CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: April 20, 2020

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

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

FINANCIAL IMPACT: Undetermined.

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

- On March 24, 2008, the Council extended entitlement to May 8, 2009.
- On April 20, 2009, the Council extended entitlement to May 8, 2010.
- On May 3, 2010, the Council extended entitlement to May 8, 2011.
- On April 4, 2011 the Council extended entitlement to May 8, 2012.
- On April 16, 2012 the Council extended entitlement to May 8, 2013.
- On April 15, 2013 the Council extended entitlement to May 8, 2014.
- On April 7, 2014 the Council extended entitlement to May 8, 2015.
- On April 20, 2015 the Council extended entitlement to May 8, 2016.
- On May 2, 2016 the Council extended entitlement to May 8, 2017.
- On April 17, 2017 the Council extended entitlement to May 8, 2018.
- On April 16, 2018 the Council extended entitlement to May 8, 2019.
- On May 6, 2019 the Council extended entitlement to May 8, 2020.

CITY COUNCIL SUBCOMMITTEE: This item was presented at the Development and Planning City Council Subcommittee on April 6, 2020. No objection to the extension request was expressed.

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

FINDINGS: This request has been reviewed by city staff, and based upon that review, the following findings have been made:

1. There have been no changes to the provisions of the comprehensive plan or zoning regulations applicable to the project since the approval of the entitlement. *There have been two city code amendments that would impact the site plan; however, both amendments are to the benefit of the applicant. An amendment was made to the Professional Commerce Park (PCP) setback regulations which added a provision for a 25' setback when a site abuts a like zoning district: previously a 50' setback would have been required from the adjacent hotel to the south. The other city code change was an amendment to minimum parking requirements. Prior to the change, per code, both the bank and office aspects would have been required to provide 5 parking spaces per 1,000sf GFA. Less parking is required under the new code: the office is required to provide 3.5 spaces per 1,000sf GFA, while the bank is required to provide 3 spaces per 1,000sf GFA.*

2. There have been no changes in the character of the site or its surroundings which affect how the standards of the comprehensive plan or zoning regulations apply to the project; and,

3. There have been no changes in the character of the site or its surroundings which detrimentally affect the environment.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve a one-year extension of entitlement for the Office at the Galleria Overlay District Site Plan (OSP-2006-008 / OSP-004295-2019) to May 8, 2021, subject to the applicant meeting all City Code requirements and the following:

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the Building Division that if necessary a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR).
2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues.
3. The applicant acknowledging that the building will have to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested.
4. The applicant acknowledging that the site will need to be developed complaint with city code adopted at the time of construction, including if code changes are more stringent than that at the time the site plan was originally prepared and approved.

Lead Staff Member: Lynne Twedt

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JS
Agenda Acceptance	

PUBLICATION(S) (if applicable)

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

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 6, 2020		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

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

ATTACHMENT A

ATTACHMENT B

L.Twedt, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AN EXTENSION OF ENTITLEMENT FOR AN APPROVED OVERLAY DISTRICT SITE PLAN (OSP-2006-008/OSP-004295-2019) TO CONSTRUCT AN OFFICE BUILDING

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Chilipeppers LLC, has requested an extension of entitlement to May 8, 2021 for an approved Overlay District Site Plan Development Permit (OSP-2006-008/OSP-004295-2019) for that certain 2.44 acre site, located at 645 S. 60th Street, for the purpose of constructing a three-story office/bank building;

Legal Description of Property

LOT 1, GALLERIA AT JORDAN CREEK PLAT 9,
CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference; and

WHEREAS, on, April 20, 2020, this City Council held a duly noticed hearing to consider the request for an extension of entitlement to May 8, 2021, for the approved Office at the Galleria Overlay District Site Plan (OSP-2006-008/OSP-004295-2019).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated April 20, 2020, or as amended orally at the City Council hearing of April 20, 2020, are adopted.

SECTION 2. EXTENSION OF ENTITLEMENT TO MAY 8, 2021, FOR APPROVED OVERLAY DISTRICT SITE PLAN (OSP-2006-008/OSP-004295-2019) is approved, subject to compliance with all the conditions in the staff report, dated April 20, 2020, including conditions added at the Hearing, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on April 20, 2020.

Steven K. Gaer, Mayor

ATTEST:

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on April 20, 2020, by the following vote:

ATTEST:

Ryan Jacobson, City Clerk

Exhibit A
Conditions of Approval

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the Building Division that if necessary a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR).
2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues.
3. The applicant acknowledging that the building will have to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested.
4. The applicant acknowledging that the site will need to be developed complaint with city code adopted at the time of construction, including if code changes are more stringent than that at the time the site plan was originally prepared and approved.