

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

Meeting Date: February 24, 2020

Item: Pavilion Park, Generally located 1,600 feet east of S. Grand Prairie Parkway and South of I-80 – Amend Comprehensive Plan Land Use Map to designate Mixed Use (MU), Office (OF), Medium Density (MD), and Single Family (SF) land use and establish the Pavilion Park Planned Unit Development – Pavilion Park, LC – CPA-004486-2019/ZC-004487-2019
(Continued from February 10, 2020)

Requested Action: Recommend Approval of Comprehensive Plan Land Use Map Amendment and Rezoning

Case Advisor: Brian Portz, AICP *BP*

Applicant's Request: The applicant, Pavilion Park, LC, is requesting approval of both a Comprehensive Plan Land Use Amendment and Rezoning, with the establishment of a Planned Unit Development (PUD), for 264 acres generally located 1,600 feet east of S. Grand Prairie Parkway and South of I-80. The applicant is proposing a combination of commercial, office, single family residential, and medium density development on the property. Access to the site will be via an extension of EP True Parkway and Bridgewood Boulevard. A master plan illustrating street networks and anticipated building locations has not yet been developed for the site, so it is undetermined at this time how many single-family and medium-density units there will be with this development, nor how much commercial/office space will be proposed.

Specifically, the following changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for approximately 138 acres situated adjacent to Wendover Road and I-80 and approximately 1,740' east of S. Grand Prairie Parkway to change from Office to Mixed Use; and
- Amend the Comprehensive Plan Land Use Map for approximately 21 acres situated adjacent to future EP True Pkwy and approximately 1,300' west of 88th Street from Office and High Density Residential to Medium Density Residential; and
- Amend the Comprehensive Plan Land Use Map for approximately 77 acres situated approximately 1,850' west of 88th Street and approximately 1,600' south of Wendover Road and I-80 from Office and High Density Residential to Single Family; and
- Establish The Pavilion Park Planned Unit Development (PUD), which includes establishing:
 - Underlying zoning of Regional Commercial (RC), Office (OF) and Medium Density (MD), Residential High Density (RH-18) on approximately 138 acres, adjacent to Wendover Road and I-80 and approximately 1,740' east of S. Grand Prairie Parkway; and
 - Underlying zoning of Residential Single Family (RS-5) on approximately 47 acres situated approximately 1,850' west of 88th Street and approximately 1,600' south of Wendover Road and I-80; and
 - Underlying zoning of Residential Medium Density (RM-12) on approximately 21 acres situated adjacent to future EP True Pkwy and approximately 1,300' west of 88th Street; and
 - Underlying zoning of Office (OF) on approximately 30 acres situated approximately 1,740' east of S. Grand Prairie Parkway and approximately 2,200' south of Wendover Road and I-80; and
 - Underlying zoning of Residential Single Family (RS-12) on approximately 30 acres situated approximately 3,350' east of S. Grand Prairie Parkway and 3,200' south of Wendover Road and I-80.

History: The property was annexed into the City in 2000' as a part of the 88th Street annexation. The property has not previously been platted. The property is currently used for agriculture purposes.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee at their January 21, 2020 meeting to discuss land uses within the development. The following areas were discussed:

- Northeastern 18.46 acres of the PUD area: Staff initially recommended that this parcel (now Parcel B as shown on the PUD sketch plan) be medium density residential to be consistent with the adjacent Della Vita townhome development to the east and because it is approximately a mile, to 2.5 miles from the S. Grand Prairie Pkwy and Jordan Creek Pkwy interchanges respectively. The developer desired the option to develop with office and commercial should market dictate such. After discussion between staff and the developer, it was determined to allow office, commercial and medium density residential within the parcel as long as use restrictions, building mass and height transitions and buffering were put into place within the eastern 150' to protect the residential development to the east (see details of special restrictions in the Staff Review and Comment section below).
- Southwestern 29.89 acres of the PUD area: Parcel F as shown on the sketch plan, is proposed for Office development. Staff was supportive of the office use but desired a transition along the southern boundary out of respect for the existing single-family homes on the adjacent property. Upon completion of topographic studies which showed the southern-most portion of the parcel would have limited development potential due to steep grades, it was agreed that a 100' no build buffer would be applied to the south property line with a caveat for minor encroachment into the buffer (up to 20') as long as it was demonstrated impacts on the residential homes from the office use and site components were appropriately mitigated.
- Southeastern 33.16 acres of the PUD area: Parcel G (originally included both parcels D and G as shown on the sketch plan) was initially indicated for 5,000 square foot single-family lots. Staff requested larger single-family lots along the southern boundary out of respect for the existing large lot single-family within the adjacent Fox Creek subdivision. The developer provided a schematic single-family subdivision layout that illustrated due to road layouts, lots in the southern portion would be in the 15,000 square foot range and decrease in square footage (12,000 square foot range) as move north. The PUD establishes RS-12 (minimum 12,000 square foot lots) across the parcel but requires minimum 15,000 square foot lots immediately adjacent to the existing lots in Fox Creek. Lot frontages and setbacks consistent with RS-12 is being allowed for all lots in the parcel, including the 15,000 square foot lots.

This item was also presented to the Development & Planning City Council Subcommittee on February 3, 2020 to inform the Subcommittee members that staff met with the applicant and came to the resolutions as identified above on the items discussed at the previous meeting. The Subcommittee was supportive of the proposed resolutions. Additionally, at this meeting, Staff noted that the developer and City staff were at odds on requiring inclusion of high density residential development (apartments) within Parcel A (20% of developable acres) and C (minimum 10%, maximum 30% of parcel acreage) to be considered a true mixed use development. The applicant indicated that while they agreed with the reasoning for wanting apartments, they did not want the City to mandate high density residential development within Parcel A, specifically, but rather want the market to drive what is developed within that parcel. Staff indicated that as part of the Comprehensive Plan update outreach, it was identified that people want the opportunity to live in closer proximity to where they work, shop and play, and that staff was concerned with a repeat of the University Ave/Westown Pkwy corridor that developed with a large amount of office and commercial with very limited opportunity to live in the area. The Subcommittee members were supportive of being intentional about what develops and the inclusion of high density residential within parcels A and C, but favored flexibility to adjust locations of the high-density between the parcels with inclusion to be determined as part of future master planning of the parcels once development details are better known. The Subcommittee did not provide an indication regarding the correct percentage required to be residential. See continued discussion in first bullet below.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key points of interest:

- ***Incorporation of High-Density:*** As indicated above, staff initially requested up to 20% of developable ground within Parcel A and a minimum of 10% (maximum of 30%) within Parcel C to be high-density to provide for residential uses within close proximity to the proposed commercial and office development within Parcels A, B, C and F. Staff is requesting high-density (apartments) as it provides an alternative living arrangement to townhomes and single-family which is typically favored and affordable to younger adults. In light of Subcommittee discussions, staff modified the request to require a minimum of 15% and a maximum of 25% of the collective areas within Parcel A and Parcel C acreage to be devoted to high density residential development. The developer countered with a request of 10% under the premise that apartment developers want 10-acre parcels and to sell in 10-acre increments would potentially leave them with inadequately sized parcels for development. Staff reviewed apartment projects over the last several years to find that the size of projects ranged from as small as 3.5 acres, up to 30 acres. With no justification of a minimum acreage is a must, staff is requesting a minimum of 15% of the developable area within parcels A & C. Staff has received no further indication from the developer if they are in agreement with the high-density percentage.
- ***Master Plans:*** Since no specific development is planned for this site at this time, the Pavilion Park PUD requires that master plans be created for each PUD parcel prior to any development within the PUD parcel. Each master plan will provide details for the coordination of the vehicle, bike and pedestrian transportation network, building architecture themes, locations and relationships, utility networks (storm, sanitary, water, and fiber), parking facilities, storm water management measures, open space and recreation areas, buffering, landscape and streetscape themes, and environmentally sensitive areas to be preserved within each parcel. Master Plans will be reviewed by the Plan & Zoning Commission and City Council as a part of the public hearing process.
- ***Development Intent and Special Requirements:***
 - ***Intent Statements:*** The PUD includes an overall intent statement, as well as individual intent statements for each of the PUD parcels that align with the overall intent of the Pavilion Park development. The overall PUD intent is: *The Pavilion Park PUD intends to establish a framework for the integration of commercial, office and residential land uses in a cohesive and walkable development pattern that provides a variety of uses to accommodate resident's needs and activities with a built-in population to support businesses in the development. Enriching elements such as encouraging both day and evening activity, emphasizing recreational amenities and encouraging the preservation of natural areas shall be incorporated in the master planning to enhance and define the development.*
 - ***Parcel A:*** *The intent of development within this parcel is to provide for the intermixing of commercial and office uses with supporting high density residential to allow opportunities for employees to live in close proximity to work, provide patrons to support the businesses and encourage both day and night activity. It is intended that a strong pedestrian and bike network will be provided throughout the parcel, along with opportunities for transit routes and stops. All sites within the parcel shall be visually unified through the implementation of a cohesive building and landscaping design theme.*

Land uses allowed include Office, Regional Commercial and High-Density Residential. With the exception of the required incorporation of high-density residential as discussed above, there are no special requirements that apply to this parcel.

- ***Parcel B:*** *The intent of development within this parcel is to recognize and complement the existing use context of adjacent medium density developed ground and provide a transition to the more intense commercial and office use intended within ground to the west.*

Parcel B is proposed to be developed with commercial, office and medium density residential land uses. In cooperation with the developer, there is a restriction that no commercial land uses (including buildings and parking lots) shall be permitted within 150' of the east property line of Parcel B (adjacent to Della Vita townhome development). In addition, for office and medium density residential development within 150' of the east property line of Parcel B, buildings are restricted to a maximum of 2 stories in height and the walls of buildings parallel to the east property line shall not exceed 160'. A 30' landscape buffer is required along the east property line of Parcel B, regardless of the use proposed.

- *Parcel C: The intent of development within this parcel is to provide for the intermixing of commercial and office uses but with a higher proportion of office use than commercial use. The multi-family allowed within this area is not only to allow employees to live in close proximity to work, provide patrons to support the businesses and encourage both day and night activity, but also to serve as a transitional use to the single-family land use intended to the east. In addition to providing opportunities for transit routes and stops, it is intended that a strong pedestrian and bike network will be provided throughout the parcel, including pathway connections to the residential areas to the north, east and south. All commercial and office sites within the parcel shall be visually unified through the implementation of a cohesive building and landscaping design theme. Residential developments within the parcel shall be visually cohesive through the use of a similar color and material palette; however, building design shall present more of a residential look and may differ from the commercial/office area.*

Parcel C is proposed to be developed with commercial, office and high density residential. As indicated previously, high-density residential is required to be developed within either/both Parcel A and this parcel. To recognize the single-family residential planned for the east and south, just like Parcel B above, no commercial land uses (including buildings and parking lots) are permitted within one hundred fifty feet (150') of the perimeter boundary of Parcel C which is adjacent to residential uses in another PUD parcel, including residential uses on the opposite of a street. Also, all buildings within 150' of the property line of single-family lots shall be a maximum of 2 stories in height and the walls of individual buildings parallel to single family lots shall not exceed 160' in length.

- *Parcel D: The intent of development within this parcel is to allow the opportunity for single-family detached dwellings thus providing for an additional type of living option than the multi-family provided within other PUD parcels. A strong network of pedestrian and bike pathway connections shall be provided to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.*

Parcel D is proposed to be developed as Residential Single Family (RS-5) with a minimum lot size of 5,000 square feet. The PUD allows for front yard setbacks within the RS-5 district to be reduced to 20' (from typical 30'), however, the front of garages must be setback a minimum of 25' from the street right-of-way line or sidewalk edge, whichever is more interior to the private area of the lot to allow for vehicle parking without overhanging the sidewalk and impeding pedestrian movements. Additionally, open porches with a minimum depth of 6', are allowed to encroach up to 8' into the 20' front yard setback. This is done to encourage neighbor interaction and as a means to allow for the most visible building element to be house/living area versus garage. Also, for corner single family residential lots on which a buffer is located on the street side yard, the buffer and building setback line are permitted to overlap (traditional code requires the setback to be measured from the interior buffer line); however, the full buffer width needs to be provided even if the setback is less than the required buffer width (30' buffer width must be provided even though the building setback is only required to be 20'). Double frontage lots (front and rear lot lines about a roadway) follow city code in that the building setback is measured from the interior line of the required 30' buffer. This is done to ensure a useable rear yard for the homeowners.

- *Parcel E: The intent of development within this parcel is to allow for multi-family attached or detached dwellings to provide additional types and locations of living options within the Pavilion Park development. A strong network of pedestrian and bike pathway connections shall be provided to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.*

Parcel E is proposed to be developed as Medium Density Residential according to current City Code (no special restrictions).

- *Parcel F: The intent of development within this parcel is to allow for additional office development opportunities along the major east-west roadway while respecting the existing single-family estate subdivision immediately to the south of the Pavilion Park development. It is intended that a strong pedestrian and bike network will be provided throughout the parcel, including pathway connections to commercial and residential areas within the development. All office development within the parcel shall be visually unified through the implementation of a cohesive building and landscaping design theme.*

Parcel F is proposed to be developed as Office. As indicated in the Subcommittee section above, a 100' landscape buffer will be required along the south property line to respect the adjacent existing single-family dwellings. The standard city code minimum 30' landscape buffer will be required along the eastern parcel boundary to buffer the office uses from new single family proposed as part of the Pavilion Park development. In addition, as was done with other parcels in which residential abuts office/commercial, buildings within 150' of the property line adjacent to single family residences to the east and south shall be a maximum of 2 stories in height and the length of building walls adjacent to and parallel to the south and east property line shall not exceed 160' in length.

- *Parcel G: The intent of development within in this parcel is to allow the opportunity for additional single-family detached dwellings options while respecting the existing single-family estate subdivision immediately to the south of the Pavilion Park development. It is intended that a range of single-family lot sizes will be provided from north to south across this parcel. Larger lots will be provided along the south boundary of the parcel, with a decrease in lot sizes as development moves north. A strong network of pedestrian and bike pathway connections shall be provided to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.*

Parcel G is proposed to be developed as Residential Single Family (RS-12) with a minimum lot size of 12,000 square feet; however, along the southern 200' of Parcel G, the minimum lot size shall be 15,000 square feet. The minimum lot width requirement as typically required of 15,000 square foot lots (Single-Family RS-15 zoning) is being reduced from 100' to 75' to allow for narrower cul-de-sac lots. The same buffer and setback provisions as is specified for the other single-family parcel (Parcel D) is allowed for this parcel as well.

- **Traffic Study:** The City's Traffic Engineer has indicated that he doesn't see any major issues with the proposed land use changes given the proposed minor arterial street (EP True Parkway) and major collector street (Bridgewood Boulevard) that will traverse through the site. The Traffic Study will indicate preliminary recommendations on street geometry; however, more specific recommendations will be provided with future traffic studies when specific users have been identified for the site.

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 January 31, 2020, notice for the original February 10, 2020, Plan and Zoning Commission and February 17, 2020, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on January 31, 2020. The Plan and Zoning Commission and City Council continued this item two-weeks at the February 10th and 17th meetings respectively.

Staff Recommendation And Conditions Of Approval – Comprehensive Plan Amendment: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, Staff recommends the Plan and Zoning Commission adopt a resolution to recommend the City Council approve the Comprehensive Plan Land Use Map amendment as illustrated in Exhibit A attached to the resolution which results in approximately 138 acres of Mixed Use (MU), approximately 21 acres of Medium Density Residential (MD), approximately 77 acres of Single Family (SF), and approximately 30 acres of Office (OF), subject to the applicant meeting all City Code requirements.

Staff Recommendation And Conditions Of Approval – Rezoning: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, Staff recommends the Plan and Zoning Commission adopt a resolution to recommend the City Council approve the rezoning request to establish the Pavilion Park Planned Unit Development with underlying zoning of Regional Commercial (RC), Residential Single Family (RS-5), Residential Single Family (RS-12), Residential Medium Density (RM-12), and Office (OF), subject to the applicant meeting all City Code requirements.

Property Owner/Applicant: Pavilion Park, LC
9550 Hickman Road, Suite 100
Clive, Iowa 50325
nhalfhill@lmcompanies-inc.com

Applicant's Representatives:
Erin Ollendike
Civil Design Advantage, LLC
3405 SE Crossroads Drive, Suite G
Grimes, Iowa 50111
erino@cda-eng.com

ATTACHMENTS:

- Attachment A - Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
 - Exhibit A - Conditions of Approval
 - Exhibit B - Comprehensive Plan Land Use Map Amendment
- Attachment B - Plan and Zoning Commission Resolution – Rezoning
 - Exhibit A - Conditions of Approval
- Attachment C - Pavilion Park PUD Ordinance
 - Exhibit A - PUD Sketch Map

RESOLUTION NO. PZC - 20-003

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP FOR MIXED USE, SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, AND OFFICE LAND USE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Pavilion Park, LC, has requested approval of an amendment to the Comprehensive Plan Land Use Map (CPA-004486-2019) to change the land use designation on ground as depicted on the attached Exhibit "B" as follows:

- Approx. 138 acres from Office to Mixed Use
- Approx. 21 acres from Office and High Density Residential to Medium Density Residential
- Approx. 77 acres from Office and High Density Residential to Single Family

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; and

WHEREAS, on February 24, 2020, this Commission held a duly noticed meeting to consider the application for Comprehensive Plan Amendment (CPA-004486-2019); and

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 February 24, 2020, or as amended orally at the Plan and Zoning Commission hearing of February 24, 2020, are adopted.

SECTION 2. Comprehensive Plan Land Use Amendment (CPA-004486-2019) to change the land use designations on the subject property is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated February 24, 2020, including conditions added at the meeting, and attached hereto as Exhibit "A". 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 February 24, 2020.

 Erica Andersen, Chair
 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 February 24, 2020, by the following vote:

AYES:
 NAYS:
 ABSTENTIONS:
 ABSENT:

ATTEST:

 Recording Secretary

Exhibit A
 Conditions of Approval

No conditions of approval

VICINITY MAP

NOT TO SCALE



OWNER / APPLICANT:

PAVILION PARK, LC
 CONTACT: NICK HALFILL
 9550 HICKMAN ROAD, SUITE 100
 CLIVE, IA 50325
 PH: 515-986-5994

LEGAL DESCRIPTION:

THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN LYING SOUTH OF THE INTERSTATE 80 RIGHT OF WAY AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 10

EXCEPT WHISPER RIDGE PLAT 2, AN OFFICIAL PLAT AND

EXCEPT THE INTERSTATE 80 EXCESS AREA ON THE EAST SIDE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10 AS SHOWN ON THE IOWA DEPARTMENT OF TRANSPORTATION GRAPHIC EXHIBIT PLAT 1 OF 2 WITH PROJECT NUMBER I-IG-80-3(12)121

ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND CONTAINING 264.63 ACRES MORE OR LESS.

COMPREHENSIVE PLAN:

EXISTING:

- OF: OFFICE
- SC: SUPPORT OFFICE
- HD: HIGH DENSITY RESIDENTIAL
- OS: OPEN SPACE

PROPOSED:

- OF: OFFICE
- MU: MIXED USE
- SF: SINGLE FAMILY RESIDENTIAL
- MD: MEDIUM DENSITY RESIDENTIAL

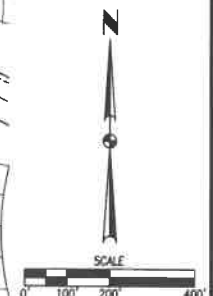


DATE	REVISIONS
11/25/18	1ST SUBMITTAL

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 365-4400 FAX: (515) 365-4410
 ENGINEER: EKO
 E.I: JWM



PAVILION PARK
 PROPOSED COMPREHENSIVE PLAN LAND USE MAP
 WEST DES MOINES, IOWA



P:\18\1804210\1804210-CompPlan\1804210-CompPlan.dwg
 PLOT DATE: 11/25/2018 10:29 AM
 PLOT BY: J. GARCIA

RESOLUTION NO. PZC - 20-004

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING TO ESTABLISH THE PAVILION PARK PLANNED UNIT DEVELOPMENT ON GROUND GENERALLY LOCATED 1,600 FEET EAST OF S. GRAND PRAIRIE PARKWAY AND SOUTH OF I-80

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Pavilion Park, LC, has requested approval of a Rezoning Request for property generally located 1,600 feet east of S. Grand Prairie Parkway and South of I-80 to amend the Zoning Map and establish the Pavilion Park Planned Unit Development with underlying zoning of Regional Commercial (RC), Residential Single Family (RS-5), Residential Single Family (RS-12), Residential Medium Density (RM-12), and Office (OF); and

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; and

WHEREAS, on February 24, 2020, this Commission held a duly noticed hearing to consider the application for the Rezoning Request (ZC-004487-2019); and

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 February 24, 2020, or as amended orally at the Plan and Zoning Commission hearing of February 24, 2020, are adopted.

SECTION 2. REZONING REQUEST (ZC-004487-2019) to establish the Pavilion Park Planned Unit Development (PUD) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated February 24, 2020, 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 February 24, 2020.

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 February 24, 2020, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST: _____
Recording Secretary

Exhibit A: Conditions of Approval

No Conditions of Approval

Prepared by: B. Portz, 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 NO.

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, to change the zoning of the following legally described property from "Unzoned" to **Pavilion Park** Planned Unit Development (PUD):

Legal Description

THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN LYING SOUTH OF THE INTERSTATE 80 RIGHT OF WAY AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 10; EXCEPT WHISPER RIDGE PLAT 2, AN OFFICIAL PLAT;

AND

EXCEPT THE INTERSTATE 80 EXCESS AREA ON THE EAST SIDE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 10 AS SHOWN ON THE IOWA DEPARTMENT OF TRANSPORTATION GRAPHIC EXHIBIT PLAT 1 OF 2 WITH PROJECT NUMBER I-G-80-3(12)121;

ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND CONTAINING 264.63 ACRES MORE OR LESS.

SECTION 2. DEVELOPMENT INTENT: The Pavilion Park PUD intends to establish a framework for the integration of commercial, office and residential land uses in a cohesive and walkable development pattern that provides a variety of uses to accommodate resident's needs and activities with a built-in population to support businesses in the development. Enriching elements such as encouraging both day and evening activity, emphasizing recreational amenities and encouraging the preservation of natural areas shall be incorporated in the master planning to enhance and define the development.

SECTION 3. SKETCH PLAN: Attached hereto (or on file with the city) and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan document for Pavilion Park 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 PUD Parcels for the purpose of easier reference for the applicable regulations of this Ordinance. It should be recognized that the location of streets throughout the development shall define the final parcel configuration and size. As part of Master Planning as required below, the final size and shape of the PUD parcels will be confirmed. Wherever conflict occurs between the written

text in this document and the notations on the Sketch Plan, the written text shall prevail.

SECTION 4. REQUIRED PLANS: Prior to or in conjunction with development or transfer of ownership of any portion of the property covered by this PUD, the following plans shall be required:

- A. **Master Plan:** A general conceptual layout of the two major roadways within the Pavilion Park PUD is indicated on the PUD Sketch Plan Map and generally used to divide the ground included within the PUD into development parcels. It is acknowledged that a supporting network of roadways will be necessary to properly develop the PUD area. Prior to development of any portion of a PUD parcel, a detailed master plan of the entire PUD parcel shall be required. The master plan shall provide details for the coordination of the vehicle, bike and pedestrian transportation network, building architecture themes, locations and relationships, utility networks (storm, sanitary, water, and fiber), parking facilities, storm water management measures, open space and recreation areas, buffering, landscape and streetscape themes, and environmentally sensitive areas to be preserved within each parcel. The specifics of each master plan are intended to provide unity and continuity between the various developments within each PUD parcel and the overall PUD. Development of later master plans, as well as modifications to previously approved master plans, shall respect the elements established in the earlier master plan(s). The master plan for each parcel, and any later amendments necessary for on-going development, shall be reviewed and approved as a public hearing matter by the City Council, after receiving a recommendation from the Plan and Zoning Commission, prior to initial or on-going development. It is recognized that modifications and changes in building footprints and layout, including the combining of two (2) smaller buildings into one larger building, may be necessary in response to market demands and specific tenants. Additionally, unless otherwise specifically restricted within this ordinance, it is recognized that square footages of buildings may either be shifted from one building to another or increased or decreased to accommodate specific users' needs. Assuming adequate sanitary sewer and water infrastructure, these changes may be allowed if the shift does not drastically alter the master plan concept, traffic patterns or result in an increase to the total number of vehicle trips anticipated to be generated within the PUD parcel. At the discretion of the Director of Development Services, an amendment to an approved master plan may be required to bring consistency between the master plan and intended development.

With the exception of grading when done as part of City approved Grading Plans, prior to any site work occurring on a parcel, an amendment to the Pavilion Park PUD Ordinance shall be required along with review of a master plan for the PUD parcel to establish specific site development regulations, allowances and prohibitions to be applied to all development proposals within a subject PUD parcel.

- B. **Preliminary Plat and Final Plat:** All ground within the PUD shall be platted in accordance with the City's Subdivision Ordinance and associated zoning regulations unless otherwise modified within this ordinance. Platted outlots intended for future private development must be re-platted through the preliminary and final plat process prior to physical development. Outlots intended to provide for public utilities, storm water management, or publicly owned or accessible park ground, greenways, or other recreational amenities are not required to be replatted prior to development. Outlots within a plat shall have the proposed use clearly designated on the plat document.
- C. **Development Applications (Site Plans):** With the exception of individual single-family detached residential lots, site plans shall be submitted to the City of West Des Moines for review and approval prior to any physical site development. Site Plans must meet the intent of the approved master plans. At the discretion of the Director of Development Services, an amendment to the Pavilion Park PUD Ordinance and/or master plan may be required to bring consistency between the ordinance and/or master plan and the proposed site development.

Unless otherwise specifically restricted by the City Council, ground work and construction of private roads and utilities may be started, at the developer's risk, upon approval of the preliminary plat by the City Council; however, no construction of structures, including footing and foundations shall be allowed prior to site plan and final plat approval. Public street and utility construction may begin, at the sole risk of the developer, after approval of the preliminary plat by the City Council and Public Improvement Plans by the City of West Des Moines.

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: 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 streets, public street rights of way, and general development shall adhere to the standards and design criteria set forth in the West Des Moines subdivision ordinances and the most current design standards adopted by the city of West Des Moines pertaining thereto unless otherwise stated within this ordinance.
 2. General Conformance to Zoning Ordinance: Unless otherwise specified herein, the development of the Pavilion Park PUD shall comply with title 9, "Zoning", of the city code or any other applicable codes. To the extent that the provisions of this ordinance conflict with or are more restrictive than provisions provided elsewhere in the West Des Moines zoning ordinance, the provisions of this ordinance shall control.
 3. Developer Responsibility: Unless otherwise specifically approved by the City Council, the developer, its 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 shall pay all costs related to approved site plans, which may include but is not limited to the cost of all streets, storm sewers, sanitary sewers, water mains and service lines, drainage-way improvements, detention basins, and other improvements as required. Unless otherwise provided for in a separate development agreement, at the time of subdivision platting within the PUD, the subdivider shall be responsible for construction and/or installation of all required public infrastructure improvements in accordance with the City's Subdivision Ordinance, as indicated herein, and/or as indicated on the approved Pavilion Park PUD Sketch Plan Map and master plans. With any subdivision plat within the PUD, the subdivider shall be responsible for constructing and/or installing the public infrastructure necessary to support development within the subdivision in a manner that will assure that the public infrastructure functions at an acceptable level of service (per City policies) and complies with the West Des Moines Subdivision Ordinance and the Des Moines Metropolitan Design Standards, as adopted by the City of West Des Moines, unless modified otherwise in this Ordinance. No occupancy permits, either temporary or permanent, shall be issued until all necessary improvements applicable to the area/lot or structure requesting occupancy are installed and public improvements accepted by the City of West Des Moines. Nothing in this Ordinance shall be construed to prevent the developer, its successors and/or assigns, if any, from entering into private agreement(s) as it/they may desire to share the cost of improvements.
 4. 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.
 5. Sanitary Sewer: Any proposed change in approved land uses and/or 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(s).
 6. Street Lighting: Unless otherwise provided for in a separate development agreement, the Developer shall be responsible for all costs associated with the installation of public and private street lights within or adjacent to any area proposed to be platted or included within a development.
 7. 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.

8. The Pavilion Park development shall incorporate an internal pedestrian and bicycle trail and sidewalk system connecting various buildings, open space and recreation areas, public transit and to the City-wide trails and sidewalk system. Trails and sidewalks shall be required to provide corridors and pathways to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.
9. Sculptures/art shall be incorporated within non-residential developments. Potential locations for art and sculptures shall be identified at the time of master planning of each PUD parcel.
10. Interior site lighting and signage should be located, designed and directed in such a way as to mitigate impact on adjacent uses. Parking lot lights shall be limited to twenty-five feet (25') in height including the fixture base and be of a design in which there are not exposed bulbs. Shields may be required on fixtures located at the perimeter of parking lots and drive aisles adjacent to residential uses if views of the fixtures cannot be mitigated in another manner. Illuminated signage which is visible from residential dwellings shall be turned off one hour after business close until dawn.

SECTION 6. LAND USE DESIGN CRITERIA: In addition to the general criteria as stated above, the following land use regulations, development standards, and design criteria shall apply to the development of all PUD parcels designated on the Sketch Plan:

- A. Parcel A: The intent of development within this parcel is to provide for the intermixing of commercial and office uses with supporting high density residential to allow opportunities for employees to live in close proximity to work, provide patrons to support the businesses and encourage both day and night activity. It is intended that a strong pedestrian and bike network will be provided throughout the parcel, along with opportunities for transit routes and stops. All sites within the parcel shall be visually unified through the implementation of a cohesive building and landscaping design theme.

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 Regional Commercial (RC) District shall apply to any development within Parcel A, unless noted otherwise in this ordinance.

1. Land Use: All Permitted (P) and Permitted Conditional (Pc) uses permissible within the Regional Commercial (RC) and Office (OF) districts shall be allowed with the approval of the appropriate review body. Additionally, High Density Residential (RH-18) use is permitted within the parcel. The amount of high density residential development shall comprise a minimum of fifteen percent (15%), but not to exceed twenty five percent (25%), of the developable ground within Parcels A and B, collectively. Developable ground shall be considered those areas of the site unencumbered by roadways (public or private), wetlands, creeks, or steep slopes that cannot be developed.

- B. Parcel B: The intent of development within this parcel is to recognize and complement the existing use context of adjacent medium density developed ground and provide a transition to the more intense commercial and office use intended within ground to the west.

All general use and bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Office (OF) district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.

1. Land Use: All Permitted (P) and Permitted Conditional (Pc) uses permissible within the Regional Commercial (RC), Office (OF) and Residential Medium Density (RM-12) districts shall be allowed with the approval of the appropriate review body.
2. Land Use Restriction: No Regional Commercial land uses (including buildings and parking lots) shall be permitted within one hundred fifty feet (150') of the eastern perimeter boundary of Parcel B.
3. Buffers: A minimum thirty foot (30') landscape buffer with a minimum three foot (3') berm shall be required along the east property line of Parcel B. The required buffer shall be planted as set forth in Title 9, Chapter 19 of the city code and shall be installed at the time of first development within the PUD parcel.

4. **Building Massing:** Office and residential uses within one hundred fifty feet (150') of the eastern property line of Parcel B shall be restricted to a maximum of two (2) stories in height. The length of building walls adjacent to and parallel to the east property line shall not exceed one hundred sixty feet (160') in length. There shall be no limitation on building square footage.
- C. **Parcel C:** The intent of development within this parcel is to provide for the intermixing of commercial and office uses but with a higher proportion of office use than commercial use. The multi-family allowed within this area is not only to allow employees to live in close proximity to work, provide patrons to support the businesses and encourage both day and night activity, but also to serve as a transitional use to the single-family land use intended to the east. In addition to providing opportunities for transit routes and stops, it is intended that a strong pedestrian and bike network will be provided throughout the parcel, including pathway connections to the residential areas to the north, east and south. All commercial and office sites within the parcel shall be visually unified through the implementation of a cohesive building and landscaping design theme. Residential developments within the parcel shall be visually cohesive through the use of a similar color and material palette; however, building design shall present more of a residential look and may differ from the commercial/office area.

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 Office (OF) District shall apply to any development within Parcel C, unless noted otherwise in this ordinance.

1. **Land Use:** All Permitted (P) and Permitted Conditional (Pc) uses permissible within the Regional Commercial (RC) and Office (OF) districts shall be allowed with the approval of the appropriate review body. Additionally, High Density Residential (RH-18) use is permitted within Parcel C. The amount of high density residential development shall comprise a minimum of fifteen percent (15%), but not to exceed twenty five percent (25%), of the developable ground within Parcels A and B, collectively. Developable ground shall be considered those areas of the site unencumbered by roadways (public or private), wetlands, creeks, or steep slopes that cannot be developed.
 2. **Land Use Restriction:** No Regional Commercial land uses (including buildings and parking lots) shall be permitted within one hundred fifty feet (150') of the perimeter boundary of Parcel C which is adjacent to residential uses in another PUD parcel, including residential uses on the opposite of a street.
 3. **Building Massing:** All buildings within one hundred fifty feet (150') of the property line of single family lots shall be a maximum of two (2) stories in height and the walls of individual buildings parallel to single family lots shall not exceed one hundred sixty feet (160') in length. The one hundred fifty foot (150') distance shall be measured from the property line of the single family lots, not from the perimeter boundary of Parcel C.
- D. **Parcel D:** The intent of development within this parcel is to allow the opportunity for single-family detached dwellings thus providing for an additional type of living option than the multi-family provided within other PUD parcels. A strong network of pedestrian and bike pathway connections shall be provided to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.

All general use and bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Residential Single Family (RS-5) district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.

1. **Front Yard Setbacks:** Front yard setbacks within the RS-5 district may be reduced to twenty feet (20'), however, the front of garages shall be setback a minimum of twenty five feet (25') from the street right-of-way line or sidewalk edge, whichever is more interior to the private area of the lot to allow for vehicle parking without overhanging the sidewalk and impeding pedestrian movements. Open porches, as defined in City Code, with a minimum depth of six feet (6'), are allowed to encroach up to eight feet (8') into the twenty foot (20') front yard setback.

2. For corner single family residential lots on which a buffer is located on the street side yard, the buffer and building setback line are permitted to overlap; however, the full buffer width needs to be provided even if the setback is less than the required buffer width. For double frontage lots, the required rear yard setback is in addition to the 30' buffer.

- E. Parcel E: The intent of development within this parcel is to allow for multi-family attached or detached dwellings to provide additional types and locations of living options within the Pavilion Park development. A strong network of pedestrian and bike pathway connections shall be provided to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.

All general use and bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Residential Medium Density (RM-12) district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.

- F. Parcel F: The intent of development within this parcel is to allow for additional office development opportunities along the major east-west roadway while respecting the existing single-family estate subdivision immediately to the south of the Pavilion Park development. It is intended that a strong pedestrian and bike network will be provided throughout the parcel, including pathway connections to commercial and residential areas within the development. All office development within the parcel shall be visually unified through the implementation of a cohesive building and landscaping design theme.

All general use and bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Office (OF) district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.

1. Buffers: Buffers as outlined below shall be installed at the time of first development within the parcel. Vegetation should be intentionally located within the buffer (generally meaning at the highest points) to achieve the greatest amount of mitigation of views of buildings and parking lots, including both vehicle and overhead lights, from the adjoining residential. Of the trees required, a minimum of 50% of the trees shall be coniferous to provide for year-round screening.
 - a. Along Southern PUD Boundary: A minimum one hundred foot (100') landscape buffer shall be required along the southern property line of Parcel F. Drive aisles or parking lots may be allowed to encroach into the one hundred foot (100') buffer a maximum of twenty feet (20') when it can be clearly demonstrated vehicle headlights and parking lot lighting is properly mitigated. Buffer vegetation shall be provided at a rate of three (3) overstory or evergreen trees, six (6) understory trees and 18 shrubs per thirty-five (35) linear feet of buffer. Required evergreen plantings within the buffer shall be placed at the highest point of the buffer to provide for the most effective buffering.
 - b. Along the Eastern PUD Boundary: A minimum thirty (30') landscape buffer shall be required along the eastern property line of Parcel F. No encroachment into the buffer shall be allowed. One overstory or evergreen tree, two (2) understory trees and six (6) shrubs shall be provided for every thirty-five (35) linear feet of buffer. Required evergreen plantings within the buffer shall be placed at the highest point of the buffer to provide for the most effective buffering.
 2. Building Massing: Office uses within one hundred fifty feet (150') of the property line of adjacent single family residences to the south and east shall be a maximum of two (2) stories in height. The length of building walls adjacent to and parallel to the south and east property line of Parcel F shall not exceed one hundred sixty feet (160') in length. There shall be no limitation on building square footage.
- G. Parcel G: The intent of development within in this parcel is to allow the opportunity for additional single-family detached dwellings options while respecting the existing single-family estate subdivision immediately to the south of the Pavilion Park development. It is intended that a range of single-family lot sizes will be provided from north to south across this parcel. Larger lots will be provided along the south boundary of the parcel, with a decrease in lot sizes as development moves north. A strong network of pedestrian and bike pathway connections shall be provided to link residential areas with commercial areas, other residential neighborhoods within the development and recreational amenities.

All general use and bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for Residential Single Family (RS-12) shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.

1. Along the southern two-hundred feet (200') of Parcel G, the minimum lot size for residential lots shall be fifteen thousand (15,000) square feet.
2. All lots within the PUD parcel shall provide a minimum of forty feet (40') of street frontage and a minimum lot width of seventy-five feet (75') as measured at the front building setback line.
3. For corner single family residential lots on which a buffer is located on the street side yard, the buffer and building setback line are permitted to overlap; however, the full buffer width needs to be provided even if the setback is less than the required buffer width. For double frontage lots, the required rear yard setback is in addition to the 30' buffer.

SECTION 7. BUFFERS: Buffering between zoning districts and differing uses internal within PUD parcels A, B and C shall not be required as set forth in Title 9, Chapter 19 of the city code. However, buffer widths and planting requirements as required per Title 9, Chapter 19 shall be provided along the perimeter of a PUD parcel, including PUD parcels A, B and C when a use adjacent to the PUD perimeter is different than the land use along the perimeter within a PUD parcel. The burden of provision of the buffer shall lie with the parcel that contains the more intense use.

Additionally, a minimum thirty-foot (30') wide buffer with landscape vegetation shall be provided along all major and minor arterials and major collector roadways within the Pavilion Park PUD development. Landscape vegetation shall be provided at a rate consistent with the vegetation requirements outlined in Title 9, Chapter 19 of the city code for a thirty-foot (30') buffer. Landscape vegetation shall be installed along the length of the roadway at the time of development of the first site within a PUD parcel adjacent to the roadway and prior to issuance of the first final occupancy permit for any structure within the respective parcel.

SECTION 8. ARCHITECTURE: The intent is to create building facades throughout this development that are varied and articulated to provide visual interest and to establish a unique identity for each parcel within the development. Although it is understood and preferred that not all buildings within a parcel are identical, each building will include design elements as well as common materials, complimentary colors and detailing to provide continuity amongst buildings and to unite all structures within a parcel into one project concept. The architectural design of any building within this development shall be acceptable to the City.

As part of the master plan for each parcel, conceptual architectural illustrations of the general building style and material options shall be provided. Final details of actual design, materials, colors and detailing will be provided at the time of individual site plan approvals. Once City approval is obtained on a particular building design, any alteration in design before or during construction must be reviewed and approved by the City's Development Services Department.

- A. All buildings except single family dwellings within this development shall accommodate or incorporate the following in building design and materials:
 1. All sides to each building shall receive high quality materials, finishes, and details (360 degree architectural treatment). There are no "backs" to a building.
 2. Form and Scale: Building design shall consider the scale of the building and create a distinct and intended transition to the height, bulk, and scale of the building depending on the surrounding development. Building entries, front porches for residential uses, pedestrian areas, plazas and street level uses and functions should be designed to engage the pedestrian with the activities occurring within them and should be designed to be in the scale appropriate to the use and function of the space.
 3. Roof and Building Mounted Mechanical Equipment: Views of equipment from roadways and adjoining development sites shall be mitigated by screening incorporated into the design of the building through location and the use of equipment penthouse, parapets, screening walls, or other acceptable solutions as identified during the review of the site plan.
 4. Material Quality and Detail:
 - a. The choice of materials and texture has great visual significance and can affect the long-term appearance of the city. Proper selection of exterior building material is directly related to the

durability of the building against weathering and damage from natural forces. Materials should be durable, economically maintained and of a quality that will maintain their appearance over a prolonged time. Natural materials such as brick and stone shall be used as the major cladding elements of the facade. Acceptable cladding for the balance of the building and trim materials will be determined with each parcel's master plan.

- b. Variation in materials, material modules, expressed joints, textures, colors and details shall be used to break up the mass of the buildings. Changes in materials shall be aligned with changes in plan or roof form to emphasize these changes in building mass and shall have the appearance of 3-dimensional elements.
 5. 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.
 6. Outdoor Living Area: All commercial and office uses as well as dwelling units within multi-family buildings shall provide a defined public plaza or outdoor living space. Minimum usable area and design criteria will be determined with each parcel's master plan.
- B. Architecture for Single Family Dwellings: The design of single family dwellings is intended to encourage a sense of place by providing building designs that engages residents with the street and neighborhood. Building design should reinforce this sense of community by establishing a unique identity. This can be accomplished by careful attention to building massing and human scale, choice of exterior building materials, details and site orientation. Porches are encouraged to be made a part of the front façade of dwellings to provide a useable outdoor space.

SECTION 9. SIGNAGE: All signage within the PUD shall be designed, constructed and maintained in accordance with the West Des Moines Sign Code. The zoning district designated for application of bulk regulations for each parcel shall govern signage allowances and design.

SECTION 10. PARKLAND DEDICATION: All residential developments shall abide by the City's Parkland Dedication regulations. Intended amenities and facilities to fulfill dedication requirements shall be identified as part of the first Master Plan for a PUD parcel. A Parkland Dedication Agreement, acceptable to the Parks and Recreation Department, detailing the specifics related to the Parkland Dedication requirements for each area developed as residential is required to be executed in conjunction with the associated final plat or site plan, whichever is approved first. At the time of final platting of land intended to fulfill park and greenway requirements, said land shall be deeded to the City.

SECTION 11. VEHICLE TRIP ALLOCATIONS: A Traffic Impact Study (study) dated _____, has been prepared for the Pavilion Park development. Per the study, the development has been allocated _____ P.M. peak hour trips; _____ peak hour trips; and _____ Average Daily Trips (ADT). As development proposals are approved the number of vehicle trips generated by the proposed development (based upon the number of square feet of a proposed specific use or residential dwellings in conjunction with any parameters established in the study) will be subtracted from the total trips allocated to the development. Approval of this PUD does not constitute a guarantee that the proposed plan can be implemented. Development of all parcels and implementation of desired land uses, including specific high traffic generating tenants, will be limited by the available number of trips.

Should anticipated traffic exceed the total trips allocated for the Pavilion Park development prior to full build out, further development of parcels may be limited or prohibited. Alternate uses to those planned within the study and approved as part of this PUD ordinance may be allowed, following completion of an amended traffic study analyzing the proposed alternative and appropriate City approval of an amendment to the respective PUD ordinance PUD Sketch map and/or PUD Parcel Master Plan, if necessary, if the existing uses and the proposed change(s) collectively do not exceed the total trips allocated to the development.

SECTION 12. STORM WATER MANAGEMENT: A Master Storm Water Management Plan shall be required in conjunction with the initial master planning for each PUD parcel. Individual Storm Water Management Plans consistent with the Master Storm Water Management Plan will be required with each preliminary plat for ground

within the PUD area. The Developer will have said Storm Water Management Plans prepared by a Professional Engineer licensed in the State of Iowa. The 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 a preliminary plat.

At time of final platting, ownership and responsibility for all storm water detention areas and private storm water detention outlet structures will need to be established through the execution of a Storm Water Facility Maintenance Agreement prepared by the City with information provided by the developer. This agreement essentially provides that the property owner will maintain and repair their storm water facilities. If they fail to do so, the city will make repairs or perform maintenance and assess all costs back to the property owner. Upon installation of storm water management facilities, the property owner will be responsible to provide as-built drawings and a letter certifying the detention facility was constructed in in conformance with the approved Storm Water Management Plan. The letter and as-built plans will be required prior to the issuance of a final occupancy permit for the first building or residential dwelling on property which is served by a particular detention facility. Both the letter and as-builts will need to be signed and sealed in accordance with Chapter 6, 193C-6.1(542B) of the Iowa Code.

SECTION 13. MASTER PROPERTY OWNERS ASSOCIATION: If deemed necessary, proper action shall be taken to establish a property owners association. The property owners association shall be responsible for the ongoing upkeep and maintenance of any private infrastructure, common grounds such as buffer parks, storm water detention facilities, greenbelts, plazas and other common space, and any other specific development improvements noted as their responsibility in this ordinance or otherwise determined as part of the platting or site plan process.

SECTION 14. FIRE ACCESS:

- A. All 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 recommended 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. Unless otherwise agreed upon, the developer of the Pavilion Park development shall be responsible for the procurement and erection of approved fire lane signage.
- C. All access drives and drive aisles shall maintain a minimum of twenty feet (20') of clear pavement.
- D. A minimum of fourteen feet (14') of vertical clearance over the travel portion shall be maintained at all times over all vehicle travel ways.
- E. The developer 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.
- F. Adequate fire accesses as determined by the City's Fire Marshal shall be provided at all times to those areas under construction.

SECTION 15. REPEALER: All ordinances or parts of ordinances in conflict with the provision 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 Title 1, Chapter 4, Section 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 _____ 2020.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____ 2020.

Ryan T. Jacobson, City Clerk

