CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **May 15, 2017**

ITEM: Hawthorne Centre East Patio – 9500 University Avenue – Install Patio on the East Side of the Building – Hawthorne Plaza LLC – MML1-003448-2017

RESOLUTION: **Approval of Minor Modification Level 1**

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Dave Hansen, represented by Bob Gibson of Civil Design Advantage, is requesting approval of a minor modification which allows the installation of a patio that is less than six feet from the curb of the head in parking on the east side of the building at Hawthorne Centre (see Exhibit I - Attachment B – Location Map, Attachment C – Patio Plan)

Plan and Zoning Commission Action:
Vote: 4-0 approval, Commissioners Brown, Crowley, and Erickson absent
Date: May 8, 2017
Motion: Adopt a resolution recommending the City Council approve the Minor Modification Level I

Bob Gibson, Civil Design Advantage, presented a diagram of the layout of the patio illustrating the placement of tables and walk aisles, noting that additional two feet of space gained from allowing the patio to encroach into the sidewalk is what makes the layout work. Mr. Gibson shows photographs of other buildings that did not have sidewalks adjacent to head-in parking noting that in those cases patrons were walking across the parking lot to get to the buildings. Mr. Gibson noted that if this building did not have a sidewalk around the building there would be no issue.

Planner Tragesser noted that since there was a sidewalk, that the city code provision which addresses maintaining a six foot sidewalk should be followed. There was discussion of a new opening in the patio on the south side of the patio that was presented for the first time to staff and mention of the potential of not being able to use this opening as an entry point. Staff researched the background for this comment and did not find any restriction on the use of the opening.

OUTSTANDING ISSUE: There is **one outstanding issue** with regard to the applicant's request to encroach into the six foot sidewalk with a patio. The Plan and Zoning Commission approved the patio with a condition of approval to maintain the six foot sidewalk, allowing for two feet of vehicle overhang over the sidewalk and four feet of sidewalk for pedestrians. The applicant would like the City Council to consider the request to allow the patio to encroach into the sidewalk and place planters outside of the patio for aesthetic reasons and to help buffer the patio enclosure from the vehicle parking.

The applicant's representative has prepared a letter and sent examples of other locations for the City Council's information (See Exhibit II – Applicant's Correspondence).

In concert with the Plan & Zoning Commission's recommendation, staff stands by its recommendation that the six foot sidewalk be maintained. It is important that a commercial building with multiple tenants provides a safe way for pedestrians to travel between the different businesses without being forced to walk thru the parking lot because there is no sidewalk connection along the storefronts. The examples submitted by the applicant include the Drury Inn where there is no sidewalk along one side of the building, although it is a sole business building. The bank and multi-tenant building examples have different parking lot configurations, but do provide a continuous walk connection along the multiple storefronts. And the West Glen patio example is a good illustration for why staff recommends the sidewalk be maintained at six feet as the Council will notice that the property owner has placed curb stops to keep vehicles from overhanging the sidewalk. The curb stops are only allowed by City Council approval and are not typically recommended by staff; staff did not research the approval status of the use of the curb stopes at this location. The Council will note that the curb stops are not permanent and have shifted positions. Also, staff has not checked to see of the required 17 feet of stall depth is being maintained.

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 – *(not presented to the Development and Planning City Council Subcommittee due to timing of the request and meeting schedules)*
- Staff Review and Comments
  - *Patio adjacent to head-in parking*
- 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 approve the Minor Modification Level I to approve a patio on the east side of the building at 9500 University Avenue, subject to the applicant meeting all City Code requirements and the following:

1. The applicant insuring that a minimum six foot sidewalk between the back of curb for the head-in parking on the east side of the building at 9500 University Avenue and the patio boundary is maintained at all times.
2. Providing final minor modification drawings which reflect such prior to installation of the patio.

Lead Staff Member: Kara Tragesser, AICP KMT

STAFF REVIEWS

Department Director	LS
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

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

SUBCOMMITTEE REVIEW (if applicable)

Committee	N/A		
Date Reviewed			
Recommendation	Yes ☐	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Location Map
- Attachment C - Site Plan
- Attachment D - Jethro's Patio
- Attachment E - Guttenburger's Patio

Exhibit II - Applicant's Correspondence

Exhibit III - City Council Resolution
- Exhibit A – Conditions of Approval

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: May 8, 2017

Item: Hawthorne Centre East Patio – 9500 University Avenue – Install Patio on the East Side of the Building – Hawthorne Plaza LLC – MML1-003448-2017

Requested Action: Approval of Minor Modification

Case Advisor: Kara Tragesser

Applicant's Request: Dave Hansen, represented by Bob Gibson of Civil Design Advantage, is requesting approval of a minor modification which allows the installation of a patio that is less than six feet from the curb of the head in parking on the east side of the building at Hawthorne Centre (see Attachment B – Location Map, Attachment C – Patio Plan).

History: In January 2015, the City Council approved the site plan for Hawthorne Centre to construct one 27,626 square foot building and one 27,391 square foot building on a 7.6 acres site south of University Avenue between 94th Street and 96th for office and retail uses. As part of this minor modification, a patio has been administratively approved for the west side of the building.

City Council Subcommittee: This project was not presented to the Development and Planning City Council Subcommittee .

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 summarize the following key points of interest:

Patio adjacent to head-in parking: As part of the minor modification, another patio is proposed for the west side of the companion building on the site. That patio is meeting staff's recommendation to maintain the six foot sidewalk along the west side of the building adjacent to the head-in parking on that side. That patio has been administratively approved. The east building patio is subject to review by the Plan & Zoning Commission and City Council as the tenant wishes to extend the patio closer to the parking than staff's recommendation.

During the review of the patios proposed on the east and west sides of the Hawthorne Center building, staff recommended that the patio extend out from the building no closer than six feet from the back of the curb to the adjacent head-in parking. The sidewalk along the building is required to be six feet to allow for a four foot sidewalk and two feet of vehicle overhang from the head-in parking adjacent to the building (Title 9, Chapter 16, Section 6-F-2 provides for when the front of a parking stall abuts a sidewalk, the minimum width of the sidewalk shall be six feet). This building has at least a six foot sidewalk around the building and has areas that are larger for patio space. The Commission should notice that the parking adjacent to the building in the subject area is head-in parking.

The tenant has proposed a patio that is closer to the head-in parking leaving two feet for vehicle overhang and approximately two feet additional space between the parking and the patio. The tenant proposes to place planters in the approximately two foot area to discourage pedestrian access across the patio frontage. While an able-bodied individual may be able to maneuver between the bollards, a wheelchair bound individual would not and would be forced to turn – around and use a non-defined pathway within the parking lot. Staff would note that the proposed patio is 20' deep: a 2-foot reduction would not render the patio unuseable.

The representative for the project points out the patio attached to Jethro's in the Hawthorne Plaza building on the parcel to the east was approved with a patio that is located two feet from the curb of the head-in parking (see Attachment E – Jethro's patio), also the another patio for the Hawthorne Plaza building for Guttenburger's was approved through a minor modification with a 3½ foot sidewalk adjacent to the head-in parking (see Attachment F – Guttenburger's Patio). While those patios were approved, staff feels that we should not compound the errors, which don't take into account the code provision, with the approval of patios for these and other developments.

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.

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, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Minor Modifcation to install a patio on the east side of the building located at 9500 University Avenue, subject to the applicant meeting all City Code requirements and the following:

1. The applicant insuring that a minimum six foot sidewalk between the back of curb for the head-in parking on the east side of the building at 9500 University Avenue and the patio boundary is maintained at all times.
2. Providing final minor modification drawings which reflect such prior to installation of the patio

Owner Hawthorne Plaza LLC/Signature Real Estate Services
12035 University Avenue, Suite 101
Clive IA 50325
Dave Hansen

Applicant: Same as above.

Applicant Rep: Bob Gibson
Civil Design Advantage
3405 SE Crossroads Drive Suite G
Grimes IA 50111

ATTACHMENTS:

Attachment A	-	Plan and Zoning Commission Resolution
Attachment B	-	Location Map
Attachment C	-	Site Plan
Attachment D	-	Jethro's Patio
Attachment E	-	Guttenburger's Patio

RESOLUTION NO. PZC-17-035

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE MINOR MODIFICATION (MM1-003448-2017) FOR THE PATIO ON THE EAST SIDE OF THE EAST BUILDNIG AT 9500 UNIVERSITY AVENUE SUBJECT TO MODIFICATIONS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Dave Hansen, requests approval of a minor modification to a site plan to allow a patio less than six feet from the aback of curb of adjacent head-in parking at 9500 University Avenue;

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, staff recommends that the sidewalk in this area remain at least six feet wide from the back of curb of the parking to the patio edge;

WHEREAS, on February 27, **2017,** this Commission held a duly-noticed meeting to consider the minor modification application;

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 May 8, 2017, or as amended orally at the Plan and Zoning Commission meeting of May 8, 2017, are adopted.

SECTION 2. The Minor Modification (MML1-003448-2017) to allow a patio to be constructed at 9500 University on the east side of the ease building is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated May 8, 2017, 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 May 8, 2017.

Chris Costa

Chris Costa, Vice Chairperson
Plan and Zoning Commission

ATTEST:

Michelle Riesenberg

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on May 8, 2017.

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

ATTEST:

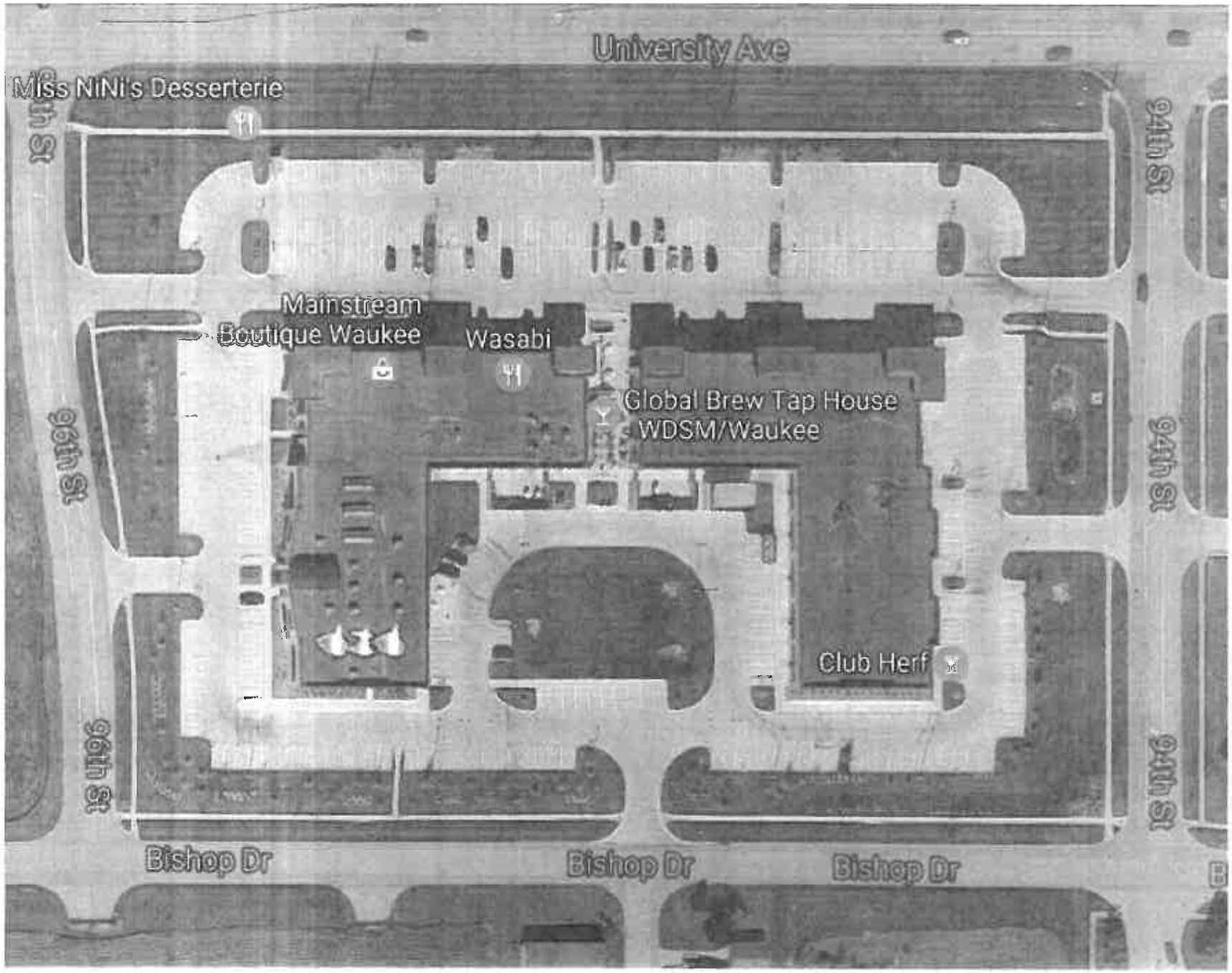
Michelle Riesenberg

Recording Secretary

Exhibit A
Conditions of Approval

1. The applicant insuring that a minimum six foot sidewalk between the back of curb for the head-in parking on the east side of the building at 9500 University Avenue and the patio boundary is maintained at all times.
2. Providing final minor modification drawings which reflect such prior to installation of the patio.

Location Map: Hawthorn Centre 9500 University Avenue



ATTACHMENT B

MINOR MODIFICATION FOR:

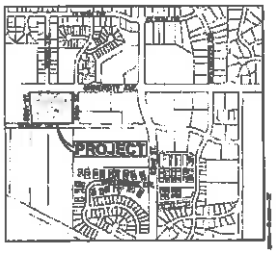
HAWTHORNE CENTRE

WEST DES MOINES , IOWA

RECEIVED
APR 21 2017
DEVELOPMENT SERVICES
CITY OF WDM

VICINITY MAP

NOT TO SCALE



OWNER/ APPLICANT

HAWTHORNE PLAZA, LLC
CONTACT: DAVE HANSEN
12025 UNIVERSITY AVE, SUITE 101
CLIVE, IOWA 50325
PH. (515) 205-4585

ENGINEER/ SURVEYOR

CIVIL DESIGN ADVANTAGE, LLC
CONTACT: ROBERT GIBSON
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH. (515) 369-4400
FX. (515) 369-4410

ARCHITECT

ONSITE SOLUTIONS
CONTACT: MARTY BARKLEY
4825 DT PKWY, SUITE 102
WEST DES MOINES, IOWA 50265
PH. (515) 333-5160
FX. (515) 223-5884

CONSTRUCTION SCHEDULE

ANTICIPATED START DATE = 10-30-2014
ANTICIPATED FINISH DATE = 8-30-2015

BENCHMARKS

BM#1. WEST DES MOINES BM #083, INTERSECTION OF UNIVERSITY AVE. AND 86TH ST., 30' EAST OF ℄ 86TH ST. AND 149' SOUTH OF ℄ UNIVERSITY AVE.
ELEV=272.57

BM#2. NE BURY BOLT ON HYDRANT AT THE NE CORNER OF 86TH ST. AND BISHOP DR.
ELEV=263.28

BM#3. NW BURY BOLT ON HYDRANT AT THE SW CORNER OF 84TH ST. AND UNIVERSITY AVE.
ELEV=261.46

SUBMITTAL DATES

FIRST SUBMITTAL 4-20-2017

DATE OF SURVEY

JUNE 22, 2012

LEGAL DESCRIPTION

LOT 2, WEST PARK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA CONTAINING 7.60 ACRES (331,056 SF)

AND

THE WEST 67 FEET OF GOVERNMENT LOT 2 IN SECTION 3, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA LYING NORTH OF MAPLE GROVE PLAT 1, EXCEPT THE EAST 70 FEET OF SAID WEST 67 FEET, AND EXCEPT THE WEST 17 FEET OF THE NORTH 400 FEET OF SAID WEST 67 FEET (BOOK 2005, PAGE 14296)

AND

THE WEST 17 FEET OF THE NORTH 400 FEET OF GOVERNMENT LOT 2 IN SECTION 3, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA (BOOK 2007, PAGE 1734)

COMPREHENSIVE PLAN

COMMUNITY COMMERCIAL DISTRICT (CMC)

ZONING

86TH STREET PLANNED UNIT DEVELOPMENT (PUD)
(COMMUNITY COMMERCIAL)

PROJECT SITE ADDRESS

8500 UNIVERSITY AVE

LAND USE

EXISTING: OFFICE/RETAIL BUILDING

DEVELOPMENT SUMMARY

AREA	7.60 ACRES (331,056 SF)
ZONING	MAPLE GROVE NORTH PLANNED UNIT DEVELOPMENT (PUD) (COMMUNITY COMMERCIAL)
SETBACKS	
FRONT	100'
SIDE	50' (UNLESS ABUTS PROPERTY WITH SAME ZONING)
REAR	50' (UNLESS ABUTS PROPERTY WITH SAME ZONING)
BUILDING	
BUILDING #1	27,075 SF
BUILDING #2	27,125 SF
	54,707 SF
IMPERVIOUS	
DRIVEWAYS/PARKING	144,308 SF
SIDEWALK	34,066 SF (INCLUDES ADDED PATIO AREA)
BUILDINGS	54,707 SF
	234,076 SF
OPEN SPACE	
OPEN SPACE REQUIRED	92,764 SF (28%)
TOTAL OPEN SPACE PROVIDED	96,413 SF (29.7%)
PARKING AREA OPENSPACE REQUIRED	14,431 SF (10%)
PARKING AREA OPENSPACE	22,953 SF (16%)
PARKING	
REQUIRED BASED ON TENANT MIX AS OF APRIL, 2017:	
OFFICE	16,849 S.F. 84 SPACES
RESTAURANT (INCLUDES PATIOS)	16,800 S.F. 150 SPACES
RETAIL	7,320 S.F. 33 SPACES
PLANNED COMMERCIAL CENTER	15,378 S.F. 55 SPACES
PARKING REQUIRED:	362 SPACES
PARKING PROVIDED	372 SPACES
ACCESSIBLE PARKING REQUIRED	7 SPACES (5+2 W/ VAN TAGS)
ACCESSIBLE PARKING PROVIDED	10 SPACES (4+6 W/ VAN TAGS)

INDEX OF SHEETS

NO.	DESCRIPTION
C0.1	COVER SHEET
C1.1	TOPOGRAPHIC SURVEY/ DEMOLITION PLAN
C2.1–C2.4	DIMENSION PLAN
C3.1–C3.4	GRADING PLAN
C4.1	WATER & SANITARY SEWER UTILITY PLAN
C4.2	STORM WATER UTILITY PLAN
L1.1	LANDSCAPE PLAN

IOWA ONE CALL
1-800-292-8989
www.iowaonecall.com

UTILITY WARNING

THE UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORDS OBTAINED BY THE 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. A REQUEST WAS MADE TO IOWA ONE CALL FOR THE UTILITY PROVIDERS TO LOCATE THEIR UTILITIES IN THE FIELD.

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DR. SUITE G, GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410
PROJECT NO. 1407.383

GENERAL LEGEND

PROPOSED

PROJECT BOUNDARY
LOT LINE
SECTION LINE
CENTER LINE
RIGHT OF WAY
PERMANENT EASEMENT
TEMPORARY EASEMENT
TYPE SW-501 STORM INTAKE
TYPE SW-503 STORM INTAKE
TYPE SW-505 STORM INTAKE
TYPE SW-506 STORM INTAKE
TYPE SW-513 STORM INTAKE
TYPE SW-401 STORM MANHOLE
TYPE SW-402 STORM MANHOLE
TYPE SW-301 SANITARY MANHOLE
STORM/SANITARY CLEANOUT
WATER VALVE
FIRE HYDRANT ASSEMBLY
SIGN
DETECTABLE WARNING PANEL
STORM SEWER STRUCTURE NO.
STORM SEWER PIPE NO.
SANITARY SEWER STRUCTURE NO.
SANITARY SEWER PIPE NO.
SANITARY SEWER WITH SIZE
SANITARY SERVICE
STORM SEWER
STORM SERVICE
WATERMAIN WITH SIZE
WATER SERVICE
SAWCUT (FULL DEPTH)
SILT FENCE

EXISTING

SANITARY MANHOLE
WATER VALVE BOX
FIRE HYDRANT
WATER CURB STOP
WELL
STORM SEWER MANHOLE
STORM SEWER SINGLE INTAKE
STORM SEWER DOUBLE INTAKE
FLARED END SECTION
ROOF DRAIN/ DOWNSPOUT
DECIDUOUS TREE
CONIFEROUS TREE
DECIDUOUS SHRUB
CONIFEROUS SHRUB
ELECTRIC POWER POLE
GUY ANCHOR
STREET LIGHT
POWER POLE W/ TRANSFORMER
UTILITY POLE W/ LIGHT
ELECTRIC BOX
ELECTRIC TRANSFORMER
ELECTRIC MANHOLE OR VAULT
TRAFFIC SIGN
TELEPHONE JUNCTION BOX
TELEPHONE MANHOLE/VAULT
TELEPHONE POLE
GAS VALVE BOX
CABLE TV JUNCTION BOX
CABLE TV MANHOLE/VAULT
MAIL BOX
BENCHMARK
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 ALLENDER BUTZKE GEOTECH ENGINEERING REPORT NUMBER 141442 FOR GEOTECHNICAL REQUIREMENTS.

THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS, THE 1993 DES MOINES METRO DESIGN STANDARDS WITH THE WEST DES MOINES ADDENDA, AND THE WEST DES MOINES WATER WORKS STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.

THE PROJECT REQUIRES AN IOWA DNR'S 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.

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.

LICENSED PROFESSIONAL ENGINEER
EMILY M. HARDING
19872
IOWA, U.S.A.

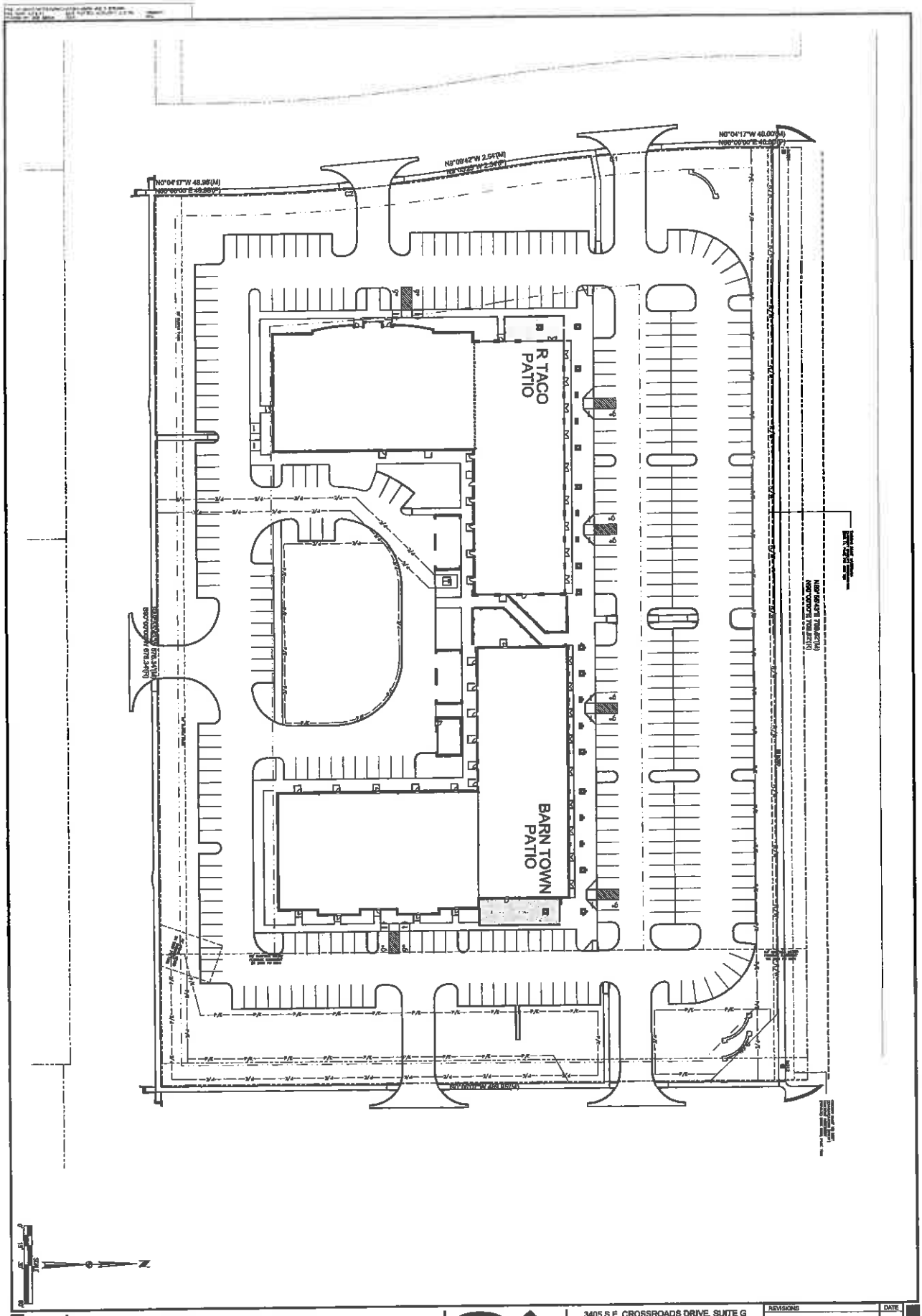
I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

EMILY M. HARDING, P.E. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018
PAGES OR SHEETS COVERED BY THIS SEAL:
C0.1, C1.1, C2.1–C2.4, C3.1–C3.4, C4.1, C4.2

HAWTHORNE CENTRE - 1407.383

ATTACHMENT C



HAWTHORNE CENTRE

OVERALL PLAN

WEST DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

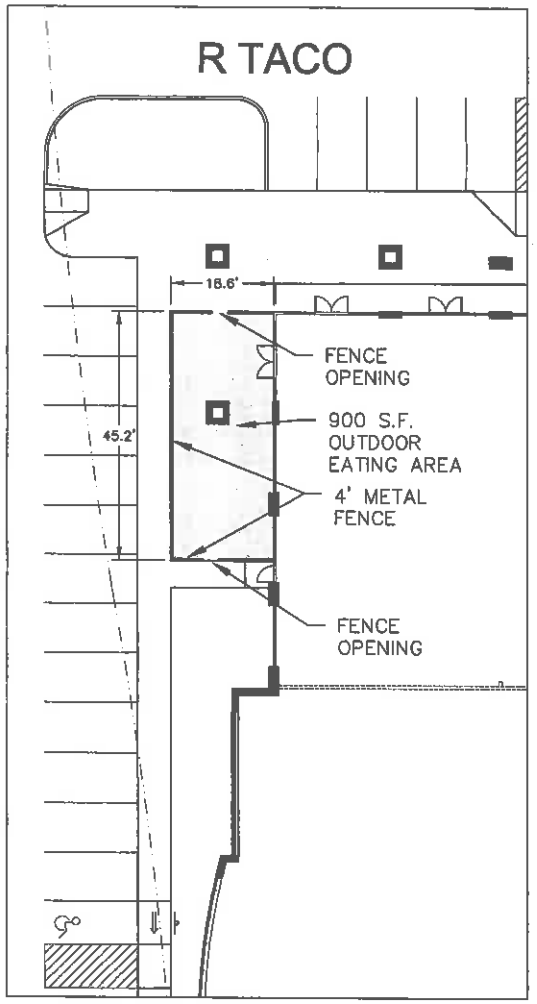
ENGINEER:

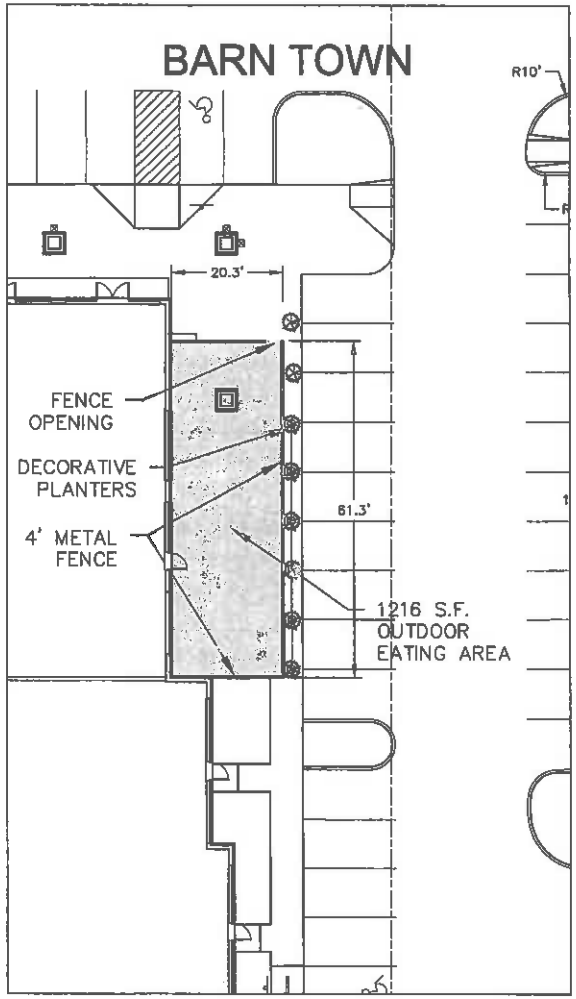
TECH:

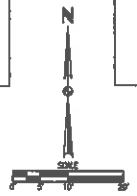
REVISIONS	DATE
MINOR MOD 3	4-20-17

3/3

1407.283







GENERAL NOTES

1. THE MOST RECENT EDITION OF THE WEST DES MOINES STANDARDS SPECIFICATIONS FOR SUBDIVISIONS AND THE WEST DES MOINES WATER WORKS STANDARD SPECIFICATIONS FOR SUBDIVISIONS SHALL APPLY TO ALL WORK ON THE PROJECT UNLESS OTHERWISE NOTED.
2. CONTRACTOR OR SUBCONTRACTOR PERFORMING WORK IN CONNECTION WITH PLANS AND SPECIFICATIONS ASSOCIATED WITH THE PLANS SHALL HOLD HARMLESS, INDEMNIFY AND DEFEND THE ARCHITECT AND THE ENGINEER, THEIR CONSULTANTS AND EACH OF THEIR OFFICERS, AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY CLAIMS, LOSSES, OR DAMAGES ARISING OUT OF OR ALLEGED TO ARISE FROM THE CONTRACTOR'S OR SUBCONTRACTOR'S NEGLIGENCE IN THE PERFORMANCE OF THE WORK DESCRIBED IN THE CONSTRUCTION CONTRACT DOCUMENTS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH CWA CODES AND STANDARDS. NOTHING INDICATED ON THE DRAWING 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 REPRESENTATIVES, AND UTILITY COMPANY REPRESENTATIVES. NO COMPENSATION WILL BE ALLOWED FOR DAMAGE FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.
5. DO NOT STORE CONSTRUCTION MATERIALS AND EQUIPMENT IN THE RIGHT OF WAY.
6. 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.
7. THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING FENCES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR THE CITY.

REVISIONS	DATE
MINOR MOD 3	1-29-17

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: TECH:
CIVIL DESIGN ADVANTAGE
WEST DES MOINES, IOWA

HAWTHORNE CENTRE
DIMENSION PLAN

2/3

1407.383

Hawthorne Plaza Patio Minor Modification

Dimensional Plan

9350 University Ave. Suite 102

Site Address:
9350 STREET & UNIVERSITY AVE
WEST DES MOINES, IA

Prepared For:
SIGNATURE REAL ESTATE SERVICES
13033 UNIVERSITY AVE.
SUITE 101
CLIVE, IOWA 50325
515-277-0800
KEVIN JOHNSON

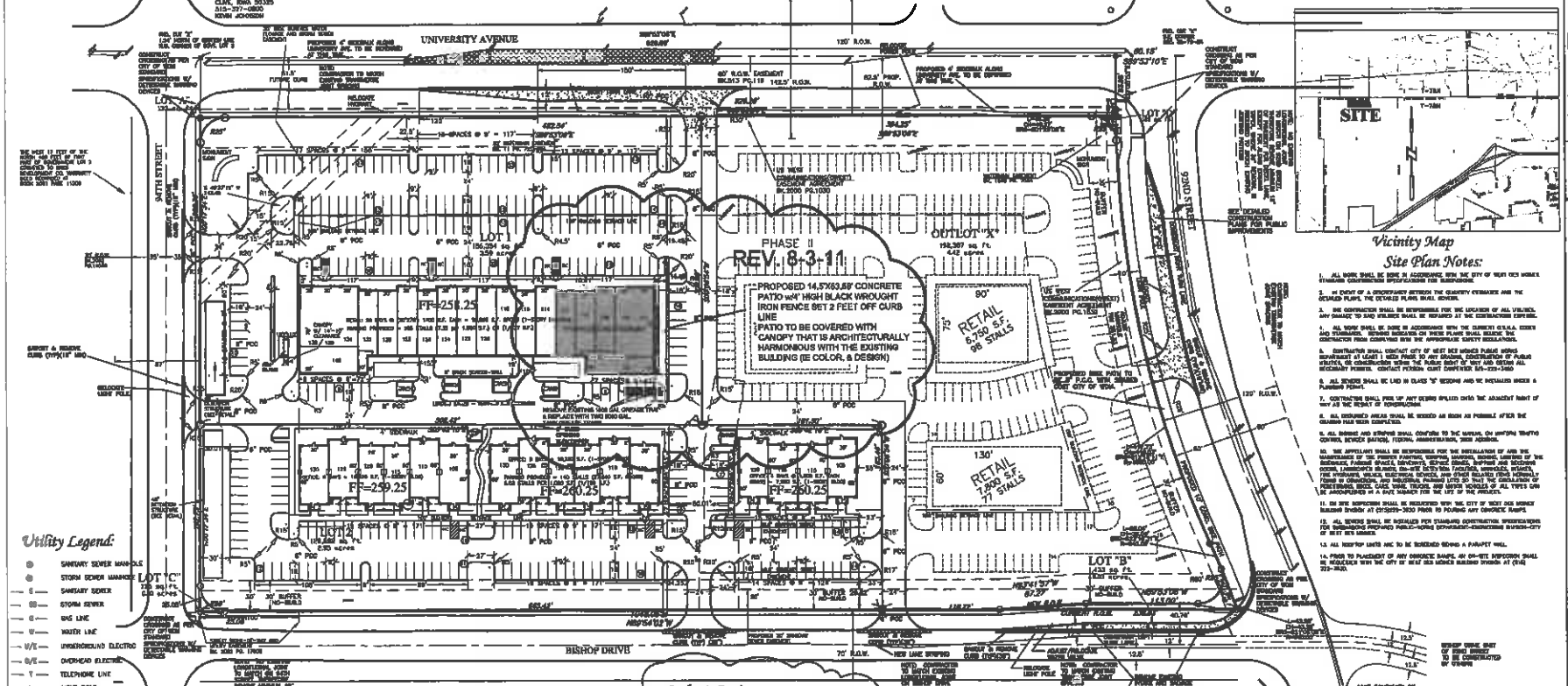
Owner:
HAWTHORNE PLAZA, LLC
13033 UNIVERSITY AVE.
CLIVE, IOWA 50325

Property Description:
LOTS 1 AND 2, HAWTHORNE PLAZA, AN OFFICIAL PLAT, WEST DES MOINES, DALLAS COUNTY, IOWA.

SAID TRACT CONTAINS 6.54 ACRES MORE OR LESS.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SCHEDULE OF SHEETS:
1. DIMENSION PLAN
2. GRADING PLAN (NORTH)
3. UTILITY PLAN
4. LANDSCAPE PLAN



Site Plan Notes:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF WEST DES MOINES STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS.
2. IN EVENT OF A DISCREPANCY BETWEEN THE GENERITY STANDARDS AND THE DETAILED PLANS, THE DETAILED PLANS SHALL GOVERN.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES. ANY DAMAGE TO SAID UTILITIES SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CURRENT O.S.H.A. RULES AND STANDARDS. NOTHING INDICATED ON THESE PLANS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH THE APPROPRIATE SAFETY REGULATIONS.
5. CONTRACTOR SHALL CONTACT CITY OF WEST DES MOINES PUBLIC WORKS DEPARTMENT AT (515) 271-2810 TWO DAYS PRIOR TO ANY GRADING, CONSTRUCTION OF PUBLIC UTILITIES, OR CONSTRUCTION WITHIN THE PUBLIC RIGHT OF WAY AND OBTAIN ALL NECESSARY PERMITS. CONTACT PERSON: CURT CHAMPION 515-222-3480
6. ALL SEWERS SHALL BE LAID IN CLASS "B" BEDDING AND BE INSTALLED UNDER A PLUMBING PERMIT.
7. CONTRACTOR SHALL PICK UP ANY DEBRIS SPILLED OVER THE ADJACENT RIGHT OF WAY AS THE RESULT OF CONSTRUCTION.
8. ALL DISTURBED AREAS SHALL BE SEEDED AS SOON AS POSSIBLE AFTER THE GRADING HAS BEEN COMPLETED.
9. ALL SIGNING AND STRIPING SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FEDERAL ADMINISTRATION, 2003 EDITION.
10. THE APPLICANT SHALL BE RESPONSIBLE FOR THE INSTALLATION OF AND THE MAINTENANCE OF THE PARKING FACILITIES, SIGNING, MARKING, BUMPER LIMITERS OF THE INSTALLED PARKING SPACES, DRIVEWAYS, SURFACE GRADES, SUPPORT AND BOUNDARY CURBS, LANDSCAPE ISLANDS, ON-SITE DETENTION FACILITIES, SIDEWALKS, STREETS, FIRE HYDRANTS, VALVES, ELECTRICAL SCHOOL, AND OTHER RELATED ITEMS NORMALLY FOUND IN COMMERCIAL AND INDUSTRIAL PARKING LOTS SO THAT THE CIRCULATION OF PEDESTRIANS, BICYCLES, CARS, VANS, TRUCKS, AND MOTOR VEHICLES OF ALL TYPES CAN BE ACCOMPLISHED IN A SAFE MANNER FOR THE LIFE OF THE PROJECT.
11. ON SITE INSPECTION SHALL BE REQUESTED WITH THE CITY OF WEST DES MOINES BUILDING DIVISION AT (515)223-3630 PRIOR TO POURING ANY CONCRETE RAMPS.
12. ALL SIGNING SHALL BE INSTALLED PER STANDARD CONSTRUCTION SPECIFICATIONS FOR SUBDIVISIONS PUBLIC WORKS DEPARTMENT-CONSTRUCTION DIVISION-CITY OF WEST DES MOINES.
13. ALL ROOFTOP UNITS ARE TO BE SCREENED BEHIND A PARAPET WALL.
14. PRIOR TO PLACEMENT OF ANY CONCRETE RAMPS, AN ON-SITE INSPECTION SHALL BE REQUESTED WITH THE CITY OF WEST DES MOINES BUILDING DIVISION AT (515) 223-3630.

Utility Legend:

- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- SANITARY SEWER
- STORM SEWER
- GAS LINE
- WATER LINE
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- TELEPHONE LINE
- LIGHT POLE
- POWER POLE
- ELECTRIC TRANSFORMER
- GROUND LIGHT
- INTAKE
- SURFACE INTAKE
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- DENOTES NUMBER OF PARKING STALLS

CALL BEFORE YOU DIG — ONE CALL — 1-800-292-8989

Benchmark:
BM WEST DES MOINES BENCH MARK #63: A STANDARD BENCHMARK LOCATED AT THE INTERSECTION OF UNIVERSITY AVENUE AND 56TH STREET (WACO PLACE, DALLAS COUNTY), THREE (3) FEET WEST OF THE EAST FENCE AND 147 FEET SOUTH OF UNIVERSITY AVENUE CENTER LINE.

ELEV.....279.57 (WEST DES MOINES DATUM)

TBM: BURY BOLT AT FIRE HYDRANT AT THE CORNER OF 9TH STREET AND UNIVERSITY AVENUE, 51.61' SOUTH OF THE CENTERLINE OF UNIVERSITY AVENUE AND 24.56' WEST OF THE CENTERLINE OF 9TH STREET.

ELEV.....281.53 (WEST DES MOINES DATUM)

Utility Note:
THE LOCATION OF THE UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS AND ARE APPROXIMATE LOCATIONS. THE EXACT LOCATIONS OF ALL UTILITIES MUST BE ASCERTAINED IN THE FIELD. IT SHALL BE THE DUTY OF THE CONTRACTOR TO DETERMINE WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.

Note:
SEE ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.

Surveyor's Notes
INFORMATION WAS PROVIDED BY BROWN, WINICK, GRAVES, GROSS, BASKERVILLE, AND SCHOENEBAUM P.L.C. PRELIMINARY TITLE OPINION—PERIOD NOTES NO. 12999 OF AMERICAN ABSTRACT & TITLE COMPANY WITH AN EFFECTIVE DATE JANUARY 12, 2005. SURVEY RELATED ITEMS FROM SCHEDULE A—SPECIAL EXCEPTIONS ARE AS FOLLOWS:

3. UNDERGROUND ELECTRIC LINE EASEMENT RECORDED IN BOOK 5440 AT PAGE 419. AFFECTS THE SUBJECT PROPERTY AND IS SHOWN.
4. UNDERGROUND ELECTRIC LINE EASEMENT RECORDED IN BOOK 1438 AT PAGE 968. DOES NOT AFFECT THE SUBJECT PROPERTY AND IS NOT SHOWN.

Jethro's Patio :
THE BLACK WROUGHT IRON FENCE AROUND THE PROPOSED PATIO SHALL HAVE TWO EXIT GATES WITH EMERGENCY CRASH BAR LATCHES. PATIO TO BE COVERED WITH CANOPY THAT HAS BEEN APPROVED BY THE PROPERTY OWNER FOR DESIGN AND COLOR.
THE PATIO AREA NEEDS TO BE SPRINKLED.
NO FLOOR STANDING PROPANE HEATING LAMPS ARE ALLOWED ON THE PATIO.

Zoning:
MAPLE GROVE NORTH PUD
COMPREHENSIVE PLAN DESIGNATION: COMMUNITY COMMERCIAL DISTRICT

MIN. BLDG SETBACKS:
FRONT: 100'
REAR: 30' (0' 8' ABUTS SIMILAR DISTRICT)
SIDE: 30' (0' 8' ABUTS SIMILAR DISTRICT)
MIN LOT WIDTH: 60' (PER ORDINANCE #1821) ADOPTED 4/21/05)
MIN LOT AREA: 40,000 SF (1.3774 AC)
MAX BLDG HEIGHT: 35'*
MIN OPEN SPACE: 25% + 10% PARKING PAVEMENT
BUFFER: 30' BUFFER PARK ALONG SOUTH & EAST PROPERTY LINES

Parking:
LOT 1 – RETAIL = 26,500 S.F. BUILDING (1SP/200 S.F.)
PARKING REQUIRED = 140 SPACES
PARKING PROVIDED = 193 SPACES (1SP/145 S.F.)

LOT 2 – OFFICE = 37,840 S.F. (1SP/200 S.F.)
PARKING REQUIRED = 190 SPACES
PARKING PROVIDED = 140 SPACES (1SP/332 S.F.)

TOTAL PARKING = 333 SPACES (1SP/172 S.F.)

Open Space:
LOT 1
TOTAL AREA = 144,252 SF (3.31 ACRES)
TOTAL BUILDING AREA = 26,500 S.F.
TOTAL PAVED AREA = 76,213 S.F.
OPEN SPACE (WITH DRIVES) = 37,540 S.F. (38.37%)

LOT 2
TOTAL AREA = 130,197 SF (2.99 ACRES)
TOTAL BUILDING AREA = 37,840 S.F.
TOTAL PAVED AREA = 44,928
OPEN SPACE (WITH DRIVES & WALKS) = 57,428 S.F.(44.11%)

Survey Legend:

- SECTION CORNER– FOUND AS NOTED
- PROPERTY CORNER– FOUND AS NOTED
- PROPERTY CORNER– SET 3/4" IRON PIPE W/ PLASTIC YELLOW ID CAP NUMBER 12971
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- D DEEDED DISTANCE
- P.R.A. PREVIOUSLY RECORDED AS
- R.O.W. RIGHT-OF-WAY

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

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.

SIGNED: _____ DATE: _____
CHARLES J. BISHOP, P.E. 11055
LICENSE RENEWAL DATE: DEC. 31, 2012
PAGES OR SHEETS COVERED BY THIS SEAL: _____

Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50322-3635
Phone: (515)276-4467 Fax: (515)276-4127
Civil Engineering & Land Surveying Established 1959

HAWTHORNE PLAZA
JETHRO'S MINOR MODIFICATION
DIMENSIONAL PLAN

REFERENCE NUMBER: 050463 110171
DRAWN BY:
CHKD:
REVD:
PRJ. 1
SHT. 1

ATTACHMENT D

MINOR MODIFICATION PLAN FOR:

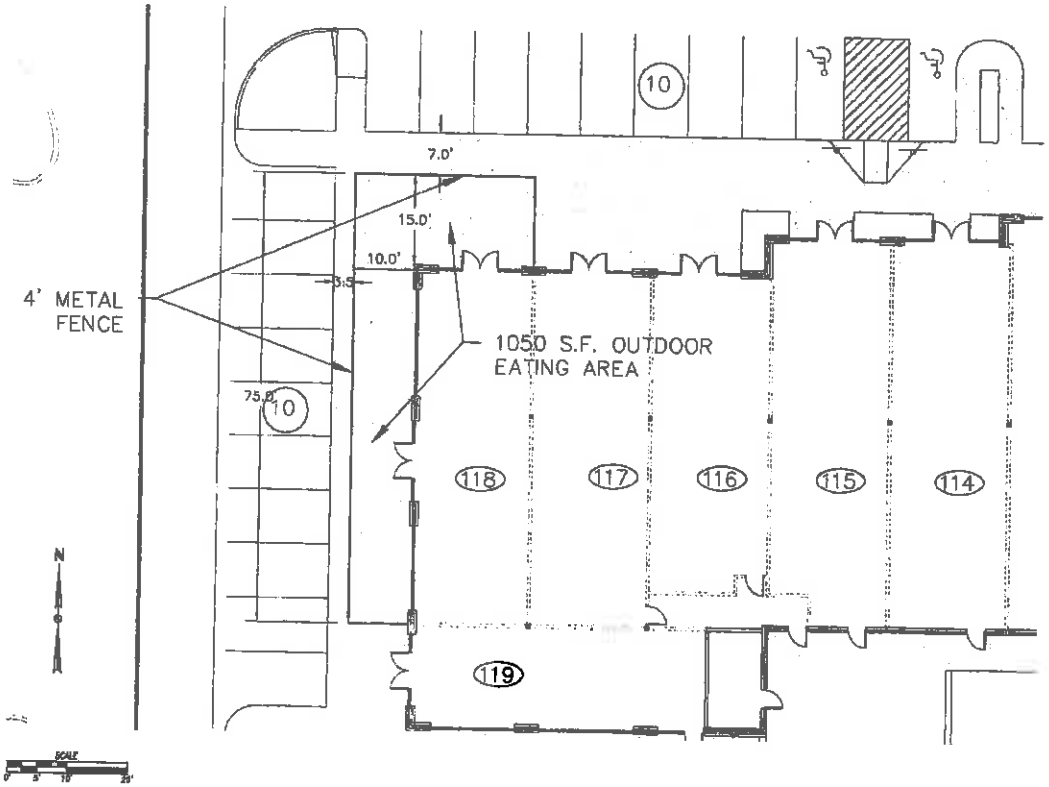
HAWTHORNE PLAZA

WEST DES MOINES, IOWA

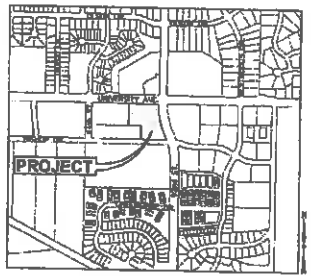
City of West Des Moines
MINOR MODIFICATION - LEVEL II
Hawthorne Plaza Outdoor Patio Area
9250 University Avenue

Staff Approval Date: April 9, 2015
Case #'s: MML2-002655-2015

RECEIVED
CITY OF WDM
APR 09 2015
DEVELOPMENT SERVICES



VICINITY MAP
NOT TO SCALE



OWNER/ APPLICANT
MAPLE GROVE COMMERCIAL, LLC
CONTACT: KEVIN JOHNSON
17800 UNIVERSITY AVE, SUITE 101
CLIVE, IA 50325
PH. (515) 327-0808
FX. (515) 327-0800

ENGINEER/ SURVEYOR
CIVIL DESIGN ADVANTAGE, LLC
CONTACT: ERIC GIBSON
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH. (515) 369-4400
FX. (515) 369-4410

ARCHITECT
SHERMAN & ASSOCIATES ARCHITECTS, LLC
1717 MORRISON AVE # 117
DES MOINES, IOWA 50309
PH. (515) 440-5520
FX. (515) 440-5564

LEGAL DESCRIPTION
OUTLOT X, HAWTHORNE PLAZA, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA
CONTAINING 4.42 ACRES (192,535 SF)

COMPREHENSIVE PLAN
COMMUNITY COMMERCIAL DISTRICT (CMU)

ZONING
MAPLE GROVE NORTH PLANNED UNIT DEVELOPMENT (PUD)
(COMMUNITY COMMERCIAL)

PROJECT SITE ADDRESS
9250 UNIVERSITY AVENUE

LAND USE
EXISTING: UNDEVELOPED
PROPOSED: OFFICE/RETAIL BUILDING

DEVELOPMENT SUMMARY
AREA: 4.42 ACRES (192,535 SF)

ZONING: MAPLE GROVE NORTH PLANNED UNIT DEVELOPMENT (PUD) (COMMUNITY COMMERCIAL)

SETBACKS
FRONT: 100'
SIDE: 50' (UNLESS ABUTS PROPERTY WITH SAME ZONING)
REAR: 50' (UNLESS ABUTS PROPERTY WITH SAME ZONING)

RETAIL SPACE
TOTAL SITE = 192,535 (4.42 AC.)
BUILDING = 28,943 SF (15%)
DRIVEWAYS/PARKING = 89,314 SF (47%) (existing & proposed)

SIDEWALK
OPEN SPACE REQUIRED = 19,468 SF (10%)
TOTAL OPEN SPACE PROVIDED = 46,134 SF (24%)
PARKING AREA OPENSPACE REQUIRED = 72,278 SF (100%)
PARKING AREA OPENSPACE = 8,031 SF (10%)
IMPERVIOUS AREA = 135,723 SF (70%)

PARKING REQUIRED
CLOSED COMMERCIAL CENTER
~14,400 SF RESTAURANT — 1 SPACE/100 SF = 144 SPACES
~18,143 RETAIL/ OFFICE — 1 SPACE/225 SF = 72 SPACES

PARKING REQUIRED = 216 SPACES
PARKING PROVIDED = 216 SPACES

ACCESSIBLE PARKING REQUIRED = 7 SPACES
ACCESSIBLE PARKING PROVIDED = 8 SPACES

LICENSED PROFESSIONAL ENGINEER EMILY N. HARDING 19972 IOWA

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

Emily Harding 4/09/15
EMILY N. HARDING, P.E. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2015
PAGES OR SHEETS COVERED BY THIS SEAL:
1-2

REVISIONS	DATE
FINAL SUBMITTAL	04/09/2015
FINAL SUBMITTAL	03/27/2015

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

CIVIL DESIGN ADVANTAGE

ENGINEER: LAI: NJS

HAWTHORNE PLAZA
IMENSION PLAN
WEST DES MOINES, IOWA

-1-

1303

ATTACHMENT E

EXHIBIT II

CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS LANDSCAPE ARCHITECTS, PLANNERS & SURVEYORS

May 10, 2017

Attn: Kara Tragesser
Planner
City of West Des Moines
4200 Mills Civic Parkway
West Des Moines, Iowa 50265-0320

RE: **Minor Modification – Hawthorne Centre/Barn Town**
West Des Moines

Dear Ms. Tragesser:

Barn Town is requesting that the fenced outdoor patio area be extended to within 4' of the head-in parking. We understand that for the area between the curb and fence to function as a sidewalk it needs to be a minimum of 6'. However, we are requesting that this area no longer be regarded as a sidewalk, which is why we are actually proposing a width of 3.5' and planters placed to make that clear to all. (the planters will also enhance the aesthetics of the patio space).

We acknowledge that as originally designed and built, there was sidewalk access around the entire building. However, this was not required, and had we designed this area as landscape space with the head-in parking, that would have been acceptable, built that way, and this would not be an issue now. This is not a request for a variance, simply a request that a sidewalk that would not have been required be eliminated.

We also acknowledge that occasionally a pedestrian traveling from the north of the building to the east side (or vise-versa) would have to step into the parking lot to do so if they chose not to pass through the patio, which they could do. But to put things in perspective, the vast majority of patrons of Hawthorne Centre, like most other such facilities, have to cross though parking lot to get to the buildings. This is not a dangerous situation.

In addition, we would also point out that this is not an unprecedented situation. Attached are some photos where similar situations exist.

Also included is a patio plan showing the south opening in the fence.

Thank you for your consideration.

Sincerely,
CIVIL DESIGN ADVANTAGE, LLC

Bob Gibson
Project Manager

copy: Peter Faber, Barn Town Brewery

3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IOWA 50111 • P 515+369+4400 • F 515+369+4410 • WWW.CDA-ENG.COM

State Savings Bank - Bank patrons park against a landscape strip and cross the drive-throgh lane to get to the bank sidewalk.

Drury Inn - Visitors who park here have to travel some distance to get on the sidewalk to access the hotel.

Multi-tenant building in West Glen. This does have a continual sidewalk around the building, but patrons parking here need to travel through the parking lot at least 3 stall widths to get to an access point - same as at Barn Town.

Patio Area in West Glen. Barn Town will not be needing additional whell stops.

BARN TOWN

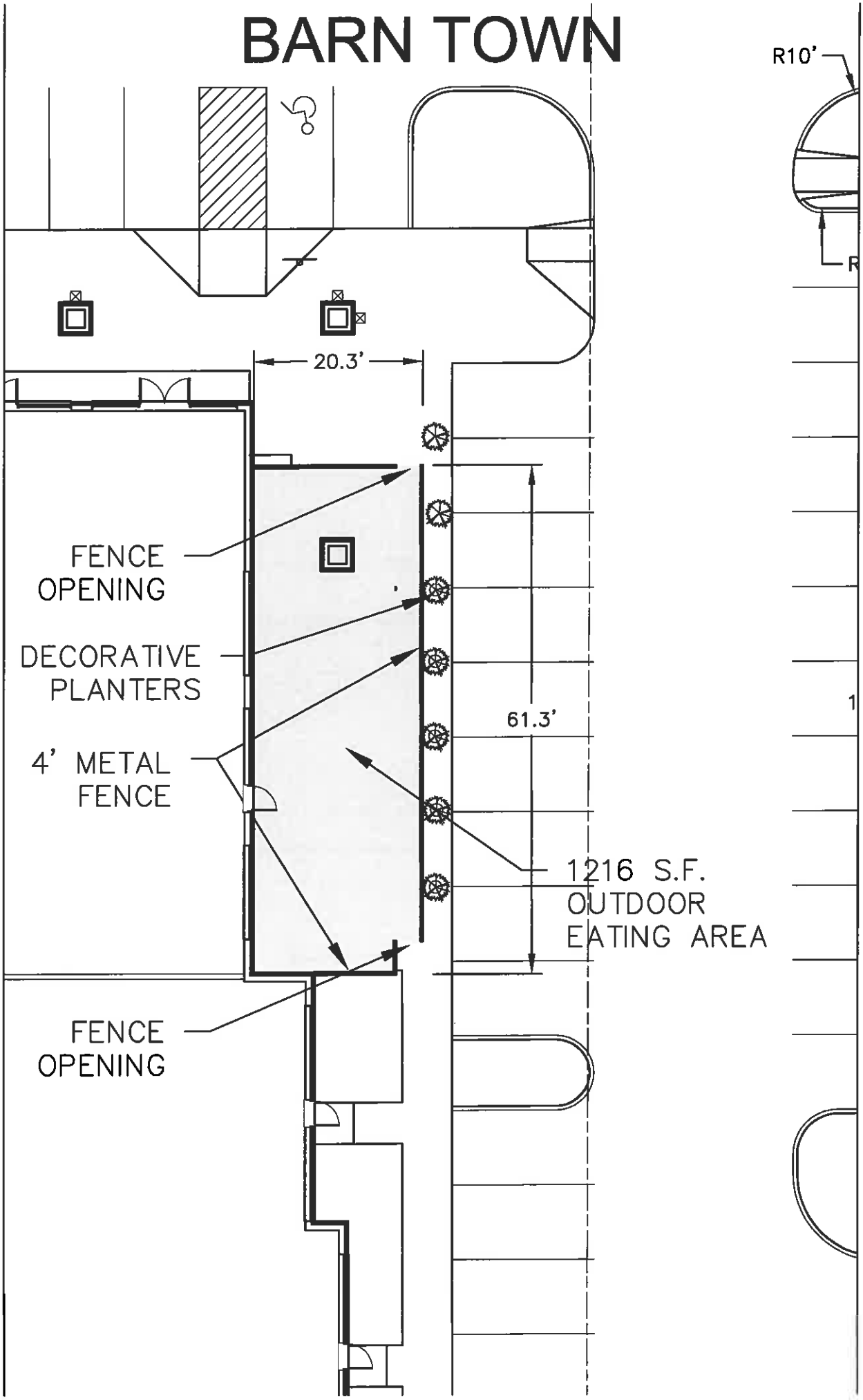

R10'
20.3'
FENCE OPENING
DECORATIVE PLANTERS
4' METAL FENCE
61.3'
1216 S.F. OUTDOOR EATING AREA
FENCE OPENING

EXHIBIT III

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 MAJOR MODIFICATION LEVEL 1 (MML1-003448-2017) TO APPROVE A PATIO ON THE EAST SIDE OF THE BUILDING LOCATED AT 9500 UNIVERSITY AVENUE4

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, Dave Hansen, Hawthorne Plaza LLC requests approval for a Minor Modification to allow a patio on the east side of the building at 9500 University Avenue, legally described as:

Legal Description of Property

Lot 2, West Park Plat 1, now in and forming a part of the City of West Des Moines, Dallas 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 May 8, 2017, the Plan and Zoning Commission recommend to the City Council approval of the Minor Modification Level 1; and

WHEREAS, on May 15, 2017, this City Council held a duly-noticed meeting to consider the application for the Minor Modification Level 1.

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 Minor Modification Level 1, or as amended orally at the City Council meeting on this date, are adopted.

SECTION 2. The Minor Modification Level 1 (MML1-003448-2017) application to locate a patio on the east side of the building at 9500 University Avenue is approved, 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 entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 15, 2017.

_____
Steven Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

EXHIBIT "A"
CONDITIONS OF APPROVAL

1. The applicant insuring that a minimum six foot sidewalk between the back of curb for the head-in parking on the east side of the building at 9500 University Avenue and the patio boundary is maintained at all times.
2. Providing final minor modification drawings which reflect such prior to installation of the patio.