

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: January 16, 2017

Item: Etzel Properties Plat 2, Southwest corner of Mills Civic Parkway and S. 81st Street – Amend Comprehensive Plan Land Use Map to change approximately 12.38 acres from Office (OF) to Community Commercial (CMC) and rezone the entire 39.2 acre property from “Unzoned” to Etzel Properties Plat 2 PUD to allow commercial and office development – Robert F. Etzel Living Trust – CPA-003280-2016/ZC-003281-2016

Requested Action: Approval of Comprehensive Plan Amendment and Rezoning

Case Advisor: Brian S. Portz, AICP *BP*

Applicant’s Request: The applicant, Fareway Stores, Inc. in association with the property owner, Robert F. Etzel Living Trust is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning for property located at the southwest corner of S. 81st Street and Mills Civic Parkway. The applicant is requesting to change the land use designation from Office (OF) to Community Commercial (CMC) on approximately 12.38 acres of land on the north portion of the property and rezone the entire 39.2 acre property from “Unzoned” to Etzel Properties Plat 2 PUD to allow for commercial and office development. The existing Office land use on the southern 2/3rds of the property will remain as is.

History: The property was annexed into the City in 2005 as a part of the Smith Witmer Mentzer Annexation. The property has not been previously platted. A Comprehensive Plan Amendment was approved in 2009 to change the future land use on the property from Single Family Residential to Office.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on June 27, 2016 to discuss the possibility of a Fareway store on the northeast corner of the site, commercial along the remainder of the Mills Civic Parkway frontage, and multi-family residential on the balance of the property. The Councilmembers indicated support of the request as long as the development was designed as a cohesive, planned development. On October 31, 2016, the Subcommittee considered a revised request by the property owners to keep the southern 2/3rds of the property designated as office rather than changed to multi-family as originally discussed. The Councilmembers were supportive of changing the proposed area from office to commercial along Mills Civic with the balance of the property remaining office. This item was presented to the Subcommittee again on November 28, 2016 as an informational item only. Councilmembers expressed no disagreement with the proposal.

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 would note the following:

- **PUD Intent:** The intent with the Etzel Properties Plat 2 PUD is to provide for a development that includes architectural standards that will provide for a cohesive look to the buildings throughout the site while lessening the impact on the area by limiting the size of the commercial buildings and buffering the development from adjacent properties.
- **Fareway Development:** The proposed Fareway architecture has been preliminarily reviewed as a part of the review of the PUD. While minor modifications to details may be required as part of the site plan review process, the building elevations provided are acceptable and meet the intent of the architectural requirements within the PUD. The site plan for Fareway will be reviewed separately by staff and ultimately presented to the Plan & Zoning Commission and City Council for consideration.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On January 11, 2017, notice for the January 16, 2017, Plan and Zoning Commission January 23, 2017, 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 January 6, 2017.

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 recommending the City Council approve the Comprehensive Plan Land Use map amendment for approximately 12.38 acres to change from Office (OF) to Community Commercial (CMC); and adopt a resolution recommending to the City Council approval of the rezoning request to rezone the entire 39.2 acre property from “Unzoned” to Etzel Properties Plat 2 PUD, subject to the applicant meeting all City Code requirements.

Property Owner: Robert F. Etzel Living Trust
1851 Ashworth Road
West Des Moines, IA 50265
Attn: Robert F. Etzel
515-225-8821

Applicant: Fareway Stores, Inc.
715 8th Street
Boone, IA 50036

Applicant's Representative:
Reynolds Urban Design
221 51st Street
Des Moines, IA 50312
Attn: Dennis Reynolds
dennis@reynoldsurbandesign.com

ATTACHMENTS:

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

RESOLUTION NO. PZC

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 12.38 ACRES LOCATED ON THE SOUTHWEST CORNER OF S. 81ST STREET AND MILLS CIVIC PARKWAY TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP DESIGNATION FROM OFFICE (OF) TO COMMUNITY COMMERCIAL (CMC)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner Robert F. Etzel Living Trust, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-003280-2016) to change the land use designation of approximately 12.38 acres located on the southwest corner of S. 81st Street and Mills Civic Parkway and located within the area legally described as follows from Office (OF) to Community Commercial (CMC):

Legal Description

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, EXCEPT PARCEL AA AND PARCEL H OF THE PLAT OF SURVEY FILED IN BOOK 2014, PAGE 4167 AS PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA AND THOSE PARCELS SHOWN ON THE DEED TO THE CITY OF WEST DES MOINES AS FILED IN BOOK 2009, PAGE 15835, AND EXCEPT THAT PARCEL SHOWN ON THE DEED TO THE CITY OF WEST DES MOINES AS FILED IN BOOK 2015, PAGE 13828.

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 16, 2017, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-003280-2016);

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 Office (OF) to Community Commercial (CMC) for that approximately 12.38 acres located on the southwest corner of S. 81st Street and Mills Civic Parkway and legally described above is recommended to the City Council for approval.

PASSED AND ADOPTED on January 16, 2017.

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 January 16, 2017, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. No conditions of approval.

RESOLUTION NO. PZC

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-003281-2016) FOR THE PURPOSE OF ZONING THE 39.2 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF S. 81ST STREET AND MILLS CIVIC PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner, Robert F. Etzel Living Trust, has requested approval of a Rezoning Request for that property located on the southwest corner of S. 81st Street and Mills Civic Parkway to designate 39.2 acres as Etzel Properties Plat 2 Planned Unit Development (PUD);

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 16, 2017, this Commission held a duly-noticed hearing to consider the application for the Rezoning Request (ZC-003281-2016);

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 January 16, 2017, or as amended orally at the Plan and Zoning Commission hearing of January 16, 2017, are adopted.

SECTION 2. REZONING REQUEST (ZC-003281-2016) to designate 39.2 acres as Etzel Properties Plat 2 PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated January 16, 2017, 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 January 16, 2017.

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 January 16, 2017, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. No conditions of approval.



Etzel Properties Comp Plan and PUD - Location Map



1,317.8 0 658.89 1,317.8 Feet

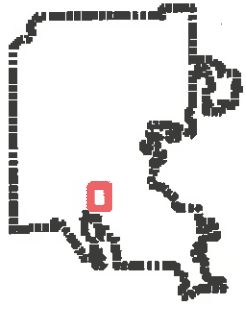
NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa

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

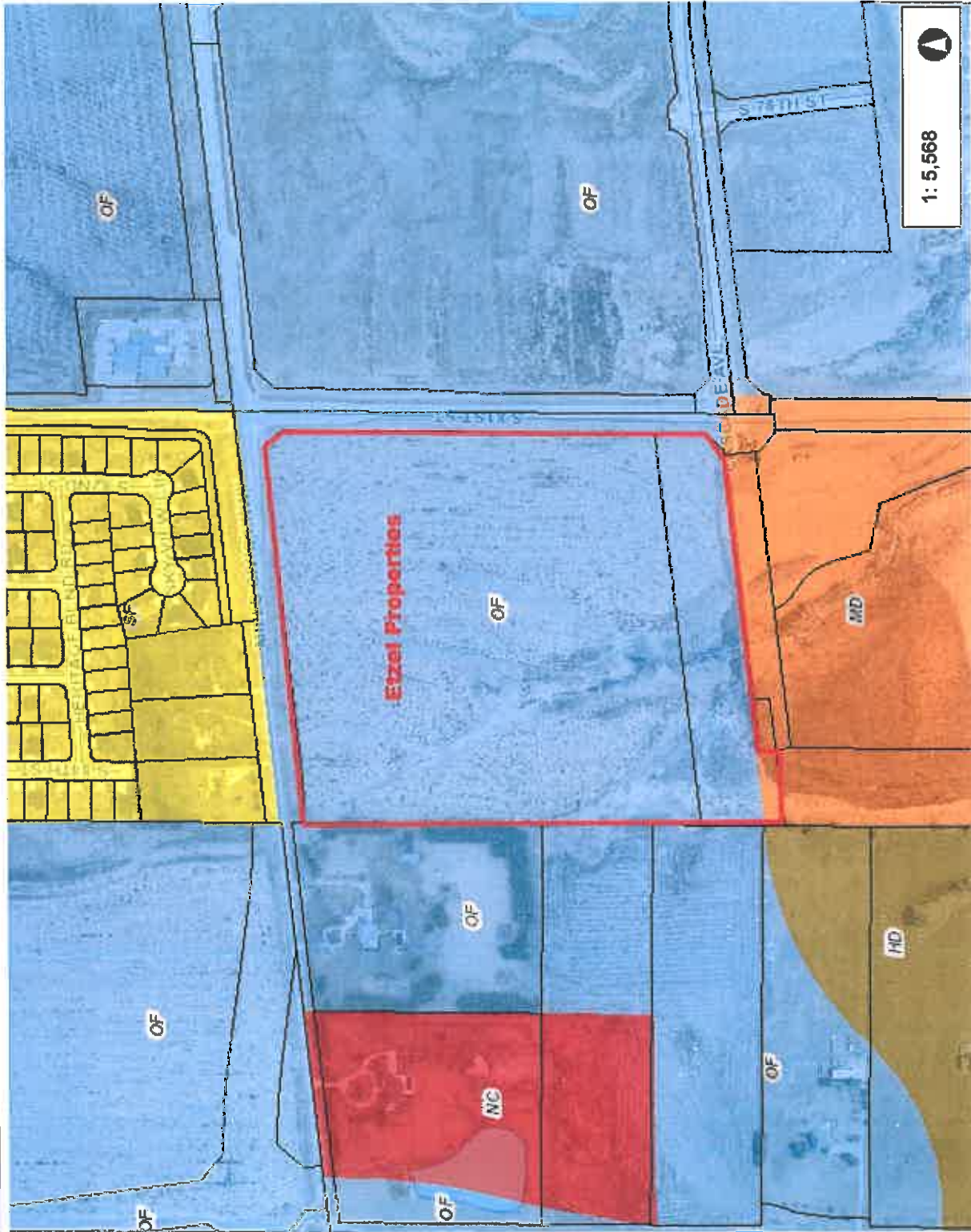


Comprehensive Plan Map



Legend

- Parcels
- Comprehensive Plan Land Use**
- OS: Open Space
- PG: Parks & Greenways
- LD: Low Density Residential
- SF: Single Family Residential
- MD: Medium Density Residential
- HD: High Density Residential
- MF: Manufactured Homes
- MU: Mixed Use
- RC: Regional Commercial
- TCC: Town Center Commercial
- CMC: Community Commercial
- SO: Support Office
- NC: Neighborhood Commercial
- SC: Support Commercial
- HC: Highway Commercial
- CVC: Convenience Commercial
- VJ SC: Valley Junction Commercial
- HBC: Historic Business
- OF: Office
- GI: General Industrial
- LI: Light Industrial
- BP: Business Park
- WR: Warehouse/Retail
- Parks
- Greenways



1: 5,568



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

Prepared by: B. Portz, Development Services, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265

ORDINANCE #

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 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: Amend the Zoning Map of the City of West Des Moines, Iowa, by adding the following legally described property from 'Unzoned' to the Etzel Properties Plat 2 PUD of West Des Moines, Iowa.

Legal Description

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, EXCEPT PARCEL AA AND PARCEL H OF THE PLAT OF SURVEY FILED IN BOOK 2014, PAGE 4167 AS PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., WEST DES MOINES, DALLAS COUNTY, IOWA AND THOSE PARCELS SHOWN ON THE DEED TO THE CITY OF WEST DES MOINES AS FILED IN BOOK 2009, PAGE 15835, AND EXCEPT THAT PARCEL SHOWN ON THE DEED TO THE CITY OF WEST DES MOINES AS FILED IN BOOK 2015, PAGE 13828.

SECTION 2. DEVELOPMENT INTENT: The Etzel Properties Plat 2 aims to create a development that provides both community and neighborhood shopping, entertainment, restaurants and services, as well as professional offices linked by a system of trails, walkways, streetscapes and bike paths. An open space/stream preserve unifies the development while providing links with surrounding residential, commercial and office developments.

SECTION 3. REQUIRED PLANS: The following plans shall be required as a part of the processing of any development application for any property within the Etzel Properties Plat 2 PUD:

- A. **Plat of Survey:** Prior to transfer of ownership of any portion of the property, a Plat of Survey may be submitted for review and approval, in accordance with the City's Subdivision Ordinance, to delineate the parcel to be sold. If a Plat of Survey is used for the transfer of ownership, the property will need to be platted through the City's Preliminary and Final Plat process prior to any development on the site.

- B. **Preliminary and Final Platting:** Prior to or in conjunction with any site plan submittal for proposed development, or prior to legal ownership change of any land (which also may be allowed with a Plat of Survey) within Etzel Properties Plat 2, such area shall be subdivided by both preliminary and final plat, in accordance with the City's Subdivision Ordinance, to delineate the parcel to be developed or sold. Lots without public street frontage, in accordance with the City Code requirements, may be allowed provided the frontage requirements of the Code have been met by an abutting or surrounding lot which is under common ownership, under an owners' association, or a cross parking and access easement has been executed which provides for the unrestricted use and access of the drives and parking. Outlots are not buildable until such time that they are replatted through the Preliminary and Final Plat subdivision process.
- C. **Development Applications (Site Plans):** Site Plans for all lots and phases of development within Etzel Properties Plat 2 must meet the intent of the approved PUD sketch. The Fareway site plan shown on the PUD sketch is for illustrative purposes only. The specific site layout is not approved with the Etzel Properties Plat 2 PUD. Site plans shall be submitted to the City of West Des Moines for review and approval prior to the development of any portion of the development of the subject property. Site plans for permitted uses, unless otherwise amended within this ordinance, will be subject to review and approval by the Plan and Zoning Commission and the City Council. Site plans for permitted conditional uses (PC) as defined in the City Code, unless otherwise amended within this ordinance, shall be approved by the appropriate review body. At the discretion of the Director of Development Services, an amendment to Etzel Properties Plat 2 PUD Ordinance may be required to bring consistency between the ordinance and site plan development proposed.

Unless otherwise specifically restricted by the City Council, ground work and construction of private roads and utilities may be started, at the developer's risk, upon approval of the preliminary plat by the City Council. Public street and utility construction may begin, at the sole risk of the developer, after approval of the preliminary plat by the City Council and construction improvement plans by the City of West Des Moines.

Prior to approval of an associated final plat, unless otherwise authorized by the City Council, the developer of property within Etzel Properties Plat 2 shall provide all necessary and appropriate agreements, easements, and sureties for all public rights-of-way and other public improvements (utilities, sidewalks, street lights, traffic signals, etc.) within and associated with the property being Final Platted.

An associated final plat applicable to each proposed development area must be approved and recorded with the Dallas County Recorder's Office prior to issuance of any building permit, including footing and foundation permits, for construction of any structure or improvement within the parcel identified for development.

SECTION 4. COMPLIANCE WITH CODE:

Unless otherwise specified herein, the development of all property within Etzel Properties Plat 2 PUD shall comply with the provisions of the West Des Moines City Code.

SECTION 5. DEVELOPER RESPONSIBILITIES:

- A. Unless otherwise specifically approved by the City Council, the developer, its successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development as required by this Ordinance, and shall pay all costs related to approved site plans, which may include but is not limited to the cost of all streets, storm sewers, sanitary sewers, water mains and service lines, drainage-way improvements, detention basins, and other improvements as required. No occupancy permits, either temporary or permanent, shall be issued until all necessary improvements applicable to the area/lot or structure requesting occupancy are installed and public improvements accepted by the City of West Des Moines. Nothing in this Ordinance shall be construed to prevent the developer, its successors and/or assigns, if any, from entering into private agreement(s) as it/they may desire to share the cost of improvements.
- B. At the time of final platting, the developer shall enter into an agreement with MidAmerican Energy for the installation of public street lights along all public streets within and abutting Etzel Properties Plat 2 PUD area. Surety to ensure installation of the public street lights for those areas included within or adjacent to each plat shall be provided to MidAmerican Energy prior to approval and recordation of each final plat.

Installation of public street lights shall occur in conjunction with construction of the public street included in the final plat. Installation of private street lights shall be the responsibility of the developer and shall occur in conjunction with development of each parcel within Etzel Properties Plat 2 PUD area.

- C. A public access easement or easements in favor of the City of West Des Moines allowing unrestricted public access and use of any proposed private streets, excluding specified areas described in the easement document, trails, and sidewalks within Etzel Properties Plat 2 Development shall be executed prior to the approval and recordation of the associated final plat.
- D. The developer shall execute an Agreement and Waiver for the developer's proportionate share of the cost of installation of all improvements associated with Mills Civic Parkway, widening of S 81st Street, construction of S 85th Street, widening of Cascade Avenue and construction of +/- 240' of Cascade Avenue, adjacent to the development and as specifically outlined in the Public Street Right-of-Way Dedication & Street Design section below. Said agreement shall be executed for the improvements within or adjacent to the area included in the final plat at the time of final plat approval.
- E. The cost of installation of traffic signals located adjacent to and within the development shall be the responsibility of the developer. The cost of installation of traffic signals as shown shall be the responsibility of the developer and abutting property. The City shall have no financial responsibility whatsoever.

SECTION 6. PUBLIC STREET RIGHT-OF-WAY DEDICATION & STREET DESIGN:

All public street rights-of-way shall be dedicated to the City in fee title. The developer shall provide at the time of recordation of each final plat, the necessary easements and dedication for that right-of-way within and adjacent to the property being final platted in accordance with right-of-way standards for each road classification consistent with the City's Comprehensive Plan or as otherwise defined in this ordinance. The developer shall provide at no cost to the City temporary easements as necessary for the construction of public streets within the development.

- A. The following streets shall be constructed as part of the full build out of this development:
 - 1. S. 81st Street: Applicant will be required to execute an Agreement and Waiver agreeing to construct one additional lane on the west side of the roadway. The first entrance to the PUD off of S 81st Street must be south of where the taper starts for the northbound right turn lane for Mills Civic Parkway. The distance is approximately 450 feet.
 - 2. S. 85th Street: Applicant will be required to execute an Agreement and Waiver agreeing to construct 1 ½ lanes of S85th St. If the property owner on the opposite side of the roadway is not ready to develop S85th St. at the time of construction, the Applicant will need to construct 2 lanes.
 - 3. Mills Civic Parkway: Applicant will be required to execute an Agreement and Waiver agreeing to construct 1 ½ lanes of Mills Civic Pkwy along the frontage of the property. While full access movements on Mills Civic Parkway may be allowed initially, driveway access onto Mills Civic Parkway may ultimately be limited to right-in/right-out operation. Throat distances of driveways from Mills Civic Parkway shall be determined as a part of a traffic study at the time of site plan review.
 - 4. Cascade Avenue: Applicant will be required to execute an agreement and waiver agreeing to construct 1 ½ lanes of paving of Cascade Avenue on the west end of the property for approximately +/- 240' and for construction of 1 lane on the north side of the existing 2 lanes of Cascade Avenue.
- B. Private Streets: The design of all other roads within the development shall be consistent with the recommendations of the traffic analysis. These roadways shall be private in ownership. It is the intent of the developer and the City that all private roads within Etzel Properties Plat 2 PUD area shall not subsequently be conveyed to the City as public streets but shall remain private in perpetuity.
 - 1. All private streets within the Planned Unit Development shall function as public streets and be designed to public street standards. The developer and the City shall execute a public access easement in which the rights and responsibilities of the parties shall be delineated.

2. Adequate sight distances shall be maintained at all intersections to allow vehicles and pedestrians approaching intersections to identify and anticipate potential interaction and conflicts with other vehicles and pedestrians.
3. Streets shall be maintained and function (including timely snow removal) in a fashion similar to the public expectations of a public street.
4. No road closures are allowed without prior permission of the Chief of Police of the City of West Des Moines.
5. All signing, striping, and other traffic control devices on the private streets need to conform to the Manual on Uniform Traffic Control Devices (MUTCD, Federal Highway Administration).

C. Signalized Intersections: Traffic signals may be required at the following intersections when traffic warrants as determined by the City:

1. Mills Civic Parkway and S 85th Street
2. S 81st Street and Cascade Avenue
3. S 85th Street and Cascade Avenue

The City may facilitate installation, but shall have no responsibility for the cost of installation of these signals.

Dedication of permanent right-of-way to accommodate the placement of future signals and appurtenances shall be provided to the City at no cost. Temporary construction easements shall be provided by the adjacent property owners at no cost to the City.

D. Traffic Signs:

1. All signing, striping and other traffic control devices on the driveway approaches to the public streets need to conform to the (MUTCD) Manual on Uniform Traffic Control Devices, Federal Highway Administration. A note should be placed on the plans (Preliminary Plat and/or Site Plan) indicating such.

SECTION 7. VEHICLE TRIP ALLOCATION: A traffic analysis was completed on December 22, 2016 which evaluated proposed land uses on areas within the Etzel Properties Plat 2 PUD. The analysis indicates that the Etzel Properties Plat 2 PUD as a whole is anticipated to generate 10,489 Average Daily Trips, 688 A.M. peak hour and 1,017 P.M. peak hour trips. Based upon the traffic analysis, the traffic allocation table specifies the allowable traffic generation for each developed and undeveloped parcel in the Etzel Properties Plat 2 PUD.

Development of each area and implementation of desired land uses in the Etzel Properties Plat 2 PUD will be limited by the available number of trips designated for each area as shown on the traffic allocation table, as well as compliance with all applicable regulations within this ordinance or city code. The traffic to be generated by each parcel within the Etzel Properties Plat 2 PUD must be less than or equal to the traffic allocation shown on the traffic allocation table for that area. The maximum traffic allocation shown on the traffic allocation table shall be an entitlement to each area within the PUD. Traffic generation due to subsequent redevelopment, expansion or change of use for any parcel within the PUD shall not exceed the maximum traffic allocation entitlement shown on the traffic allocation table. Unless otherwise specified, the traffic allocation for each area shown on the traffic allocation table shall not change. Areas 1, 2, 3, & 4 collectively may not exceed the number of vehicle trips shown in the traffic allocation table for these areas. The trips may be distributed to another area, as necessary, at the time of initial site development, if determined acceptable through a traffic study and with written consent of the property owner transferring (losing) trips; however, the four (4) areas together may not exceed 10,489 Average Daily Trips, 688 A.M. peak hour and 1,017 P.M. peak hour trips.

Traffic Allocation Table			
PUD Sketch Area	Average Daily Trips	Traffic Allocation (A.M. Peak)	Traffic Allocation (P.M. Peak)
1	3,046	101	282
2	5,168	265	428
3	1,542	218	208
4	733	104	99
Total trips for development	10,489	688	1,017

SECTION 8. FIRE ACCESS:

- A. All streets and parking lots shall permit the travel of the Fire Department’s largest vehicle, including adequate accommodation of the vehicle’s turning needs. Approval of unique design solutions to accommodate fire access may be granted by the City Council if, the solutions proposed are recommended by the West Des Moines Fire Department.
- B. At the discretion of the City’s Fire Marshal, “No Parking Fire Lane” areas may be established as necessary to ensure efficient movement and access of the fire trucks. The owner of each respective area within Etzel Properties Plat 2 shall be responsible for the procurement and erection of approved fire lane signage applicable to their parcel(s).
- C. All roads, alleys, and access drives shall maintain a minimum of twenty feet (20’) of clear pavement.
- D. A minimum of fourteen feet (14’) of vertical clearance over the travel portion shall be maintained at all times over all vehicle travel ways, including drive-under canopies.
- E. The developer or its designee shall be responsible for enforcement of no parking lanes and maintaining adequate clearance of structures and vegetation along and above all vehicle travel ways regardless if public or private.

SECTION 9. PARKING:

- A. **On-Street Parking:** On-street parking may be allowed on private streets within the development if it is demonstrated the parking does not interfere with vehicle movements and/or emergency access and is in conformance with the following:
 - 1. On-street parking shall abide by the design parameters for parallel parking consistent with the minimum off-street parking design standards as identified in Title 9, Chapter 15 of the City Zoning Ordinance.
 - 2. At all street intersections, no on-street parking shall be located closer than twenty feet (20’) from pedestrian crosswalks.
 - 3. Notwithstanding anything contained in this ordinance, parking shall be prohibited in a manner or in areas which would create a hazard to the public or which would violate the West Des Moines Fire Code.
- B. **Off-Street Parking:**
 - 1. All off-street parking areas shall be sited and landscaped to screen their visibility from street rights-of-way, pedestrian pathways, and adjoining property outside of Etzel Properties Plat 2 development.
 - 2. Excluding parking structures, parking stalls measurements and drive aisle widths shall conform to Title 9, Chapter 15 of the City’s Zoning Ordinance.
 - 3. The internal site layout should allow for the safe and orderly movement of vehicles and pedestrians, as well as emergency vehicle maneuverability, through drive aisles and internal streets. Trucks should be able to navigate the site without backing into or out of driveways and without parking on the public or private streets. Signing, pavement markings, and other traffic control devices on all streets (private and public) and the driveway approaches to the public streets need to be in conformance with the *Manual on Uniform Traffic Control Devices (MUTCD)*.

4. If parking structures are proposed, architectural design and vehicle functionality, including emergency services access and maneuverability, shall be reviewed in conjunction with site plan review.
5. If a proposed parking stall is designed to allow the bumper of the vehicle to overhang an open area or center median which does not include a pedestrian pathway, the length of both the parking stall and island may be reduced by that overhang amount or a maximum of two feet (2'). If the proposed overhang is over a sidewalk less than seven feet (7') wide rather than natural green space, that sidewalk width shall be increased two feet (2') to accommodate pedestrian movements and vehicle overhang.
6. It is desired that all off-street parking areas be aesthetically improved to reduce obtrusive characteristics that are inherent to their function. Multiple landscape islands combined with vegetation shall be incorporated to effectively eliminate a "sea of asphalt/concrete" and to provide shade thus decreasing heat reflection back into the environment. Landscape islands/tree pods and associated vegetation shall be implemented in accordance with the following:
 - a. For Area 1, ground level parking areas shall incorporate the following.
 1. Islands or open areas shall be located at the terminus end of all parking rows. Terminal islands shall measure at least ten feet (10') in width and shall match, at a minimum the stall length.
 2. Linear parking islands that run the length of the parking row shall be implemented every three (3) rows. Said linear islands shall measure an average of ten feet (10') in width and shall be heavily landscaped to provide a mass of 'green' within the parking lot. These areas may also serve as bioswales/detention areas.
 3. No more than ten (10) continuous parking stalls are allowed in a single row without being interrupted by landscape areas. Landscape islands shall be incorporated at least every ten (10) parking stalls per row. Islands shall measure a minimum of ten feet (10') in width and shall match, at a minimum the stall length.
 - a. Each 9x17' landscape island shall contain at least one (1) overstory tree and vegetated groundcover (turf, perennials, ornamental grasses or shrubs), except for parking islands associated with lower levels within a parking structure.
 - b. Areas 2, 3, & 4 shall abide by City Code, title 9, chapter 19.

C. Parking Ratios: Parking shall be provided in accordance with City Code Title 9, Chapter 15.

1. At the discretion of the Director of Development Services, a less stringent parking calculation may be used provided the applicant can demonstrate a parking rate less than that required by code is adequate due to the type of potential use, shared uses or off-peak uses.
2. Cross access agreements shall be executed to allow for vehicle access through all areas of the PUD.
3. A shared parking agreement shall be executed at the time of final platting of each parcel to allow shared parking between lots within areas 1 and 2.

SECTION 10. STORM WATER MANAGEMENT PLAN: A Master Storm Water Management Plan (MSWMP) which governs the overall storm water management of the PUD shall be submitted to and approved by the City of West Des Moines. Specific Storm Water Management Plans (SWMP) which demonstrates compliance with the approved Etzel Properties Plat 2 Master Storm Water Management Plan, on file with the city, will be required with the development of each preliminary plat or site plan, whichever occurs first. Subsequent site development plans will need to demonstrate compliance with prior approved SWMPs. The Specific Storm Water Plans shall be prepared at the developer's expense, by a Professional Engineer licensed in the State of Iowa. All Storm Water Management Plans shall comply with the City's applicable design standards for storm water management existing at the time each development (site plan) is approval.

SECTION 11. UTILITIES: The developer, its successors or assigns, if any, shall construct at its cost, and if for general public use dedicate to the City, all sanitary sewer mains, water mains, and storm sewers associated with

Etzel Properties Plat 2 as required by the City of West Des Moines' Subdivision Ordinance in accordance with applicable City design standards. All necessary easements to allow City access to public utilities for maintenance and repair purposes shall be executed prior to approval and recordation of the final plat for each respective area or shall be executed as a blanket access agreement prior to the approval and recordation of the first final plat. Unless otherwise specified within a specific easement document, the City shall not be responsible for reimbursement, restoration and/or replacement of any improvements located within the public easements should the City be required to excavate the public utilities for normal City operations.

Overstory trees shall not be placed over utility lines or within utility easements. Adequate access for maintenance vehicles shall be provided into and through the easement areas.

SECTION 12. LAND USE & BULK REGULATIONS:

The intent of this PUD Ordinance shall be to permit the development of an integrated commercial and office community featuring pedestrian friendly retail, service and office uses. The development shall be broken out among land uses in accordance with the following:

- a maximum of 12.38 acres may be dedicated to commercial uses including a grocery store, and other retail/service uses; and,
- a maximum of 26.82 acres may be dedicated to office uses

In addition to the general conditions stated previously within this ordinance, the following land use and bulk regulations shall apply to the specific areas designated on the Etzel Properties Plat 2 PUD Sketch (Exhibit 2).

A. Areas 1 & 2:

1. Land Use:

All general use regulations, performance standards, and provisions set forth in Title 9; "Zoning" of the City Code for the Community Commercial district shall apply to Areas 1 & 2 within the Etzel Properties Plat 2 PUD. (CMC).

- a. All uses permitted and permitted conditionally within the Community Commercial (CMC) district shall be allowed with approval of the appropriate review body, except the following which shall be prohibited by this ordinance:
 - SIC 15, 16, 17: Building construction, contractor and operative builders (offices only, no warehouse component)
 - SIC 478: Miscellaneous transportation services
 - SIC 75: Automotive repair
 - SIC 5932-99: Used merchandise stores
 - SIC 5932-99: Used building material stores
 - SIC 7299-02: Massage therapy establishments and steam bath services
2. **Drive-Thru Businesses:** Drive-thrus are a key component to the functionality of certain types of businesses due to their convenience. If, through the design review process, including an updated traffic analysis if deemed necessary, it can be demonstrated that such uses do not cause traffic congestion, do not interfere with pedestrian movements and can be designed to minimize their presence, a maximum of three (3) drive-thrus (no matter the type of business) may be permitted collectively within Area 1 and Area 2. Drive-thru facilities may be allowed in conjunction with and limited to the following types of businesses; drugstore/pharmacy, food establishment, bank/drive-up ATM, dry cleaner, grocery, and coffee or ice cream related businesses. The number of food establishments with drive-thrus shall be limited to a maximum of two (2) such businesses. Walk-up or pedestrian ATMs with no vehicle access shall be permitted, with a maximum of one permitted within the development. In all instances, the presence of the drive-ups shall be minimized through the incorporation of the drive-thru into the building architecture rather than as an added on canopy component and the opaque visual screening of all drive-thru components through the use of earth-

berming and vegetation placement and/or the implementation of decorative screen walls or fencing consistent with the building architecture.

3. Within Areas 1 and 2, two buildings each with a maximum gross floor area of 30,000 square feet each shall be allowed. Each building may consist of one tenant or multiple tenants as long as the building does not exceed 30,000 square feet in size. All other buildings within areas 1 and 2 shall not exceed a maximum gross floor area of 15,000 square feet each. There is no limit to the number of buildings that may be constructed within areas 1 and 2.
4. **Building Height:** The height of a building shall conform to the limits of the Community Commercial District with the exception of elements such as bell towers, clock towers, or other vertical accent architectural elements. These elements may exceed height restrictions, up to a maximum of six feet (6') taller than the height limit of the CMC district.
5. **Building Setbacks:**
 - a. Unless otherwise specifically stated, setbacks shall be measured from the property line of parcels that abut a public street or back-of-curb of an adjoining private street. Setbacks along boundaries that don't abut a street shall be measured from the lot boundary.
 - b. Building setbacks are to the main plane of the building excluding canopies and pedestrian arcades, which cannot extend further than 8' from the main plane of the building nor extend into a required buffer.
 1. Buildings 10,000 square feet or less may be setback a minimum of thirty feet (30') from the Mills Civic Parkway, S 81st street, & S 85th street right-of-way/property lines.
 2. Buildings larger than 10,000 square feet must be setback a minimum of 60' from the Mills Civic Parkway, S 81st street, & S 85th street right-of-way/property lines.
 3. Buildings should be setback a minimum of fifteen feet (15') from the back-of-curb of private streets internal to the site, not to include vehicle drive aisles within parking areas.
 4. Buildings should be setback a minimum of thirty feet (30') from the perimeter property line along the south side of Area 1 and Area 2.
 - 5.
 - c. Unless otherwise required to be larger due to building or fire code requirements, a minimum twenty feet (20') building separation shall be maintained between buildings as measured to the closest points of buildings including canopies.
 - d. Setbacks for detached accessory structures shall abide by Code for the Community Commercial (CMC) District.
6. **Off-Street Parking Lot Setbacks:** Parking lots shall be setback a minimum of thirty feet (30') from the Mills Civic Parkway, S 81st Street, and S 85th Street right-of-way/property lines and a minimum of five feet (5') from the back of curb of private streets. Views of parking lots from public thoroughfares and adjacent parcels shall be visually mitigated through the use of a combination of earthen berms and landscape vegetation – this may or may not require the parking lots to be setback more than the minimum. Parking lots shall be setback a minimum of thirty feet (30') from the edge of the blueline stream running through the property. Parking lots shall be setback a minimum of thirty feet (30') from the south property line of Area 1 and Area 2. A landscape buffer shall be provided within the thirty foot (30') area to include land forms, evergreen & deciduous plantings, and tall grasses. A minimum five foot (5') setback is required along an adjoining lot line, unless the parking space within the setback is part of a common parking lot of joint usage between the adjoining lots with appropriate cross access/shared parking agreements executed.

B. **Areas 3 & 4**

1. **Land Use:**

All general use regulations, performance standards, and provisions set forth in Title 9; "Zoning" of the City shall apply to this site. The portion of the property identified as Area 3 and Area 4 on the PUD sketch shall be designated as Office (OF).

2. **Building Height:** The maximum height of a building shall not exceed sixty feet (60') in height, with the exception of elements such as bell towers, clock towers, or other vertical accent architectural elements may exceed height restrictions, up to a maximum of seventy feet (70') tall.
3. **Building Setbacks:**
 - a. Unless otherwise specifically stated, setbacks shall be measured from the property line of parcels that abut a public street or back-of-curb of an adjoining private street. Setbacks along boundaries that don't abut a street shall be measured from the lot boundary.
 - b. Building setbacks are to the main plane of the building excluding canopies and pedestrian arcades, which are allowed to extend into the building setback a maximum of 8' however they may not extend into a required buffer.
 1. Buildings must be setback a minimum of thirty feet (30') from Cascade Avenue, S 81st Street, & S 85th Street right-of-way/property lines.
 2. Unless otherwise required as part of building or fire codes, no building setback shall be required if a property abuts a like zoning district.
 3. Buildings should be setback a minimum of fifteen feet (15') from the back-of-curb of private streets and off-street parking areas to accommodate the pedestrian streetscape.
 4. Buildings should be setback a minimum of thirty feet (30') from the property line along the north side of Area 3 and Area 4 to allow for landscape buffers and pedestrian walkways
 - c. Detached accessory structures shall be setback a minimum of thirty feet (30') from all public streets adjacent to the PUD and a minimum of thirty feet (30') from the north property line of Areas 3 & 4. Detached accessory structures shall be setback a minimum of fifteen feet (15') from interior lot lines and from the back of curb of private drives.
4. **Off-Street Parking Lot Setbacks:** Parking lots shall be setback a minimum of thirty feet (30') from the Cascade Avenue, S 81st Street, and S 85th Street right-of-way/property lines and five feet (5') from the back of curb of private streets. Parking lots shall be setback a minimum of thirty feet (30') from the edge of the blueline stream running through the property. Parking lots shall be setback a minimum of thirty feet (30') from the north property line of Area 3 and Area 4. A landscape buffer shall be provided within the thirty foot (30') setback and shall include land forms, evergreen & deciduous plantings, and tall grasses. A minimum five foot (5') setback is required along an adjoining lot line, unless the parking space within the setback is part of a common parking lot of joint usage between the adjoining lots. Views of parking lots from public thoroughfares and adjacent parcels shall be visually mitigated through the use of a combination of earthen berms and landscape vegetation – this may or may not require the parking lots to be setback more than the minimum.

SECTION 13. PEDESTRIAN ELEMENTS:

Etzel Properties Plat 2 aims to encourage pedestrian movement and opportunities for pedestrian interaction through a series of interconnected sidewalks and trails which lead to the office and commercial areas as well as adjacent developments. Development of these areas shall comply with the following guidelines with details of the development of each area to be specified, reviewed, and approved at the time of site plan development. Unless otherwise specified, the installation of these pedestrian elements shall be by the respective developer of each parcel within Etzel Properties Plat 2 in conjunction with or before the development of the parcel.

A. Trails and Sidewalks:

1. Pedestrian crossings of private streets and parking lot drive aisles should be identified through street markings or contrasting textured pavement treatments.
2. A minimum of eight feet (8') of vertical clearance shall be maintained at all times over all pedestrian travel ways.
3. **Public Trails:**
 - a. Public trails shall be installed within Etzel Properties Plat 2 PUD area in alignment with the City's Master Trail Plan or as agreed upon with the City of West Des Moines.
 - b. Trails shall be constructed in accordance with the City of West Des Moines' Standard Specifications.

- c. A minimum of two feet (2') of clear shoulder should be provided on each side of the trail.

SECTION 14. LANDSCAPING:

The landscaping requirements specified herein are intended to create an aesthetically pleasing development which enhances the appearance and character of the City of West Des Moines, while protecting the general health, safety and welfare of the citizens. Landscaping is required to address the following primary aspects or consequences of development:

- Open space protection and enhancement
 - Creation of environments conducive and inviting to pedestrian activities
 - Street/parking side enhancement ('streetscapes')
 - Visual screening of undesirable views, activities and/or site elements, and
 - Mitigation of paving expanses associated with off-street parking
- A. **Open/Green Space:** The intent of open space is to allow for a balance between natural areas and the built environment and to provide for the overall beautification and "greening" of the City. The minimum percentage of the site to be provided as open space shall comply with city code for the respective zoning district for each parcel. All of the land within a site that is not occupied by buildings, on-street and off-street parking areas, or other vehicle use areas may be classified as open space. Plaza areas, water features and structures such as gazebos, arbors, pergolas, etc... that are associated with outdoor pedestrian use areas may be counted towards fulfilling the minimum open space requirement.
 1. In order to ensure 'green' within the development, vegetation must be incorporated at a rate of two (2) overstory trees, one (1) understory or conifer tree, and three (3) shrubs for every three thousand (3,000) square feet of required open space.
 - a. One tree may be substituted for ten (10) shrubs.
 - b. A twenty (20) square foot mass planting of perennial flowers or ornamental grasses may be substituted for three (3) shrubs.
 - c. No substitution for required trees is allowed.
 - d. The incorporation of evergreen vegetation is encouraged to provide winter substance within the landscape.
 2. Vegetation required as part of the open space may be placed into off-street parking areas or required buffers; however the open space vegetation is in addition to that which would be required of buffers or parking islands/pods and may not be counted towards fulfilling the minimum amount of vegetation required for these areas.
 - B. **Streetscaping:** A landscaped edge or 'streetscape' shall be provided along all internal streets and the perimeter boundary of surface parking. These 'streetscapes' are intended to provide desired green to the City, interest, comfort to pedestrians, visual softening of pavement expanses, bring human scale to adjoining buildings, minimize heat-reflection, and provide traffic calming benefits.
 - C. **Buffer and Visual Screening:** The implementation of vegetation is required as part of buffering/screening. This vegetation may be combined with other measures such as berming, low stone walls, decorative fencing, or any combination thereof to enhance the effectiveness of the buffering/screening. Buffers should be designed to achieve the maximum amount of screening from the maximum number of viewpoints with vegetation layered to ensure adequate blockage of views and to create depth.
 1. A minimum thirty-foot (30') wide buffer shall be required along Mills Civic Parkway, S 81st Street S 85th Street and Cascade Avenue. A combination of land forms, evergreen and deciduous trees and shrubs, and tall grasses will be used to visually buffer adjacent parking from public streets, between office and commercial parcels, and visually buffer negative ground level site improvements from properties outside of the Etzel Properties Plat 2 development. Land forms ranging from 3 to 4 feet in height with slopes not to exceed 3:1 are required. Land forms should undulate to create a natural appearance rather than being designed with a consistent height along the entire berm. One (1)

overstory trees, two (2) understory tree and six (6) shrubs shall be provided for an average of every thirty-five lineal feet (35') of this buffer; of the required trees, one-fourth (1/4) shall be evergreen in nature.

- a. Vegetation may be substituted at the following rate:
 - 1) One tree may be substituted for ten (10) shrubs as long as under-canopy views of parking and negative elements are mitigated.
 - 2) A sixty (60) square foot mass planting of perennial flowers or ornamental grasses may be substituted for six (6) shrubs.
 - 3) No substitution for required trees is allowed.
 - b. No parking lots, drive aisles, fences, or buildings are permitted within required buffers; however, sidewalks, trails, landscape features, pedestrian furniture, and permitted signage may be located within the buffers.
2. In addition to that specified above, the elements identified within the following section shall be buffered/screened regardless of use area:
- a. Views of off-street parking areas, loading docks, and other vehicle related service areas from adjacent roadways, pedestrian paths and adjoining properties within and outside of the development shall be buffered and visually screened to a height of at least six feet (6'). Creative grading including land forms can be used to provide this screening, in conjunction with plantings or fencing. Loading docks must be located and oriented to minimize views into the dock/service area. Screening can be provided thru a combination of the placement of adjacent buildings, screen walls, land forms, and plantings.
 - b. Drive-thrus (coffee shops, food establishments, banks, pharmacy, etc...) and drive-up related components (menu boards, wait areas, minimum height clearance bars, etc.) shall be opaquely screened from views from adjacent roadways, pedestrian paths and adjoining properties within and outside of the development. Whenever possible, drive-thrus should be integrated into the building architecture rather than appearing as an attached element to the building.
 - c. Mechanical, utility meters, transformers, HVAC, and other similar undesirable elements/equipment which are located on, beside, or adjacent to any building shall be buffered and visually screened from streets, pedestrian pathways, and adjoining property within and outside of the development. A permanent screen that utilizes building materials and designs compatible and consistent with the architecture and materials of the principal building shall be implemented whenever possible. It is desired that raised parapets or elevated architectural features provide roof top mechanical screening rather than wrapping the units with screen walls. As much as possible, roof top mechanical units should be clustered rather than randomly placed on the roof. Additionally, roof top units should be located towards the center of the roof as much as possible to minimize views thereof. Equipment should be screened on all sides.
 - d. Sanitation/Recycle enclosures shall be visually screened from view from streets, businesses, pedestrian pathways, and adjoining property within and outside of the development. The enclosure should incorporate the primary building material of the adjacent buildings on three sides (brick or masonry material) and a durable gate material on the fourth side.

SECTION 15. SIGNAGE:

All signage within the PUD shall be designed, constructed and maintained in accordance with the West Des Moines Sign Code. Signage shall comply with city code for the respective zoning district designated for each parcel.

SECTION 16. ARCHITECTURE:

The Etzel Properties Plat 2 is designed as an integrated community of retail, services and office uses. The intent is to create building façades throughout this development that provide visual interest and to establish a unique identity for the development. All sides to each building shall receive high quality materials, finishes, and details (360° architectural treatment). There are no "backs" to a building. Although it is understood and preferred that not all buildings within this development are identical, each building will include design elements such as similar building proportion and roof forms as well as common materials, colors and detailing to provide continuity amongst buildings and to unite all structures within the development into one project concept. Due to differences in function and typology, it is expected that the office and commercial buildings will differ in

design. However, to provide visual cohesiveness between the two areas and to present the development as one, once an architectural language and palette of materials is established, it shall be followed for all building design. Corporate franchise design, where the building functions as a trademark is not permitted. Elements of a corporate identity shall be permissible only if it incorporates significant architectural elements which are compatible with the overall theme and uniqueness of the development. Specific architecture for all buildings shall be evaluated as part of the site plan review and approval process.

- A. All buildings within this development shall accommodate the following in building design:
1. **Form & Scale:** Buildings shall be designed to relate specifically to the pedestrian in scale and respond to the context of its surroundings. The following techniques shall be used to meet this objective:
 - a. Buildings shall be organized to create a logical balance and relationship within the site, open spaces and circulation.
 - b. The design of buildings shall meet context and site objectives such as providing gateways, creating linkages and framing or terminating views.
 - c. Variation in building height, mass and roof forms shall be provided while still maintaining an overall building continuity.
 - d. Shifts in building planes/facades and variation in exterior materials shall be incorporated to minimize long expanses of wall.
 - e. Entrances into buildings shall be easily identified through the use of building design and detailing. Projected or recessed entryways, change in rooflines, addition of awnings or changes in building material are examples that can create this effect.
 - f. Ground floor areas shall provide the maximum possible glazing toward pedestrian areas to provide visual interest and to promote the linkage of the interior and exterior of buildings.
 - g. Fenestration (door and window openings) shall be sized to the scale of the building and be compatible with the chosen architectural style.
 - h. A building's roof form and related details/materials are an integral part of the architectural design aesthetic. Roofs shall not be designed as attention-getting devices related to the reinforcement of signage or as an identifiable corporate image.
 - i. Roof-mounted HVAC screening shall be incorporated into the design of the building through location and the use of parapets, screening walls, or other acceptable solutions as identified during the review of the site plan.
 2. **Material Quality and Detail:** All sides to each building are to receive high quality materials and finishes (360° architectural treatment). There are no "backs" to a building. Materials shall be durable, economically maintained and of a quality that will maintain their appearance over a prolonged time. Chosen material along with trim and detailing shall incorporate elements typical of the development's architectural style.
 - a. Primary building materials shall include, but not limited to brick, limestone or cast-stone, concrete, architectural metals, durable wood, and architectural composite panels. Material colors shall be integral rather than surface applied.
 - b. The following materials shall not be used for cladding unless specifically approved by the City of West Des Moines:
 - 1) EIFS or synthetic stucco
 - 2) Concrete Masonry Units
 - 3) Tilt-up pre-cast concrete systems that are structural or industrial in appearance
 - 4) Vinyl
 - 5) Non-architectural metal
 - 6) Materials that are intended for interior use
 - c. Variation in materials, material modules, expressed joints, textures, colors and details shall be used to break up the mass of the buildings. Changes in materials shall be aligned with changes in plan or roof form to emphasize these changes in building mass and shall have the appearance of 3-dimensional elements.
 - d. Trim and structural elements such as posts or columns shall be sized to the scale of the building and detailed appropriately to the chosen architectural style.

SECTION 17. 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 18. 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 19. 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 20. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the _____ day of _____, 2017.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson,
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2017.

Ryan T. Jacobson,
City Clerk

EXHIBIT 1

PUD sketch plan

Etzel Properties Plat 2

