# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**Date: May 6, 2019**

**ITEM:** Office at the Galleria, 645 S. 60th Street – Extension of Entitlement to allow the construction of a three-story office/bank building – Chilipeppers, LLC – OSP-2006-008/OSP-004295-2019

**RESOLUTION:** Approval of Extension of Entitlement for the Office at the Galleria

**FINANCIAL IMPACT:** Undetermined.

**BACKGROUND:** The applicant, Doug Siedenburg, with Chilipeppers, LLC is requesting an extension of entitlement for a site plan to allow construction of an office/bank building to be located at 645 S. 60th Street in the Galleria at Jordan Creek development. The approved site plan for the building proposes the construction of a 3-story, 37,240 sq. ft. office building including a 6,173 sq. ft. bank. The site plan was originally approved by the City Council on May 8, 2006. The following entitlement extensions have been approved:

- On March 24, 2008, the Council extended entitlement to May 8, 2009.
- On April 20, 2009, the Council extended entitlement to May 8, 2010.
- On May 3, 2010, the Council extended entitlement to May 8, 2011.
- On April 4, 2011 the Council extended entitlement to May 8, 2012.
- On April 16, 2012 the Council extended entitlement to May 8, 2013.
- On April 15, 2013 the Council extended entitlement to May 8, 2014.
- On April 7, 2014 the Council extended entitlement to May 8, 2015.
- On April 20, 2015 the Council extended entitlement to May 8, 2016.
- On May 2, 2016 the Council extended entitlement to May 8, 2017.
- On April 17, 2017 the Council extended entitlement to May 8, 2018.
- On April 16, 2018 the Council extended entitlement to May 8, 2019.

**CITY COUNCIL SUBCOMMITTEE:** This item was mentioned at the Development and Planning City Council Subcommittee on April 15, 2019. No objection to the extension request was expressed.

**OUTSTANDING ISSUES:** There are no outstanding issues. The applicant agrees with all of staff's recommended conditions of approval.

**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;
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 Office at the Galleria building (OSP-2006-008 / OSP-004295-2019) to May 8, 2020, 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 Building Division 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; and,

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.

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 | not requried | |
| Date(s) Published | n/a | |
| Letter sent to surrounding property owners | | n/a |

**SUBCOMMITTEE REVIEW (if applicable)**

| | | | |
|---|---|---|---|
| Committee | Development & Planning | | |
| Date Reviewed | 4/15/2019 | | |
| Recommendation | Yes ☒ | No ☐ | Split ☐ |

ATTACHMENTS:

Attachment A - Location Map
Attachment B - Request Letter
Attachment C - City Council Resolution
Exhibit A - Conditions of Approval

**ATTACHMENT A**

**ATTACHMENT B**

**Chilipeppers, L.L.C.**
1350 NW 138th Street, Suite 450
Clive, IA 50325
Ph: 515-223-6222 Fx: 515-224-6777

April 11, 2019

West Des Moines City Council
City of West Des Moines
C/O Lynne Twedt
4200 Mills Civic Parkway
West Des Moines, IA 50265-0320

Honorable Council Members,

This letter is written on behalf of Chilipeppers, L.L.C., owner of Lot 1 Galleria Jordan Creek Plat #9, an official plat of the City of West Des Moines, Dallas County, Iowa.

The City has approved entitlements for an approximately 36,390 s.f. three-story office building.

With this letter, we respectfully request a one-year extension of the approved site plan.

We are available to answer any questions you may have.

Thank you for your consideration.

Respectfully,

CHILIPEPPERS, L.L.C.

Douglas A. Siedenburg
Managing Member

cc: Michael Whalen, Member

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 OVERLAY DISTRICT SITE PLAN (OSP-2006-008/OSP-004295-2019) 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, Chilipeppers LLC, has requested an extension of entitlement to May 8, 2020 for an approved Overlay District Site Plan Development Permit (OSP-2006-008/OSP-004295-2019) for that certain 2.44 acre site, located at 645 S. 60th Street, for the purpose of constructing a three-story office/bank building;

**Legal Description of Property**

LOT 1, GALLERIA AT JORDAN CREEK PLAT 9,
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 May 8, 2020, for the approved Overlay District Site Plan (OSP-2006-008/OSP-004295-2019);

**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 MAY 8, 2020, FOR APPROVED OVERLAY DISTRICT SITE PLAN (OSP-2006-008/OSP-004295-2019) 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.

_____
Steven K. Gaer, Mayor

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 Building Division 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; and,
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.
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.