INITIAL STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE CONTRACTORS USE DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR UPDATING THE SWPPP THROUGHOUT CONSTRUCTION AND MEETING LOCAL, STATE AND FEDERAL REQUIREMENTS.

ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC R.O.W.

THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS, THE 1995 DES MOINES METRO DESIGN STANDARDS WITH THE WEST DES MOINES ADDENDA, AND SUPDS AND WEST DES MOINES WATER WORKS SUPPLEMENTAL GENERAL SPECIFICATIONS FOR WATER INFRASTRUCTURE SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.

THIS DESIGN SPECIFICALLY PREPARED FOR USE AT THE LOCATION SHOWN. USE IN ANY OTHER MANNER EXCEEDS THE INTENDED PURPOSE OF THESE DRAWINGS AND ANY ACCOMPANYING SPECIFICATIONS.



UTILITY WARNING
ANY UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORDS OBTAINED BY THIS SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL THE UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION SHOWN.

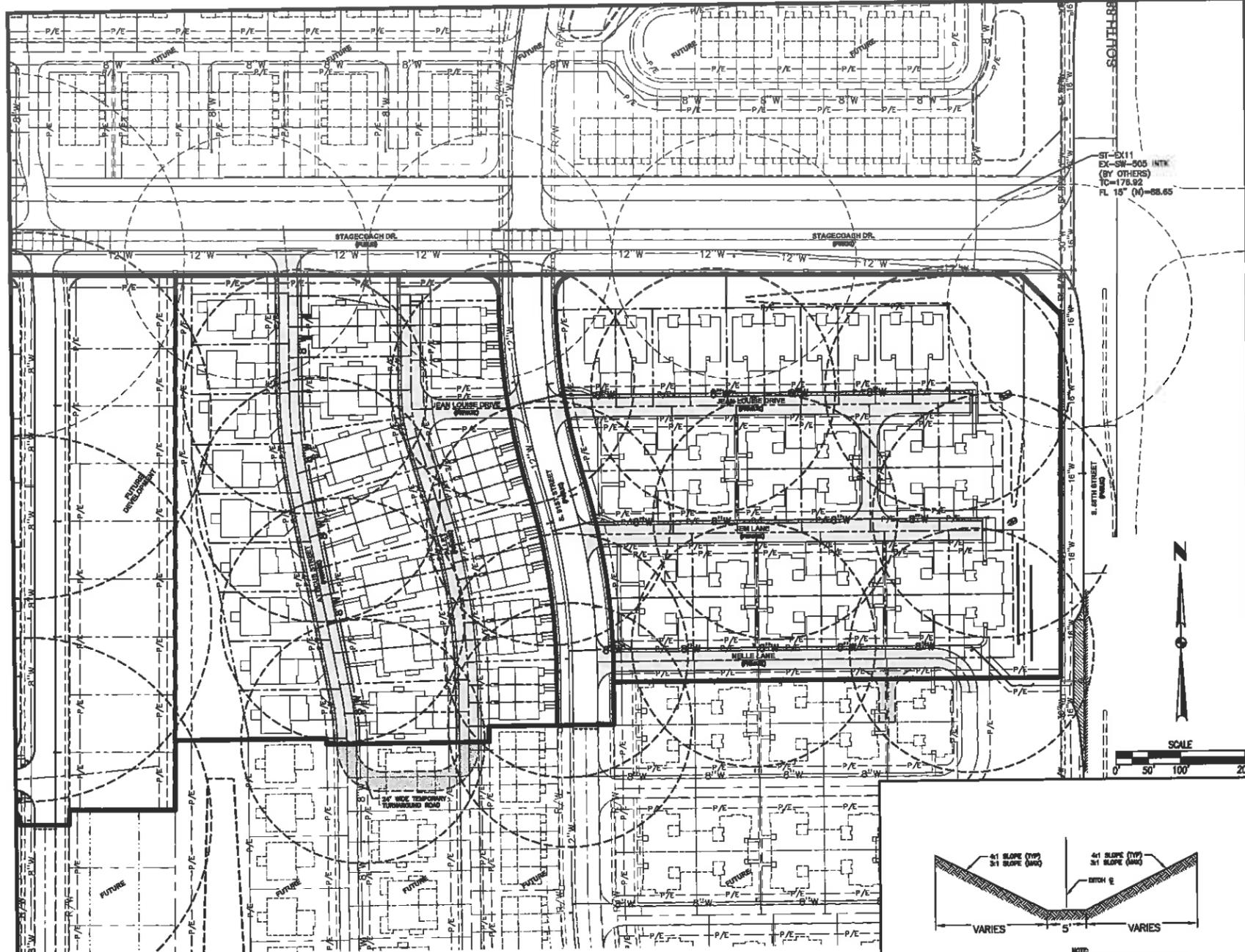
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

PROFESSIONAL ENGINEER
JOSH TRYSTAD
19228
12/28/15

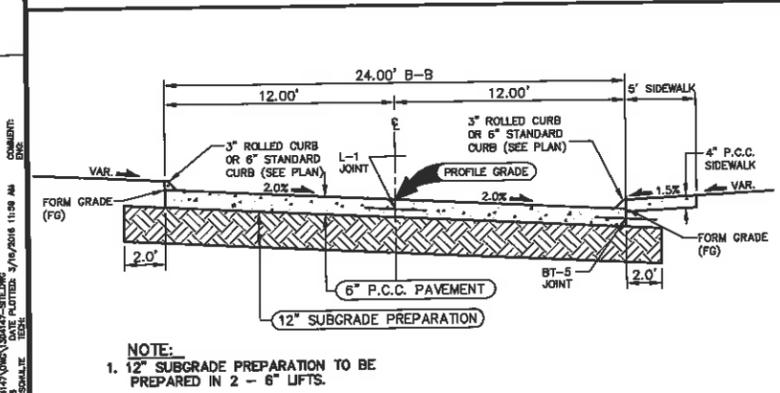
PRELIMINARY FOR CONSTRUCTION

DATE: _____
BY: _____
IOWA LICENSE RENEWAL DATE IS DECEMBER 31, 2016
PAGES OR SHEETS COVERED BY THIS SEAL: _____
ALL SHEETS

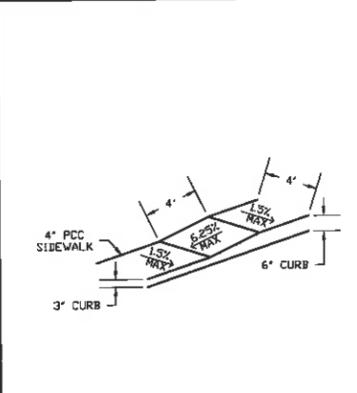
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NOTED BY: JOSH TRYSTAD



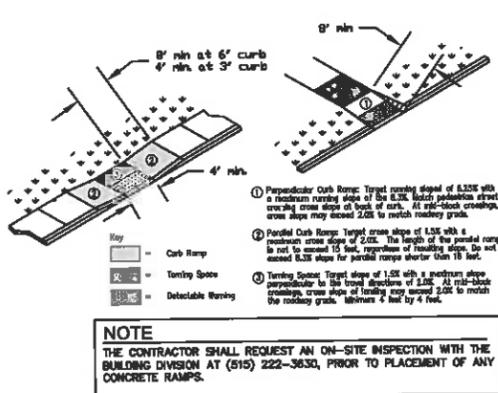
HYDRANT COVERAGE PLAN (150' RADIUS)



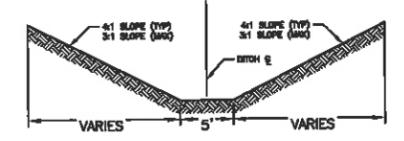
TYPICAL SECTION - 24' P.C.C. PRIVATE ROADWAY



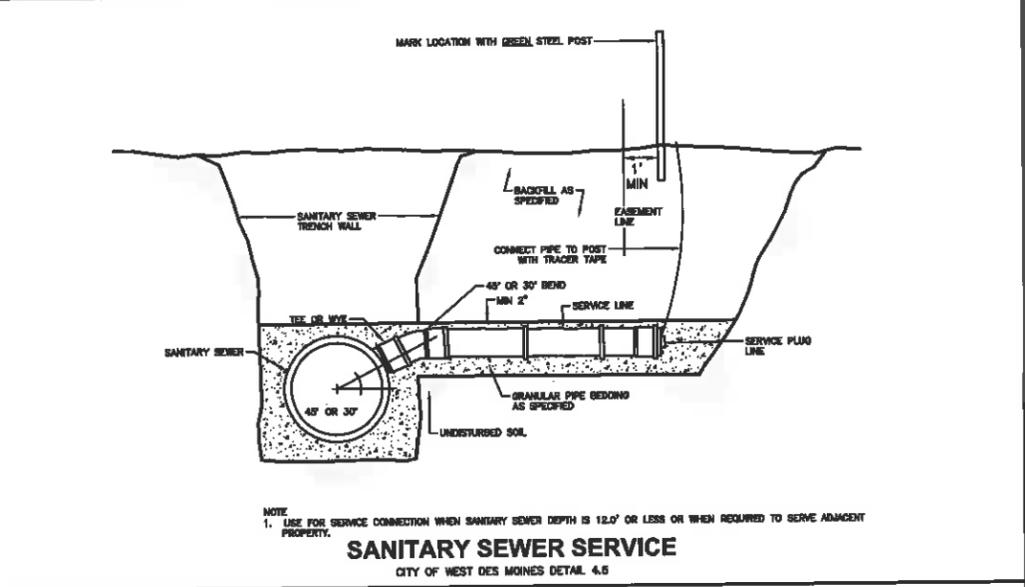
SIDEWALK @ CURB TRANSITION



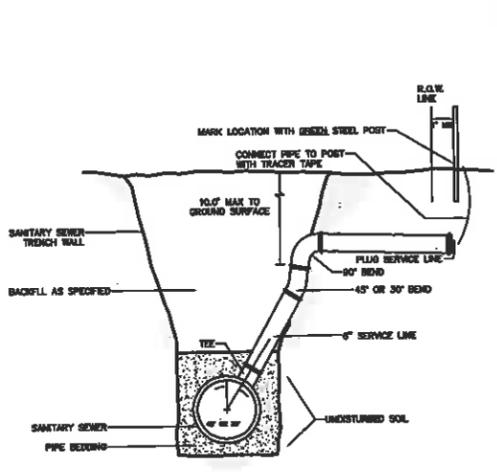
NOTE: THE CONTRACTOR SHALL REQUEST AN ON-SITE INSPECTION WITH THE BUILDING DIVISION AT (515) 222-3630, PRIOR TO PLACEMENT OF ANY CONCRETE RAMPS.



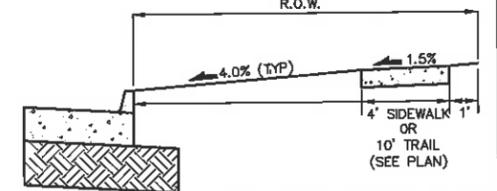
TYPICAL SWALE DETAILS



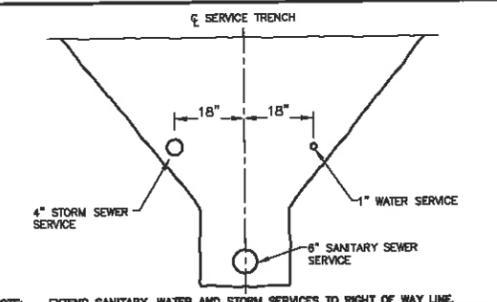
SANITARY SEWER SERVICE CITY OF WEST DES MOINES DETAIL 4.5



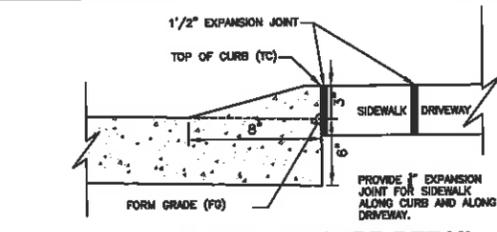
SANITARY SEWER SERVICE RISER CITY OF WEST DES MOINES DETAIL 4.6



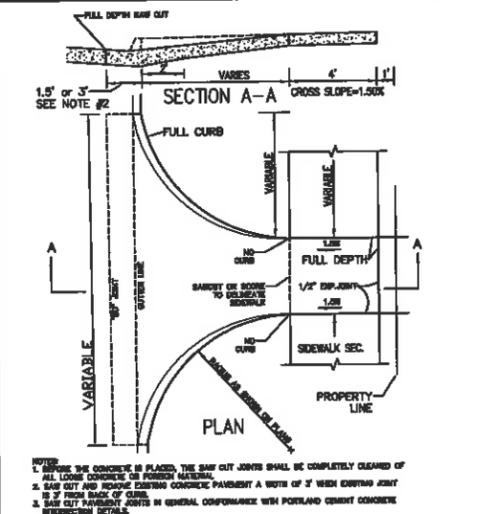
S 91st ST, S 88th ST & STAGECOACH DR R.O.W. GRADING SECTION



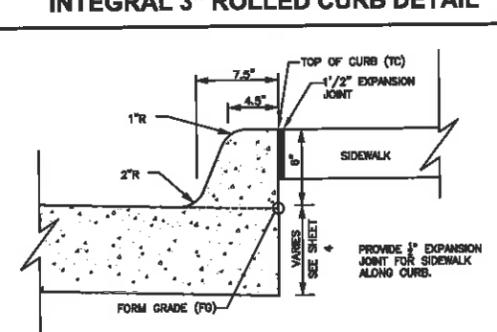
TYPICAL SERVICE INSTALLATION DETAILS



INTEGRAL 3" ROLLED CURB DETAIL



DRIVEWAY DETAIL CITY OF WEST DES MOINES DETAIL



6" PCC INTEGRAL CURB

DATE	02/28/16
REVISIONS	02/23/16
	02/03/16
	12/08/15

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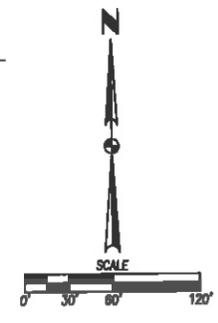
WEST DES MOINES, IOWA
CIVIL DESIGN ADVANTAGE ENGINEER

MILL RIDGE TOWNHOMES - PHASE 1
DETAILS
2/14
1304147



REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.

FILE: H:\MILLRIDGE\PHASE1\1304147-SETLINGS
 PLOT DATE: 3/17/2016 11:59 AM
 DATE PLOTTED: 3/17/2016 11:59 AM
 CLOTTED BY: JESSICA S. BROWN



REVISIONS	DATE
SITE PLAN SUBMITTAL #3	02/26/16
SITE PLAN SUBMITTAL #2	02/03/16
SITE PLAN SUBMITTAL #1	12/08/15

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410

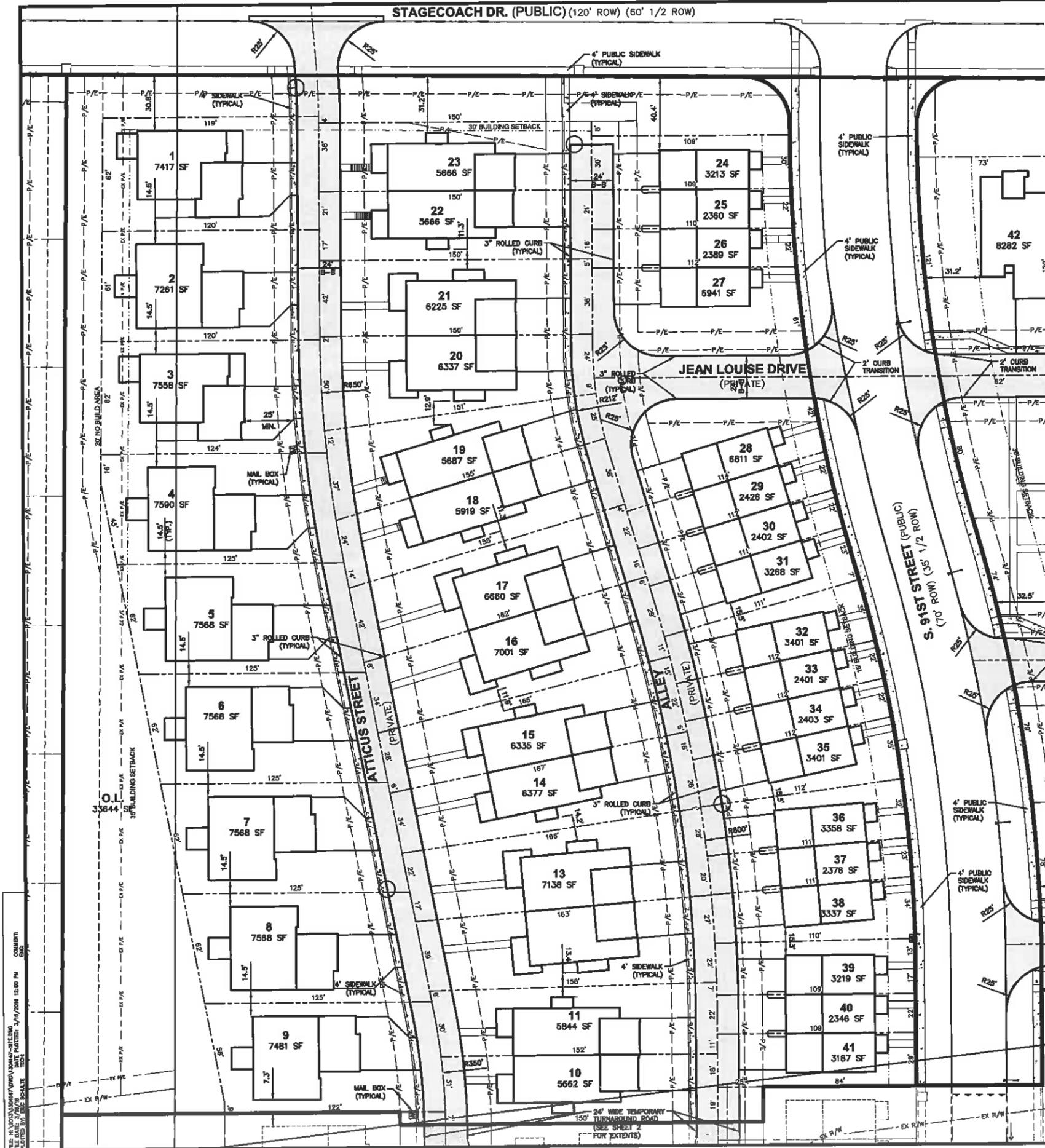


MILL RIDGE TOWNHOMES - PHASE 1
SITE LAYOUT AND EASEMENT INFORMATION
 WEST DES MOINES, IOWA
 CIVIL DESIGN ADVANTAGE ENGINEER

3 / 14
 1304147

TECH:

ENGINEER:



GENERAL NOTES

1. THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARDS FOR SUBDIVISIONS AND THE WEST DES MOINES WATER WORKS STANDARD SPECIFICATIONS FOR SUBDIVISIONS SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL COMPLY WITH ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.
4. PRIOR TO ANY WORK AT THE SITE, CONTRACTOR SHALL EXAMINE ANY APPLICABLE DRAWINGS AVAILABLE FROM THE OWNER, ENGINEER, AND/OR ARCHITECT, AND CONSULT WITH OWNER'S PERSONNEL AND UTILITY COMPANY REPRESENTATIVES. NO COMPENSATION WILL BE ALLOWED FOR DAMAGE FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.
5. AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE WDM CONSTRUCTION DIVISION 'CLINT CARPENTER' (222-3480) TO OBTAIN APPLICABLE CITY PERMITS THAT MAY BE NECESSARY.
6. ALL CONSTRUCTION WITHIN PUBLIC R.O.W./EASEMENTS, AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS, DSM METRO DESIGN STANDARDS AND WDM ADDENDUMS.
7. ALL DIMENSIONS ARE TO BACK OF CURB, UNLESS OTHERWISE NOTED.
8. CONTRACTOR TO VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS.
9. PLACE 3/4 INCH EXPANSION JOINT BETWEEN ALL P.C.C. PAVEMENT/SIDEWALKS AND BUILDING. PLACE 1/2 INCH EXPANSION JOINT BETWEEN SIDEWALKS AND P.C.C. PAVEMENT.
10. REMOVE ALL DEBRIS SPILLED INTO R.O.W. AT THE END OF EACH WORK DAY.
11. ALL PROPERTY PINS SHALL BE PROTECTED FROM GRADING OR OTHER OPERATIONS. ANY PINS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S EXPENSE.
12. DO NOT STORE CONSTRUCTION MATERIALS AND EQUIPMENT IN THE RIGHT OF WAY.
13. THE CONTRACTOR SHALL NOT DISTURB DESIRABLE GRASS AREAS AND DESIRABLE TREES OUTSIDE THE CONSTRUCTION LIMITS. THE CONTRACTOR WILL NOT BE PERMITTED TO PARK OR SERVICE VEHICLES AND EQUIPMENT OR USE THESE AREAS FOR STORAGE OF MATERIALS. STORAGE, PARKING AND SERVICE AREAS WILL BE SUBJECT TO THE APPROVAL OF THE OWNER.
14. THE CONTRACTOR IS RESPONSIBLE FOR REPLACING ANY AREAS OF PAVEMENT OR SIDEWALK NOT TO BE REMOVED THAT IS DAMAGED DUE TO OPERATING EQUIPMENT ON THE PAVEMENT OR SIDEWALK.
15. THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING DEVICES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR THE CITY.
16. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK BETWEEN SUPPLIERS AND SUBCONTRACTORS INVOLVED IN THE PROJECT, INCLUDING STAGING OF CONSTRUCTION DETAILS.
17. REFER TO PUBLIC IMPROVEMENT PLANS FOR CONCRETE REMOVAL FOR DRIVEWAY APPROACHES.
18. ALL PERMITS AND ADDITIONAL FEES REQUIRED TO COMPLETE THE WORK SHALL BE INCLUDED IN THE CONTRACTOR BID.
19. NO OUTDOOR DUMPSTERS ARE PROPOSED AT THIS TIME.
20. TEMPORARY TURNAROUNDS SHALL BE ABLE TO HANDLE A MINIMUM VEHICLE OF 75,000 POUNDS.

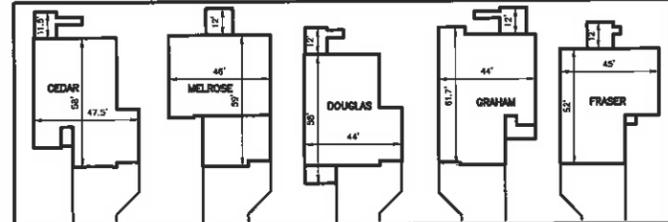
TRAFFIC CONTROL NOTES

1. ALL APPLICABLE CITY PERMITS, INCLUDING BUT NOT LIMITED TO CLOSURE PERMITS, SHALL BE OBTAINED PRIOR TO ANY CONSTRUCTION WITHIN CITY R.O.W. OR LANE CLOSURES.
2. ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
3. PERMANENT SIGNING THAT CONVEYS A MESSAGE CONTRARY TO THE MESSAGE OF TEMPORARY SIGNING AND NOT APPLICABLE TO THE WORKING CONDITIONS SHALL BE COVERED BY THE CONTRACTOR WHEN DIRECTED BY THE CITY.
4. THE CONTRACTOR SHALL COORDINATE HIS TRAFFIC CONTROL WITH OTHER CONSTRUCTION PROJECTS IN THE AREA.
5. SIDEWALK/PATH CLOSED SIGNS REQUIRED FOR ALL SIDEWALK CLOSURES. SIGNAGE AND TEMPORARY PEDESTRIAN ROUTE THROUGH CONSTRUCTION AREA SHALL MEET THE REQUIREMENTS OF PUBLIC RIGHT-OF-WAY ACCESSIBILITY GUIDELINES (PROWAG), SECTION R205 AND IOWA DOT DESIGN MANUAL, CHAPTER 12A-4.
6. THE CONTRACTOR IS CAUTIONED NEITHER TO OBSTRUCT NOR REMOVE ANY EXISTING PAVEMENT, NOR TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER EXECUTION OF THE WORK.
7. ALL SIGNING AND LANE STRIPING SHALL COMPLY WITH MUTCD. MAINTENANCE AND REPLACEMENT OF THE SIGNING AND STRIPING WILL BE THE RESPONSIBILITY OF THE APPLICANT.

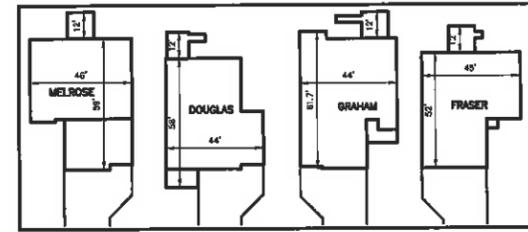
PAVEMENT THICKNESS (NON-REINFORCED)

1. SIDEWALKS 4" P.C.C.
2. SIDEWALKS IN DRIVEWAYS 6" P.C.C.
3. PRIVATE STREETS 8" P.C.C.
4. DRIVEWAYS 8" P.C.C.

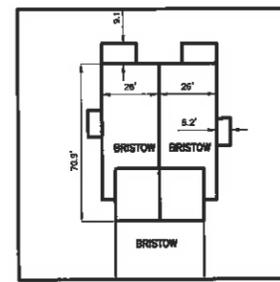
REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.



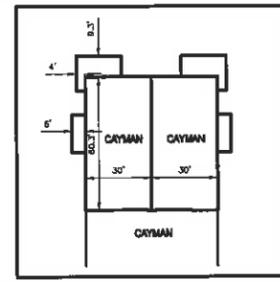
**TYPICAL TOWNHOME UNITS
LOTS 1 AND 3**



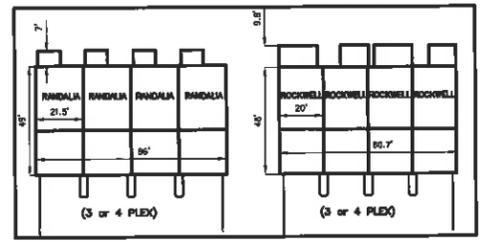
**TYPICAL TOWNHOME UNITS
LOTS 2 AND 4-9**



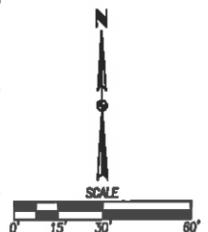
**TYPICAL TOWNHOME UNITS
LOTS 10, 11, 14, 15, 18, 19, 22 AND 23**



**TYPICAL TOWNHOME UNITS
LOTS 12, 13, 16, 17, 20 AND 21**



**TYPICAL TOWNHOME UNITS
LOTS 21-41**

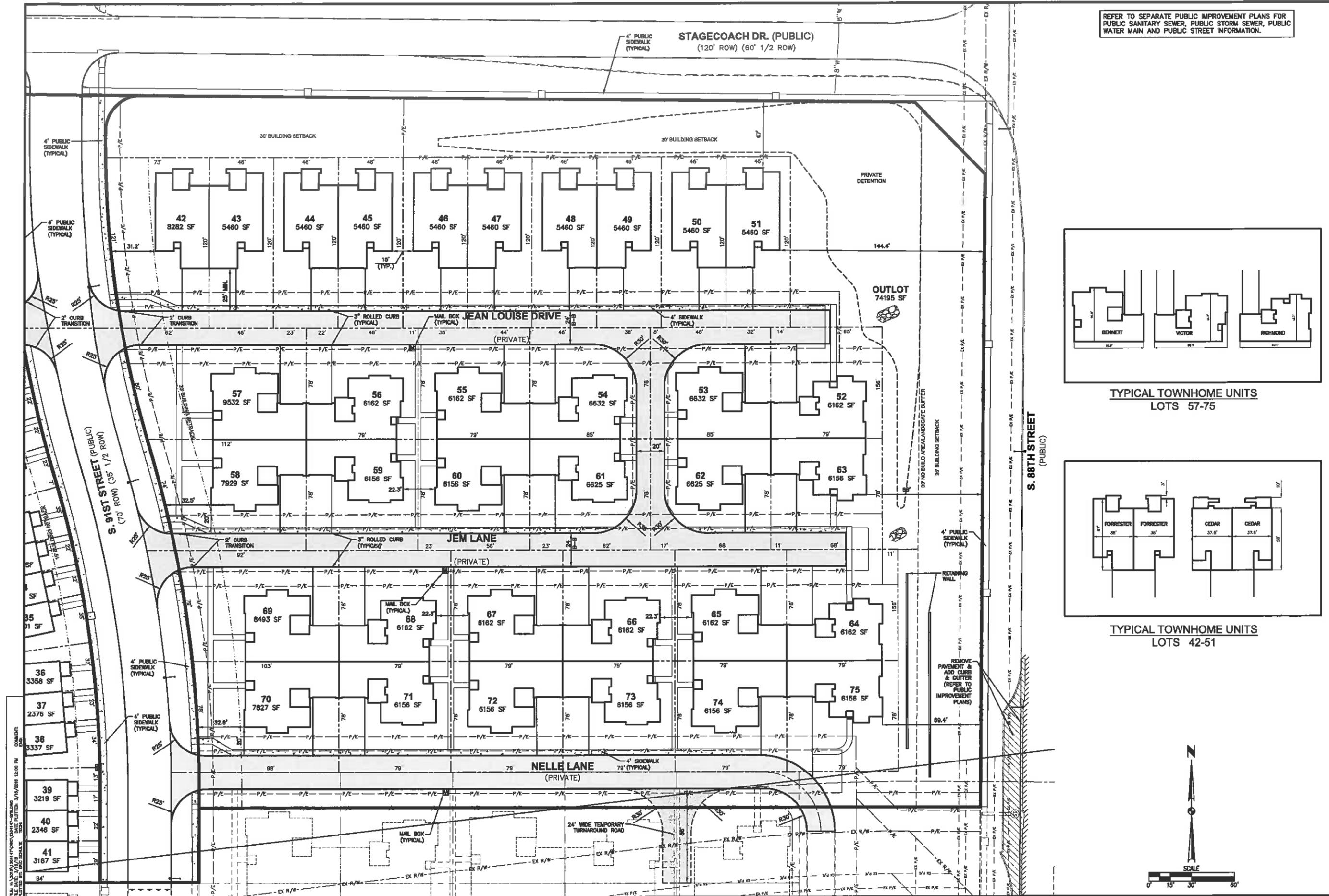


DATE	02/28/16
REVISIONS	
SITE PLAN SUBMITTAL #3	02/28/16
SITE PLAN SUBMITTAL #2	02/23/16
SITE PLAN SUBMITTAL #1	12/08/15

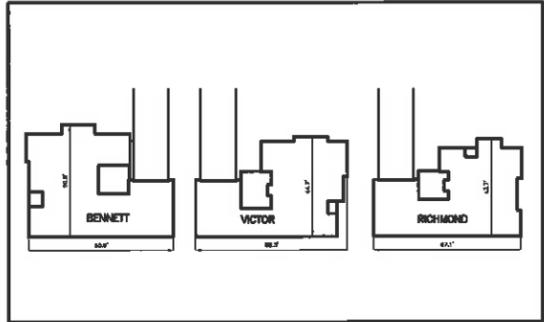
3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
TECH: ENGINEER:



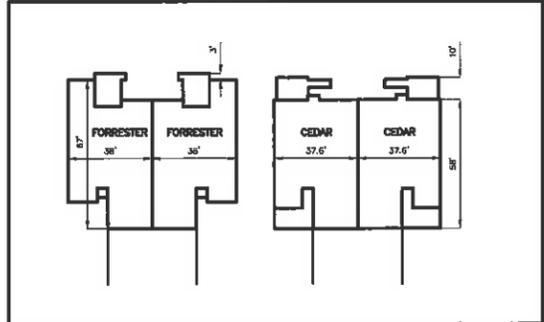
MILL RIDGE TOWNHOMES - PHASE 1
AREA A - DIMENSION PLAN
WEST DES MOINES, IOWA



REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.



TYPICAL TOWNHOME UNITS
LOTS 57-75



TYPICAL TOWNHOME UNITS
LOTS 42-51

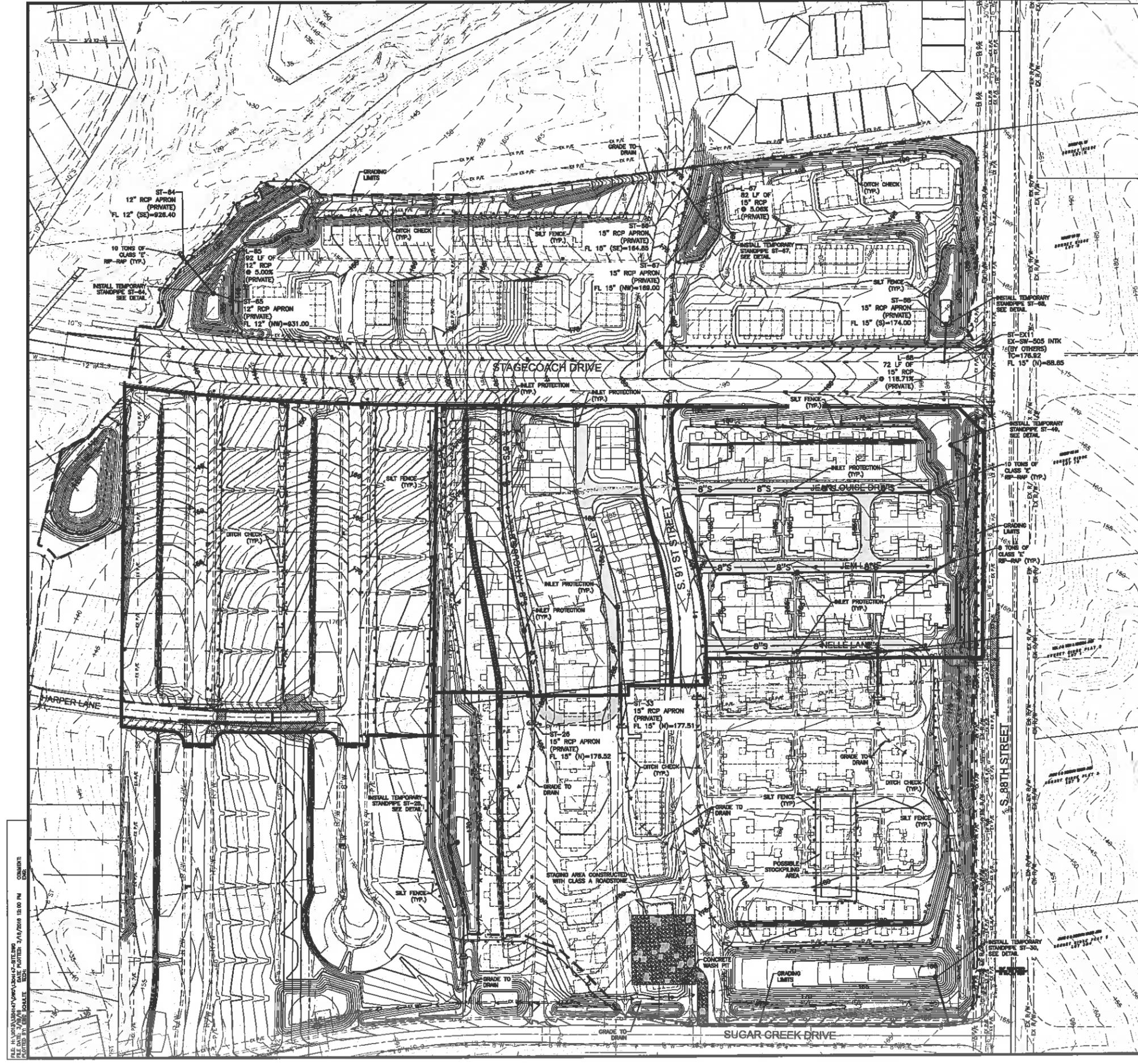


DATE	REVISIONS
02/06/15	
02/03/15	
12/08/15	

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
TECH: ENGINEER:



MILL RIDGE TOWNHOMES - PHASE 1
AREA B - DIMENSION PLAN
WEST DES MOINES, IOWA
CIVIL DESIGN ADVANTAGE



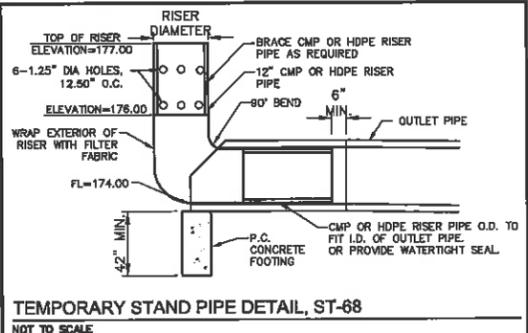
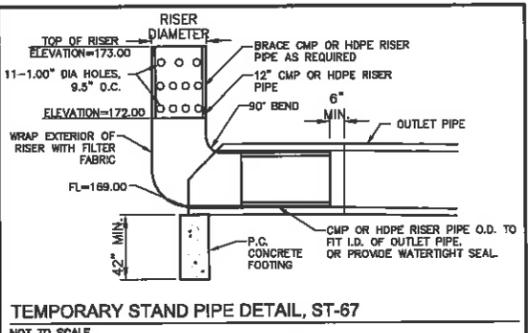
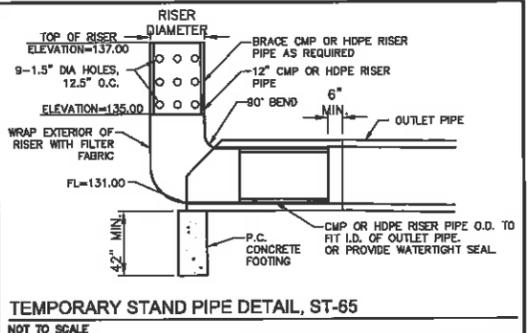
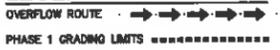
REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.

GRADING NOTES

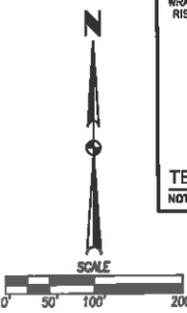
1. PRIOR TO ANY GRADING ON SITE TAKES PLACE, A COPY OF THE NPDES PERMIT, AUTHORIZED BY THE IOWA DNR, SHALL BE PROVIDED TO THE CITY CHIEF BUILDING INSPECTOR, rod.van.genderen@dm.iowa.gov OR FAX 515-273-0602.
2. CONTRACTOR SHALL STRIP ALL DELETERIOUS MATERIAL. THE TOP 6" OF TOPSOIL IS TO BE STOCKPILED AND RESPREAD.
3. AFTER GRADING IS COMPLETE, CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING A SUITABLE TOPSOIL STOCKPILE SITE. GENERAL CONTRACTOR VIA THE GRADING CONTRACTOR/SOIL EROSION CONTROL CONTRACTOR/OR THE PROJECT CIVIL ENGINEER THAT THE PROJECT MEETS THE CURRENT TOPSOIL PRESERVATION REQUIREMENTS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES (DNR).
4. MATCH EXISTING GRADES AT PROPERTY LINES AND/OR CONSTRUCTION LIMITS.
5. ALL SPOT ELEVATIONS ARE FOR GRADE (FG) OR TOP-OF-SLAB (TS) UNLESS OTHERWISE NOTED.
6. SITE SHALL BE GRADED TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS.
7. ALL SIDEWALK CROSS SLOPES SHALL BE A MAXIMUM OF 2.00%.
8. SLOPES IN PAVEMENT SHALL BE UNIFORM TO AVOID PONDING.
9. THE CONTRACTOR SHALL CONFINE HIS GRADING OPERATIONS TO WITHIN THE CONSTRUCTION LIMITS AND EASEMENTS SHOWN ON THE PLANS. ANY DAMAGE TO PROPERTIES OUTSIDE THE SITE BOUNDARY SHALL BE AT THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
10. THE CONTRACTOR SHALL APPLY NECESSARY MOISTURE CONTROL TO THE CONSTRUCTION AREA AND HAUL ROADS TO PREVENT THE SPREAD OF DUST.
11. SEE SEPARATE STORM WATER POLLUTION PREVENTION PLAN FOR DETAILS ON EROSION CONTROL.
12. FINAL FINISH GRADING TO BE APPROVED BY THE ARCHITECT AND CIVIL ENGINEER. MATCH EXISTING GRADES AT THE INTERFACE OF NEW AND EXISTING GRADES OR PAVING.
13. SIDEWALKS: MAINTAIN A 4.75% MAXIMUM LONGITUDINAL SLOPES ON ALL PAVED WALKWAYS. ALL WALKS TO HAVE 1.5% TRANSVERSE SLOPE IN THE DIRECTION OF NATURAL DRAINAGE. SAW CUT JOINTS AS SOON AS CONCRETE HAS SET. SAW CUTS TO BE 1/8" TO 1/4" WIDE; DEPTH: LONGITUDINAL 1/3, TRANSVERSE 1/4.

G.F.E. = GARAGE FLOOR ELEVATION AT THE OUTSIDE FACE OF GARAGE DOOR.

LEGEND:



THE PLAN INFORMATION CONTAINED HEREIN IS THE PROPERTY OF GEA ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

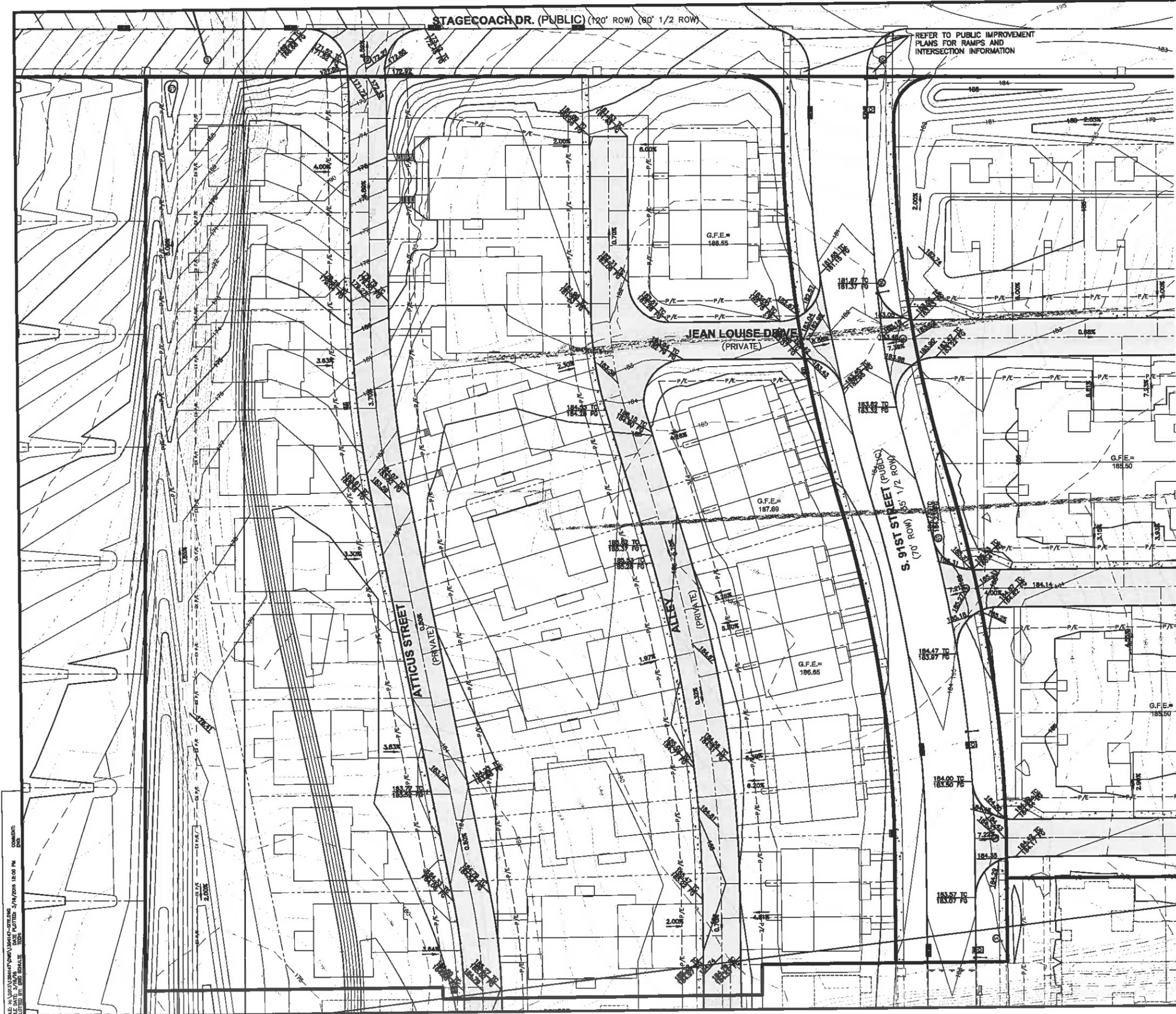


DATE	REVISIONS
02/26/16	
02/03/16	
12/08/15	

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410
 TECH:



MILL RIDGE TOWNHOMES - PHASE 1
PHASE 1 LIMITS OF GRADING AND
EROSION CONTROL
 WEST DES MOINES, IOWA
 CIVIL DESIGN ADVANTAGE ENGINEER



REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.

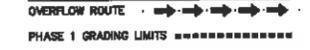
REFER TO PUBLIC IMPROVEMENT PLANS FOR RAMPS AND INTERSECTION INFORMATION

GRADING NOTES

1. PRIOR TO ANY GRADING ON SITE TAKES PLACE, A COPY OF THE NPDES PERMIT, AUTHORIZED BY THE IOWA DNR, SHALL BE PROVIDED TO THE CITY CHIEF BUILDING INSPECTOR, red.wing@des Moines.gov OR FAX 515-273-0602.
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3. IN ORDER TO OBTAIN FINAL CERTIFICATE OF OCCUPANCY APPROVAL, DOCUMENTATION WILL BE REQUIRED FROM THE GENERAL CONTRACTOR VIA THE GRADING CONTRACTOR/SOIL EROSION CONTROL CONTRACTOR OR THE PROJECT CIVIL ENGINEER THAT THE PROJECT MEETS THE CURRENT TOPSOIL PRESERVATION REQUIREMENTS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR).
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G.F.E. = GARAGE FLOOR ELEVATION AT THE OUTSIDE FACE OF GARAGE DOOR.

LEGEND:



FILE: H:\CADD\1304147\DWG\1304147-GRADING
 FILE DATE: 5/14/2018
 PLOT DATE: 5/14/2018 12:00 PM
 PLOT BY: [redacted]

DATE	REVISIONS
02/28/16	
02/23/16	
12/09/15	

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410



MILL RIDGE TOWNHOMES - PHASE 1
AREA A - GRADING PLAN
 WEST DES MOINES, IOWA

7/14
 1304147

TECH: [redacted]
 ENGINEER: [redacted]

STAGECOACH DR. (PUBLIC)
(120' ROW) (60' 1/2 ROW)

REFER TO PUBLIC IMPROVEMENT PLANS FOR RAMP AND INTERSECTION INFORMATION

REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.

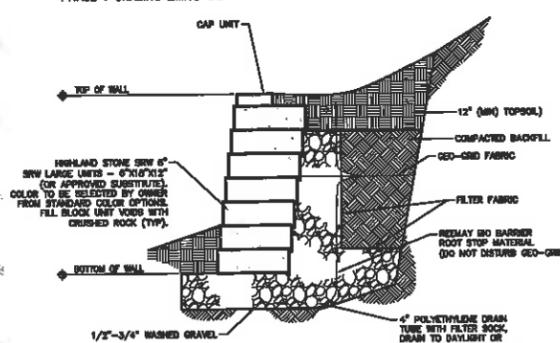
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LEGEND:

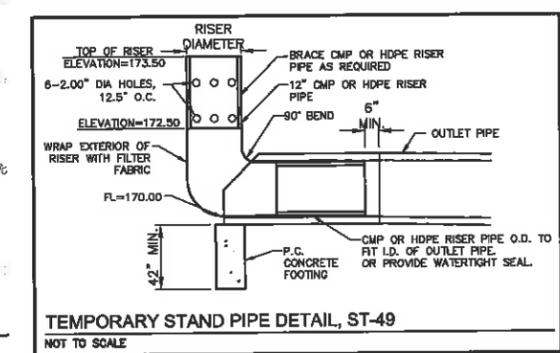
OVERFLOW ROUTE → → → → →
PHASE I GRADING LIMITS - - - - -



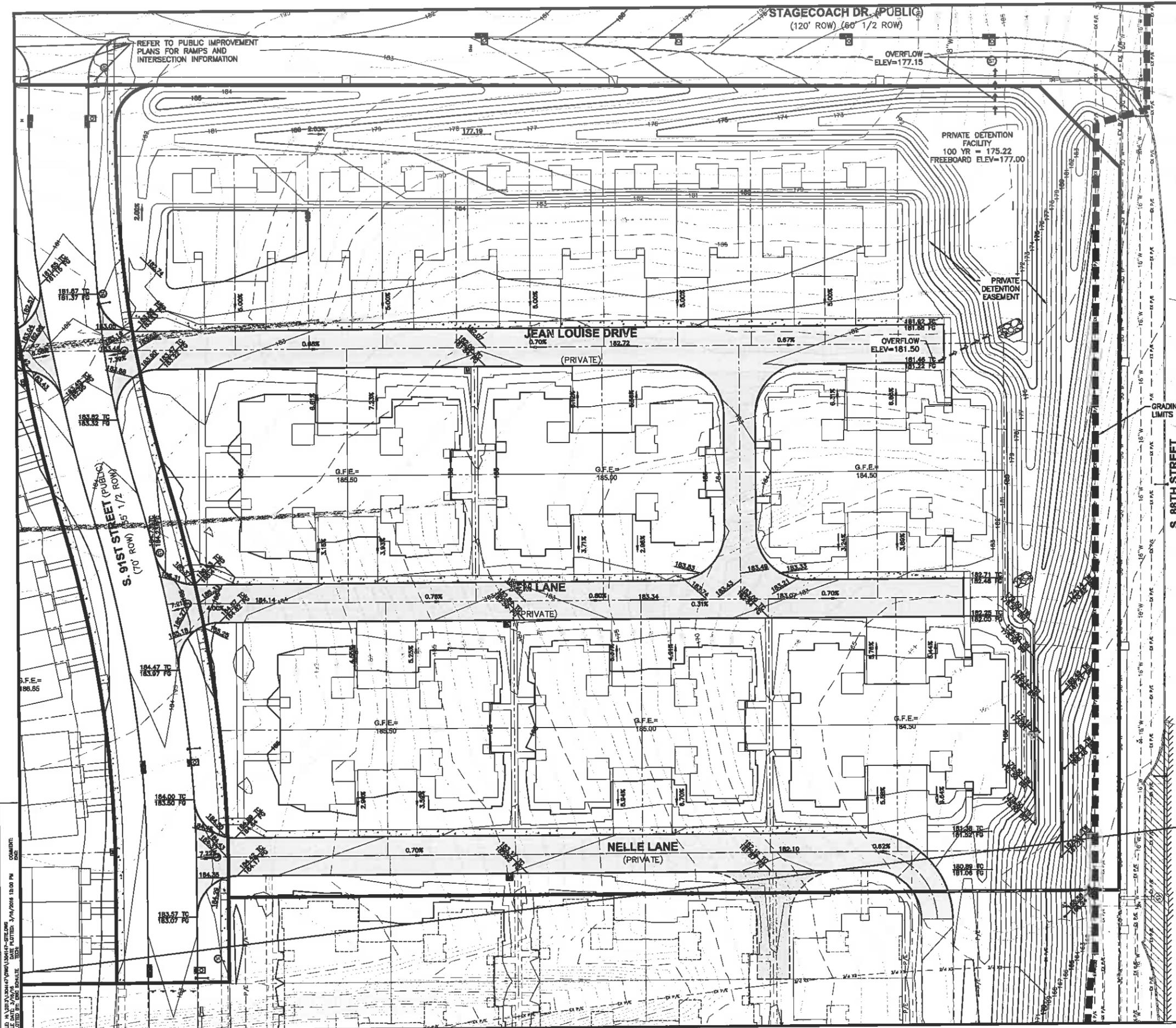
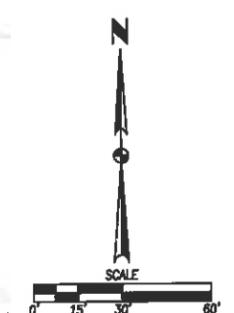
NOTE: THIS DETAIL IS FOR GENERAL REFERENCE ONLY. CONTRACTOR TO SUBMIT FULL DESIGN DATA TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION AND CHOICE OF MATERIALS. WALL SHALL BE DESIGNED BY A STRUCTURAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF IOWA AND CONSTRUCTED IN ACCORDANCE WITH THE STRUCTURAL ENGINEER'S DESIGN.

RETAINING WALL DETAIL

NOT TO SCALE



TEMPORARY STAND PIPE DETAIL, ST-49
NOT TO SCALE



DATE: 02/26/16
02/03/16
12/08/15

REVISIONS: SITE PLAN SUBMITTAL #3, SITE PLAN SUBMITTAL #2, SITE PLAN SUBMITTAL #1

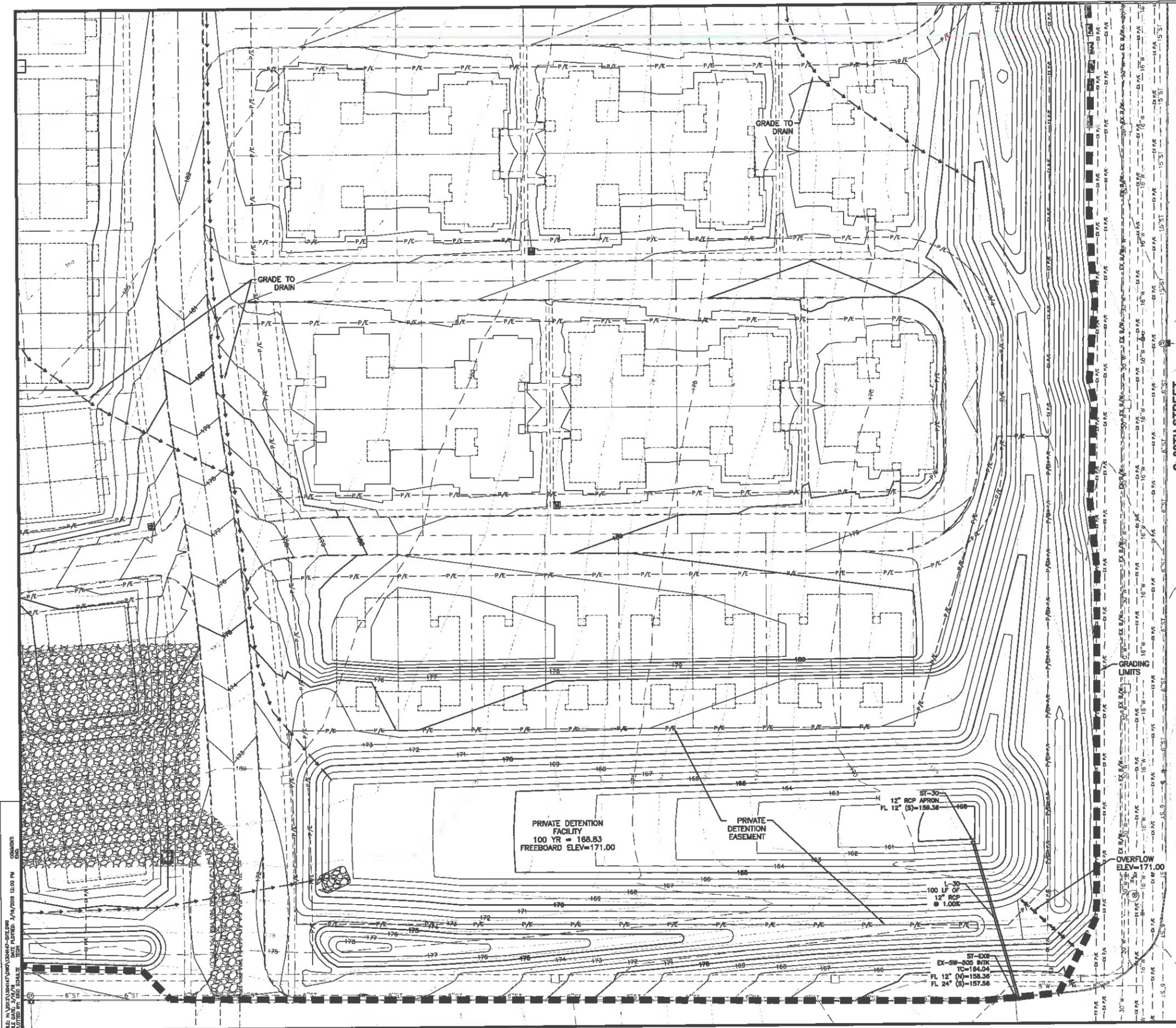
3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

TECH: ENGINEER: CIVIL DESIGN ADVANTAGE

MILL RIDGE TOWNHOMES - PHASE 1
AREA B - GRADING PLAN

WEST DES MOINES, IOWA

1304147



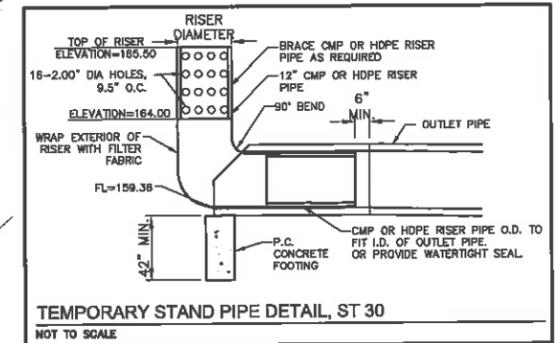
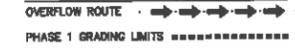
REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.

GRADING NOTES

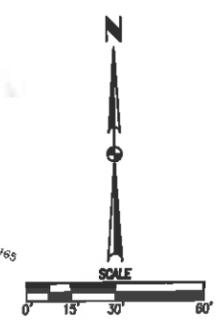
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G.F.E. = GARAGE FLOOR ELEVATION AT THE OUTSIDE FACE OF GARAGE DOOR.

LEGEND:



TEMPORARY STAND PIPE DETAIL, ST 30
NOT TO SCALE



FILE: N:\WORK\1304147\MILL RIDGE\1304147-STD.PLT
 PLOTTED BY: JMD
 DATE: 5/14/2016 11:00 PM
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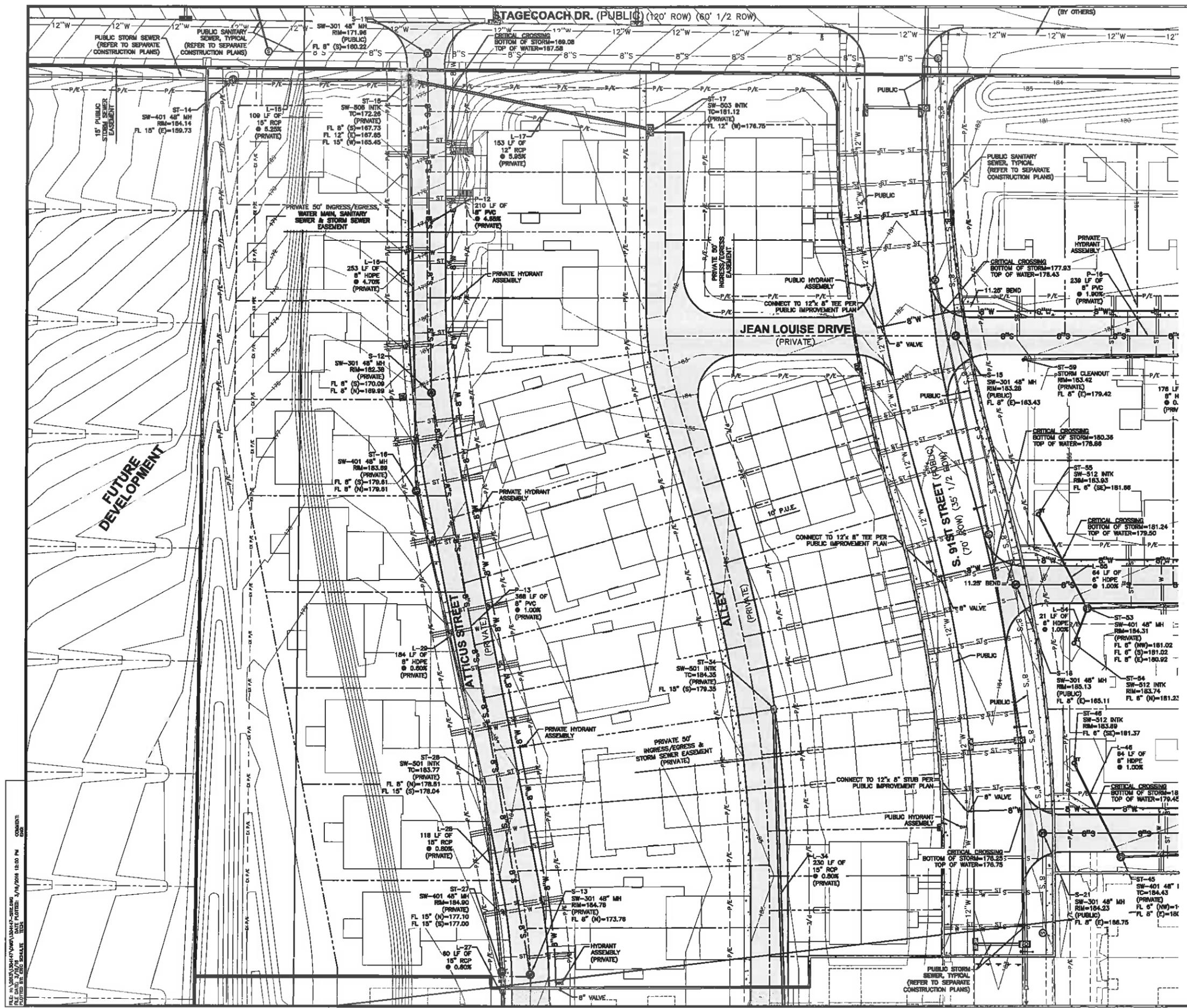
DATE	02/28/16
REVISIONS	
SITE PLAN SUBMITTAL #3	02/03/16
SITE PLAN SUBMITTAL #2	02/03/16
SITE PLAN SUBMITTAL #1	12/08/15

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

TECH: [Blank]
ENGINEER: [Blank]

9 MILL RIDGE TOWNHOMES - PHASE 1
GRADING PLAN
WEST DES MOINES, IOWA
14

1304147



REFER TO SEPARATE PUBLIC IMPROVEMENT PLANS FOR PUBLIC SANITARY SEWER, PUBLIC STORM SEWER, PUBLIC WATER MAIN AND PUBLIC STREET INFORMATION.

UTILITY NOTES

- REFER TO MECHANICAL, ELECTRICAL AND PLUMBING PLANS FOR UTILITY SERVICE SIZES AND EXACT LOCATIONS. REFER TO ELECTRICAL PLANS FOR ELECTRIC AND TELEPHONE SERVICE CONSTRUCTION DETAILS. REFER TO MECHANICAL PLANS FOR GAS SERVICE CONSTRUCTION DETAILS.
- FIELD VERIFY ELEVATIONS AND LOCATIONS OF ALL CONNECTIONS TO EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION.
- PROVIDE TEMPORARY SUPPORT FOR EXISTING UTILITY LINES THAT ARE ENCOUNTERED DURING CONSTRUCTION UNTIL BACKFILLING IS COMPLETE.
- ALL UTILITIES SHALL BE STUBBED TO 5 FEET FROM BUILDINGS. REFER TO MEP PLANS FOR DESIGN FROM 5' OUTSIDE OF BUILDING FACE.
- ADJUST ALL MANHOLES AND INTAKES TO FINISHED GRADES.
- ALL SANITARY SEWER AND WATER SERVICES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF WEST DES MOINES PLUMBING CODE.
- 12" MINIMUM VERTICAL CLEARANCE BETWEEN STORM SEWER AND SANITARY SEWER PIPES. 18" MINIMUM VERTICAL CLEARANCE BETWEEN SANITARY SEWER AND WATER MAIN. 18" MINIMUM VERTICAL CLEARANCE BETWEEN STORM SEWER AND WATER MAIN.
- MAINTAIN A MINIMUM OF 10' HORIZONTAL SEPARATION BETWEEN SANITARY SEWER LINES AND WATER MAINS.
- WHERE PUBLIC UTILITY FITURES ARE SHOWN AS EXISTING ON THE PLANS OR ENCOUNTERED WITHIN THE CONSTRUCTION AREA, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE OWNERS OF THOSE UTILITIES PRIOR TO THE BEGINNING OF ANY CONSTRUCTION. THE CONTRACTOR SHALL AFFORD ACCESS TO THESE FACILITIES FOR NECESSARY MODIFICATION OF SERVICES. UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS, AND THEREFORE, THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATIONS AND TO AVOID DAMAGE THERE TO. NO CLAIMS FOR ADDITIONAL COMPENSATION WILL BE ALLOWED TO THE CONTRACTOR FOR ANY INTERFERENCE OR DELAY CAUSED BY SUCH WORK. THE CONTRACTOR IS REQUIRED TO UTILIZE THE UTILITY ONE-CALL SERVICE AT 800-292-6888 AT LEAST 48 HOURS PRIOR TO EXCAVATING ANYWHERE ON THE PROJECT.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF WORK OF ALL SUBCONTRACTORS INVOLVED IN THE PROJECT.
- PRIVATE UTILITIES TO BE INSTALLED PER THE CITY OF WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR PUBLIC IMPROVEMENTS AND THE 2012 UNIFORM PLUMBING CODE. CONTACT BUILDING INSPECTION A MINIMUM OF 24 HOURS IN ADVANCE FOR UTILITY INSTALLATION INSPECTORS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE UTILITIES.
- CONTRACTOR SHALL PREVENT ENTRY OF MUD, DIRT, DEBRIS AND OTHER MATERIAL INTO NEW AND EXISTING SEWER SYSTEMS. SHOULD ANY CONTAMINATION OCCUR DURING CONSTRUCTION, THE CONTRACTOR SHALL CLEAN AT NO COST TO THE OWNER. INSTALL SILT FENCE AT ALL PERMANENT STORM SEWER INTAKES.
- ALL SANITARY SEWER SHALL BE CONSTRUCTED AND TESTED IN ACCORDANCE WITH THE WDM STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS.
- ALL SANITARY SEWER MH'S WITHIN PAVING SHALL HAVE A 3 PIECE CASTING. IF AN EXISTING PUBLIC SANITARY SEWER MH IS REPLACED WITH A 3 PIECE CASTING PUBLIC WORKS WILL NEED TO BE CONTACTED TO PICK UP THE OLD CASTING. CONTACT JASON SCHLUCKBERND ENGINEERING SERVICES 222-3820.

WEST DES MOINES WATER WORKS NOTES

- ALL WATER WORK, PUBLIC OR PRIVATE, SHALL BE DONE IN ACCORDANCE WITH SDAS AND WEST DES MOINES WATER WORKS GENERAL SUPPLEMENTAL SPECIFICATIONS.
- CONTRACTOR SHALL NOTIFY WEST DES MOINES WATER WORKS AT LEAST ONE WEEK PRIOR TO CONSTRUCTION.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK OF ALL SUBCONTRACTORS INVOLVED IN THE PROJECT.
- CONTACT BUILDING INSPECTION (515-222-3830) A MINIMUM OF 24 HOURS IN ADVANCE FOR PRIVATE UTILITY INSPECTORS.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE WEST DES MOINES WATER WORKS AND CITY'S CROSS-CONNECTION CONTROL/CONTAINMENT PROVISION.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER INSTALLATION OF AN APPROVED BACKFLOW PREVENTION ASSEMBLY(S) FOR CONTAINMENT IN ALL NEW CONSTRUCTION. BACKFLOW PREVENTION TO BE INSTALLED PER CITY ORDINANCE 1297, 54-1098. CONTRACTOR SHALL NOTIFY WEST DES MOINES WATER WORKS, RALPH RENTERIA, ENGINEERING TECHNICIAN (515)-222-3485 A MINIMUM OF 24 HOURS AFTER INSTALLATION AND TESTING OF ALL BACKFLOW DEVICES TO SCHEDULE FINAL INSPECTION.
- BUILDING FIRE SPRINKLER AND FIRE ALARM SYSTEM SHALL BE DESIGNED PER WEST DES MOINES FIRE CODE. SCHEDULE A PRESSURE AND FLOW TEST PRIOR TO DESIGNING FIRE SUPPRESSION SYSTEMS.
- WATER SHALL BE PROVIDED TO PROPERTY VIA PRIVATE WATER MAIN. OWNER SHALL ALLOW WEST DES MOINES WATER WORKS ACCESS TO THE METERS AND VALVES AS NEEDED FOR EMERGENCY MAINTENANCE AND SHUT OFF IN THE EVENT OF NON-PAYMENT.

NOTE:

CONTRACTOR SHALL COORDINATE ALL TRANSFORMER PAD LOCATIONS, INCLUDING BUILDING SEPARATION, WITH MID AMERICAN ENERGY PRIOR TO TRANSFORMER PAD CONSTRUCTION.

LIGHTING NOTES:

REFER TO SEE LIGHTING PLAN (PHOTOMETRIC PLAN) FOR MORE INFORMATION.
ALL LIGHTING MUST BE DOWN-CAST, CUT-OFF TYPE FIXTURES. WALL PACK LIGHT WITHOUT SHIELDS TO DIRECT LIGHT DOWN TO ITS INTENDED TARGET ARE PROHIBITED.

PRIVATE WATER MAIN QUANTITIES

HYDRANTS ASSEMBLY	12 EA
8" VALVE	8 EA
8" WATER MAIN	2,300 LF
1" WATER SERVICE	1,175 LF



SEE ALL WORKS UNDER TOWNHOMES AREA
 FILED BY: J. G. SCHAFFNER
 DATE: 3/17/18
 COUNTY: DES MOINES
 SHEET: 11 OF 14

MILL RIDGE TOWNHOMES - PHASE 1

AREA A - UTILITY PLAN

WEST DES MOINES, IOWA

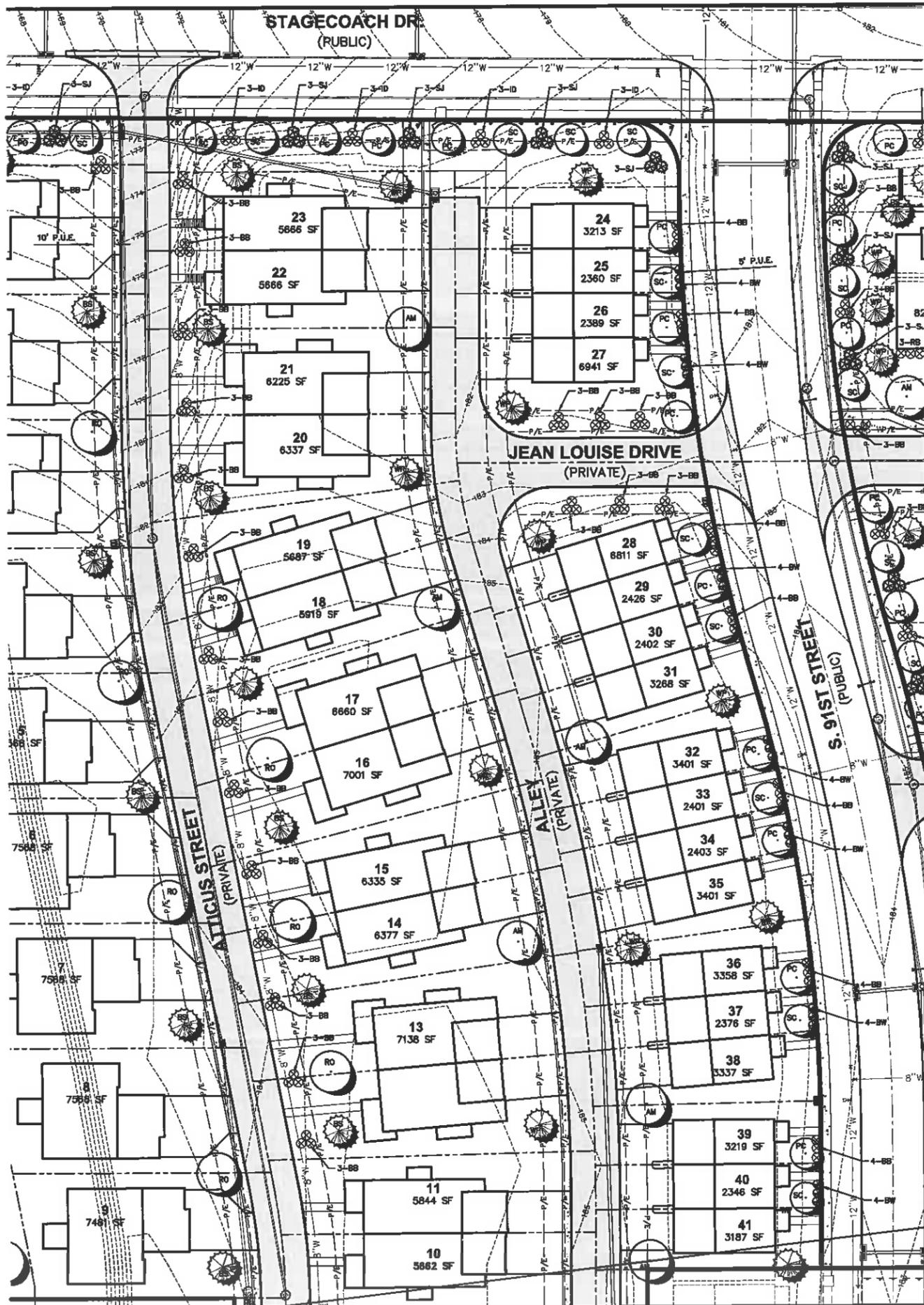
11/14

1304147

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

ENGINEER:
TECH:

DATE	REVISIONS
02/08/18	SITE PLAN SUBMITTAL #3
02/09/18	SITE PLAN SUBMITTAL #2
02/08/18	SITE PLAN SUBMITTAL #1



LANDSCAPE NOTES

1. LOCATE ALL UTILITIES BEFORE ANY PLANTING BEGINS.
2. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARDS FOR SUBDIVISIONS.
3. TYPE, SIZE, AND QUALITY OF PLANT MATERIAL SHALL CONFORM TO THE MOST CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.
4. ALL PLANT MATERIAL SHALL BE HEALTHY SPECIMENS WITHOUT DEFORMITIES, VOIDS AND OPEN SPACES, WITH WELL DEVELOPED BRANCH AND ROOT SYSTEMS; TRUE TO HEIGHT, SHAPE AND CHARACTER OF GROWTH OF THE SPECIES OR VARIETY.
5. SOO ALL AREAS ADJACENT TO BUILDINGS, SEED (TYPE) ALL OTHER DISTURBED AREAS.
6. BACKFILL TO TOP OF CURB. (MINUS 1 1/2" FOR SOO, IF REQ.)
7. WEED PREVENTER(PRE-EMERGENT) SHALL BE SPREAD OVER SOO. AFTER PLANTING AND BEFORE MULCHING IN ALL PLANTING BEDS PER MANUFACTURER'S RECOMMENDATIONS.
8. SHREDDED HARDWOOD MULCH SHALL BE PLACED AROUND ALL TREES, SHRUBS AND IN ALL PLANTING BEDS TO A (MIN) DEPTH OF 3". ALL GROUPS OF MORE THAN ONE SHRUB SHALL BE MULCHED IN A CONTINUOUS BED, SEPARATED FROM TURF BY A 3" SPADE-CUT EDGE. MULCH AROUND ALL CONIFEROUS TREES SHALL BE A 10" DIAMETER CIRCLE. ALL EDGING SHALL BE SPADE-CUT EDGE.
9. PLANT QUANTITIES ARE SHOWN FOR INFORMATION ONLY, THE DRAINING SHALL PREVAIL IF ANY CONFLICTS ARISE.
10. ALL DEBRIS SPILLED IN THE PUBLIC R.O.W. SHALL BE PICKED UP BY THE CONTRACTOR AT THE END OF EACH WORK DAY.
11. CONTRACTOR SHALL WARRANTY ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR FROM DATE OF INSTALLATION.
12. CONTRACTOR SHALL PROVIDE IRRIGATION DESIGN TO OWNER FOR APPROVAL.
13. NO OVERSTORY TREES SHALL BE PLANTED IN ANY CITY OF WEST DES MOINES PUBLIC UTILITY EASEMENT.

SCREENING

ALL MECHANICAL UNITS VISIBLE FROM A PUBLIC STREET SHALL BE SCREENED BY THE USE OF AN EVERGREEN SCREEN.

PLANT SUBSTITUTIONS

- (2) ORNAMENTAL TREES = (1) OVERSTORY TREE OR EVERGREEN
 - (10) SHRUBS = (1) UNDERSTORY TREE
- NO MORE THAN 50% OF THE REQUIRED PLANT TYPE MAY BE SUBSTITUTED.

AT LEAST 35% OF TREES REQUIRED ON SITE (SUM OF OPEN SPACE, BUFFER AND PARKING LOT TREES) SHALL BE EVERGREEN.

TOTAL TREES REQUIRED = 118
 EVERGREENS REQUIRED = 42 (35%)
 EVERGREENS PROVIDED = 42

MINIMUM PLANT SIZES

- DECIDUOUS OVERSTORY TREES = 2" CAL
- DECIDUOUS OVERSTORY TREES (CLUMP) = 1" CAL
- EVERGREEN TREES = 8" HEIGHT
- ORNAMENTAL TREES = 1.5" CAL
- DECIDUOUS SHRUBS (5'+) = 36" HEIGHT
- DECIDUOUS SHRUBS (3'-5') = 24" HEIGHT
- DECIDUOUS SHRUBS (0-3') = 18" HEIGHT

OPEN SPACE REQUIREMENTS

- (3) TREES PER 3000 SF OF REQUIRED OPEN SPACE
- (3) SHRUBS PER 3000 SF OF REQUIRED OPEN SPACE

SITE AREA = 243,208 SF
 OPEN SPACE REQUIRED = 80,802 (28%)
 OPEN SPACE PROVIDED = 126,564 SF (52%)

TREES REQUIRED = 41
 TREES PROVIDED = 41

SHRUBS REQUIRED = 61
 SHRUBS PROVIDED = 63

30' BUFFER REQUIREMENTS (EAST PROPERTY LINE)

- A LANDSCAPED BERM AREA OF NOT LESS THAN 30 FEET IN WIDTH COMPRISED OF 1 OVERSTORY TREE OR EVERGREEN TREE, 2 UNDERSTORY TREES & 6 SHRUBS PER 35 L.A.M.F. OF BUFFER.
- 50% OF TREES SHALL BE EVERGREEN
- NO BUILDING OR STRUCTURE, EXCEPT GROUND SIGNAGE ALLOWED BY CODE, MAY BE LOCATED WITHIN A DESIGNATED BUFFER.

OVERSTORY/ EVERGREEN TREES REQUIRED = 17
 UNDERSTORY TREE REQUIRED = 33
 SHRUBS REQUIRED = 99

OVER STORY/ EVERGREEN TREES PROVIDED = 18
 UNDERSTORY TREE PROVIDED = 36
 SHRUBS PROVIDED = 100

PLANT SCHEDULE (WEST BUFFER)

CODE	QUANTITY	TREE SPECIES	SIZE	COND
WP	10	EASTERN WHITE PINE	18"	HT. CONT.
LR	1	COLORADO BLUE SPRUCE	6"	HT. CONT.

CODE	QUANTITY	TREE SPECIES	SIZE	COND
ER	12	EASTERN REDBUD	11.5"	CAL. B&B
LL	12	LITTLE LEAF LINDEN	11.5"	CAL. B&B

CODE	QUANTITY	SHRUB SPECIES	SIZE	COND
BR	183	BURNING BUSH	36"	HT. CONT.
AV	18	ANEMONE VIBURNUM	36"	HT. CONT.
RD	12	REDOSER DOGWOOD	36"	HT. CONT.
SL	20	SEA GREEN JUNCER	24"	HT. CONT.

PLANT SCHEDULE (OPEN SPACE)

CODE	QUANTITY	TREE SPECIES	SIZE	COND
RO	12	RED OAK	2"	CAL. B&B
AM	8	AUTUMN BLAZE MAPLE	2"	CAL. B&B

CODE	QUANTITY	TREE SPECIES	SIZE	COND
WP	10	EASTERN WHITE PINE	6"	HT. B&B
LR	1	COLORADO BLUE SPRUCE	6"	HT. B&B

CODE	QUANTITY	SHRUB SPECIES	SIZE	COND
BR	183	BURNING BUSH	36"	HT. CONT.

PLANT SCHEDULE (S. 91ST STREETSCAPE)

CODE	QUANTITY	ORNAMENTAL TREES	SIZE	COND
PO	8	PRAIRIE FIRE CRAB	1.5"	CAL. B&B
SC	8	SPRING SNOW CRAB	1.5"	CAL. B&B

CODE	QUANTITY	SHRUBS	SIZE	COND
BR	28	OWENS BURNING BUSH	36"	HT. CONT.
BR	28	WINTERGREEN BOXWOOD	18"	HT. CONT.

PLANT SCHEDULE (STAGECOACH DR. STREETSCAPE)

CODE	QUANTITY	ORNAMENTAL TREES	SIZE	COND
PO	8	PRAIRIE FIRE CRAB	1.5"	CAL. B&B
SC	8	SPRING SNOW CRAB	1.5"	CAL. B&B

CODE	QUANTITY	SHRUBS	SIZE	COND
SL	18	SEA GREEN JUNCER	24"	HT. CONT.
DO	18	IVORY PALM DOGWOOD	36"	HT. CONT.

STREETSCAPE REQUIREMENTS

STAGECOACH DRIVE (400')
 1 TREE AND 3 SHRUBS PER 36' LF OF STREET FRONTAGE.
 TREES REQUIRED = 12
 SHRUBS REQUIRED = 36

TREES PROVIDED = 12
 SHRUBS PROVIDED = 36

SOUTH 91ST STREET (532')
 1 TREE AND 3 SHRUBS PER 36' LF OF STREET FRONTAGE.
 TREES REQUIRED = 15
 SHRUBS REQUIRED = 45

TREES PROVIDED = 17
 SHRUBS PROVIDED = 58

STREET TREE REQUIREMENTS

STREET TREES SHALL BE PLACED AT A MINIMUM OF 40' ON CENTER.
 STREET TREES MAY COUNT TOWARDS THE STREETSCAPE REQUIREMENT.

PLANT SCHEDULE

CODE	QUANTITY	TREE SPECIES	SIZE	COND
AM	12	AUTUMN BLAZE MAPLE	2"	CAL. B&B
AM	12	CRIMSON KING MAPLE	2"	CAL. B&B
SC	12	SPRING SNOW CRAB	2"	CAL. B&B
SC	12	PRAIRIE FIRE CRAB	2"	CAL. B&B
SL	18	SEA GREEN JUNCER	24"	HT. CONT.
DO	18	IVORY PALM DOGWOOD	36"	HT. CONT.
RO	12	RED OAK	2"	CAL. B&B
AL	12	AMERICAN LINDEN	2"	CAL. B&B
SO	12	SHRIMP WHITE OAK	2"	CAL. B&B
ER	12	EASTERN REDBUD	2"	CAL. B&B
PA	12	PATMORE GREEN ASH	2"	CAL. B&B
PA	12	AUTUMN PURPLE ASH	2"	CAL. B&B
AL	12	AMERICAN LINDEN	2"	CAL. B&B
ER	12	EASTERN REDBUD	2"	CAL. B&B
LL	12	LITTLE LEAF LINDEN	2"	CAL. B&B
LL	12	LITTLE LEAF LINDEN	2"	CAL. B&B
ER	12	EASTERN REDBUD	2"	CAL. B&B
ER	12	EASTERN REDBUD	2"	CAL. B&B

CODE	QUANTITY	ORNAMENTAL TREES	SIZE	COND
PO	12	PRAIRIE FIRE CRAB	1.5"	CAL. B&B
SC	12	SPRING SNOW CRAB	1.5"	CAL. B&B
PO	12	PRAIRIE FIRE CRAB	1.5"	CAL. B&B
SC	12	SPRING SNOW CRAB	1.5"	CAL. B&B
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.
BR	183	BURNING BUSH	36"	HT. CONT.

CODE	QUANTITY	EVERGREEN TREES	SIZE	COND
DO	12	DOUGLAS FIR	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B
WP	12	EASTERN WHITE PINE	6"	HT. B&B

DATE: 02/28/19
 02/03/19
 12/08/15

REVISIONS:

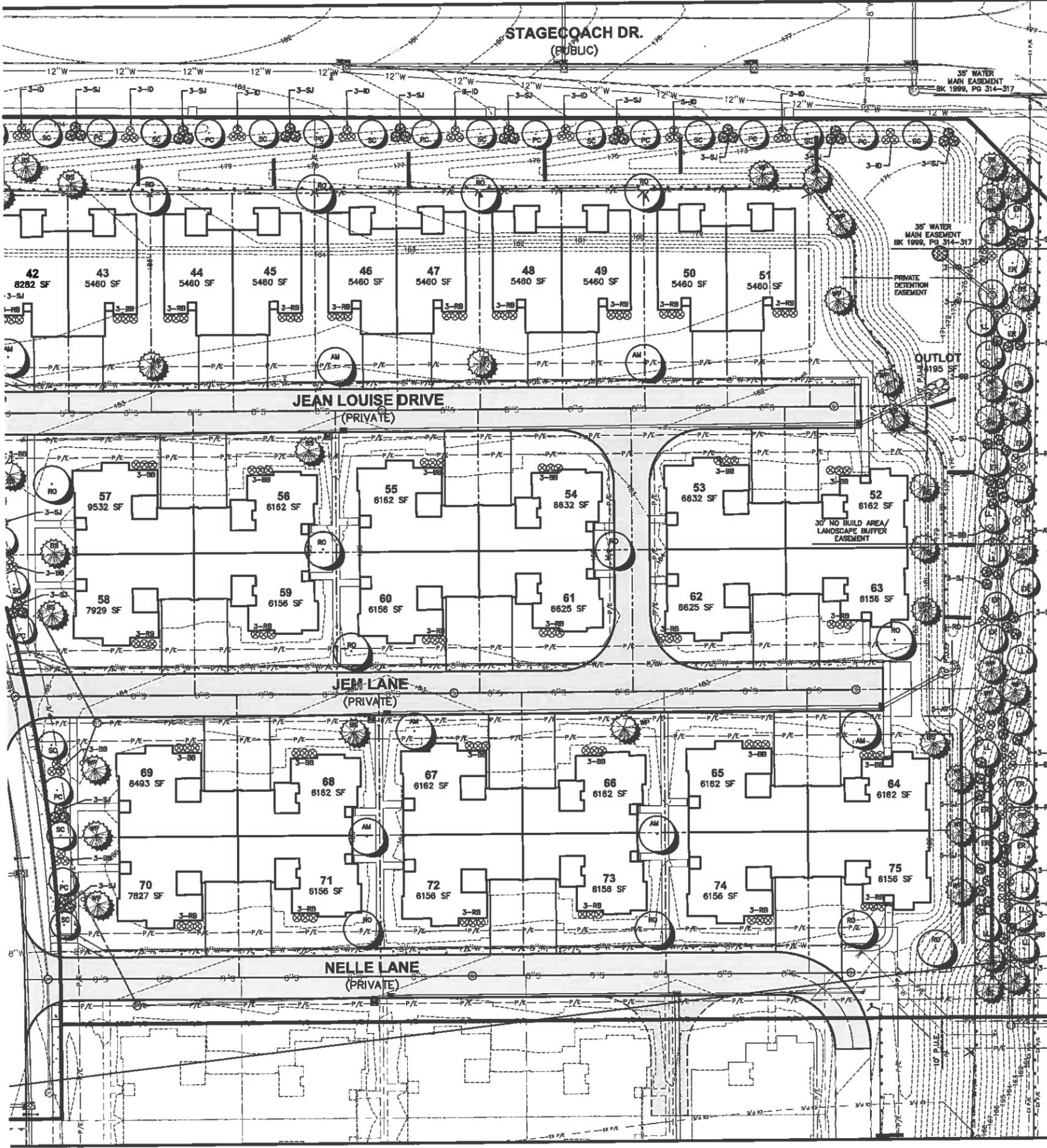
3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410

ENGINEER: [Signature]
 TECH: [Signature]

MILL RIDGE TOWNHOMES - PHASE 1
AREA A - LANDSCAPE PLAN

CIVIL DESIGN ADVANTAGE
 WEST DES MOINES, IOWA

13/14
 1304147



LANDSCAPE NOTES

1. LOCATE ALL UTILITIES BEFORE ANY PLANTING BEGINS.
2. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARDS FOR SUBDIVISIONS.
3. TYPE, SIZE, AND QUALITY OF PLANT MATERIAL SHALL CONFORM TO THE MOST CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1.
4. ALL PLANT MATERIAL SHALL BE HEALTHY SPECIMENS WITHOUT DEFORMITIES, VOIDS AND OPEN SPACES, WITH WELL DEVELOPED BRANCH AND ROOT SYSTEMS; TRUE TO HEIGHT, SHAPE AND CHARACTER OF GROWTH OF THE SPECIES OR VARIETY.
5. SOD ALL AREAS ADJACENT TO BUILDINGS, SEED (TYPE) ALL OTHER DISTURBED AREAS.
6. BACKFILL TO TOP OF CURB, (MINUS 1 1/2" FOR SOD, IF REQ.)
7. WEED PREVENTIVE (EMERGENT) SHALL BE SPREAD OVER SOIL AFTER PLANTING AND BEFORE MULCHING IN ALL PLANTING BEDS PER MANUFACTURER'S RECOMMENDATIONS.
8. SHREDED HARDWOOD MULCH SHALL BE PLACED AROUND ALL TREES, SHRUBS AND IN ALL PLANTING BEDS TO A (MIN) DEPTH OF 3". ALL GROUPS OF MORE THAN ONE SHRUB SHALL BE MULCHED IN A CONTINUOUS BED, SEPARATED FROM TURF BY A 3" SPADE-CUT EDGE.
9. AROUND ALL CONIFEROUS TREES SHALL BE A 10' DIAMETER CIRCLE. ALL EDGING SHALL BE SPADE-CUT EDGE.
10. ALL DEBRIS SPILLED IN THE PUBLIC R.O.W. SHALL BE PICKED UP BY THE CONTRACTOR AT THE END OF EACH WORK DAY.
11. CONTRACTOR SHALL WARRANTY ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR FROM DATE OF INSTALLATION.
12. CONTRACTOR SHALL PROVIDE IRRIGATION DESIGN TO OWNER FOR APPROVAL.
13. NO OVERSTORY TREES SHALL BE PLANTED IN ANY CITY OF WEST DES MOINES PUBLIC UTILITY EASEMENT.

SCREENING

ALL MECHANICAL UNITS VISIBLE FROM A PUBLIC STREET SHALL BE SCREENED BY THE USE OF AN EVERGREEN SCREEN.

PLANT SUBSTITUTIONS

- (2) ORNAMENTAL TREES = (1) OVERSTORY TREE OR EVERGREEN
 - (10) SHRUBS = (1) UNDERSTORY TREE
- NO MORE THAN 50% OF THE REQUIRED PLANT TYPE MAY BE SUBSTITUTED.

AT LEAST 35% OF TREES REQUIRED ON SITE (SUM OF OPEN SPACE, BUFFER AND PARKING LOT TREES) SHALL BE EVERGREEN.

TOTAL TREES REQUIRED = 122
 EVERGREENS REQUIRED = 43 (35%)
 EVERGREENS PROVIDED = 46

MINIMUM PLANT SIZES

- DECIDUOUS OVERSTORY TREES = 2" CAL
- DECIDUOUS OVERSTORY TREES (CLUMP) = 1" CAL
- EVERGREEN TREES = 4" HEIGHT
- ORNAMENTAL TREES = 1.5" CAL
- DECIDUOUS SHRUBS (5'+) = 36" HEIGHT
- DECIDUOUS SHRUBS (3'-5') = 24" HEIGHT
- DECIDUOUS SHRUBS (0-3') = 15" HEIGHT

OPEN SPACE REQUIREMENTS

- (2) TREES PER 3000 SF OF REQUIRED OPEN SPACE
 - (3) SHRUBS PER 3000 SF OF REQUIRED OPEN SPACE
- SITE AREA = 200,452 SF
 OPEN SPACE REQUIRED = 72,813 (25%)
 OPEN SPACE PROVIDED = 138,387 SF (48%)

TREES REQUIRED = 46
 TREES PROVIDED = 46

SHRUBS REQUIRED = 73
 SHRUBS PROVIDED = 99

30' BUFFER REQUIREMENTS (WEST PROPERTY LINE)

- A LANDSCAPED BERM AREA OF NOT LESS THAN 30 FEET IN WIDTH COMPRISED OF 1 OVERSTORY TREE OR EVERGREEN TREE, 2 UNDERSTORY TREES & 6 SHRUBS PER 35 L.N.F.T. OF BUFFER.
- 50% OF TREES SHALL BE EVERGREEN
- NO BUILDING OR STRUCTURE, EXCEPT GROUND SIGNAGE ALLOWED BY CODE, MAY BE LOCATED WITHIN A DESIGNATED BUFFER.

BUFFER LENGTH = -470'
 OVERSTORY/ EVERGREEN TREES REQUIRED = -14
 UNDERSTORY TREE REQUIRED = -27
 SHRUBS REQUIRED = -84

OVER STORY/ EVERGREEN TREES PROVIDED = -15
 UNDERSTORY TREE PROVIDED = -27
 SHRUBS PROVIDED = -84

PLANT SCHEDULE (EAST BUFFER)

CODE	EVERGREEN TREES	SIZE	COND
EP 18	EASTERN WHITE PINE	6" HT.	BAB
EP 19	COLORADO BLUE SPRUCE	6" HT.	BAB

CODE	UNDERSTORY TREES	SIZE	COND
UT 14	EASTERN REDBUD	1.5" CAL	BAB
UT 13	LITTLE LEAF LINDEN	1.5" CAL	BAB

CODE	SHRUBS	SIZE	COND
SB 18	BURNING BUSH	36" HT.	CONT
AV 17	LARGEBLOOM VIBURNUM	36" HT.	CONT
RO 12	ROSE OF SHARON	36" HT.	CONT
SA 38	SEA GREEN JAMPER	24" HT.	CONT

PLANT SCHEDULE (OPEN SPACE)

CODE	EVERGREEN TREES	SIZE	COND
EP 17	EASTERN WHITE PINE	6" HT.	BAB
EP 13	COLORADO BLUE SPRUCE	6" HT.	BAB

CODE	SHRUBS	SIZE	COND
SB 18	BURNING BUSH	36" HT.	CONT
RO 12	ROSE OF SHARON	36" HT.	CONT

PLANT SCHEDULE (S. 91ST STREETSCAPE)

CODE	ORNAMENTAL TREES	SIZE	COND
OT 17	PRINCE FRUIT CRAB	1.5" CAL	BAB
OT 18	SPRING SNOW CRAB	1.5" CAL	BAB

CODE	SHRUBS	SIZE	COND
SB 18	BURNING BUSH	36" HT.	CONT
SA 27	SEA GREEN JAMPER	24" HT.	CONT
RO 12	ROSE OF SHARON	36" HT.	CONT

PLANT SCHEDULE (STAGECOACH DR. STREETSCAPE)

CODE	ORNAMENTAL TREES	SIZE	COND
OT 18	PRINCE FRUIT CRAB	1.5" CAL	BAB
OT 19	SPRING SNOW CRAB	1.5" CAL	BAB

CODE	SHRUBS	SIZE	COND
SB 18	BURNING BUSH	36" HT.	CONT
SA 27	SEA GREEN JAMPER	24" HT.	CONT
RO 12	ROSE OF SHARON	36" HT.	CONT

STREETSCAPE REQUIREMENTS

- STAGECOACH DRIVE (815')**
- 1 TREE AND 3 SHRUBS PER 35' LF OF STREET FRONTAGE.
- TREES REQUIRED = 18
 SHRUBS REQUIRED = 53
- TREES PROVIDED = 18
 SHRUBS PROVIDED = 54
- SOUTH 91ST STREET (485')**
- 1 TREE AND 3 SHRUBS PER 35' LF OF STREET FRONTAGE.
- TREES REQUIRED = 14
 SHRUBS REQUIRED = 42
- TREES PROVIDED = 15
 SHRUBS PROVIDED = 42

STREET TREE REQUIREMENTS

STREET TREES SHALL BE PLACED AT A MINIMUM OF 40' ON CENTER. STREET TREES MAY COUNT TOWARDS THE STREETSCAPE REQUIREMENT.

PLANT SCHEDULE

CODE	OVERSTORY TREES	SIZE	COND
AM 11	AUTUMN BLAZE MAPLE	2" CAL	BAB
CM 11	CROWN PRINCE MAPLE	2" CAL	BAB
SH 11	SKYLINE HONEYLOCUST	2" CAL	BAB
SH 12	SUNBURST HONEYLOCUST	2" CAL	BAB
SH 13	SHADBLASTER HONEYLOCUST	2" CAL	BAB
SO 11	RED OAK	2" CAL	BAB
NO 11	WHITE OAK	2" CAL	BAB
SO 12	SWAMP WHITE OAK	2" CAL	BAB
BO 11	BLUE OAK	2" CAL	BAB
PA 11	PATMONK GREEN ASH	2" CAL	BAB
PA 12	AUTUMN PURPLE ASH	2" CAL	BAB
AL 11	AMERICAN LINDEN	2" CAL	BAB
BL 11	BOULEVARD LINDEN	2" CAL	BAB
BL 12	REDMOND LINDEN	2" CAL	BAB
LL 11	LITTLE LEAF LINDEN	2" CAL	BAB
GL 11	GREENSPRING LINDEN	2" CAL	BAB
RB 11	RYDER BIRCH	2" CAL	BAB

CODE	ORNAMENTAL TREES	SIZE	COND
OT 17	PRINCE FRUIT CRAB	1.5" CAL	BAB
OT 18	SPRING SNOW CRAB	1.5" CAL	BAB
OT 19	CHANTICLEER PEAR	1.5" CAL	BAB
OT 20	BEADFOOT PEAR	1.5" CAL	BAB
OT 21	EASTERN REDBUD	1.5" CAL	BAB
OT 22	HEMPLOCK CUM	1.5" CAL	BAB
OT 23	PACIFICA REDWOOD	1.5" CAL	BAB
OT 24	ALLEGHENY REDWOOD	1.5" CAL	BAB
OT 25	CARDINAL CRAB	1.5" CAL	BAB

CODE	EVERGREEN TREES	SIZE	COND
EP 17	EASTERN WHITE PINE	6" HT.	BAB
EP 18	COLUMBIAN WHITE PINE	6" HT.	BAB
EP 19	POWDEROSA PINE	6" HT.	BAB
EP 20	SCOTCH PINE	6" HT.	BAB
EP 21	COLORADO BLUE SPRUCE	6" HT.	BAB
EP 22	BLACK HILLS SPRUCE	6" HT.	BAB
EP 23	COLORADO GREEN SPRUCE	6" HT.	BAB
EP 24	FAT ALBERT SPRUCE	6" HT.	BAB

CODE	SHRUBS	SIZE	COND
SB 18	BURNING BUSH	36" HT.	CONT
GP 11	GOLD DROP POTENTILLA	36" HT.	CONT
PL 11	PLUM BLOODSHED	36" HT.	CONT
CO 11	CORAL BARBERRY	36" HT.	CONT
CO 12	CHIMNEY POINT BARBERRY	36" HT.	CONT
RO 12	ROSE OF SHARON	36" HT.	CONT
IV 11	IVORY HALO DOGWOOD	36" HT.	CONT
SP 11	SUMMER PASTORINA	36" HT.	CONT
KY 11	KOREAN SPICE VIBURNUM	36" HT.	CONT
WV 11	WICHITA VIBURNUM	36" HT.	CONT
DO 11	DRYER KOREAN LILAC	36" HT.	CONT
LE 11	LEMON PRINCESS SPIREA	36" HT.	CONT
DR 11	DARTS RED SPIREA	36" HT.	CONT
WH 11	WINDY HILLS SPIREA	36" HT.	CONT
EL 11	E. SUMMER HYDRANGEA	36" HT.	CONT
CO 13	CREeping GYOMAEASER	36" HT.	CONT
NO 12	NOBLE DOGWOOD	36" HT.	CONT

CODE	PERENNIALS	SIZE	COND
MG 11	MARION GRASS	36" HT.	CONT
FR 11	FLY FRANKED GRASS	36" HT.	CONT
MP 11	MAY POLE GRASS	36" HT.	CONT
PC 11	PINK PURPLE COMFLOWER	36" HT.	CONT
MS 11	MAY NIGHT SALMA	36" HT.	CONT
RS 11	RUSSIAN BLUE ASTER	36" HT.	CONT
PA 12	PURPLE PLUME ASTER	36" HT.	CONT
FA 11	FANAL ASTER	36" HT.	CONT
HO 11	HONEY HOSTA	36" HT.	CONT
SS 11	SILVER FEATHER GRASS	36" HT.	CONT
PL 12	PLUMBER PLANTAIN GRASS	36" HT.	CONT
RS 12	RUSSIAN BLUE ASTER	36" HT.	CONT
SD 11	STELLA DYOR DAYLILY	36" HT.	CONT
MD 11	MARY TODD DAYLILY	36" HT.	CONT

DATE: 02/28/18
 02/03/18
 02/08/18

REVISIONS: SITE PLAN SUBMITTAL #3, SITE PLAN SUBMITTAL #2, SITE PLAN SUBMITTAL #1

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410

TECH: ENGINEER: CIVIL DESIGN ADVANTAGE
 WEST DES MOINES, IOWA

MILL RIDGE TOWNHOMES - PHASE 1
AREA B - LANDSCAPE PLAN

14/14
 1304147

Prepared by: J.B. Munford City of West Des Moines 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 MILL RIDGE PHASED SITE PLAN (SP-002936-2015) FOR THE PURPOSE OF GRADING THE SITE AND INSTALLING PRIVATE INFRASTRUCTURE IN ANTICIPATION OF NEW CONSTRUCTION OF 60 SINGLE FAMILY AND 240 TOWNHOME LOT SUBDIVISION ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF S. 88TH STREET AND STAGECOACH DRIVE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Hubbell Realty Company requests approval for a phased site plan to install underground private utilities in anticipation of the construction of 60 single family and 240 townhome lot subdivision for property legally described as:

Legal Description of Property

A PART OF STREET LOT 'B', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID STREET LOT 'B'; THENCE NORTH 89°24'59" WEST ALONG THE SOUTH LINE OF SAID STREET LOT 'B', 163.28 FEET; THENCE WESTERLY ALONG SAID SOUTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 4060.00 FEET, WHOSE ARC LENGTH IS 512.49 FEET AND WHOSE CHORD BEARS NORTH 85°48'01" WEST, 512.15 FEET; THENCE NORTH 7°48'58" EAST, 120.00 FEET TO THE NORTH LINE OF SAID STREET LOT 'B'; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 3940.00 FEET, WHOSE ARC LENGTH IS 497.34 FEET AND WHOSE CHORD BEARS SOUTH 85°48'01" EAST, 497.01 FEET; THENCE SOUTH 89°24'59" EAST ALONG SAID NORTH LINE, 163.10 FEET TO THE NORTHEAST CORNER OF SAID STREET LOT 'B'; THENCE SOUTH 00°29'50" WEST ALONG THE EAST LINE OF SAID STREET LOT 'B', 120.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.84 ACRES (80,173 SQUARE FEET).

AND

A PART OF STREET LOT 'F', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF OUTLOT 'O', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT; THENCE NORTH 00°37'08" EAST, 70.41 FEET TO

THE NORTHERLY LINE OF SAID STREET LOT 'F'; THENCE EASTERLY ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 2515.00 FEET, WHOSE ARC LENGTH IS 597.23 FEET AND WHOSE CHORD BEARS SOUTH 89°53'48" EAST, 595.82 FEET; THENCE NORTH 83°18'02" EAST ALONG SAID NORTHERLY LINE, 87.53 FEET; THENCE SOUTH 00°29'50" WEST ALONG SAID NORTHERLY LINE, 35.28 FEET; THENCE NORTH 83°18'02" EAST ALONG SAID NORTHERLY LINE, 1035.15 FEET TO THE NORTHEAST CORNER OF SAID STREET LOT 'F'; THENCE SOUTH 00°29'50" WEST ALONG THE EAST LINE OF SAID STREET LOT 'F', 101.41 FEET TO THE SOUTHEAST CORNER OF SAID STREET LOT 'F'; THENCE NORTH 44°32'36" WEST ALONG THE SOUTHERLY LINE OF SAID STREET LOT 'F', 70.66 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1465.00 FEET, WHOSE ARC LENGTH IS 169.64 FEET AND WHOSE CHORD BEARS SOUTH 86°37'04" WEST, 169.54 FEET; THENCE SOUTH 83°18'02" WEST ALONG SAID SOUTHERLY LINE, 892.95 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 2585.00 FEET, WHOSE ARC LENGTH IS 606.14 FEET AND WHOSE CHORD BEARS NORTH 89°58'55" WEST, 604.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.99 ACRES (86,625 SQUARE FEET).

AND

OUTLOTS 'L', 'M', 'N', 'O', 'P', 'Q', 'R', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

STREET LOT 'T', CORRECTED MICHAEL'S LANDING PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

AND

THE NORTH 1010.00 FEET OF THE EAST 1087.00 FEET OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; EXCEPT THE ACQUISITION PLAT RECORDED IN BOOK 2008, PAGE 5204 SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

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 April 11, 2016, the Plan and Zoning Commission recommended to the City Council approval of the phased Site Plan; and

WHEREAS, on April 18, 2016, this City Council held a duly-noticed meeting to consider the application for a phased site plan

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 for the phased site plan, or as amended orally at the City Council hearing on April 18, 2016, are adopted.

SECTION 2. The phased Site Plan to install private site infrastructure and utilities is approved, subject to compliance with all conditions in the staff report, including conditions added at the Hearing, and attached hereto as Exhibit "A". 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 April 18, 2016.

Steven K. Gaer
Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: April 18, 2016

ITEM: Majestic Oaks, Generally located at the NW corner of Stagecoach Drive and South 95th Street – Rezone property from Single Family Residential (R-1) to Majestic Oaks PUD
– John Wick – ZC-003047-2016

MOTION: Refer to Plan and Zoning Commission

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, John Wick, has submitted a Rezoning Request to rezone property generally located at the NW corner of Stagecoach Drive and South 95th Street from Single Family Residential (R-1) to Majestic Oaks PUD. The request involves a proposed 17 lot Single Family subdivision

At this time the petitioner is requesting that the City Council initiate the rezoning request and refer it to the Plan and Zoning Commission for their review and recommendation. The initiation of the rezoning request by the City Council does not indicate support or opposition to the rezoning request or the project pending on this site. The initiation of the request merely responds to the due process rights of the petitioner.

RECOMMENDATION: Staff recommends initiation of the rezoning request and forwarding it to the Plan and Zoning Commission for their review and recommendation

Lead Staff Member: J Bradley Munford, Case Planner 

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	n/a
Date(s) Published	n/a
Letter sent to surrounding property owners	n/a

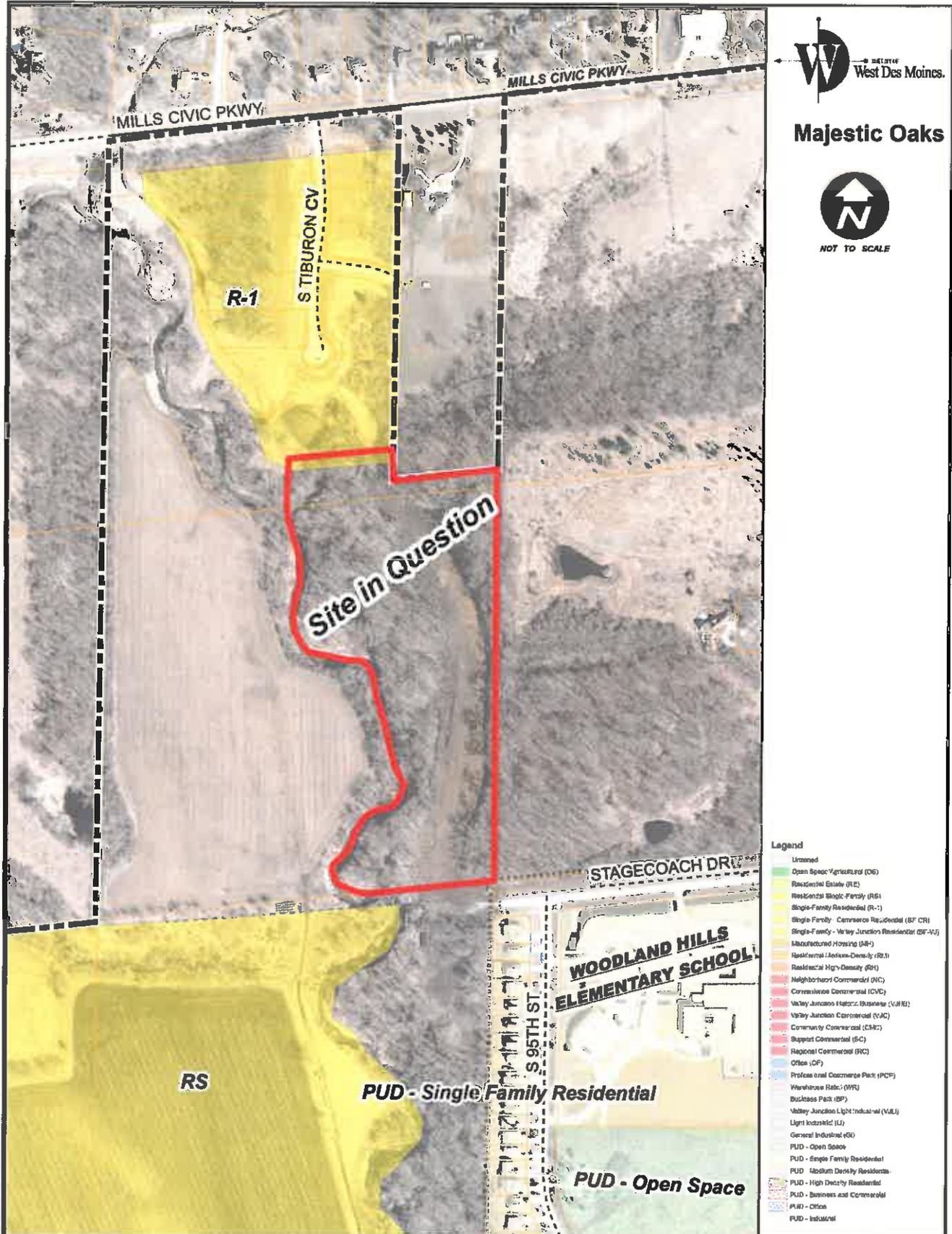
SUBCOMMITTEE REVIEW (if applicable)

Committee	n/a		
Date Reviewed	n/a		
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

Exhibit I - Location Map

EXHIBIT I



**CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION**

DATE: 4/18/2016

ITEM: 988 78th Place – City initiated – Consistency zone the property from Unzoned to Single Family Residential (R-1) – ZC-003049-2016

MOTION: Refer to Plan and Zoning Commission

FINANCIAL IMPACT: Undetermined

BACKGROUND: The Development Services Department, on behalf of the City of West Des Moines, is requesting approval of a rezoning to consistency zone the property at 988 78th Place to an R-1 zoning designation, consistent with the existing Single Family (SF) Comprehensive Plan land use designation. At the time that the Westbridge subdivision was annexed into the City (as a part of the David Gray Annexation in 1999), the City Development Board determined that the annexation of the entire property would create an island of unincorporated County property within the City, which is not permitted under State Code. The developer of Westbridge excluded the property in question from the annexation to satisfy the City Development Board. The subject property was annexed into the City with the Ashworth Annexation in 2002. When the property came into the City, it did not have any zoning associated with it. The property was not rezoned after the annexation into the City occurred.

At this time Development Services staff is requesting that the City Council initiate the rezoning request and refer it to the Plan and Zoning Commission for their review and recommendation. The initiation of the rezoning request by the City Council does not indicate support or opposition to the rezoning request or the project pending on this site. The initiation of the request merely responds to the due process rights of the petitioner.

RECOMMENDATION: Staff recommends initiation of the rezoning request and forwarding it to the Plan and Zoning Commission for their review and recommendation.

Lead Staff Member: Brian Portz *BP*

STAFF REVIEWS:

Department Director	<i>US</i>
Appropriations/Finance	
Legal	<i>RJS</i>
Agenda Acceptance	<i>(initials)</i>

PUBLICATION(S) (if applicable)

Published In	n/a
Date(s) Published	n/a
Letter sent to surrounding property owners	n/a

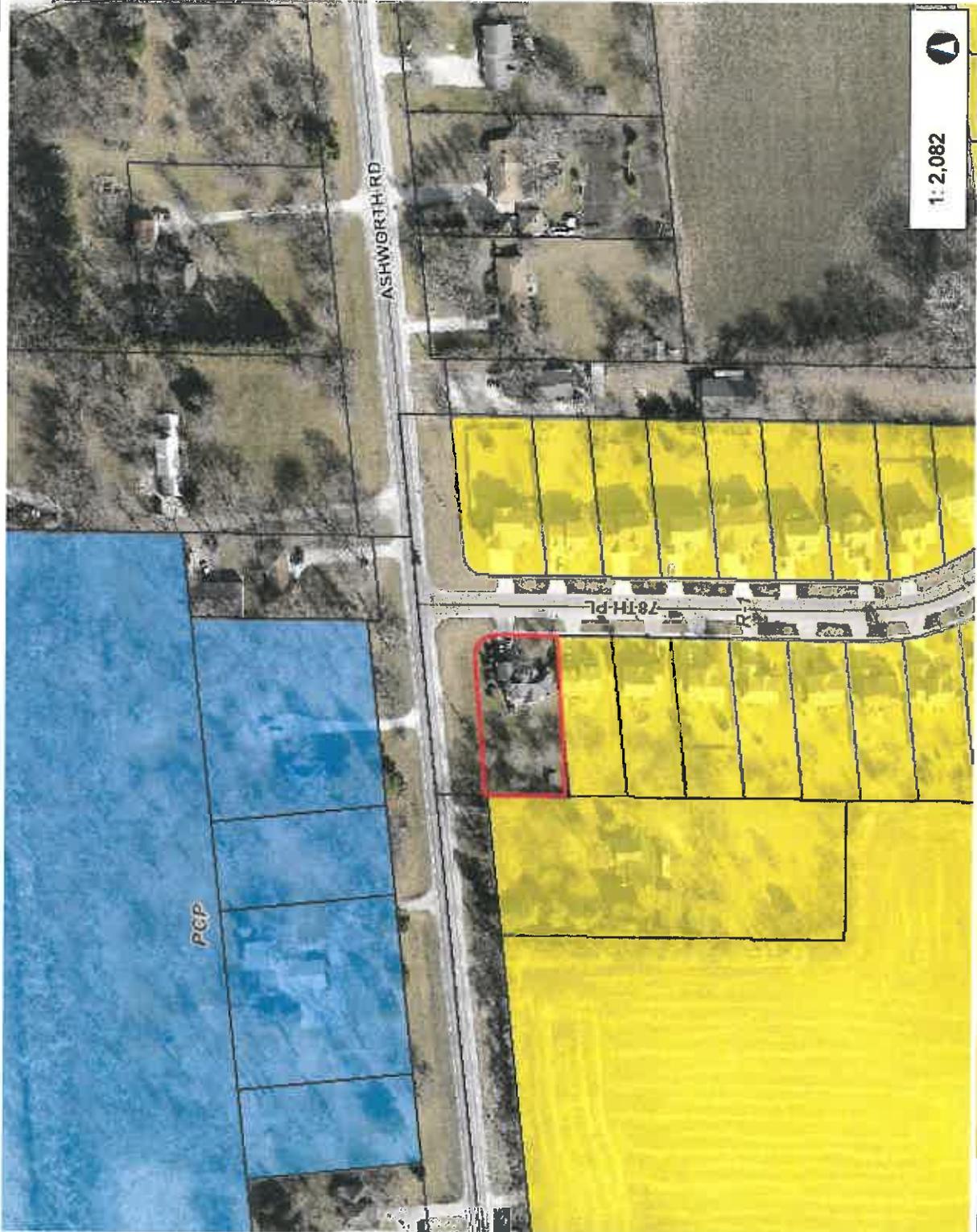
SUBCOMMITTEE REVIEW (if applicable)

Committee	n/a		
Date Reviewed	n/a		
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

Exhibit I Zoning Map

Zoning Map



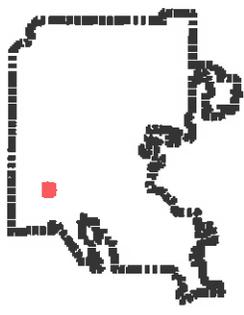
1:2,082



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

Legend

- Parcels
- Zoning Area Labels
- Town Center Overlay District
- Zoning Conditional Zones
- Zoning PUD Boundaries
- Zoning**
- Unzoned
- Open Space/Agricultural (OS)
- Residential Estate (RE)
- Residential Single-Family (RS)
- Single-Family Residential (R-1)
- Single-Family - Commerce Resider
- Single-Family - Valley Junction Res
- Manufactured Housing (MH)
- Residential Medium-Density (RM)
- Residential High-Density (RH)
- Neighborhood Commercial (NC)
- Convenience Commercial (CVC)
- Valley Junction Historic Business (VJH)
- Valley Junction Commercial (VJC)
- Community Commercial (CMC)
- Support Commercial (SC)
- Regional Commercial (RC)
- Office (OF)
- Professional Commerce Park (PCP)
- Warehouse Retail (WR)
- Business Park (BP)
- Valley Junction Light Industrial (VJLI)
- Light Industrial (LI)
- General Industrial (GI)
- PUD - Open Space



CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: April 18, 2016

ITEM: Mill Ridge, Southwest corner of S. 88th Street and Stagecoach Drive – Vacate right-of-way for approximately 1,200 feet of Harper Lane west of the Harper Land and the S. 88th Street intersection and S 91st Street between Harper Lane and Sugar Creek Drive and vacate various easements within proposed Mill Ridge Plat – Hubbell Realty Company – VAC-003027-2016

MOTION: Refer to Plan and Zoning Commission

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Hubbell Realty Company, represented by Josh Trygstad of Civil Design Advantage, is requesting approval of the vacation of Public Street rights-of-way for those portions of Harper Lane west of the Harper Land and the S. 88th Street intersection and S 91st Street between Harper Lane and Sugar Creek Drive and vacate various easements within proposed Mill Ridge Plat. The vacation requests are being made as a result of modifications in the layout of the subdivision.

At this time the petitioner is requesting the City Council initiate a vacation request and refer it to the Plan and Zoning Commission for their review and recommendation. The initiation of the vacation request by the City Council does not indicate support or opposition to the vacation request or the pending site plan request on this site. The initiation of the request responds to the due process rights of the petitioner.

RECOMMENDATION: Staff recommends initiation of the vacation request and forwarding it to the Plan and Zoning Commission for their review and recommendation.

Lead Staff Member: J. Bradley Munford, Planner

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

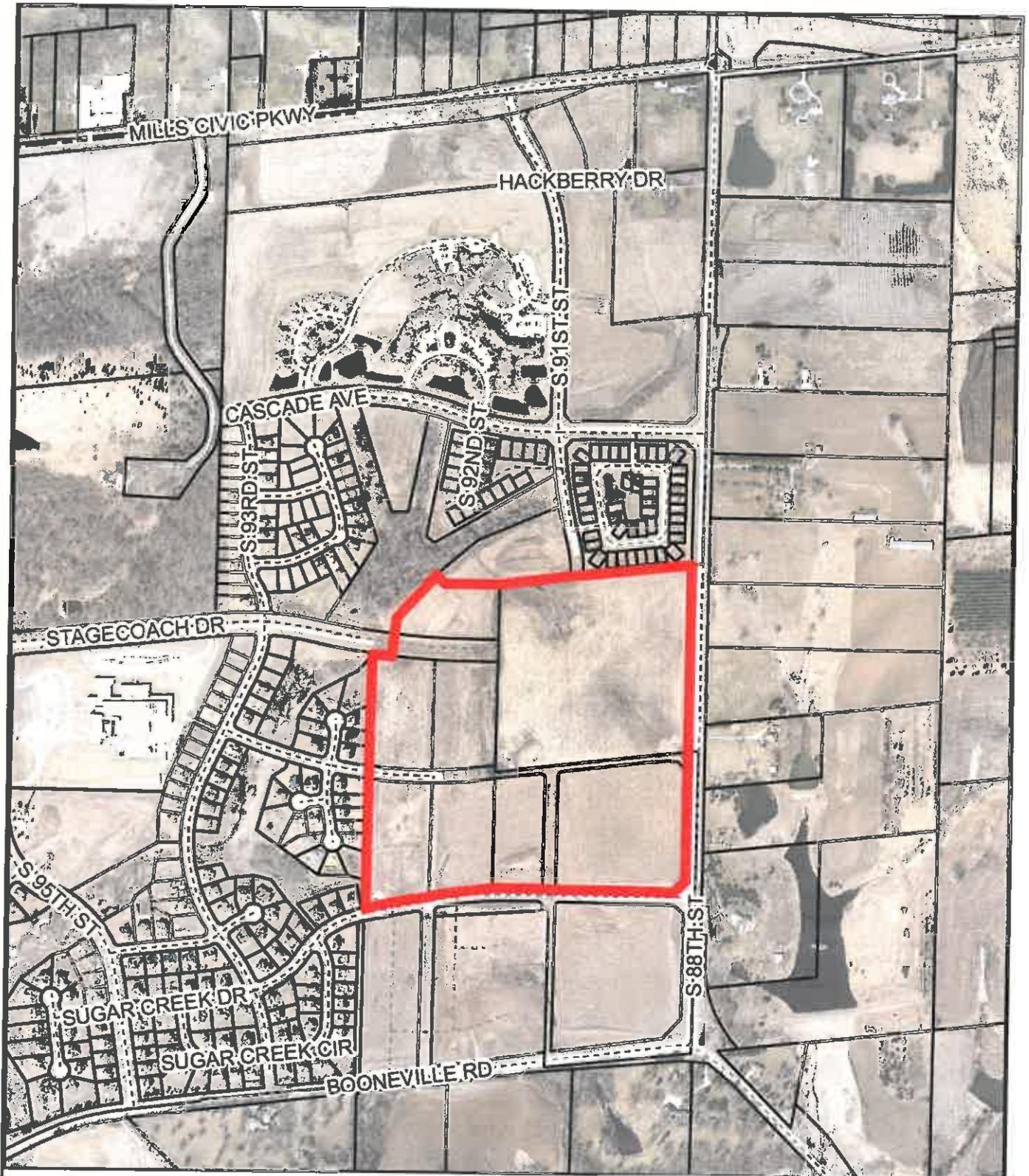
Published In	n/a
Date(s) Published	n/a
Letter sent to surrounding property owners	n/a

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning City Council Subcommittee		
Date Reviewed	n/a		
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>

ATTACHMENTS:

Exhibit I - Location Map



Mill Ridge



NOT TO SCALE