CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: **December 12, 2016**

ITEM: Mills Crossing, 5901 Mills Civic Parkway – Amend Mills Crossing Specific Plan to add acceptable site amenities for the development - Hurd Mills, LLC –ZCSP-003288-2016

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Hurd Mills LLC., is requesting an amendment to the Mills Crossing Specific Plan to add to the Specific Plan pedestrian benches that will be acceptable within the development. The Mills Crossing Specific Plan ordinance was approved by the City Council in 2014. This is the first amendment.

Plan and Zoning Commission Action:
Vote: 4-0 approval, with Commissioners Brown, Southworth and Costa absent.
Date: December 5, 2016
Motion: Adopt a resolution recommending the City Council approve the first reading of the Mills Crossing Specific Plan 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):

- Applicant's Request
- History
- City Council Subcommittee – *November 28, 2016*
- Staff Review and Comments
- Comprehensive Plan Consistency
- Town Center Overlay District Consistency
- Findings
- Staff Recommendations and Conditions of Approval
- Noticing Information
- 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 approve the first reading of the Mills Crossing Specific Plan Ordinance amendment, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	November 25, 2016
Letter sent to surrounding property owners	November 22, 2016

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 28, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

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- Mills Crossing Specific Plan Illustration Amendment (moved to Exhibit II)

Exhibit II - Ordinance: Mills Crossing Specific Plan Amendment

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: December 5, 2016

Item: Mills Crossing, 5901 Mills Civic Parkway – Amend Mills Crossing Specific Plan to add acceptable site amenities for the development - Hurd Mills, LLC –ZCSP-003288-2016

Requested Action: Approval of amendment to the Mills Crossing Specific Plan for acceptable site amenities for the development

Case Advisor: Kara Tragesser, AICP

Applicant's Request: The applicant, Hurd Mills LLC., is requesting an amendment to the Mills Crossing Specific Plan to add to the Specific Plan pedestrian benches that will be acceptable within the development. The Mills Crossing Specific Plan ordinance was approved by the City Council in 2014. This is the first amendment.

History: On November 3, 2014, the City approved the Mills Crossing Specific Plan ordinance to govern development of the property at 5901 Mills Civic Parkway. On March 23, 2015, an Overlay District Site Plan was approved to construct a 69, 225 sq. ft. building which now houses REI and The Container Store. On May 11, 2015, an Overlay District Site Plan was approved to construct a 2,400 sq. ft. building which is now Caribou Coffee. On April 6, 2016, a Permitted Conditional Use permit was approved to construct a 6,321 sq. ft. convenience store which is a Kum & Go convenience store with gasoline sales. A site plan for an office building is in review for the southwest corner of the site.

City Council Subcommittee: This project was presented to the Planning and Development City Council Subcommittee on November 28, 2016. The Subcommittee supported the amendment.

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. The built condition of the development incorporated metal benches in the pedestrian plazas and amenities; the metal benches were not an approved amenity in the specific plan ordinance. Staff has no issue with the use of the benches and encourages their continued use throughout the development. The amendment to the Specific Plan ordinance will formally recognize and authorize the use of the metal benches for the development. Only the exhibits for the ordinance need to be changed (see Attachment C – Mills Crossing Specific Plan Illustration Attachment). No other text or site plan changes are included in the ordinance amendment.

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.

Town Center Overlay District Consistency: The proposed project has been reviewed for consistency with the proposed Town Center Overlay District Guidelines. Based upon that review, a finding has been made that the proposed project is consistent with the Town Center Overlay District Guidelines in that the plan is consistent with the overall objective and intents of the Town Center Overlay District Guidelines.

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 Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan and the Town Center Overlay District, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the first reading of the Mills Crossing Specific Plan Ordinance Amendment to include acceptable site amenities for use within the development, subject to the applicant meeting all City Code requirements

Noticing Information: On November 25, 2016, notice for the December 5, 2016, Plan and Zoning Commission and December 12, 2016, City Council Public Hearings on this project was 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 November 22, 2016.

Property Owner: Hurd Mills LLC
2000 Fuller Road
West Des Moines IA 50265
515-778-1000
Richard Hurd

Applicant(s): Same

Applicant's Representatives:
Ed Arp
Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12
Des Moines IA 50322
515-276-4884

ATTACHMENTS:

Attachment A - Plan and Zoning Commission Resolution
Exhibit A - Conditions of Approval
Attachment B - Location Map
Attachment C - Mills Crossing Specific Plan Illustration Amendment

RESOLUTION NO. PZC-16-075

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVED THE AMENDMENT TO THE MILLS CROSSING SPECIFIC PLAN FOR TO INCLUDE ACCEPTABLE SITE AMENITIES AT 5901 MILLS CIVIC PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hurd Mills LLC, has requested an amendment to the Mills Crossing Specific Plan (ZCSP-03288-2016 for the property located at 5901 Mills Civic Parkway to include acceptable site amenities for the development;

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 December 5, 2016, this Commission held a duly-noticed hearing to consider the application for approval of the amendment to the Mills Crossing Specific Plan;

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 as written or as amended orally at the Plan and Zoning Commission hearing of December 5, 2016, are adopted.

SECTION 2. The Mills Crossing Specific Plan amendment to include acceptable site amenities is recommended to the City Council for approval, subject to compliance with all the 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 permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on December 5, 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 December 5, 2016 by the following vote:

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

ATTEST:

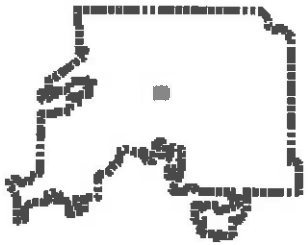
Recording Secretary

S:___Development Projects\Mills Crossing\Zone Change Specific Plan\Amendment For Site Amenities\ZCSP-003288-2016_SR_Mills Crossing Site Plan Amenities_12-05-2016.Docx

Exhibit A
Conditions of Approval

None

5901 Mills Civic Parkway



Legend

- Parcels

379.9 0 189.96 379.9 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

ATTACHMENT B

Prepared by: KTragesser, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 515-222-3620
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 515-222-3603

ORDINANCE #

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014, AND ORDINANCES #1417, #1510 AND #2060 MILLS CROSSING ACCORDING TO TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT: Ordinance #1417, #1510, and #2060 "Mills Crossing" is hereby amended by amending the Specific Plan Map and associated documents on file with the City Clerk as illustrated in Exhibit A of this ordinance.

SECTION 2: VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 3: 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 4: SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

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

Passed and approved this _____ day of _____, 2016.

_____
Steven K. Gaer, Mayor

ATTEST:

_____

Ryan T. Jacobson
City Clerk

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

_____

Ryan T. Jacobson
City Clerk

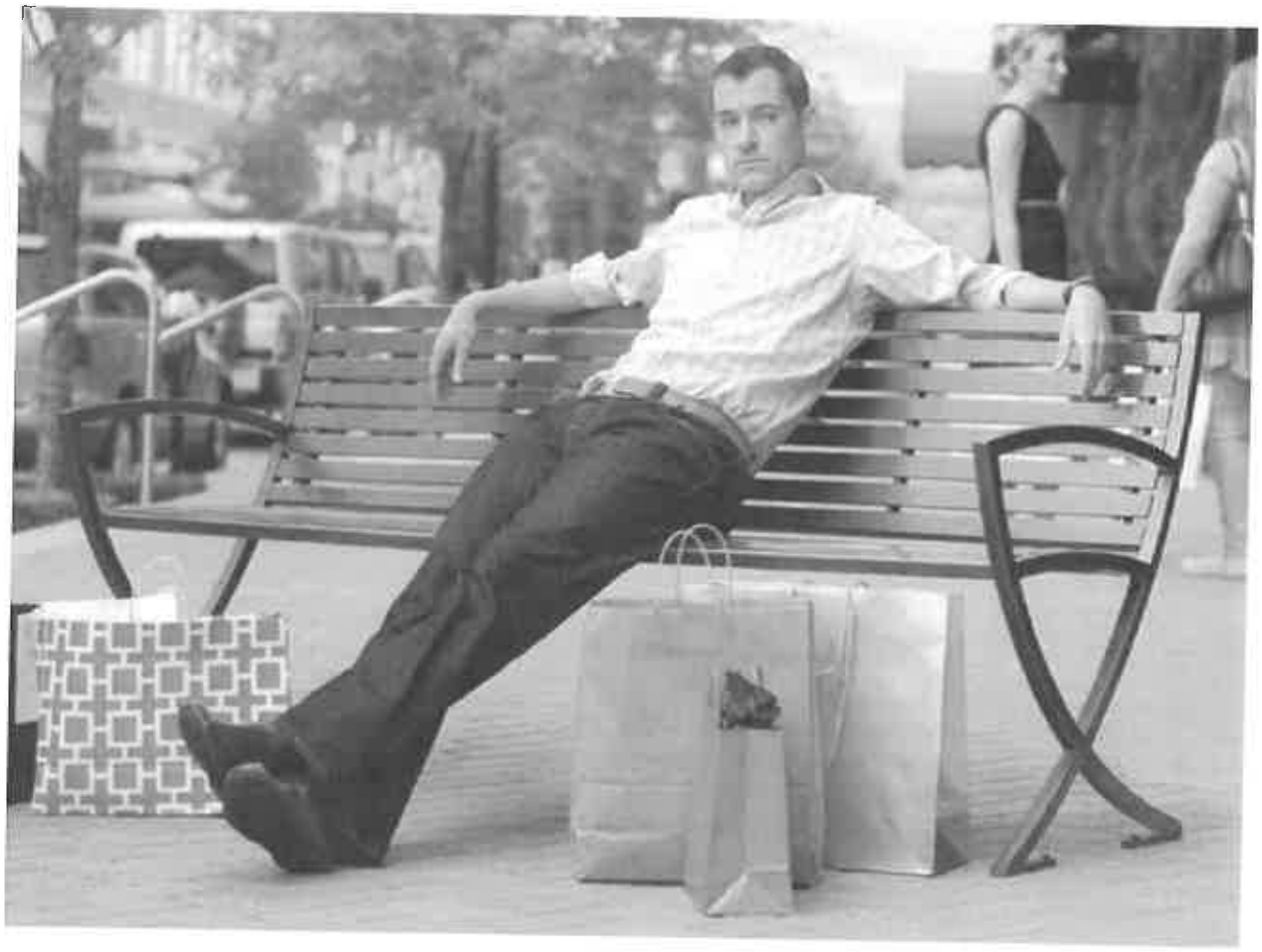



EXHIBIT A