

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

Meeting Date: January 14, 2019

Item: 5940 PUD, Southeast corner of University Avenue and 60th Street – Amend
5940 PUD to allow additional building height on PUD Parcel D – Iowa Clinic
West Lakes 1, LLC – ZC-004159-2018

Requested Action: Recommend approval of PUD Amendment

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

Applicant's Request: The applicant, Iowa Clinic West Lakes 1, LLC has submitted a PUD Amendment application for the 5940 PUD to increase the allowable building height on Parcel D within the PUD. The maximum height permitted by the underlying Professional Commerce Park (PCP) zoning for PUD Parcel D is 60 feet. The applicant, Iowa Clinic, is currently going through the review process to allow a 3-story building addition and construction of an attached parking deck on the property. A future phase of the development proposes to add two additional stories to the building and an additional story to the parking deck. The ultimate additions will result in a full build out height of approximately 75 feet. An 80-foot height limit is being requested to safely accommodate all proposed building additions.

History: The 5940 PUD was originally called the Carmike PUD. It was developed in 1998 to accommodate a proposed Carmike movie theater at the time. The theater was never constructed. In 2001, the PUD was amended and the name was changed to 5940 PUD. In 2007, the PUD was amended again to allow for development of a portion of the site for Iowa Clinic. In 2010, the sign regulations within the PUD were amended to allow additional monument signs within the PUD.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on December 10, 2018 as an informational item only. There were no objections to the request by the Subcommittee members.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key point of interest:

- **Building Height:** The Iowa Clinic 3-story building addition and parking deck addition that is currently being reviewed by staff will not exceed the 60' maximum building height currently allowed per code for the Professional Commerce Park (PCP) zoning district. However, a proposed future 2-story addition to the building and 1-story addition to the parking deck will result in the height of the building/parking deck reaching approximately 75'. In order to provide insurance to the applicant that the ultimate build out plan will be allowed; the PUD is being amended now. Staff notes that there are already buildings in the area that are taller than the proposed Iowa Clinic building. The Mercy West Hospital to the southeast can be up to 135' in height and the Methodist West Hospital to the southwest is also taller than the proposed Iowa Clinic will be at full build out. Due to these existing buildings in the area and their location away from residential uses, staff is comfortable with the proposed additional building height for this PUD.
- **Parcel Designations:** The current PUD Ordinance references five parcels within the PUD, Parcels A, B, C, D, & E; however, the PUD sketch plan for the site only shows four parcels, A-D. Staff presumes that at some point Parcel D was divided into 2 parcels within the PUD. This is no longer the case. To be consistent with the PUD sketch plan, staff is proposing to remove references to Parcel E in the PUD Ordinance with this amendment. This won't affect any of the requirements for the existing parcels.
- **PUD Sketch Plan:** The current PUD Sketch Plan for the 5940 PUD is still labeled as Carmike PUD and indicates a 15-screen theater/family entertainment center on Parcel D where the Iowa Clinic is currently located. The applicant has provided an updated sketch plan for the PUD that shows the Iowa Clinic site plan on Parcel D and changes the title of the PUD to 5940 PUD on the sketch plan. The updated sketch plan will be incorporated into the PUD Ordinance as a part of this PUD amendment.

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

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 an amendment to the 5940 PUD to allow additional building height on PUD Parcel D, subject to the applicant meeting all City Code requirements.

Noticing Information: On January 4, 2019, notice for the January 14, 2019, Plan and Zoning Commission and January 21, 2019, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on January 2, 2019.

Property Owner/Applicant:

Iowa Clinic West Lakes 1, LLC
5950 University Avenue
West Des Moines, IA 50266
Attn: Nate Esser
nesser@iowaclic.com

Applicant's Representatives:

RDG Planning & Design
301 Grand Avenue
Des Moines, IA 50309
Attn: Naura Godar
ngodar@rdgusa.com

Attachments:

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C - Proposed PUD Ordinance Amendment
- Exhibit A - PUD Sketch Plan

RESOLUTION NO. PZC -19-002

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 5940 PUD TO ALLOW ADDITIONAL BUILDING HEIGHT ON PARCEL D WITHIN THE PUD AND CLEANUP THE PUD SKETCH PLAN

WHEREAS, pursuant to the provisions of Title 9 of the West Des Moines Municipal Code, the applicant, Iowa Clinic West Lakes 1, LLC, has requested an amendment to the 5940 PUD (ZC-004519-2018) to allow additional building height on PUD Parcel D and clean up the PUD sketch plan.

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 14, 2019, this Commission held a duly-noticed hearing to consider the application for PUD Amendment (ZC-004519-2018);

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 14, 2019, or as amended orally at the Plan and Zoning Commission hearing of January 14, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004519-2018) to allow additional building height on PUD Parcel D and clean up the PUD sketch plan is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated January 14, 2019, 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 14, 2019.

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 14, 2019, by the following vote:

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

ATTEST:

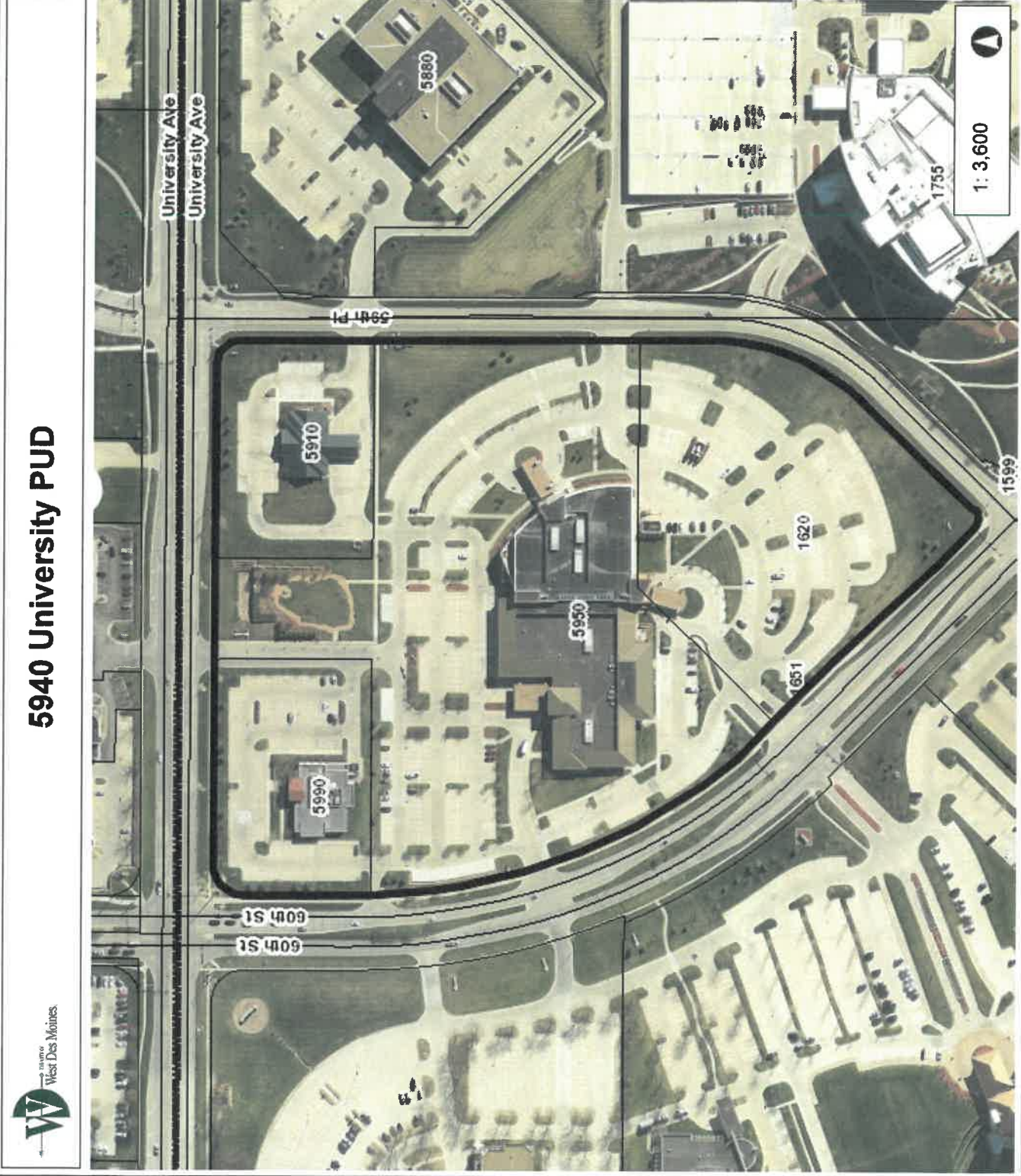
Recording Secretary

Exhibit A
No Conditions of Approval



Legend

- Addresses
- Corporate Limits
- Parcels



5940 University PUD



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, PO Box 65320, W.D.M., IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, AND ORDINANCE #1329, 1458, 1746, AND 1880 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. Ordinances #1329, 1458, 1746, and 1880 pertaining to the **5940 Planned Unit Development**, complete ordinance; is hereby amended by replacing the PUD sketch plan with Exhibit A.

SECTION 2. AMENDMENT. Ordinances #1329, 1458, 1746, and 1880 pertaining to the **5940 Planned Unit Development**, Section 051-03: *Conditions*, Subsection B: *Land Use Design Criteria; Parcels A, D and E*; is hereby amended by deleting the following highlighted strikethrough text and adding the following bolded italicized text:

3. Parcels ~~A₂~~ ***and D₂*** ~~and E~~: All general use regulations, performance standards and provisions set forth in title 9, "Zoning", of the city code for the professional commerce park (PCP) district shall apply to any development proposal within the PUD except as modified herein. The following development standards and use regulations shall apply to any development within the PUD as applicable:

- a. **Building Setbacks:** The setback requirements of the professional commerce park (PCP) district shall apply to all lots within the PUD boundaries with the exception of the west boundary (60th Street) of parcels A and ~~D₁~~ which shall have a one hundred foot (100') building setback. Unless otherwise required by building or fire codes, there shall be no internal building setbacks between parcels ~~A₂~~ ***and D₂*** ~~and E~~.
- b. **Parking Requirements:**
 - (1) For all traditional nonmedical office uses, the minimum number of parking stalls required shall conform to title 9, chapter 15 of the city code.
 - (2) All medical office uses shall provide a minimum of one space per three hundred (300) square feet of gross leasable area (gla).
 - (3) At the discretion of the director of development services, a less stringent parking calculation may be used provided the applicant can demonstrate that a parking rate less than the required will adequately provide for the site due to shared parking or offsetting peak use times.
- c. **Open Space Required:** A minimum of thirty percent (30%) open space shall be provided within each lot within the PUD. "Open space" shall be defined as those areas unencumbered by buildings or paved areas associated with parking, drive aisles, and loading zones. Plaza areas, water features and structures such as gazebos, arbors, pergolas, etc., that are associated with common outdoor pedestrian use areas available for

use by the general public, as well as designated pedestrian walkways through and between parcels may be counted towards fulfilling the minimum open space requirement.

(1) Vegetation Required:

(A) Vegetation at a minimum rate of two (2) trees and three (3) shrubs per three thousand (3,000) square feet of required open space shall be provided within each parcel.

(B) Ten percent (10%) of all required trees shall be a minimum of three (3) to three and one-half inch (3½") caliper. Thirty percent (30%) of all required trees shall be a minimum of two (2) to two and one-half inch (2½") caliper. The balance of all required trees shall be eight (8) to ten feet (10') or one and one-half inch (1½") caliper. The minimum height for evergreens shall be six feet (6') and may be counted as two (2) to two and one-half inch (2½") caliper.

(2) Substitution Allowed:

(A) Two (2) ornamental trees, one evergreen tree, or six (6) shrubs may be substituted for one required overstory tree; however, no more than twenty five percent (25%) of the required number of overstory trees may be substituted.

(B) A twenty (20) square foot mass planting of perennials or ornamental grasses may be substituted for three (3) shrubs.

(3) Off Street Parking Areas: Vegetation required as part of the open space may be placed into off street parking areas; however the open space vegetation is in addition to that which would be required of parking areas and may not be counted towards fulfilling the minimum amount of vegetation required for these areas.

d. Off Street Parking Areas: All off street parking areas shall be aesthetically improved to reduce obtrusive characteristics that are inherent to their function. Trees and shrubs shall be implemented within landscape islands, pods, or strips to effectively eliminate a "sea of asphalt/concrete" and to provide shade thus decreasing heat reflection back into the environment. Landscaping shall be implemented in accordance with the following:

(1) Islands or open areas shall be located at the terminus end of all parking rows. Terminal islands shall match, at a minimum, the stall length and measure at least ten feet (10') in width unless otherwise allowed per the discretion of the development services director.

(2) Islands shall measure a minimum of nine feet (9') in width and shall match, at a minimum the stall length. Pods shall measure a minimum of six feet (6') from the back of curb to back of curb.

(3) With the exception of stalls implemented as part of a parking structure, for every ten (10) parking stalls implemented, one tree and two (2) shrubs or a twenty (20) square foot massing of perennials or ornamental grasses shall be located within the parking islands, pods, or strips within the parking area or in open areas immediately adjacent to the perimeter boundary of the parking area. Perennials and grasses located within pods shall be a minimum of three feet (3') in height in order to be visible between the cars.

(4) Vegetation substitution allowed:

(A) One tree may be substituted for six (6) shrubs.

(B) A twenty (20) square foot mass planting of perennials or ornamental grasses may be substituted for three (3) required shrubs.

(5) Vegetation required as part of off street parking areas is in addition to that which would be required of open space and may not be counted towards fulfilling the minimum amount of vegetation required for open space.

e. ***Building Height: No part of any structure on Parcel D shall exceed eighty feet (80') in height as measured from the average finished grade.***

SECTION 3. 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 4. 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 5. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the ____ day of _____, 2019.

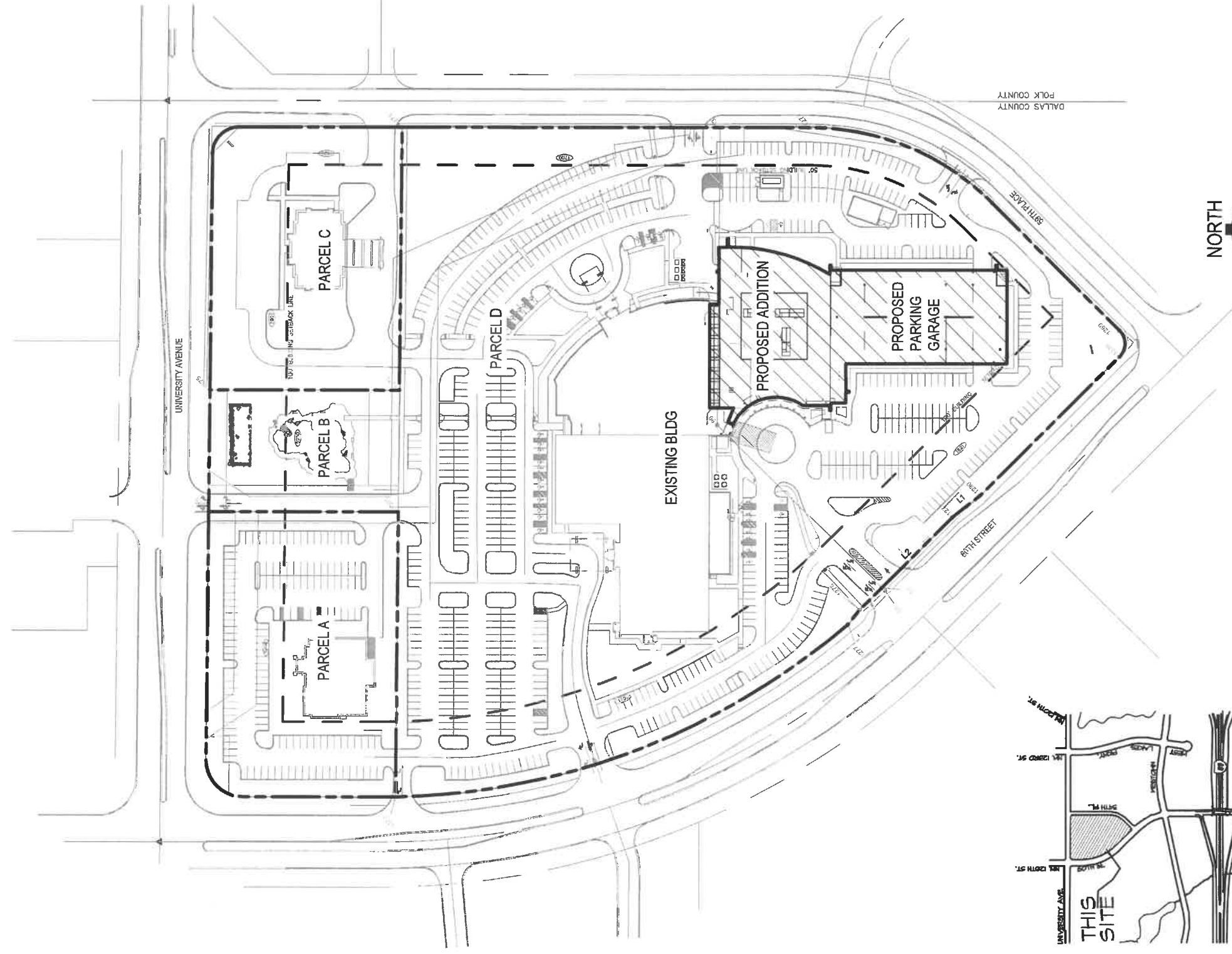
Steven K. Gaer, Mayor

ATTEST:

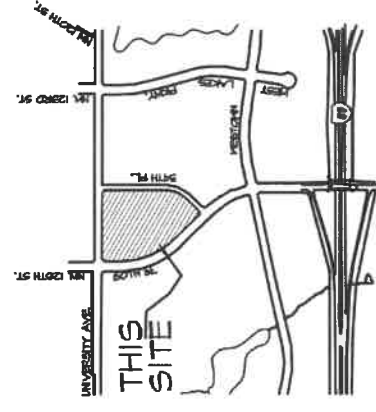
Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2019.

Ryan T. Jacobson
City Clerk



DALLAS COUNTY
POLK COUNTY



RDG
PLANNING • DESIGN

Project Number: 3002.087.00

Date: 1/10/2019

Sheet: 1 of 1

Drawing: EXHIBIT A

5940 UNIVERSITY PUD #51
WEST DES MOINES, IOWA

PUD SKETCH PLAN