# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**Date: May 6, 2019**

**ITEM:** Waterbury Office Building, 7765 Office Plaza Drive North – Approval of Extension of Entitlement for construction of a 1-story, 52,800sf office building – R&R Realty Group – SP-2003-028/SP-004306-2019

**ORDINANCE: Approval of Extension of Entitlement for the Waterbury Office Building**

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Tom Rupprecht with R&R Realty Group, on behalf of the property owner, Dallas County Partners is requesting an extension of the entitlement for a site plan to construct an office building at 7765 Office Plaza Drive North. The approved Site Plan proposes the construction of a 52,800 sq. ft., single story office building. The site plan was originally approved by the City Council September 20, 1999, however, entitlement expired in September 2001. A new site plan approval was granted in June 2004. Since 2004, the site plan entitlement has been extended each year with the most recent one-year extension being granted on May 29, 2018.

The following extensions have been granted:

- On May 8, 2006, Council extended entitlement to June 7, 2007.
- On May 7, 2007, Council extended entitlement to June 7, 2008.
- On May 5, 2008, Council extended entitlement to June 7, 2009.
- On May 18, 2009, Council extended entitlement to June 7, 2010.
- On May 3, 2010, Council extended entitlement to June 7, 2011.
- On May 16, 2011, Council extended entitlement to June 7, 2012.
- On May 14, 2012, Council extended entitlement to June 7, 2013.
- On May 13, 2013, Council extended entitlement to June 7, 2014.
- On June 2, 2014, Council extended entitlement to June 7, 2015.
- On May 18, 2015, Council extended entitlement to June 7, 2016.
- On May 31, 2016, Council extended entitlement to June 7, 2017.
- On May 30, 2017, Council extended entitlement to June 7, 2018.
- On May 29, 2018, Council extended entitlement to June 7, 2019.

**CITY COUNCIL SUBCOMMITTEE:** This item was mentioned at the Development and Planning City Council Subcommittee on May 6, 2019. As this has been occurring yearly, no objection to the extension request is anticipated.

**OUTSTANDING ISSUES:** There are no outstanding issues.

**FINDINGS:** This request has been reviewed by city staff, and based upon that review, the following findings have been made:

1. There have been no changes to the provisions of the comprehensive plan or zoning regulations applicable to the project since the approval of the entitlement or the extension of entitlement has been conditioned to comply with all regulations,

2. There have been no changes in the character of the site or its surroundings which affect how the standards of the comprehensive plan or zoning regulations apply to the project, and;

3. There have been no changes in the character of the site or its surroundings which detrimentally affect the environment.

**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 a one-year extension of entitlement for the Waterbury Office Building (SP-2003-028/SP-004306-2019), subject to the applicant meeting all City Code requirements and the following:

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the City that if necessary a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR);
2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues;
3. The applicant acknowledging that the building will have to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested; and,
4. The applicant acknowledging that the site will need to be developed complaint with city code adopted at the time of construction, including if code changes are more stringent than that at the time the site plan was originally prepared and approved.

Lead Staff Member: Lynne Twedt

**Staff Reviews:**

| | |
|---|---|
| Department Director | |
| Appropriations/Finance | |
| Legal | |
| Agenda Acceptance | |

**PUBLICATION(S) (if applicable)**

| | | |
|---|---|---|
| Published In | n/a | |
| Date(s) Published | n/a | |
| Letter sent to surrounding property owners | | n/a |

**SUBCOMMITTEE REVIEW (if applicable)**

| | | | |
|---|---|---|---|
| Committee | Development & Planning | | |
| Date Reviewed | May 6, 2019 | | |
| Recommendation | Yes ☐ | No ☐ | Split ☐ |

ATTACHMENTS:

Exhibit I - Location Map
Exhibit II - Request Letter
Exhibit III - City Council Resolution
Exhibit A - Conditions of Approval

**EXHIBIT I**

Alameda site
Waterbury site
VISTA DR
66TH ST
66TH PL
68TH ST
ASHWORTH RD
WOODLAND AVE
72ND ST
OFFICE PLAZA DR
JORDAN CREEK PKWY
OFFICE PLAZA DR N
OFFICE PLAZA DR S
RAMP

**EXHIBIT II**

R&R
REALTY GROUP

April 22, 2019

Lynne Twedt
Development Services Director
Development Services Department – Planning Division
The City of West Des Moines
4200 Mills Civic Parkway
P.O. Box 65320
West Des Moines, IA 50265-0320

RE: Preliminary Site Plans Extension Requests for:
1. Alameda Office Building at 6770 Vista Drive
2. Waterbury Office Building at 7765 Office Plaza Drive North

Dear Lynne:

Pursuant to this letter, R&R Realty Group is requesting extensions for the approved site plans regarding the following office buildings:

1. Alameda Office Building. The original site plan was approved by the West Des Moines City Council on September 13, 2004. On August 28, 2006, the West Des Moines City Council approved the extension of the preliminary site to August 28, 2007 and has annually granted extensions. The most recent extension was granted on May 29, 2017 extending site plan approval to June 7, 2019.

2. Waterbury Office Building. The applicable site plan was approved by the West Des Moines City Council on June 7, 2004. Since 2004 the site plan entitlement has been extended each year with the most recent one-year extension being granted on May 29, 2018, extending the site plan approval to June 7, 2019.

Currently, substantial building and site construction will not be completed by June 7, 2019; therefore, the owner is asking for one-year extensions of the previous extension approvals.

If you need any additional information from me, please let me know. I understand that this request will be taken to the City Council. Please advise of the date for consideration by the City Council and anything that I may need to do in advance of that meeting.

Very truly yours,

Tom Rupprecht
President

TR/sb
cc: Steven K. Gaer

**EXHIBIT III**

L.Twedt, 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 AN EXTENSION OF ENTITLEMENT FOR AN APPROVED SITE PLAN (SP-2003-028/SP-004306-2019) TO CONSTRUCT AN OFFICE BUILDING**

**WHEREAS,** pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, R&R Realty Group, on behalf of the property owners, Dallas County Partners has requested an extension of entitlement for an approved Site Plan Development Permit (SP-2003-028/SP-004306-2019) for that certain 3.79 acre site, located at 7765 Office Plaza Drive North, for the purpose of constructing a single-story office building;

**Legal Description of Property**

LOT 4 EXCEPT PARCEL A, COUNTRY CLUB OFFICE PLAZA WEST PLAT 3, OFFICIAL PLAT, 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 6, 2019, this City Council held a duly-noticed hearing to consider the request for an extension of entitlement to June 7, 2020, for the approved Waterbury Office Building Site Plan (SP-2003-028/SP-004306-2019);

**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, dated May 6, 2019, or as amended orally at the City Council hearing of May 6, 2019, are adopted.

SECTION 2. EXTENSION OF ENTITLEMENT TO JUNE 7, 2020, FOR APPROVED SITE PLAN (SP-2003-028/SP-004306-2019) is approved, subject to compliance with all the conditions in the staff report, dated May 6, 2019, including conditions added at the Hearing, 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 6, 2019.

Russ Trimble, Mayor Pro tem

ATTEST:

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on May 6, 2019, by the following vote:

ATTEST:

_____

Ryan Jacobson, City Clerk

**Exhibit A**
**Conditions of Approval**

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the City that if necessary a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR);
2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues;
3. The applicant acknowledging that the building will have to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested; and,
4. The applicant acknowledging that the site will need to be developed complaint with city code adopted at the time of construction, including if code changes are more stringent than that at the time the site plan was originally prepared and approved.