**NO CHANGE FROM PREVIOUS READING**

# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**Date: May 6, 2019**

**ITEM:** West Grand Business Park – Des Moines University, Northwest corner of S. Jordan Creek Parkway and Grand Avenue – 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

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

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Des Moines University Osteopathic Medical Center, in association with the property owner, W & G McKinney Farms, LC, is requested 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. On April 15, 2019, the City Council voted to approve the requested Comprehensive Plan Land Use Amendment to change approximately 85 acres from Business Park (BP) to Office (OF).

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.

Previous Council Action:
Vote: 4-1 approval, with Council Member Hardman abstaining.
Date: April 15, 2019
Motion: Approval of the First Reading of the amendment to City Code.

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

**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 and adopt the ordinance in final form for a rezoning of the property 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 meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

**Staff Reviews:**

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

PUBLICATION(S) (if applicable)

| | | |
|---|---|---|
| Published In | Des Moines Register | |
| Date(s) Published | March 29, 2019 | |
| Letter sent to surrounding property owners | | 3/26/2019 |

**SUBCOMMITTEE REVIEW (if applicable)**

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|---|---|---|---|
| Committee | Development & Planning | | |
| Date Reviewed | April 1, 2019 | | |
| Recommendation | Yes ☒ | No ☐ | Split ☐ |

ATTACHMENTS:

Exhibit I - Proposed Ordinance

Exhibit A - Proposed PUD Sketch

**EXHIBIT I**

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 REPEALER.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**SECTION 5. 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 6. 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 7. 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 8. <u>EFFECTIVE DATE.</u>** 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

Exhibit A

West Grand Business Park PUD Sketch Plan

**EXHIBIT A**

REVISIONS | DATE

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

ENGINEER: TECH:

CIVIL DESIGN ADVANTAGE

# WEST GRAND BUSINESS PARK

## PUD PARCEL MAP

WEST DES MOINES, IOWA

1/1

1711635

FILE: R:\2017\1711635\DWG\SECTION PLAN\1711635-SECTION PLAN-GRAD.DWG
FILE DATE: 7/26/19
DATE PLOTTED: 3/29/2019 12:24 PM COMMENTS:
PLOTTED BY: RYAN LUPKOSKI, 1630