

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

Meeting Date: April 8, 2019

Item: West Grand Business Park – Des Moines University, Northwest corner of S. Jordan Creek Parkway and Grand Avenue – Amend Comprehensive Plan Land Use Map to change approximately 85 acres from Business Park (BP) to Office (OF) and Amend the West Grand Business Park PUD to only allow SIC 8221, Colleges, Universities and Professional Schools within Parcel 8 of the PUD – W & G McKinney Farms, LC – CPA-004256-2019/ZC-004257-2019

Requested Action: Recommend Approval of Comprehensive Plan Land Use Map Amendment and PUD Amendment

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

Applicant's Request: The applicant, Des Moines University Osteopathic Medical Center, in association with the property owner, W & G McKinney Farms, LC, is requesting approval of both a Comprehensive Plan Land Use Amendment and PUD Amendment for property located on the north side of Grand Avenue between S. 88th Street and S. Jordan Creek Parkway. The applicant is requesting to change approximately 85 acres from Business Park (BP) to Office (OF) for the development of the property for a university.

Upon changing the Comprehensive Plan Land Use designations on the property, the applicant is then requesting an amendment to the West Grand Business Park Planned Unit Development (PUD), specifically pertaining to Parcel 8, where this property is located. The requested amendment will specify Professional Commerce Park (PCP) zoning, but will only allow SIC 8221, Colleges, Universities and Professional Schools within Parcel 8 of the PUD. Once development details for the site are known, a secondary amendment to the PUD will be required to define ancillary uses to the university that will be allowed and specify bulk regulations that will apply for the actual development of the site.

History: The property was annexed into the City in 1999 as a part of the McKinney Annexation. The property is designated as Parcel 8 within the West Grand Business Park PUD and is undeveloped nor has it ever been platted.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on April 1, 2019 as an informational item only. There was no discussion or disagreement expressed regarding the request.

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 points of interest:

- **Applicant's Request:** The applicant, Des Moines University Osteopathic Medical Center, is requesting the land use amendment and amendment to the West Grand Business Park PUD to allow for the future construction of Des Moines University buildings on Parcel 8 of the PUD. At this time, the request is to amend the zoning of Parcel 8 within the PUD from Residential Medium Density (RM) to Professional Commerce Park (PCP) and will only allow for a university on the parcel. Once specifics are known about the actual development of the site, the applicant will come back with another amendment to the PUD that will provide a master plan, details of ancillary uses and the specific site development regulations for the site.
- **Publication of Adopted Ordinance:** The property owner has raised concern that if the purchase of the property does not proceed, that with the adoption of the changes, they would lose the Business Park Comprehensive Plan Land Use designated for the property. It is requested, and Staff supports, that if the land use and PUD amendments are approved, that recordation of the associated resolution and ordinance be delayed until the ownership of the property changes to Des Moines University.

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.

Noticing Information: On March 29, 2019, notice for the April 8, 2019, Plan and Zoning Commission and April 15, 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 March 26, 2019.

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 85 acres to change the land use from Business Park (BP) to Office (OF) and approve the rezoning request to amend the West Grand Business Park PUD to Professional Commerce Park with an allowance for only SIC 8221, Colleges, Universities and Professional Schools within Parcel 8 of the PUD, subject to the applicant meeting all City Code requirements.

Property Owner: W&G McKinney Farms, LC
480 6th Street
P.O. Box 609
Waukee, IA 50263

Applicant: Des Moines University Osteopathic Medical Center
3200 Grand Avenue
Des Moines, IA 50312
Attn: Mark Peiffer
Mark.peiffer@dmu.edu

Applicant's Representatives:
Lillis, O'Malley, Olson, Manning, Pose, Templeman, LLP
317 6th Street, Suite 300
Des Moines, IA 50309
Attn: William J. Lillis
wllillis@lolaw.com

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
Attachment B	-	Plan and Zoning Commission Resolution – Rezoning
Attachment C	-	Location Map
Attachment D	-	Comprehensive Plan Land Use Map
Attachment E	-	Proposed PUD Ordinance Amendment
Exhibit A	-	West Grand Business Park PUD Sketch

RESOLUTION NO. PZC-19-030

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 APPROXIMATELY 85 ACRES FROM BUSINESS PARK (BP) TO OFFICE (OF)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Des Moines University Osteopathic Medical Center, in association with the property owner, W & G McKinney Farms, LC, has requested an amendment to the Comprehensive Plan Land Use Map (CPA-004256-2019) to change the land use designation of approximately 85 acres from Business Park (BP) to Office (OF) located within part of the area legally described as:

Legal Description

A PART OF THE SOUTH 1/2 OF SECTION 23 AND 24, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA LYING EAST OF SOUTH 88TH STREET, LYING NORTH OF WEST GRAND AVENUE AS FILED IN WARRANTY DEED BOOK 2009, PAGE 5064 OF THE DALLAS COUNTY RECORDER'S OFFICE, LYING WEST OF SOUTH JORDAN CREEK PARKWAY, AND LYING SOUTH OF BOONEVILLE ROAD;

EXCEPT

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, AND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, ALL IN TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH PRINCIPAL MERIDIAN, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION ON AS ASSUMED BEARING OF SOUTH 00°37'15" EAST A DISTANCE OF 1304.32 FEET TO THE POINT OF BEGINNING; THENCE NORTH 77°47'09" EAST 223.85 FEET; THENCE NORTH 81°57'09" EAST 75.82 FEET; THENCE SOUTH 13°07'23" EAST 910.12 FEET" THENCE NORTH 89°47'24" WEST 1081.38 FEET; THENCE NORTH 01°35'07" WEST 735.93 FEET; THENCE NORTH 81°44'09" EAST 587.25 FEET; THENCE NORTH 77°47'09" EAST 20.55 FEET TO THE POINT OF BEGINNING, CONTAINING 18.489 ACRES, MORE OR LESS.

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; and

WHEREAS, on April 8, 2019, this Commission held a duly-noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-004256-2019).

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 Business Park (BP) to Office (OF) for approximately 85 acres, lying north of Grand Avenue between S. 88th Street and S. Jordan Creek Parkway, is recommended to the City Council for approval.

PASSED AND ADOPTED on April 8, 2019.

Chris Costa, Vice-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 April 8, 2019, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

RESOLUTION NO. PZC-19-027

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 WEST GRAND BUSINESS PARK PUD TO DESIGNATE PROFESSIONAL COMMERCE PARK (PCP) ZONING WITH A RESTRICTION ALLOWING ONLY SIC 8221, COLLEGES, UNIVERSITIES AND PROFESSIONAL SCHOOLS USE WITHIN PARCEL 8 OF THE PUD

WHEREAS, pursuant to the provisions of Title 9 of the West Des Moines Municipal Code, the applicant, Des Moines University Osteopathic Medical Center, in association with the property owner, W & G McKinney Farms, LC, has requested an amendment to the West Grand Business Park PUD (ZC-004257-2019) to designate Professional Commerce Park (PCP) zoning with a restriction allowing only SIC 8221, Colleges, Universities, and Professional Schools use within Parcel 8 of the PUD; and

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; and

WHEREAS, on April 8, 2019, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-004257-2019).

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 April 8, 2019, or as amended orally at the Plan and Zoning Commission hearing of April 8, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004257-2019) to designate Professional Commerce Park (PCP) zoning with a restriction allowing only SIC 8221, Colleges, Universities, and Professional Schools use within Parcel 8 of the West Grand Business Park PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated April 8, 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 April 8, 2019.

Chris Costa, Vice-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 April 8, 2019, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

No conditions of approval.

PASSED AND ADOPTED on April 8, 2019.

Chris Costa, Vice-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 April 8, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

West Grand Business Park - Parcel 8



1: 12,000



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

Legend

Corporate Limits





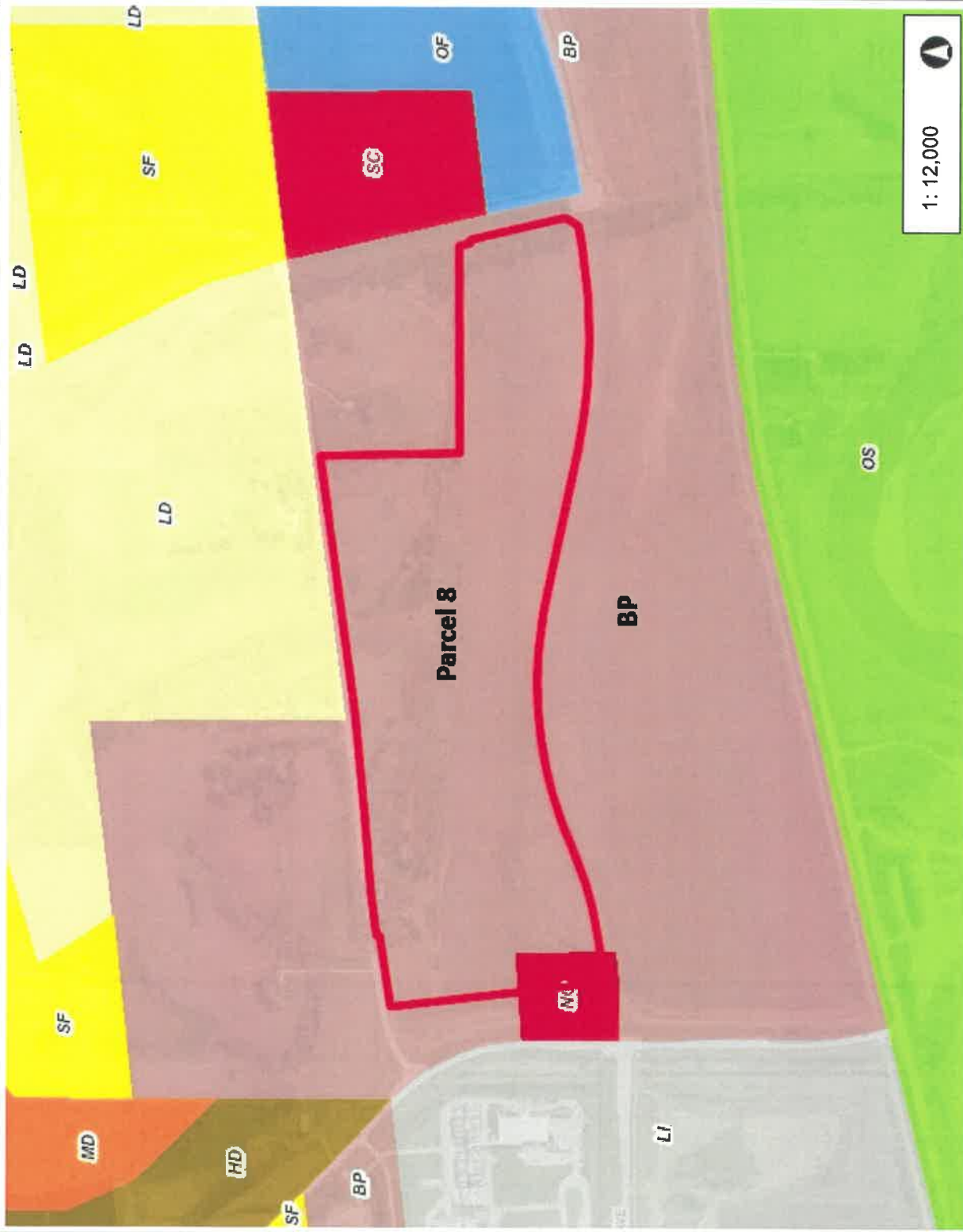
Legend

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

Corporate Limits

Comprehensive Plan Map



2,000.0 0 1,000.00 2,000.0 Feet

1: 12,000

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

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Prepared by: B. Portz, 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, 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, 2019, AND ORDINANCES #1373, #1812 AND #2299 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS AND GUIDELINES, SPECIFICALLY PUD #54 WEST GRAND BUSINESS PARK

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

SECTION 1. AMENDMENT: Amend Ordinances 1373, 1812, and 2299, pertaining to the West Grand Business Park PUD, complete ordinance, is hereby amended by replacing the PUD sketch plan with Exhibit A.

SECTION 2. AMENDMENT: Amend Ordinances 1373, 1812, and 2299, Section 054-05: *Land Use Design Criteria*, Subsection D is hereby amended by deleting the following strike-through and highlighted text and adding the bold, italicized text:

D. Parcels 4, ~~and 7~~ ~~and 8~~: All general use regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the RM Residential Medium Density District shall apply to any development in Parcels 4, ~~and 7~~ ~~and 8~~ as shown on the sketch plan for the West Grand Business Park PUD, unless modified otherwise within this Ordinance. The maximum density for any development within these parcels shall not exceed twelve (12) dwelling units per acre.

1. Allowed Uses: Uses allowed within these parcels shall be permitted as identified pursuant to Table 5.1 of Title 9 of the West Des Moines City Code for the RM Residential Medium Density District, unless modified otherwise within this Section. In addition to the uses listed in Table 5.1 for the RM District of Title 9 of the City Code the following uses shall be permitted:

Agricultural production - crops (SIC 01) including sod farms and noncommercial grain storage.

2. Architecture Requirements: The architecture of multiple-family buildings within these parcels shall be acceptable to the City and accomplished in a manner compatible with the adjoining residential uses in the neighborhood. Architectural design for multi-family buildings shall attempt to express a creative presentation of exterior building materials, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings. No more than eight (8) dwelling units side by side in a row on any side of a building shall be permitted. A maximum of twelve (12) dwelling units per building shall be permitted. Brick elements shall be incorporated into the architecture of all sides of a building to integrate the commercial and residential uses through similarity of building materials and style.

3. Bulk Regulations: The bulk regulations and setbacks of the Residential Medium Density District shall apply to any development in Parcels 4, ~~and 7 and 8~~, unless modified otherwise herein.
4. Open Space Required: Within each development there shall be provided an open space equal to at least twenty five percent (25%) of the total lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives. In addition, all parking areas shall include landscape areas, islands, screens, etc., equal to not less than ten percent (10%) of the total paved area. Such landscaped area shall be in addition to the open space requirements noted above for the total lot area. Landscaped islands within the parking area shall have ground cover of grass (i.e., sod), shrubs or other acceptable living plant life, unless an alternate ground cover is specifically approved as part of the site plan review by the City. Inorganic mulches in the landscape islands shall not be considered acceptable.

Emphasis should be placed on the protection and preservation of any environmentally sensitive areas as part of the development of the property. Environmental resources (trees, drainageways, natural areas, and open space etc.,) shall be preserved, wherever practical, through the design development and protection measures.

5. Pedestrian Access: Site plans and plats shall incorporate an internal pedestrian and bicycle trail system which connects to public transit and City-wide trails system adjacent to the project. Particular emphasis shall be placed upon providing pedestrian access, if possible, to the office, commercial, and industrial areas adjoining the property to encourage the residents of the development to utilize alternative modes of transportation.

SECTION 3. AMENDMENT. Ordinance #1373, #1812 and #2299, pertaining to the **West Grand Business Park Planned Unit Development (PUD)**, Section 054-05: *Land Use Design Criteria*; is hereby amended by adding a new subsection F with the following bolded italicized text and renumbering existing subsections F, G and H accordingly:

F. Parcel 8: All general regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Professional Commerce Park (PCP) District shall apply to Parcel 8, however, a primary use of SIC 8221: Colleges, Universities and Professional Schools shall be the only use allowed. With the exception of grading when done as part of City approved Grading Plans, prior to any site work occurring within Parcel 8, an amendment to the West Grand Business Park Planned Unit Development (PUD) Ordinance shall be required which provides a master plan for development of Parcel 8, identifies ancillary uses to SIC 8221 to be allowed and details specific site development regulations.

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

SECTION 5. 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 of the City Code of the City of West Des Moines, Iowa.

SECTION 6. 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 7. 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

