CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 19, 2019

ITEM: Continental Plaza, 7300 Westown Parkway – Rezone approximately 1.38 acres from Professional Commerce Park (PCP) to Support Commercial (SC) – Penta Partners, LLC– ZC-004173-2018

ORDINANCE: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant and property owner, Penta Partners, LLC, has submitted an application for approval of a rezoning request to change an approximately 1.38 acre portion in the northwest corner of the property located at 7300 Westown Parkway from Professional Commerce Park (PCP) to Support Commercial (SC) zoning to accommodate the possible future construction of a coffee shop with a drive-through.

During the February 4th City Council hearing, Chris Costa, President & Chief Operating Officer for Knapp Properties submitted a letter in opposition to a connection between Continental Plaza and the Knapp owned property to the east (7100 Westown Pkwy) stating that the connection would create a hardship by limiting the possible size and parking area available for a future building and add unnecessary traffic congestion to their property. Per the Transportation chapter of the Comprehensive Plan (Chapter 5), the City encourages interconnectivity between developments. Interconnectivity is an important component of the comprehensive circulation system for our community as it allows for convenient travel between adjacent properties without placing additional traffic on the public roadways and alleviates frustration of drivers when trying to move between developments. Representatives of Knapp Properties were informed of the requirement for interconnects between properties in both 2014 and 2016 as part of the Pre-application communications. The physical construction of the interconnect is not being requested at this time, but rather the planning to allow it to occur in the future when the current full-access onto Westown Parkway is closed occurs. Additionally, last week staff clarified with Knapp Properties representatives that the interconnect is not expected to be a separate frontage road, but rather can be a parking lot drive aisle connection.

Since the proposal for commercial on the Penta Partners site is contiguous to Support Commercial zoning to the north and no concerns with impact from the proposed commercial on the surrounding road network were identified in the Traffic Impact Study completed for the request, and because a full-access is not a requirement for the commercial building but rather the need for it would be a developer marketability decision, staff recommends proceeding with approval of the Penta Partners rezoning request.

Previous Council Action:
Vote: 4-0 approval, with Council Member Sandager absent
Date: February 4, 2019
Motion: Approval of the First Reading of the Rezoning Request.

OUTSTANDING ISSUES: There are no outstanding issues, however, staff would note the following:

Knapp Properties Support Commercial Proposal: Since the February 4th meeting, Knapp Properties inquired to staff to see if the northwest corner of their property along Westown Parkway could also be rezoned to Support Commercial. Staff provided initial concerns of office zoning existing in-between Penta Partners and Knapp's commercial areas, as well as the concern for commercial creep continuing east along Westown Parkway. Additionally, Knapp inquired about the variance process due to the increase in setbacks required of the Support Commercial district versus the current Professional Commerce Park zoning. Staff informed Knapp representatives that both properties (Penta Partners and Knapp Properties) would be expected to meet current code regarding setbacks and that variances are unlikely to be supported as development of the properties is at their own doing. Prior to making a determination whether additional commercial land use can be accommodated in the area, traffic and sanitary sewer studies need to be completed.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and approve the rezoning request to establish 1.38 acres of Support Commercial zoning in the northwest corner of that property located at 7300 Westown Parkway with the following condition of approval:

1. The property owner acknowledging and agreeing that development of the full site and traffic generated from the full site align with that studied as part of the June 15, 2017 Traffic Analysis, and more specifically, the traffic generated by any use(s) located within the Support Commercial zoned area not exceed 1.965 ADT, 241 AM Peak and 103 PM Peak vehicle trips without approval of the City

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	January 18, 2019	
Letter sent to surrounding property owners		January 15, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	March 5, 2018 and January 7, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Proposed Rezoning Ordinance

Exhibit A - Conditions of Approval

EXHIBIT I

Prepared by: J. B. Munford, Development Services, PO Box 65320 West Des Moines IA 50265-0320 (515) 222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

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 4: ZONING DISTRICTS AND MAP

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

SECTION 1. AMENDMENT: The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by rezoning 1.38 acres situated in the northwest corner of that property located at 7300 Westown Parkway from Professional Commerce Park (PCP) to Support Commercial (SC), in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

LEGAL DESCRIPTION

A PART OF LOT 1 CONTINENTAL PLAZA PLAT 2, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF STREET LOT 'A', SAID CONTINENTAL PLAZA PLAT 2; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 AND A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 39.27 FEET AND WHOSE CHORD BEARS NORTH 45°42'57" EAST, 35.36 FEET; THENCE SOUTH 89°16'48" EAST CONTINUING ALONG SAID NORTHERLY LINE, 254.57 FEET; THENCE EASTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1213.62 FEET, WHOSE ARC LENGTH IS 22.59 FEET AND WHOSE CHORD BEARS SOUTH 89°48'48" EAST, 22.59 FEET; THENCE SOUTH 00°43'11" WEST, 199.29 FEET; THENCE NORTH 89°16'49" WEST, 302.14 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°42'42" EAST ALONG SAID WEST LINE, 174.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.38 ACRES (60,019 SQUARE FEET).

THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this 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 title 1, Chapter 4, Section 1 and Section 2 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 from and after its passage, approval, and publication as provided by law.

Approved and passed by the City Council on the ____ day of _____, 2019

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

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

_____
Ryan T. Jacobson
City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

1. The property owner acknowledging and agreeing that development of the full site and traffic generated from the full site align with that studied as part of the June 15, 2017 Traffic Analysis, and more specifically, the traffic generated by any use(s) located within the Support Commercial zoned area not exceed 1.965 ADT, 241 AM Peak and 103 PM Peak vehicle trips without approval of the City