

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

Meeting Date: November 11, 2019

Item: Dowling Catholic, 1400 Buffalo Road – Establish a Planned Unit Development (PUD) to provide a framework for continued development and expansion of a school campus while fitting within the context of the established neighborhood. – Dowling Catholic High School – ZC-004523-2019

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 and property owner, Dowling Catholic High School, represented by Tim West of Snyder and Associates, is requesting approval of the establishment of a Planned Unit Development (PUD) for that property located at 1400 Buffalo Road. The applicant is seeking the PUD to establish a framework for continued development and expansion of the campus in a way that will provide a stellar educational environment for students while fitting within the context of the established neighborhood.

History: Dowling Catholic High School was constructed on this site in 1972. Over the years, several improvements and expansions have been made to the campus.

City Council Subcommittee: This proposed development was discussed with the Development and Planning City Council Subcommittee on October 21, 2019. The Subcommittee were supportive of the PUD.

Staff Review and Comment: There are no outstanding issues. Staff would notes the following:

- **Use:** The property is intended to be developed as an educational institution campus. Elementary and Secondary Schools (SIC 8211) and associated accessory uses and structures, such as but not limited to administrative buildings, sports fields, parking lots and transportation related structures and fueling facilities are permitted (P) with the approval of the appropriate review and approval body.

The current single-family use within lots adjacent to 17th Street acquired by the school shall be allowed to continue indefinitely if rental certificates and inspections in accordance with city code are maintained. The use of the dwelling structures for any use other than single-family shall be approved by the city and abide by all building and fire code requirements. Redevelopment of the property shall abide by provisions outlined in the PUD.

- **Setbacks:** Primary education buildings shall be setback a minimum of one-hundred feet (100') from all property boundaries. Structures for accessory uses shall be setback a minimum of fifty feet (50') from all boundaries except the north (Buffalo Road) which shall abide by primary building setbacks.
- **Buffering and screening:** The applicant intends for the campus to continue to fit into the context of the established neighborhood. They plan on accomplishing that by using buffering and landscaping to screen some of the campus activities from the surrounding residential areas. These actions include:
 - a. A minimum thirty foot (30') wide buffer adjacent to 17th Street and Buffalo Road or the rear yard of a single-family lot along the east side of 17th Street.
 - b. Year-round screening of parking areas through the use of one or a combination of earthen berming, landscape vegetation or solid fencing. The screening will be a minimum height of three feet (3') in order to prevent headlights from vehicles within parking areas from shining into adjacent residential properties.

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 November 1, 2019, notice of the November 11, 2019, Plan and Zoning Commission and November 18, 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 30, 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 Dowling Catholic Planned Unit Development (PUD) to establish a framework for continued development and expansion of the campus, subject to the applicant meeting all City Code requirements.

Applicant:
Dowling Catholic High School
Rudy Marcinko
1400 Buffalo Road
West Des Moines, Iowa 50265
Rudy8403@msn.com

Applicant Representative:
Snyder and Associates Inc.
Tim West
2727 SW Snyder Blvd.
Ankeny, Iowa 50023
Tlwest@snyder-Associates.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 and Existing Architectural Components

RESOLUTION NO. PZC -19-077

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 DOWLING CATHOLIC 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, Dowling Catholic High School, has requested approval of a rezoning request to establish the Dowling Catholic Planned Unit Development (PUD), for that 61.61 acre property located at 1400 Buffalo Road and legally described as:

Legal Description

LOTS 4 AND 6, GOLF AND COUNTRY CLUB, LYING NORTH OF INTERSTATE 235 EXCEPT:
 - NORTH 35 FEET
 - EXECUTIVE PLAZA PLAT 1
 - BEGINNING AT THE NORTHWEST CORNER OF LOT 2, EXECUTIVE PLAZA PLAT 1, THENCE NORTH 212.3 FEET, WEST 20 FEET, NORTH 212.3 FEET, EAST 20 FEET TO THE POB
 CONTAINING 1,678,759 S.F. (38.54 AC.) MORE OR LESS
 AND
 LOT 11, ASHWORTH, LYING NORTH OF INTERSTATE 235, EXCEPT THE NORTH 50 FEET
 CONTAINING 907,985 S.F. (20.85 AC.) MORE OR LESS
 AND
 LOTS 36, 37, 38, 39 AND 40, GOLF AND COUNTRY CLUB PLAT 7
 CONTAINING 96,649 S.F. (2.22 AC.) 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;

WHEREAS, on November 11, 2019, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-004523-2019);

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 November 11, 2019, or as amended orally at the Plan and Zoning Commission hearing of November 11, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004523-2019) to establish the Dowling Catholic PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated November 11, 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 November 11, 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 November 11, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A

Exhibit A
Conditions of Approval

No Conditions of Approval



Dowling Catholic Planned Unit Development



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 Residential Estates (RE) and Residential Single Family (RS) to Dowling Catholic High School Planned Unit Development (PUD) of West Des Moines, Iowa:

Legal Description

LOTS 4 AND 6, GOLF AND COUNTRY CLUB, LYING NORTH OF INTERSTATE 235 EXCEPT:
- NORTH 35 FEET
- EXECUTIVE PLAZA PLAT 1
- BEGINNING AT THE NORTHWEST CORNER OF LOT 2, EXECUTIVE PLAZA PLAT 1, THENCE NORTH 212.3 FEET, WEST 20 FEET, NORTH 212.3 FEET, EAST 20 FEET TO THE POB
CONTAINING 1,678,759 S.F. (38.54 AC.) MORE OR LESS
AND
LOT 11, ASHWORTH, LYING NORTH OF INTERSTATE 235, EXCEPT THE NORTH 50 FEET
CONTAINING 907,985 S.F. (20.85 AC.) MORE OR LESS
AND
LOTS 36, 37, 38, 39 AND 40, GOLF AND COUNTRY CLUB PLAT 7
CONTAINING 96,649 S.F. (2.22 AC.) MORE OR LESS.

SECTION 2. SKETCH PLAN: Attached hereto and made a part of this rezoning approval is the Sketch Plan Document for the Dowling Catholic High School PUD marked Exhibit "A". Only one developable parcel is included within this PUD. The Sketch Plan reflects the development concept for the property. Where the PUD sketch plan and PUD language conflict, the language shall prevail.

SECTION 3. DEVELOPMENT INTENT: The goal of the Dowling Catholic High school PUD is to establish a framework for continued development and expansion of the campus in a way that will provide a stellar educational environment for students while fitting within the context of the established neighborhood.

SECTION 4. REQUIRED PLANS:

- A. Preliminary Plat/Final Plat: Unless a Lot-Tie Agreement is executed which permanently ties all existing lots associated with the school campus together into one (1) parcel, 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 establish one parcel for development.
- B. Site Plan Development Applications: The site plan for development of the property within the Dowling Catholic High school PUD must meet the intent of the PUD. With the exception of grading done under a City approved Grading Permit, prior to any improvements occurring within the property, a site plan detailing the modifications to the site shall be submitted to the City for review and approval by the appropriate approval bodies. The Development Services Director, in accordance with city code, shall make the determination in respect to what level of site plan shall be required for each improvement project.

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 Dowling Catholic High School 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, alleys, 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 Dowling Catholic High School 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 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. Loading areas, undesirable building elements (transformers, HVAC equipment, electrical equipment, gas meters, etc.) and trash enclosures shall be screened in accordance with city code. Roof mounted HVAC screening shall be incorporated into the design of the building using raised parapets, screening walls, penthouse elements, or other acceptable solutions as identified during the review of the site plan. Wall mounted mechanical equipment, including meter banks shall be visually screened through architectural components, wing walls, free standing fencing, or evergreen landscaping that is of sufficient height at time of installation to effectively screen views of the equipment. Code requires trash receptacles and dumpsters shall be screened on all sides using a permanent enclosure, with gates for disposal truck access. The enclosure shall be comprised of materials consistent with the primary building materials (brick or stone) of the main building(s). The enclosure shall also be landscaped to minimize the presence of the enclosure and help anchor the element into the site.
9. 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.

SECTION 6. REQUIREMENTS: Unless provided otherwise in this ordinance, all general performance standards and provisions set forth in title 9, "Zoning", of the city code for the Residential Estates (RE) Zoning District shall apply to any development within the Dowling Catholic High School Planned Unit Development. 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.

1. Use: The property is intended to be developed as an educational institution campus. Elementary and Secondary Schools (SIC 8211) and associated accessory uses and structures, such as but not limited to administrative buildings, sports fields, parking lots and transportation related structures and fueling facilities shall be permitted (P) with the approval of the appropriate review and approval body.

The current single-family use within lots adjacent to 17th Street acquired by the school shall be allowed to continue indefinitely if rental certificates and inspections in accordance with city code are maintained. The use of the dwelling structures for any use other than single-family shall be approved by the city and abide by all building and fire code requirements. Redevelopment of the property shall abide by provisions outlined here within.

- B. **Setbacks:** Primary education buildings shall be setback a minimum of one-hundred feet (100') from all property boundaries. Structures for accessory uses shall be setback a minimum of fifty feet (50') from all boundaries except the north (Buffalo Road) which shall abide by primary building setbacks.
- C. **Buffering:** A minimum thirty foot (30') wide buffer shall be provided on that school property adjacent to 17th Street and Buffalo Road or the rear yard of a single-family lot along the east side of 17th Street. A minimum of one (1) overstory tree, two (2) understory or evergreen trees and six (6) shrubs shall be provided for every thirty-five (35) linear feet of buffer. Earthen berming shall not be required within the buffer. Said buffer shall be installed at such time that an improvement of some kind (such as construction of parking or building or implementation of athletic fields) is made to the area sharing a boundary with property adjacent to either 17th Street or Buffalo Road. Vision triangles at all intersecting vehicle and pedestrian pathways shall be maintained.
- D. **Off Street Parking & Loading Areas:** Unless otherwise modified here within, all off-street parking and loading/service areas shall comply with title 9, chapter 15 of the city code.
 - 1. Off-street parking lots shall be setback a minimum of forty feet (40') from all boundaries unless part of a shared parking lot with an adjoining property.
 - 2. All off street parking and loading areas shall be sited and landscaped to screen visibility thereof from adjoining single-family dwellings on 17th Street and Buffalo Road not under the school's ownership.
 - 3. Through the use of earthen berming, landscape vegetation, solid fencing or a combination of these, parking areas shall be screened year-round to a minimum height of three feet (3') in order to prevent headlights from vehicles within parking areas from shining into adjacent residential properties. Access drives from off-street parking areas onto adjoining streets shall be located to prevent headlights from shining directly into a residential dwelling not under the school's ownership.
- E. **Lighting:** With the exception of sports field lighting, all overhead light fixtures within the site, including along circulation drives and within parking lots shall be a downcast fixture design with no exposed bulbs. If deemed necessary, the appropriate shields shall be incorporated into the fixture to direct the light to the intended target within the school's property and eliminate visibility of the light itself from residential properties along both 17th Street and Buffalo Road. All building mounted lighting shall include shields to direct the light down and to the intended target. No unshielded wall packs shall be allowed without specific permission from the city.

SECTION 7. COMMUNICATION TOWERS: The following restrictions are established as they pertain to communication towers within the Dowling Catholic High School PUD.

- 1. No more than three (3) communication towers shall be permitted
- 2. The location of communication towers on the site shall be restricted to the area described as follows:
 - Part of Lot 6, Golf and Country Club, south of Blue Creek, and north of the northerly right-of-way line of Interstate 235, as it presently exists.
- 3. No communication tower on the site shall exceed one hundred twenty (120) feet in height.
- 4. Each communication tower proposed on the site shall be subject to approval of a Permitted Conditional Use Permit by the West Des Moines City Council.

SECTION 8. STORM WATER MANAGEMENT: A Storm Water Management Plan may be required in conjunction with site development plans. The Storm Water Management Plan shall be prepared by a Professional Engineer licensed in the State of Iowa. The Storm Water Management Plan 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 plan.

SECTION 9. REPEALER: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. 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 11. 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 12. 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 13. 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

