CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 4, 2019

ITEM: Midtown Redevelopment, East side of 8th Street (1221 to 1261) – Establish a Planned Unit Development (PUD) to allow development of a vertical commercial and residential mixed-use development – Jarcor, LLC – ZC-004231-2019

ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Jarcor LLC, with permission from the owners, Eight Street #1 LLC, Eight Street #2 LLC and 1221 8th Street LLC, represented by Michael Murphy of Larson Engineering, Inc., is requesting approval of the establishment of a Planned Unit Development (PUD) for property located on the east side of 8th Street and encompassing properties addressed as 1261, 1249, 1247, 1245, 1243, 1241, 1237, 1235, 1231 and 1221 8th Street. The applicant is proposing a three-building development. Two of the buildings will be four stories with commercial and residential uses, while the third building is an existing restaurant building that will remain. The Midtown Redevelopment Planned Unit Development (PUD) will establish development allowances and limitations to allow for the intended vertical mixed-use development.

Plan and Zoning Commission Action:
Vote: 5-1 , Commissioner Drake was absent.
Date: October 14, 2019
Motion: To continue the application for 2 weeks, to allow the applicant to make modifications to the site plan based on the Commission's discussion.

Plan and Zoning Commission Action:
Vote: 6-0 Approval, Commissioner Drake was absent.
Date: October 28, 2019
Motion: Adopt a resolution recommending the City Council approve a Rezoning from Support Commercial to Planned Unit Development (PUD).

OUTSTANDING ISSUES: There are no outstanding issues. The applicant has stated that they are in agreement with all of staff's recommendations and conditions.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I)

- Applicant's Request
- History
- City Council Subcommittee – *Development & Planning: April 1, 2019 and August 19, 2019*
- Staff Review and Comments
  - *Parking*
  - *Mixed-Use*
  - *Building Setbacks*
  - *Shared Access Drive*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve a rezoning for 4.63 acres from Support Commercial to Midtown Redevelopment PUD, subject to the applicant meeting all City Code requirements.

Lead Staff Member: J. Bradley Munford

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	October 4, 2019	
Letter sent to surrounding property owners		October 3, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 1, 2019 and August 19, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
Attachment A - Plan and Zoning Commission Resolution –
Exhibit A - Conditions of Approval
Attachment B - Location Map
Attachment C - Proposed PUD Amendment *(moved to Exhibit II)*
Exhibit A - PUD Sketch Plan *(moved to Exhibit II)*
Exhibit II - Proposed PUD Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: October 28, 2019

Item: Midtown Redevelopment, East side of 8th Street (1221 to 1261) – Establish a Planned Unit Development (PUD) to allow development of a vertical commercial and residential mixed-use development – Jarcor, LLC – ZC-004231-2019

Requested Action: Recommend approval of a Rezoning request to establish a Planned Unit Development (PUD)

Case Advisor: J. Bradley Munford, Planner

Applicant's Request: The applicant, Jarcor LLC, represented by Michael Murphy of Larson Engineering, is requesting approval of the establishment of a Planned Unit Development (PUD) for that property located on the east side of 8th Street and encompassing properties addressed as 1261, 1249, 1247, 1245, 1243, 1241, 1237, 1235, 1231 and 1221 8th Street. The applicant is proposing a three-building development. Two of the buildings will be four stories with commercial and residential uses, while the third building is an existing restaurant building that will remain. The Midtown Redevelopment Planned Unit Development (PUD) will establish development allowances and limitations to allow for the intended vertical mixed-use development.

History: The property was platted as a part of Colby's Factory Addition in 1946. It was replatted in 1971 and again in 1985. The larger office building was built in 1973. The southernmost restaurant building was constructed in 1970.

City Council Subcommittee: This proposed development was discussed with the Development and Planning City Council Subcommittee on April 1, 2019 and August 19, 2019. At the first meeting, the applicant explained their proposal, which at that time kept two existing buildings and added two new buildings: a one-story commercial building fronting 8th Street and a second mixed-use building behind and to the east of the proposed commercial building. While the front building was planned as all commercial, the second building was primarily residential with very limited commercial. Discussion centered on appropriate provision of parking and whether the proposed 15' setback for the one-story commercial building was appropriate and if there was justification to reduce the setback below what adjacent buildings in the corridor are built at and the overall context of the corridor. Staff explained rationale for applying a lesser parking standard than code based on research of mixed-use developments and regulations in other communities (see parking discussion below). The Subcommittee members were comfortable with the approach to parking and encouraged the applicant to continue to explore site layout to more appropriately reflect the current context. At the August 19, 2019 meeting this latest proposal was discussed. The applicant was indicating one multi-story mixed-use building setback at 35' in place of the commercial and mixed-use building discussed at the first Subcommittee meeting. While still supportive of the overall development, in light of visibility concerns raised by the property manager to the north and a possible option to eliminate parking lot screening along the eastern boundary, one Subcommittee member desired a larger setback (50' range) while the other was comfortable with the 35' setback if the neighboring property owner was okay with it. At both meetings, the Subcommittee members in attendance were supportive of the overall development idea.

October 14, 2019 Plan and Zoning Commission: The Plan and Zoning Commission held a public hearing on October 14, 2019. A representative for the property owner to the north expressed concerns about the setback and height of the proposed northernmost building. The Commission asked the applicant if he would be willing to move the building 10 feet to the east to provide better visibility for that building (taking the setback from 35 to 45 feet). The applicant was concerned about that plan modification, pointing out grade changes and potential loss of parking spaces. The applicant also indicated that the change in setback may require him to recapture the shared access drive for parking. The Commission expressed that they would like to keep the access drive open and was open to reducing

the required parking count in the PUD to assure that happened. The Commission deferred action and continued the matter for 2 weeks to allow the applicant to explore modifications to the site plan based on the Commission's discussion.

Staff Review and Comment: The applicant have been working with staff to modify the plan to comply with the Plan and Zoning Commission's direction. At the time this report was written, the update to the final PUD sketch plan was being completed. The applicant has agreed to increase the setback for the northern building from 35 to 45 feet. The change in the setback reduces the number of parking spaces on the lot resulting in a 32% parking reduction necessary instead of the originally identified 30% reduction. This reduction allows for the access drive to remain open. As a way to maximize parking in the area available, the applicant is requesting that the construction of the interconnecting access drive to the property to the east is delayed until it is deemed necessary by the City. The connection will affect 3 to 4 spaces. Staff is supportive of the request and have added language to the PUD indicating the requirement for constructing the connection at such time the City deems it necessary.

For informational purposes, below are the original notes included in the October 14th staff report.

- *Parking:* Mixed-use developments are designed on the premise that residents are utilizing the commercial/office components within the development and therefore not bringing extra cars to the site, as well as the residential uses are off-peak to the commercial uses, thus there is no need to provide the number of parking spaces for all uses individually at typical code requirements. Staff researched other communities known to have mixed-use developments. It was found that on average, most mixed-use developments are providing parking at about 70% of what would otherwise be required per straight application of minimum parking requirements specified in code. This was further supported by a recent study of existing multi-family apartment developments in Boston. Granted Boston has more options for transit use than does the Metro, however, it was found that on average 30% of parking spaces within the apartment complexes went unused the majority of the time. Based on this research, staff is comfortable with proposing the development provide at least 70% of the minimum parking required per city code. The proposed ordinance reflects this: if an alternate approach is desired, staff will need direction to modify the PUD language.

- *Mixed-use*: The applicant is proposing two, multi-story, mixed-use buildings. The applicant prefers to include residential units on the first floor of the buildings with limited commercial. This is, at least in part being driven by the applicant's ability to provide the minimum number of parking stalls within the site even with the 30% reduction. Staff questions if having a token amount of commercial is consistent with what is commonly thought of for vertical mixed-use buildings. In considering some of the existing mixed-use buildings within the city (Summerfield, Fox Prairie and West Glen), it is believed that all of these have the first, and in some situations, the second floor of the building entirely with retail and/or office uses. The residential use is limited to the upper floors above. Non-residential uses are desired on the first floor in order to provide activity and engage with the street. The applicant argues that they cannot accommodate the parking requirements if the entire square footage of the first floor is required to be commercial. While parking limits what uses can be developed within the site, this is the situation with all development across the city regardless what type of development it is. Accommodating code requirements for parking, open space, setbacks, buffers, etc. dictate what use(s) and in what amounts (square footage or number of dwellings) can be developed within a site. In this situation, the number of parking stalls that will fit within the site should be determined first. From that, based on all commercial use on the first floor, the applicant should calculate what is required (at 30% reduction). The balance of the parking stalls remaining after providing for the commercial use would then be used to determine how many dwelling units can be accommodated within the buildings.

  Due to the orientation of the southern multi-story mixed-use building with no ability to place parking immediately adjacent to the building, staff is comfortable with allowing the southeast corner of this building to be residential. Staff has included language within the PUD requiring commercial uses

within the building along the west side (fronts to 8th Street) and along the north side (has parking adjacent to the building). The northern multi-story mixed-use building is being required to have the entire first floor as commercial as the long side of the building (west façade) parallels 8th Street and the backside (east side) of the building has parking immediately adjacent. Additionally, this building's proximity to the existing commercial/office development to the north warrants a continuation of that activity.

- *Building Setbacks:* The property is zoned Support Commercial, which per city code requires a 100-foot building setback. With the exception of fuel canopies associated with gas stations/convenience stores, the majority of the existing buildings are constructed consistent with the 100' setback from the street. As indicated in the Subcommittee summary above, the applicant originally proposed a 15' setback (from ultimate right-of-way); however, is now proposing a 35' setback. The applicant's rational for the setback reduction is to create a mixed-use development that has a more pedestrian presence and utilizes the buildings to screen parking from 8th Street. While this will be an anomaly to the area, the Development and Planning City Council Subcommittee Members were generally supportive of the minimum 35' setback but encouraged the maximum possible be provided and to address visibility concerns raised by the property to the north. The applicant is holding a meeting with neighbors on October 10, 2019, however, this staff report was finalized prior to the meeting and thus it is unknown if an increase in setback is necessary. The PUD includes language requiring the 35' setback from 8th Street. The applicant will need to inform the Plan and Zoning Commission at the meeting what was the result of their discussion with the neighbor. If a setback larger than 35' is determined to be necessary, the Commission will need to make a motion directing staff to modify the setback requirement included in the PUD and to update the PUD Sketch Plan accordingly to reflect the new setback.

- *Shared Access Drive:* Along the north side of the property is a drive which provides access to the building on the adjoining property. The drive is located entirely on Jarcor's property. At this time, the applicant is maintaining the drive as is which allows both parties to access their respective properties. The applicant and adjoining property owner are encouraged to execute an agreement to ensure the north property perpetual access and to address maintenance and repair responsibilities. As this would be a private agreement between the two properties, staff has not placed a condition of approval requiring the agreement.

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.

Noticing Information: On October 4, 2019, notice of the October 14, 2019, Plan and Zoning Commission and October 21, 2019 City Council public hearings was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property on October 3, 2019.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve establishment of the Midtown Redevelopment Planned Unit Development (PUD) to allow development of a vertical mixed-use (commercial and multi-family) development, subject to the applicant meeting all City Code requirements.

Applicant:

Jarcor, LLC
Joe Cordaro
950 Office Park Road
West Des Moines, Iowa 50265
Jcordaro@benchmarkreg.com

Applicant Representative:

Larson Engineering
Michael Murphy
1001 Office Park Road, Suite 120
West Des Moines, Iowa 50265
Mmurphy@Larsonengr.com

Attachments:

Attachment A - Plan and Zoning Commission Resolution –
Exhibit A - Conditions of Approval
Attachment B - Location Map
Attachment C - Proposed PUD Amendment
Exhibit A - PUD Sketch Plan

ATTACHMENT A

RESOLUTION NO. PZC-19-069

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE ESTABLISHING THE MIDTOWN REDEVELOPMENT PLANNED UNIT DEVELOPMENT (PUD)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Jarcor LLC, has requested approval of a rezoning request to establish the Midtown Redevelopment Planned Unit Development (PUD), for that 4.63 acre property located on the east side of 8th Street and generally encompassing 1261, 1249, 1247, 1245, 1243, 1241, 1237, 1235, 1231 and 1221 8th Street and legally described as:

Legal Description

BEING ALL THAT PART OF LOTS 8 AND 9 AND PART OF THE SOUTH 25 FEET OF LOT 10, ALL IN COLBY'S FACTORY ADDITION, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°08'09" WEST, ALONG THE WEST LINE OF SAID LOTS 8 AND 9, DISTANCE OF 563.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 01°08'09" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 378.12 FEET; THENCE SOUTH 00°50'53" EAST, A DISTANCE OF 424.70 FEET; THENCE SOUTH 66°24'18" WEST, A DISTANCE OF 430.65 FEET TO THE POINT OF BEGINNING, CONTAINING 4.63 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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 October 28, 2019, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-004231-2019);

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 October 28, 2019, or as amended orally at the Plan and Zoning Commission hearing of October 28, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004231-2019) to establish the Midtown Redevelopment PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated October 28, 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 October 28, 2019.

Erica Andersen, 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 October 28, 2019, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Drake

ATTEST:

Jennifer Canaday

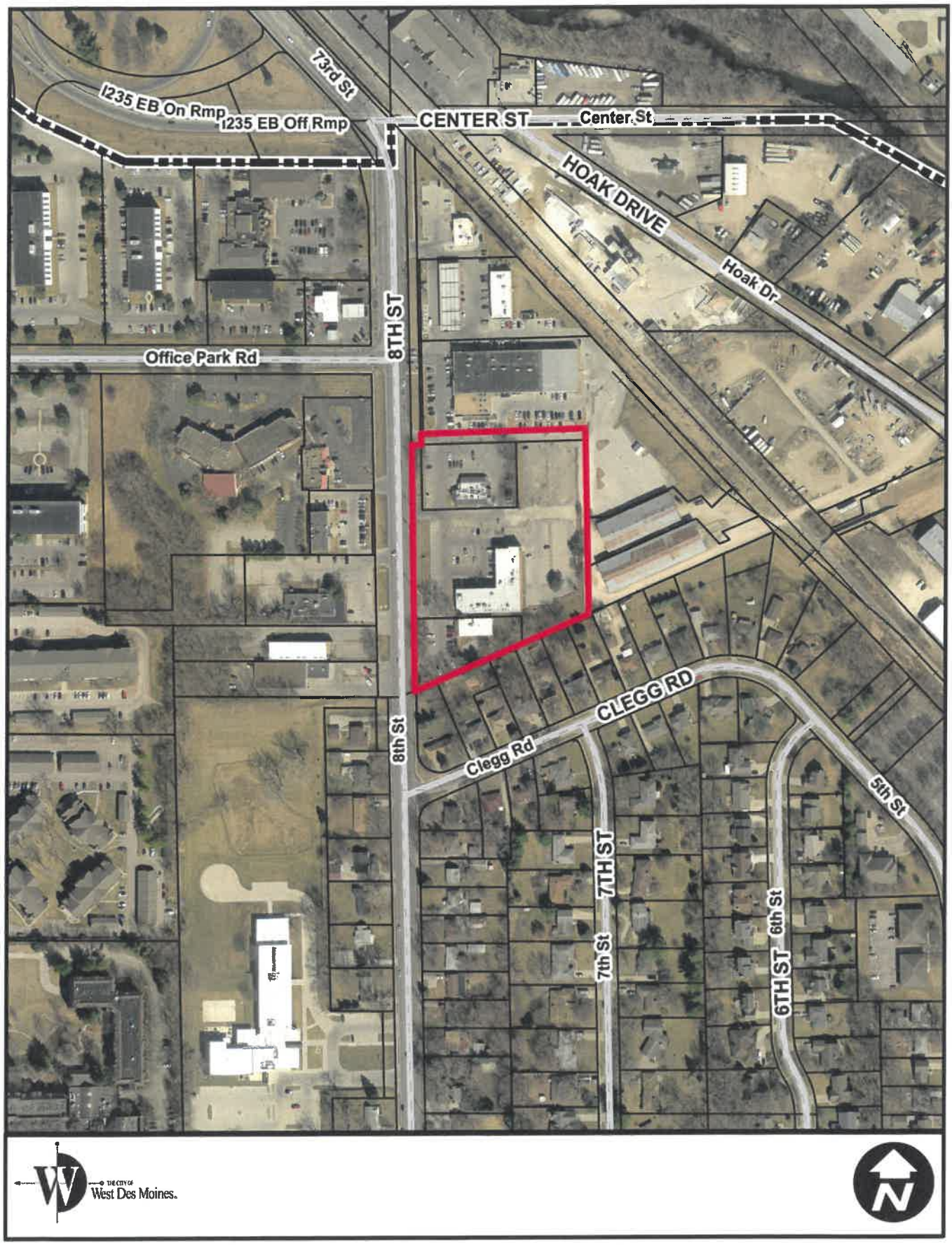
Recording Secretary

EXHIBIT A

Exhibit A
Conditions of Approval

No Conditions of Approval

ATTACHMENT B



ATTACHMENT C

EXHIBIT A

P&Z Attachment D, Proposed PUD Ordinance have been moved to Exhibit II

Prepared by: J. B. Munford, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

ORDINANCE #

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT: Amend the Zoning Map of the City of West Des Moines, Iowa, by rezoning the following legally described property from Support Commercial (SC) to **Midtown Redevelopment** Planned Unit Development (PUD) of West Des Moines, Iowa:

Legal Description

BEING ALL THAT PART OF LOTS 8 AND 9 AND PART OF THE SOUTH 25 FEET OF LOT 10, ALL IN COLBY'S FACTORY ADDITION, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°08'09" WEST, ALONG THE WEST LINE OF SAID LOTS 8 AND 9, DISTANCE OF 563.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 01°08'09" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 378.12 FEET; THENCE SOUTH 00°50'53" EAST, A DISTANCE OF 424.70 FEET; THENCE SOUTH 66°24'18" WEST, A DISTANCE OF 430.65 FEET TO THE POINT OF BEGINNING, CONTAINING 4.63 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SECTION 2. SKETCH PLAN: Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan Document for the Midtown Redevelopment PUD marked Exhibit "A". The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the Parcels for the purpose of easier reference for the applicable regulations of this Ordinance. Where the PUD sketch plan and PUD language conflict, the language shall prevail.

SECTION 3. DEVELOPMENT INTENT: The Midtown Redevelopment PUD intends to provide a framework for development standards reflective of the realities and constraints of redevelopment and to establish design standards for infill construction that are appropriate for the neighborhood. The Midtown Redevelopment PUD is located within the 8th Street corridor, an area predominantly developed in the

1970's. The corridor is prime for redevelopment due to the existing compact development pattern, proximity to transit opportunities and interstate access and the favorable central location within the metro area. It is the goal of the developer to create a pedestrian friendly, mixed-use development that expands the commercial opportunities for the corridor and enhances the area by including residential uses that provide a population to support the area businesses and additional choices in housing style, size and affordability for the neighborhood.

SECTION 4. REQUIRED PLANS:

A. Preliminary Plat/Final Plat: Prior to or in conjunction with development of any portion of the property covered by this PUD, said area shall be replatted in accordance with the City's Subdivision Ordinance to delineate the ground associated with each building, unless a Lot-Tie Agreement is executed which permanently ties the properties together into one (1) parcel. If lot-tied, no building may be sold separately from another until the property is replatted through the City's Subdivision process.

B. Site Plan Development Applications: Site plans for buildings within the Midtown Redevelopment PUD must meet the intent of the PUD. With the exception of grading done under a City approved grading Permit, prior to development of the respective PUD or platted parcel, site plans for development shall be submitted to the City for review through the development review process and approval by the appropriate approval body.

SECTION 5. CONDITIONS: Whereas, Title 9, Chapter 9, Planned Unit Development District of the City Code, establishes certain regulations and guidelines pertaining to accompanying information required on plat and site plan documents. In addition, the following conditions, restrictions, and regulations are adopted as part of this approval:

A. General Conditions: In addition to the PUD Sketch Plan Map, the following general development criteria shall be integrated into and made a part of this planned unit development.

1. General Conformance to Subdivision Ordinance: All subdivisions, public and private streets and street rights-of-way and general development shall adhere to the standards and design criteria set forth in the West Des Moines Subdivision Ordinance and/or established City policies pertaining thereto, unless otherwise stated within this Ordinance.

2. General Conformance to Zoning Ordinance: Unless otherwise specified herein, the development of the Midtown Redevelopment PUD shall comply with the provisions of the Title 9, "Zoning", of the city code or any other applicable codes.

3. Flood Hazard: In all areas within a Base Flood (100 Year), or adjoining drainage ways, and detention ponding areas involving potential flood hazards, all buildings proposed to be located in a flood hazard area must be elevated and designed in accordance with the American Society of Civil Engineers publication ASCE 24 and no building shall be erected which has a minimum opening elevation (including top of window well) less than one foot (1') above the determined level of the Base Flood. In areas where historical high-water levels are above the Flood Insurance Rate Map (FIRM) Base Flood Elevation or special conditions exist, the City may require a Design Flood Elevation be calculated and used as the Base Flood Elevation for determination of elevation requirements. Buildings shall only be permitted within twenty-five feet (25') of any easement or property boundary of a major drainageway, storm water detention basin or pond if said location is approved as part of the development entitlement by the city council and said building is structurally designed accordingly.

4. Developer Responsibilities: The Developer, their successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development, as required by this Ordinance and approved site plans and the cost of all streets,

storm sewers, sanitary sewers, drainageway improvements, detention basins, water mains, buffers and other improvements as required for rights-of-way or public easements within the Midtown Redevelopment PUD, unless otherwise approved by the City Council.

5. Public Street Improvements and Right-Of-Way Dedication: At time of subdivision platting of ground within the PUD or in conjunction with site development, whichever occurs first, the subdivider/developer shall be responsible for construction and/or installation of all required public and private infrastructure improvements necessary to support development in a manner that will assure that the infrastructure functions at an acceptable level of service and in accordance with all city ordinances.

6. Sanitary Sewer: Any proposed change in approved land use densities (commercial or residential) for the PUD will require an analysis of the downstream sanitary sewer capacity to assure that adequate capacity is available for the proposed change in approved land use densities.

7. Fire Access:
   a) All access drives, internal drive aisles and parking lots shall permit the travel of the Fire Department's largest vehicle, including adequate accommodation of the vehicle's turning needs. Approval of unique design solutions to accommodate fire access may be granted by the City Council if the solutions proposed are acceptable to and recommended for approval by the West Des Moines Fire Department.
   b) At the discretion of the City's Fire Marshal, "No Parking Fire Lane" areas may be established as necessary to ensure efficient movement and access of the fire trucks. The developer shall be responsible for the procurement and erection of approved fire lane signage.
   c) A minimum of fourteen feet (14') of vertical clearance over the travel portion of all vehicle travel ways shall be maintained at all times.
   d) The property owner or its designee shall be responsible for enforcement of no parking lanes and maintaining adequate clearance of structures and vegetation along and above all vehicle travel ways, regardless if public or private.
   e) Adequate fire accesses as determined by the City's Fire Marshal shall be provided at all times to those areas under construction.

8. Street Lighting: The Developer shall be responsible for all costs associated with the installation of public street lights within or adjacent to any area proposed to be platted or developed.

9. Mailboxes: The Developer shall be responsible for installation of any required Cluster Box Units (CBUs) as per the local U.S. Postal Service Post Office.

10. Parking Interconnect: In the future, a connection to the adjacent property to the east may be necessary to enhance parking and/or circulation within the area. At such time that the City deems necessary, the property owner(s) of ground within the PUD shall construct a twenty-four foot (24') wide drive connection to the east property line, in a location agreeable to both properties and the City.

SECTION 6. <u>REQUIREMENTS:</u> Unless provided otherwise in this ordinance, all general use regulations, performance standards and provisions set forth in title 9, "Zoning", of the city code for the Support Commercial (SC) Zoning District shall apply to any development within the Midtown Redevelopment Planned Unit Development. Lots less than the minimum size required for the Support Commercial zoning district may be considered acceptable if approved by the city council as part of a master PUD development plan. To the extent that the provisions of this section conflict with or are more restrictive than similar provisions provided elsewhere in the West Des Moines zoning ordinance, the provisions of this section shall control. The following land use design criteria, development standards, and landscaping regulations shall apply to parcels within the Midtown Redevelopment Planned Unit Development:

A. Parcel A and B: Parcels A and B are intended to be developed as mixed-use buildings with commercial uses and multi-family residential dwellings.

1. Permitted Uses: All permitted (P) and permitted conditional (PC) uses within the Support Commercial (SC) district shall be allowed with the approval of the appropriate review and approval body, except the following, which shall be prohibited:

Prohibited Uses

Division	SIC Code	Use
A	0783	Ornamental Shrub and Tree Services
E	45-49	Transportation, Communication And Public Utilities
F	55	Automotive Dealer and Service Stations
F	5999	Engine and Motor Equipment and Supply Stores
I	70	Hotels, Rooming Houses, Camps, and Other Lodging Places
I	726	Funeral Service
I	75	Automotive Repair, Services, and Parking
I	7699	Recreational Vehicle Repair Services
I	7699	Agricultural Equipment Repair Services
I	7699	Misc. Automotive Repair Services
I	79	Amusement and Recreational Services

2. Building Setbacks: For the purposes of this section, the west property line (8th Street) is considered the front yard, the eastern boundary of Parcels A and B is considered the rear yard and the north and south boundaries of Parcels A and B are considered the side yards.

   a. Primary and Accessory Buildings or Structures: Buildings or structures shall comply with a minimum forty-five foot (45') front yard setback as measured from the ultimate right-of-way for 8th Street; a minimum fifty foot (50') rear yard setback and a minimum fifty (50') foot side yard setback unless it abuts a like zoning district. In situations of an abutting Support Commercial property, a zero (0) foot side yard setback shall be required. Setbacks are measured to the closest structural element including egress window wells, roof overhangs, bay windows, chimney bump-outs, etc. Trash and generator enclosures shall not be located in a front yard and shall be allowed to be located as close as five-feet to a rear or side property line, unless shared between parcels A and B, in which case there shall be no side yard setback requirement.

   b. Open Patios: At grade, open-air patios that are defined by railings, planters or walls shall comply with a minimum five-foot (5') front yard setback as measured from the ultimate right-of-way line for 8th Street and a minimum five-foot (5') rear and side yard setback.

3. Building Height: Buildings within Parcels A and B shall not exceed a maximum building height of fifty-five (55') feet as measured from the average grade along the foundation of the buildings.

B. Parcel C: Parcel C consists of an existing building not to exceed 3,000 square feet.

1. Permitted Uses: All permitted (P) and permitted conditional (PC) uses within the Support Commercial (SC) district shall be allowed with the approval of the appropriate review and approval body, except the following, which shall be prohibited:

Prohibited Uses

Division	SIC Code	Use
A	0783	Ornamental Shrub and Tree Services
E	45-49	Transportation, Communication And Public Utilities
F	55	Automotive Dealer and Service Stations
F	5999	Engine and Motor Equipment and Supply Stores
I	70	Hotels, Rooming Houses, Camps, and Other Lodging Places
I	726	Funeral Service
I	75	Automotive Repair, Services, and Parking
I	7699	Recreational Vehicle Repair Services
I	7699	Agricultural Equipment Repair Services
I	7699	Misc. Auto-motive Repair Services
I	79	Amusement and Recreational Services

2. Building Setbacks: For the purposes of this section, the western property line (8th Street) is considered the front yard and shall comply with a minimum thirty-five foot (35') front yard setback as measured from the ultimate right-of-way for 8th Street. The eastern area of the parcel is considered the rear yard and shall comply with a minimum fifty-foot (50') setback. A minimum fifteen-foot (15') setback shall be provided from the north property line and a minimum forty-five foot (45') setback shall be provided from the south property line. Trash and generator enclosures shall not be located in a front yard and shall be allowed to be located as close as five-feet to the east or north property lines and no closer than thirty-feet (30') to the south property line.

SECTION 7: DENSITY:

A. Residential Uses: There shall be no maximum density restriction on any PUD parcel; however, the collective total number of dwellings allowed within all parcels included in the Midtown Redevelopment PUD shall not exceed eighty-three (83) dwelling units. Dwelling units may not be located on the 1st floor of any building located within parcel A. Dwelling units shall be allowed on the first floor of a building in parcel B; however, they shall be restricted to the southeast corner of the building. No residential dwellings shall be allowed on the first floor along the west (8th Street) or north walls of the building: these areas must contain viable commercial space.

B. Commercial (Office/Retail) Uses, except Restaurants: The collective total commercial square footage between all buildings within the Midtown Redevelopment PUD shall not exceed twenty-five thousand (25,000) square feet. Unless otherwise provided in this PUD, at a minimum, the first floor of the building on both parcels A shall consist of only commercial uses.

C. Restaurant Uses: Of the collective commercial square footage, restaurants within Parcels A and B shall not exceed ten thousand two hundred (10,200) square feet.

SECTION 8: PARKING:

A. Parking Ratios: The parking rates indicated below shall be utilized for typical commercial uses, restaurants, and multi-family residential dwellings. A 30% reduction to the minimum number of parking stalls required as provided in title 9, chapter 15 of the city code shall be allowed for all other uses within the development.
   a. Commercial (office/retail) uses, excluding restaurants: minimum of 2.25 parking space per one thousand (1,000) square feet of gross floor area.
   b. Sit down restaurants and drinking establishments: minimum of thirteen (13) parking spaces per one thousand (1,000) square feet of gross floor area.
   c. Residential dwelling units:
      i. Units with up to 2 bedrooms: minimum of 0.525 parking space per unit.
      ii. Units with 3 bedrooms or more: minimum of 0.6 parking space per unit.
   d. With the approval of the city council and the execution of an appropriate cross parking agreement, required spaces for one parcel may be located on a different parcel. If shared parking is utilized, the total parking spaces provided within the PUD must meet the minimum number of parking stalls required as outlined for all uses within the PUD.

B. Off Street Parking & Loading Areas: All off-street parking and loading/service areas shall comply with title 9, chapter 15 of the city code.
   1. All off street parking and loading areas shall be sited and landscaped to screen their visibility from 8th Street, including associated sidewalk and adjoining single-family dwellings/lots sharing the south perimeter PUD boundary line. Parking areas shall be screened year-round to a minimum height of three feet (3'). No screening is required along the eastern PUD boundary line.

   2. Parking stall measurements and drive aisle widths shall conform to title 9, chapter 15 of the city code.

   3. It is desired that all off street parking areas be aesthetically improved to reduce obtrusive characteristics that are inherent to their function. Landscape islands and/or pods shall be implemented in all new parking areas in accordance with title 9, chapter 19 of the city code, except that parking rows immediately adjacent a building face shall only be required to implement terminal islands at the end of a parking row and shall not be required to provide intermediate islands within the linear row of parking. The existing parking area on parcel C shall not be required to be brought into compliance with city code until such time that the site is redeveloped, or the parking is reconstructed. Any additions to the existing parking in parcel C shall be designed and landscaped in accordance with city code

C. Off Street Parking Lot Setbacks: Parking shall be in conformance with title 9, chapter 15 of the city code, except as follows:
   1. Parking Setback from 8th Street: With the exception of parcel C, parking shall be setback a minimum of one-hundred feet (100') from the ultimate street right-of-way for 8th Street. The setback of the existing parking field within parcel C to the ultimate right-of-way line for 8th Street shall be considered acceptable as is; however, no modification to the parking field shall be allowed which would reduce the setback to less than it is at the time of adoption of this

PUD. Should parcel C be redeveloped, a minimum forty foot (40') setback shall be provided from the ultimate right-of-way line of 8th Street.

2. Parking Setback from the South PUD Boundary: With the exception of parcel C, parking shall be setback a minimum of fifteen feet (15') from the south perimeter boundary line of the PUD. The setback of the existing parking field within parcel C to the south boundary line shall be considered acceptable as is; however, no modification to the parking field shall be allowed which would reduce the setback to less than it is at the time of adoption of this PUD. If the existing building on Parcel C is ever demolished, the pursuant development shall provide a minimum fifteen-foot (15') side yard setback from the southern boundary line.

3. Parking Setback from the East and North PUD Boundary: No setback shall be required from either the east or north boundary line of the PUD; however, parking along the north shall not have direct access to the east-west access drive. The appropriate barriers to prohibit direct access to the access drive shall be installed to force vehicles to go south and connect to the access drive at a defined point.

SECTION 9: ARCHITECTURE: The intent is to create building façades throughout this development that are articulated to provide visual interest to pedestrians and to establish a unique identity for the development. The architectural design of any building within this development shall be acceptable to the City. The architecture shall attempt to express a creative presentation by careful attention to exterior building materials and details, use of fenestration, and change in building mass within the plane and roof design to lessen the plainness of appearance which can be characteristic of large commercial and multi-family buildings. Building design, materials, trim, detailing, and colors shall provide continuity to unite all structures within the development into one project concept. All sides to each building shall receive high quality materials, finishes, and details (360° architectural treatment). There are no "backs" to a building. Materials should be durable, economically maintained and of a quality that will maintain their appearance over a prolonged time.

On file with the City are conceptual architectural illustrations of the general building style, colors and materials. Once site plan approval is gained on a particular building design, any alteration in design, materials or colors, must be reviewed and approved by the City's Development Services Department prior to changes being implemented.

A. All buildings within this development shall accommodate or incorporate the following design approaches:
   1) Corporate architecture shall be prohibited. Limited use of architectural elements characteristic of prototypical architecture may be allowed at the discretion of the Director of Development Services or the appropriate reviewing and approval body. Implementation of these architectural elements shall be minimized and whenever possible modified to give a unique image to the establishment. No standard corporate building design without modifications shall be implemented.
   2) Buildings shall be organized to create a logical and identifiable relationship with the site and other buildings, open spaces, and pedestrian circulation paths.
   3) The use of building articulation and materials which break up the building mass into modules that respect a pedestrian scale and reflects proportions similar to other buildings within the area.
   4) The building's design should meet context and site objectives such as providing gateways, creating visual and physical linkages and framing or terminating views.
   5) Variation in building height, mass and roof forms shall be provided to create interest while still maintaining an overall building continuity. Roofs should not be designed as attention-getting devices related to the reinforcement of signage or as an identifiable corporate image.
   6) Projections above the roof shall have the appearance of a three-dimensional element.
   7) Entrances into buildings should be easily identified through the use of building design and detailing. Projected or recessed entryways, change in rooflines, addition of awnings or changes in building material are examples that can create this effect.

8) Shifts in building planes/facades and variation in exterior materials shall be incorporated to minimize long expanses of wall. Long blank walls shall be prohibited.
9) Variation in materials, material modules, expressed joints, textures, colors and details should be used to break up the mass of the buildings. Materials should change with the change in building planes.
10) Trim and structural elements such as posts or columns shall be sized to the scale of the building.
11) Whenever possible, ground floor commercial tenant areas should provide the maximum possible glazing toward sidewalks to provide pedestrians with visual interest. Use of reflective glass or mirrored glass is discouraged. Efforts should be made to use clear glass on storefronts, windows and doors to promote the linkage of the interior and exterior of buildings.
12) Architectural design for multi-family units shall include:
    a. Unit design should incorporate elements such as balconies and roof decks to reinforce the connection between the residents and the activities within the development. A minimum of eighty percent (80%) of the multi-family units within the development must provide a balcony or porch with a minimum usable area of forty (40) square feet and a minimum usable dimension of five feet (5') deep in either direction. In lieu of outdoor living area for individual units, area(s) of common defined and enhanced outdoor living space can be provided.
    b. Should covered parking be pursued, the architectural details of detached garages should incorporate the materials and treatments of the dwelling, such as windows, doors, trim and materials on all sides of the garage. For parking incorporated within the primary building, the design should place the garage doors on a non-street side façade and use screening or design elements to minimize the dominance of garage doors on the facade.
13) Natural, durable materials such as brick and stone shall be used as the major elements of the façade cladding (40% or greater), primarily on the lower stories of the building. Use of vinyl materials is prohibited.
    a. Buildings may incorporate the following materials in addition to the materials noted above: architectural concrete masonry units (CMU) and architectural metal or composite panels (acceptable to the City.) All composite panel or metal cladding must have concealed fasteners. All exposed edges must have a fully finished edge or be terminated with trim. Trim for the panels should be finished with the same color as the panel. CMU's shall have integrated color rather than surface applied paint/staining and should generally have texture for interest; smooth CMU may be used in conjunction with texture for accent purposes. The use of EIFS or synthetic stucco shall be used in limited quantities and primarily as an accent or trim material; located only on the upper portions of the facades. EIFS or synthetic stucco may not comprise more that 20% of the cladding material.

SECTION 10. <u>LANDSCAPING:</u> Landscaping must be provided in accordance with City Code unless otherwise modified within this ordinance. Details regarding specific varieties, exact quantities, and the minimum size at time of planting shall be provided and approved as part of the site plan submittal and shall meet the general guidelines in respect to the minimum plant sizes traditionally applied to development within the City. The minimum vegetation quantities specified within this ordinance will need to be provided. The provision of additional vegetation above the minimum amount required may be necessary to fulfill the intent (i.e., visual mitigation/screening) of the required landscaping.

Once site plan approval is gained on a particular parcel, any alteration to that shown on the approved site plan must be reviewed and approved by the City's Development Services Department prior to the changes being implemented.

A. <u>Open/Green Space:</u> Due to the nature of the intended redevelopment in respect to existing development patterns, uses, and densities, the amount and locations of open space and green space/vegetation within the redevelopment area will vary. As a general rule, the maximum amount of "green" (open lawn areas and vegetation) should be provided within a site. To allow the most flexibility in planning, collectively, the development shall attempt to provide a minimum

of twenty five percent (25%) open space across the PUD area; however, no less than fifteen percent (15%) open space or more than eighty five percent (85%) impervious surface will be allowed within any one PUD parcel. Plaza and streetscape areas along with any areas associated with outdoor pedestrian use may be counted toward fulfilling the minimum open space requirement. Plazas and outdoor pedestrian use areas to be counted toward fulfilling minimum open space requirements may be paved (impervious) as long as the paving is part of a planned hardscape and landscape enhancement of the plaza or pedestrian area.

B. Streetscaping: A landscaped edge with pedestrian elements or "streetscape" shall be provided along 8th Street. The streetscape is intended to provide desired green to the City, reinforce a district identity, provide visual screening of parking and other negative site elements, bring human scale to adjoining buildings and provide traffic calming benefits. The streetscape shall include vegetation and pedestrian furniture fixtures. Incorporation of art or other development defining elements are encouraged but may not be used to promote the identity of the development or a tenant within the development. Pedestrian elements such as patios and walkways may encroach into the streetscape area; however, no buildings or off-street parking may encroach.

SECTION 11. BUFFERING AND TRANSITIONING: Buffering and density transition methods shall be required as set forth in Title 9, Chapter 19, Section 8E and Title 9, Chapter 5, Section 7C of city code, except along the south boundary of parcel C until such time that parcel C is redeveloped. Until redevelopment occurs, no structure or paved area may be located closer than currently exists at the time of adoption of this PUD. As possible, landscape vegetation or a solid six-foot (6') fence should be located along the south boundary line to delineate the line between the development and the existing single family lots.

SECTION 12. SIGNAGE REGULATION: Signage restrictions shall be imposed to limit and reduce the negative impacts of sign clutter. Signage within each PUD parcel shall comply with all provisions of Title 9, Chapter 18. For mixed use buildings, the commercial portions of the building shall comply with support commercial (SC) regulations. Multi-family portions of mixed-use buildings shall comply with the multi-family sign regulations for the high density district as found in Title 9, Chapter 18 on the City Code.

SECTION 13. STORM WATER MANAGEMENT: Specific Storm Water Management Plans will be required with the development of each parcel, demonstrating compliance with the approved Midtown Redevelopment PUD Master Storm Water Management Plan, on file with the city. The Developer will have said specific Storm Water Management Plans prepared by a Professional Engineer licensed in the State of Iowa, in conjunction with the submittal of a specific development proposals for a parcel within the PUD. All specific Storm Water Management Plans shall comply with the City's current design standards for storm water management. The method of storm water management and the storm water conveyance system shall be determined prior to City approval of any development within any portion of the property within the Midtown Redevelopment PUD.

At time of platting or development, ownership and responsibility for all storm water detention areas and private storm water detention outlet structures will need to be established.

SECTION 14. TRAFFIC STUDY: A Traffic Impact Study (Traffic Report) dated May 6, 2019, has been prepared by the City of West Des Moines for the Midtown Redevelopment development. The Traffic Report caps the traffic generated from all ground within this PUD at 1,839 average daily trips, with 130 AM peak hour trips and 175 PM peak hour trips. The Traffic Report also outlines the ultimate paving requirements for the major road ways in the vicinity of the Midtown Redevelopment development. Prior to, or in conjunction with site plan submittal of any parcel, or portion of a parcel, the Developer shall have the traffic report reviewed by the City's traffic consultant to ensure that the provisions and assumptions of the original traffic report are still valid and applicable.

SECTION 15. REPEALER: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 16. 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 17. VIOLATIONS AND PENALTIES: Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 18. 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 19. 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 this _____ day of _____ 2019.

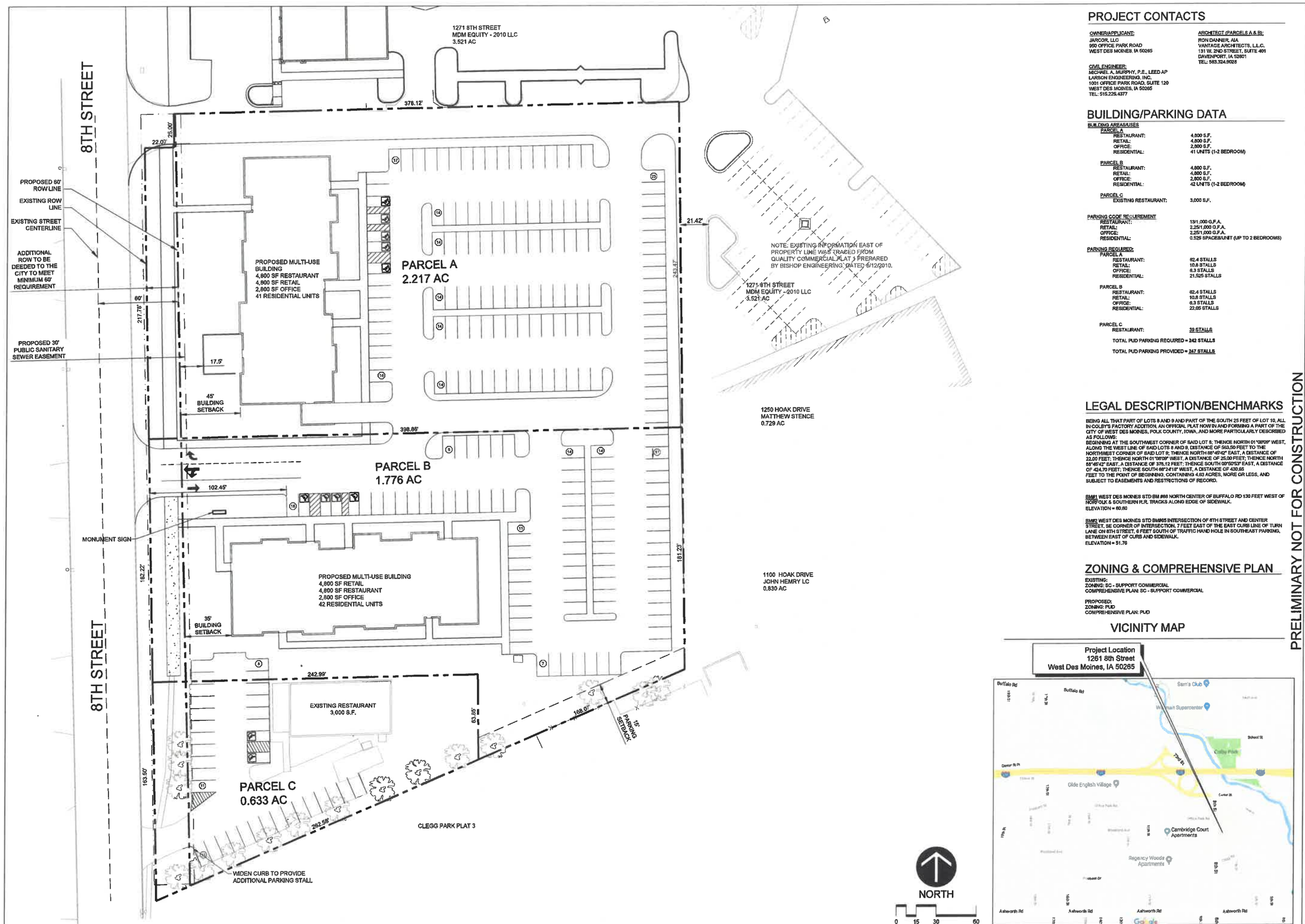
_____
Steven K. Gaer, Mayor

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



PROJECT CONTACTS

OWNER/APPLICANT:
JARCOR, LLC
950 OFFICE PARK ROAD
WEST DES MOINES, IA 50265

ARCHITECT (PARCELS A & B):
RON DANNER, AIA
VANTAGE ARCHITECTS, L.L.C.
131 W. 2ND STREET, SUITE 401
DAVENPORT, IA 52801
TEL: 563.324.9028

CIVIL ENGINEER:
MICHAEL A. MURPHY, P.E., LEED AP
LARSON ENGINEERING, INC.
1001 OFFICE PARK ROAD, SUITE 120
WEST DES MOINES, IA 50265
TEL: 515.225.4377

BUILDING/PARKING DATA

BUILDING AREAS/USES

PARCEL A	
RESTAURANT:	4,800 S.F.
RETAIL:	4,800 S.F.
OFFICE:	2,800 S.F.
RESIDENTIAL:	41 UNITS (1-2 BEDROOM)
PARCEL B	
RESTAURANT:	4,800 S.F.
RETAIL:	4,800 S.F.
OFFICE:	2,800 S.F.
RESIDENTIAL:	42 UNITS (1-2 BEDROOM)
PARCEL C	
EXISTING RESTAURANT:	3,000 S.F.

PARKING CODE REQUIREMENT

RESTAURANT:	13/1,000 G.F.A.
RETAIL:	2.25/1,000 G.F.A.
OFFICE:	2.25/1,000 G.F.A.
RESIDENTIAL:	0.525 SPACES/UNIT (UP TO 2 BEDROOMS)

PARKING REQUIRED:

PARCEL A	
RESTAURANT:	62.4 STALLS
RETAIL:	10.8 STALLS
OFFICE:	6.3 STALLS
RESIDENTIAL:	21.525 STALLS
PARCEL B	
RESTAURANT:	62.4 STALLS
RETAIL:	10.8 STALLS
OFFICE:	6.3 STALLS
RESIDENTIAL:	22.05 STALLS
PARCEL C	
RESTAURANT:	39 STALLS

TOTAL PUD PARKING REQUIRED = 242 STALLS

TOTAL PUD PARKING PROVIDED = 247 STALLS

LEGAL DESCRIPTION/BENCHMARKS

BEING ALL THAT PART OF LOTS 8 AND 9 AND PART OF THE SOUTH 25 FEET OF LOT 10, ALL IN COLBY'S FACTORY ADDITION, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°08'09" WEST, ALONG THE WEST LINE OF SAID LOTS 8 AND 9, DISTANCE OF 563.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 01°08'09" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 376.12 FEET; THENCE SOUTH 00°50'53" EAST, A DISTANCE OF 424.70 FEET; THENCE SOUTH 88°24'18" WEST, A DISTANCE OF 430.65 FEET TO THE POINT OF BEGINNING. CONTAINING 4.63 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BM#1 WEST DES MOINES STD BM #68 NORTH CENTER OF BUFFALO RD 130 FEET WEST OF NORFOLK & SOUTHERN R.R. TRACKS ALONG EDGE OF SIDEWALK.
ELEVATION = 60.80

BM#2 WEST DES MOINES STD BM#65 INTERSECTION OF 8TH STREET AND CENTER STREET, SE CORNER OF INTERSECTION, 7 FEET EAST OF THE EAST CURB LINE OF TURN LANE ON 8TH STREET, 6 FEET SOUTH OF TRAFFIC HAND HOLE IN SOUTHEAST PARKING, BETWEEN EAST OF CURB AND SIDEWALK.
ELEVATION = 51.76

ZONING & COMPREHENSIVE PLAN

EXISTING:
ZONING: SC - SUPPORT COMMERCIAL
COMPREHENSIVE PLAN: SC - SUPPORT COMMERCIAL

PROPOSED:
ZONING: PUD
COMPREHENSIVE PLAN: PUD

VICINITY MAP

PRELIMINARY NOT FOR CONSTRUCTION

Larson Engineering, Inc.
1001 Office Park Road, Ste 120
West Des Moines, IA 50265
515.225.4377
www.larsonengr.com

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Client:

JARCOR, LLC
950 OFFICE PARK ROAD
WEST DES MOINES, IA 50265

Project Title:

8TH STREET REDEVELOPMENT PUD
WEST DES MOINES, IA

Rev.	Date	Description

Project #: 12186828.000
Drawn By: NWW
Checked By: MAM
Issue Date: 10.30.2019

Sheet Title:

PUD SKETCH PLAN

Sheet:

I:\Projects\Projects - 2018\12186828 - Jarcor 8th Street Redevelopment PUD\C. Design\Drawing Files\12186828 - PUD Exhibit 10.25.19.dwg