

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: June 1, 2016

Item: Hy-Vee Corporate Offices Wind Turbine, 5820 Westown Pkwy – Approval to add additional height and a revised location for the wind turbine – Hy-Vee, Inc. – MML1-003077-2016

Requested Action: Approval of an Amendment to a Permitted Conditional Use Permit

Case Advisor: Brian Portz, AICP *BP*

Applicant's Request: The applicant, Hy-Vee, Inc., is requesting approval of a modification to a previously approved Permitted Conditional Use for a wind turbine to add additional height on the Hy-Vee corporate office campus located at 5820 Westown Parkway. In May of 2015, the Board of Adjustment approved construction of a free-standing, 43.31' tall, wind turbine on the south part of the site, adjacent to Interstate 235/80. The applicant is now proposing to construct a different wind turbine model that is taller than the one they were originally going to construct. The proposed tower will now be 45.5' tall, or approximately 2.2' taller than the previously approved turbine. In addition, to meet requirements of Title 9, Chapter 14, Section 13 of City Code, which stipulates requirements for small wind energy conversion systems, the wind turbine will be moved 3.2' further to the north to be setback from the south property line the required 1.5 times the height of the wind turbine.

History: The existing building on the subject site was constructed in 1995 with expansions in 1999 and 2008. On April 20, 2015, the City Council approved a Major Modification to the site to construct a conference center expansion, an office addition, and associated site improvements.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee as an informational item on May 16, 2016. Permitted Conditional Use applications generally are presented to the subcommittee for information only; no discussion regarding the wind turbine was had.

Staff Review and Comment: There are no outstanding issues.

Permitted Conditional Use Permit Findings: The following findings have been made on the proposed permitted conditional use:

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 have met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies 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 regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Noticing Information: On May 13, 2016, notice of the June 1, 2016, Board of Adjustment Public Hearing on this project was published in the *Des Moines Register*. Notice of this public hearing was mailed to surrounding property owners within 370 feet of the subject property on May 12, 2016.

Staff Recommendations and Conditions of Approval for the Permitted Conditional Use Permit: Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of a modification to a previously approved Permitted Conditional Use Permit to increase the height of a wind turbine to 45.5' tall and 69.4' from the south property line, subject to meeting all City Code requirements and regulations and the following:

1. As required with the original Permitted Conditional Use approval, the applicant shall work with the Fire Department on labeling what panels this wind turbine will power so electricity can be neutralized through an EPO button or turbine power off switch during an emergency.
2. As required with the original Permitted Conditional Use approval, the applicant shall work with the City Building Department to obtain any required building permits.

Property Owner: Hy-Vee Food Stores, Inc.
1801 Osceola Avenue
Chariton, IA 50049

Applicant/Applicant's Representative:
Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines, IA 50266
Attn: Daniel Willrich
dwillrich@hy-vee.com

Attachments:

Attachment A	-	Permitted Conditional Use Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Site Plans
Attachment D	-	Picture of Proposed Wind Turbine

Prepared by: B. Portz, 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

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A MODIFICATION TO A PERMITTED CONDITIONAL USE PERMIT (MML1-003077-2016) TO ALLOW 2.2' OF ADDITIONAL HEIGHT TO AN APPROVED SMALL WIND ENERGY CONVERSION SYSTEM TO BE LOCATED AT 5820 WESTOWN PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hy-Vee Inc., has requested approval of a modification to a Permitted Conditional Use permit to allow 2.2' of additional height to an approved wind turbine resulting in a 45.5' tall turbine and approval to adjust the proposed location of the turbine so that it is consistent with setback requirements for the new height on that property located at 5820 Westown Parkway, and legally described as follows:

Legal Description of Property

LOTS 15, 16, 17, 18 & PARCEL A OF LOT 3, AN OFFICIAL PARCEL RECORDED IN BOOK 12259, PAGE 415 AT THE POLK COUNTY RECORDER'S OFFICE ALL IN WEST LAKES OFFICE PARK PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 6435, PAGE 429 AT THE POLK COUNTY RECORDER'S OFFICE, 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 June 1, 2016, the Board of Adjustment held a duly-noticed public hearing to consider the application for a modification to a Permitted Conditional Use Permit (MML1-003077-2016);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated June 1, 2016, or as amended orally at the Board of Adjustment hearing of June 1, 2016, are adopted.

SECTION 2. MODIFICATION TO A PERMITTED CONDITIONAL USE PERMIT (MML1-003077-2016) to allow 2.2' of additional height to an approved wind turbine and adjusting the location within the site for that property located at 5820 Westown Parkway is approved, subject to compliance with all the conditions in the staff report, dated June 1, 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 entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on June 1, 2016.

Mike Blaser, Board of Adjustment Chairperson

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on June 1, 2016, by the following vote:

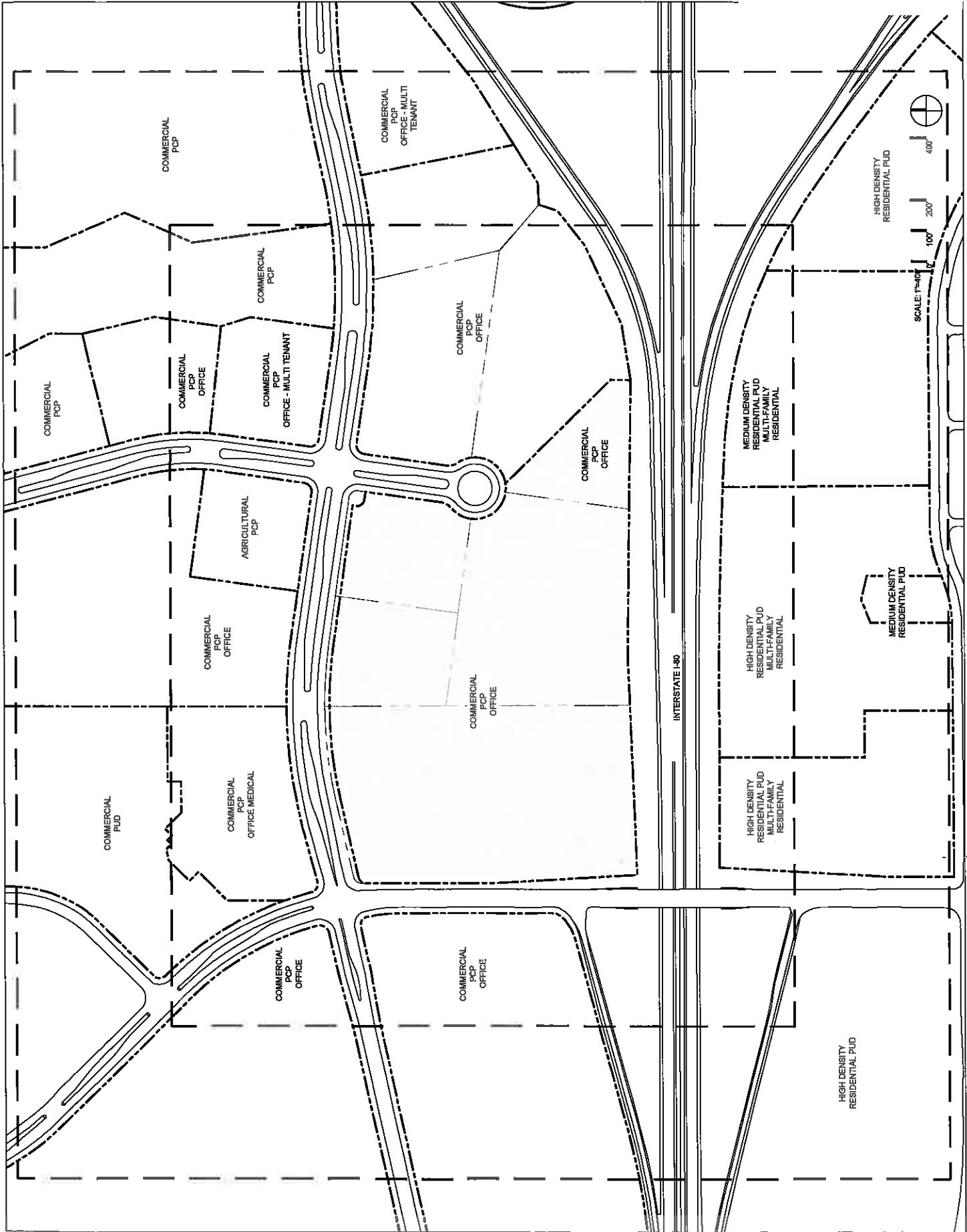
AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. As required with the original Permitted Conditional Use approval, the applicant shall work with the Fire Department on labeling what panels this wind turbine will power so electricity can be neutralized through an EPO button or turbine power off switch during an emergency.
2. As required with the original Permitted Conditional Use approval, the applicant shall work with the City Building Department to obtain any required building permits.



S V P A
Architects Inc.

1466 28th Street, Suite 200
West Des Moines, Iowa 50266
515 327 5990 Fax 515 327 5991

GENERAL CONTRACTOR
HY-VEE CONSTRUCTION
585 H.E. 28ND STREET
DES MOINES, IOWA 50313
TEL: 515.281.2300 Fax: 515.281.2553

CIVIL ENGINEER
LT LEON ASSOCIATES, INC.
500 EAST LOCUST STREET SUITE 400
DES MOINES, IOWA 50319
TEL: 515.282.7518 Fax: ---

LANDSCAPE ARCHITECT
CONFLUENCE
1300 WALNUT STREET SUITE 200
DES MOINES, IOWA 50319
TEL: 515.282.4578 Fax: 515.282.8259

STRUCTURAL ENGINEER
CHARLES SAUL ENGINEERING, INC.
4306 UNIVERSITY AVENUE
DES MOINES, IOWA 50317
TEL: 515.276.3000 Fax: 515.276.3233

MECHANICAL ENGINEER
BLUESTONE ENGINEERING
818 NORTH PARK DRIVE
JOHNSON, IOWA 50131
TEL: 562.727.0700 Fax: 562.727.0777

ELECTRICAL ENGINEER
BLUESTONE ENGINEERING
818 NORTH PARK DRIVE
JOHNSON, IOWA 50131
TEL: 562.727.0700 Fax: 562.727.0777

ACOUSTIC CONSULTANT
ANANT ACOUSTICS, INC.
1422 WEST 86TH STREET
LEWISIA, IOWA 50151
TEL: 515.988.9111 Fax: 515.988.9100

FOOD SERVICE DESIGN
ROBERT RIPPE & ASSOCIATES, INC.
817 BLUE OAK DRIVE SUITE 100
MENSAPOLE, IOWA 52649
TEL: 319.653.0313 Fax: 319.653.0001

REFRIGERATION EQUIPMENT DESIGN
HUSSMANN SERVICES CORPORATION
4386 118TH STREET SUITE 102
LUTHERDALE, IOWA 50252
TEL: 515.292.6200 Fax: 515.292.6200

SEAL / LOGO

PROJECT NAME:
HY-VEE CORPORATE EXPANSION - SITE & SHELL PACKAGE
5820 WESTOWN PARKWAY
WEST DES MOINES, IOWA

DRAWING / ISSUE INFORMATION:
ISSUE FOR: CONSTRUCTION DOCUMENTS
ISSUE DATE: 02-04-2015

MARK DATE DESCRIPTION

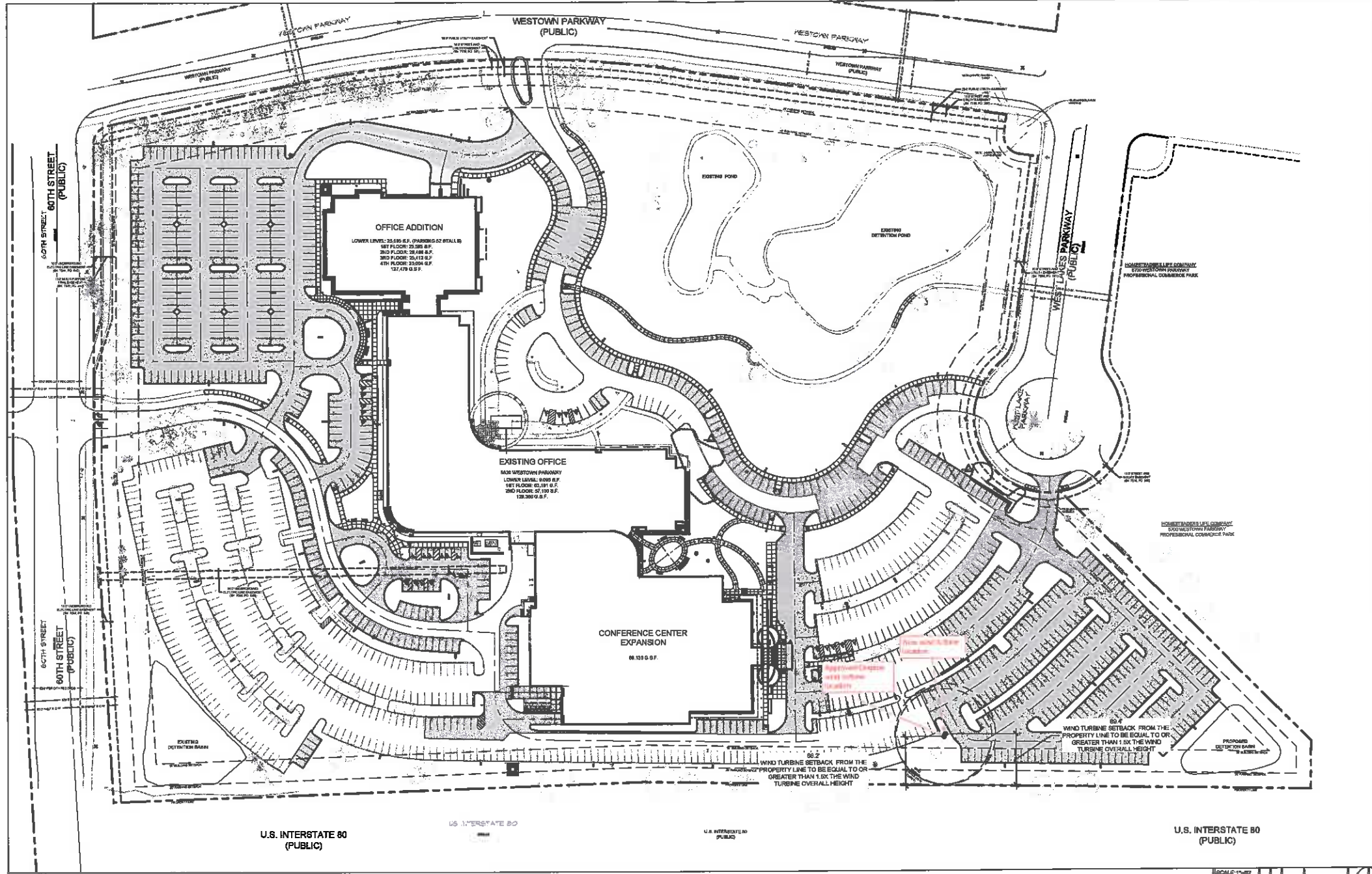
MANAGEMENT INFORMATION
PROJECT NO: 13014

CHD DWG FILE: L3.00WT-Layout-Plan.rvt
PRINCIPAL IN CHARGE: PROJECT ARCHITECT: DRAWN BY: CHECKED BY:

UPDATED INFORMATION:
USE VisionAir 3M
Total height of the VisionAir 3M with blades from foundation to the top of the wind turbine:
10M tower = 32.00 feet
Turbine blades = 17.75 feet
Total = 49.75 feet
Blades extend below top of tower = -4.25 feet
Total overall height = 45.50 feet

WIND TURBINE SKETCH PLAN

SHEET NO.
L3.00WT

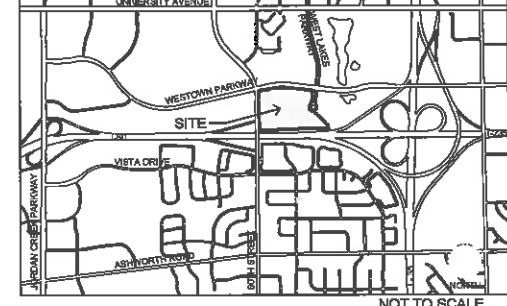


01 SITE SKETCH PLAN

SYMBOLS & ABBREVIATIONS

- PROPERTY LINE
 - WATER MAIN
 - SANITARY SEWER
 - STORM SEWER
 - OVERHEAD ELECTRIC
 - UNDERGROUND ELECTRIC
 - CENTERLINE
 - FIBER OPTIC LINE
 - GAS LINE
 - EASEMENT LINE
 - SILT FENCE
 - PROPOSED INDEX CONTOUR
 - PROPOSED CONTOUR
 - EXISTING INDEX CONTOUR
 - EXISTING CONTOUR
 - HORIZONTAL CURVE
 - CLEARANCE
 - DIA.
 - EXPANSION JOINT
 - FLARED END SECTION
 - FINISHED FLOOR ELEVATION
 - FFE
 - FLOW LINE
 - HP
 - LP
 - MFR
 - M.I.C.
 - PVC
- R RADIUS
 - RCR REINFORCED CONCRETE PIPE
 - RE RIM ELEVATION
 - FR FIRE HYDRANT
 - WV WATER VALVE
 - TC TEE CONNECTION
 - LE LIGHT POLE, EXISTING
 - LS LIGHT POLE, SINGLE FIXTURE
 - LD LIGHT POLE, DOUBLE FIXTURE
 - SE SPOT ELEVATION
 - HC HORIZONTAL CONTROL POINTS
 - KN KEY NOTE
 - SD SURFACE DRAINAGE
 - SM STORM MANHOLE
 - SN SANITARY MANHOLE
 - CL CLEANOUT
 - SC STORM SEWER CURB INTAKE
 - SA STORM SEWER AREA INTAKE
 - HP HANDICAP PARKING STALL

VICINITY SKETCH



I HEREBY CERTIFY THAT THE PORTION OF THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF IOWA.

BRIAN CLARK IOWA REGISTRATION #377 DATE: 06/30/2015
BY REGISTRATION DATE IS JUNE 30, 2015
SHEETS COVERED BY THIS SEAL: L3.00WT

OWNER / APPLICANT
HY-VEE FOOD STORES, INC.
5820 WESTOWN PARKWAY
WEST DES MOINES, IA 50268
PH: (515) 774-2121
CONTACT: DANIEL WILLRICH

LANDSCAPE ARCHITECT
CONFLUENCE
1300 WALNUT STREET, SUITE 200
DES MOINES, IOWA 50319
PH: (515) 288-4975
FX: (515) 288-2029
E-MAIL: JBOETGER@THINKCONFLUENCE.COM
CONTACT: JILL BOETGER

ARCHITECT
SVP ARCHITECTS, INC.
1466 28TH STREET, SUITE 200
WEST DES MOINES, IOWA 50268
PH: (515) 377-6900
CONTACT: SCOTT HATFIELD

ZONING AND LAND USE
EXISTING ZONING: POP (PROFESSIONAL COMMERCIAL PARK DISTRICT)
PROPOSED ZONING: POP (PROFESSIONAL COMMERCIAL PARK DISTRICT)
EXISTING LAND USE: OFFICE AND CONFERENCE CENTER
PROPOSED LAND USE: OFFICE AND CONFERENCE CENTER
EXISTING COMPREHENSIVE PLAN: OFFICE
PROPOSED COMPREHENSIVE PLAN: OFFICE

LEGAL DESCRIPTION
THAT PART OF:
LOTS 15, 16, 17, AND 18 WEST LAKES OFFICE PARK PLAT TWO, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY, IOWA, CONTAINING 27.036 ACRES MORE OR LESS.
PARCEL A BK 12298 PG 415 86G MM COR OF LOT 3 TH ELY 29.71F SE 477.4845F TO S LN LT 3W 479.87F TO SW COR LT 3 NE 401.22F TO POB LOT 3 WEST LAKES OFFICE PARK PLAT 2

SITE SUMMARY

- A. TOTAL SITE AREA: 1,278,008.80 S.F. (29.34 ACRES)
- B. F.L.W. AREA
80TH STREET: 8,905.15 S.F.
WESTOWN PARKWAY: 18,867 S.F.
TOTAL: 27,572.15 S.F. (0.63 ACRES)
- C. NET SITE AREA (A-B)
1,250,434.65 S.F. (28.71 ACRES)
TOTAL: 27,572.15 S.F. (0.63 ACRES)
- D. 35% OPEN SPACE REQUIRED (C*.35)
437,802.13 S.F. (10.05 ACRES)
- E. IMPERVIOUS AREA (9+H)
EXISTING (TO REMAIN): 275,955.42 S.F.
PROPOSED: 345,057.10 S.F.
TOTAL: 621,012.52 S.F. (14.27 ACRES)
- F. OPEN SPACE (C-E+H)
EXISTING: 747,241 S.F. (17.15 ACRES)
PROPOSED: 360,692.41 S.F. (8.23 ACRES, 46.44%)
TOTAL: 1,107,933.41 S.F. (25.38 ACRES)
- G. BUILDING FOOTPRINT
EXISTING OFFICE: 84,210 S.F.
PROPOSED OFFICE: 27,074 S.F.
PROPOSED CONFERENCE CENTER: 63,230 S.F.
TOTAL: 174,514 S.F. (3.95 ACRES)
- H. PARKING LOTS AND ROADS
EXISTING (TO REMAIN): 211,745.42 S.F.
PROPOSED: 255,353.10 S.F.
TOTAL: 467,098.52 S.F. (10.72 ACRES)
- I. PARKING ISLANDS: 46,129.72 S.F. (1.10 ACRES)

GENERAL NOTES:

1. PROJECT ADDRESS:
HY-VEE FOOD STORES, INC.
5820 WESTOWN PARKWAY
WEST DES MOINES, IA 50268
2. CONTACT INFORMATION FOR INDIVIDUAL RESPONSIBLE FOR INSTALLATION, PERIODIC CHECKING AND MAINTENANCE OF THE WIND TURBINE:
HY-VEE FOOD STORES, INC.
5820 WESTOWN PARKWAY
WEST DES MOINES, IA 50268
PH: (515) 287-2820
CONTACT: NATALIE MC GEE CURRENT OFFICE MANAGER
3. WIND TURBINE SPECIFICATIONS:
USE VISIONAIR3 (MODEL: UGE-3M)
AOS VERTICAL
HEIGHT 32 M (104'-7")
WIDTH 1.8 M (5'-11")
SWEPT AREA 5.78 M² (62 FT²)
WEIGHT 300 KG (662 LBS)
BLADE MATERIALS: FIBERGLASS
HINGED TOWER: 10 M
4. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM SURVEY DATED MARCH 17, 2014, ARE PREPARED BY CIVIL ENGINEERING CONSULTANTS, INC. 2400 86TH STREET, UNIT 12, DES MOINES, IOWA 50322. (P) 514.276.4864.

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