

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

Meeting Date: September 28, 2020

Item: West Grand Business Park – Des Moines University, Northwest corner of S. Jordan Creek Parkway and Grand Avenue – Amend the West Grand Business Park PUD, Parcel 8 to allow installation of private utilities with approval of a phased site plan and to establish regulations for signage during construction – Des Moines University Osteopathic Medical Center – ZC-004847-2020

Requested Action: Recommend Approval of PUD Amendment

Case Advisor: Brian S. Portz, AICP

Applicant's Request: The applicant and property owner, Des Moines University Osteopathic Medical Center (DMU), is requesting approval of a PUD Amendment for property located on the north side of Grand Avenue between S. 88th Street and S. Jordan Creek Parkway. DMU is requesting an amendment to the West Grand Business Park Planned Unit Development (PUD), specifically pertaining to Parcel 8, where this property is located. The proposed amendment will allow for private utilities to be installed with approval of a phased site plan detailing the utilities layout. In addition, the amendment will allow for long term temporary signage while the site is under construction. The total square footage of signage allowed for the site will be calculated at a rate of sixty-four (64) square feet per street frontage. Up to 128 square feet of signage will be allowed to be located in one location without separation between the signs when setback a minimum of fifty feet (50') from the ultimate right-of-way line of the street(s). Additionally, if desired, illumination of the signs shall be allowed by ground lights directed at the sign face with care taken to negate any light spillover beyond the face of the sign. This signage shall be allowed to remain in place until the issuance of the first occupancy permit, including temporary occupancy permits for any structure within the site.

History: The property was annexed into the City in 1999 as a part of the McKinney Annexation. The property is designated as Parcel 8 within the West Grand Business Park PUD and is undeveloped nor has it ever been platted. A PUD Amendment to the West Grand Business Park PUD was approved by the City Council on May 6, 2019 to designate Professional Commerce Park (PCP) zoning on the property and specifically allow the future development of an academic campus. As that amendment was done only to assure future development of the school and details of development were not known, language was included in the PUD that prohibited any development beyond site grading until a subsequent PUD amendment was done detailing development of the site. This amendment will extend what is allowed to be done on the site prior to the amendment to define ancillary uses to the university that will be allowed and specify bulk regulations that will apply for the actual development of the site. The applicant intends to submit this additional amendment to the PUD in the next 30-60 days.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on September 21, 2020 as an informational item only. There was no discussion or disagreement expressed regarding the request.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues.

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 the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On September 18, 2020, notice for the September 28, 2020, Plan and Zoning Commission and October 5, 2020, City Council Public Hearings on this project was published in the Des

Moines Register Community Section. Notice of these public hearings was also mailed to all property owners within the West Grand Business Park PUD and surrounding property owners within 370 feet of the West Grand Business Park PUD boundaries on September 18, 2020.

Staff Recommendation And Conditions Of Approval: 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 recommending the City Council approve the rezoning request to amend the West Grand Business Park PUD to allow for construction of private utilities with approval of a phased site plan and to regulate temporary signage during construction within Parcel 8 of the PUD, subject to the applicant meeting all City Code requirements and the following:

1. Any and all site improvements done prior to City approval of a subsequent amendment to the West Grand Business Park PUD to define all development details and full site plan approval shall be at the property owner's own risk.

Property Owner/Applicant: Des Moines University Osteopathic Medical Center
3200 Grand Avenue
Des Moines, IA 50312
Attn: Mark Peiffer
Mark.peiffer@dmu.edu

Applicant's Representatives:
RDG Planning & Design
301 Grand Avenue
Des Moines, IA 50309
Attn: Jonathan Martin
jmartin@rdgusa.com

Attachments:
Attachment A - Plan and Zoning Commission Resolution
Attachment B - Location Map
Attachment C - Proposed PUD Ordinance Amendment

RESOLUTION NO. PZC-20-064

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE WEST GRAND BUSINESS PARK PUD TO ALLOW FOR CONSTRUCTION OF PRIVATE UTILITIES WITH PHASED SITE PLAN APPROVAL AND TO ALLOW FOR TEMPORARY SIGNAGE DURING CONSTRUCTION WITHIN PARCEL 8 OF THE WEST GRAND BUSINESS PARK PUD

WHEREAS, pursuant to the provisions of Title 9 of the West Des Moines Municipal Code, the property owner and applicant, Des Moines University Osteopathic Medical Center, has requested an amendment to the West Grand Business Park PUD (ZC-004847-2020) to allow for construction of private utilities with approval of a phased site plan and to allow for temporary signage during construction within Parcel 8 of the West Grand Business Park PUD; 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 September 28, 2020, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-004847-2020).

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 September 28, 2020, or as amended orally at the Plan and Zoning Commission hearing of September 28, 2020, are adopted.

SECTION 2. REZONING REQUEST (ZC-004847-2020) to allow for construction of private utilities with phased site plan approval and to allow for temporary signage during construction within Parcel 8 of the West Grand Business Park PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated September 28, 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 September 28, 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 September 28, 2020, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of approval.

1. Any and all site improvements done prior to City approval of a subsequent amendment to the West Grand Business Park PUD to define all development details and full site plan approval shall be at the property owner's own risk.

Location Map



Prepared by: B. Portz, Development Services, PO Box 65320, West Des Moines, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #1373, #1812, #2299, #2359 AND #2360 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS AND GUIDELINES, SPECIFICALLY PUD #54 WEST GRAND BUSINESS PARK

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

SECTION 1. AMENDMENT. Ordinance #1373, #1812, #2299, #2359 and #2360, pertaining to the **West Grand Business Park Planned Unit Development (PUD)**, Section 054-05: *Land Use Design Criteria*, Subsection F: *Parcel 8*; is hereby amended by adding the following bolded italicized text:

- F. Parcel 8: All general regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Professional Commerce Park (PCP) District shall apply to Parcel 8, however, a primary use of SIC 8221: Colleges, Universities and Professional Schools shall be the only use allowed. With the exception of grading when done as part of City approved Grading Plans, ***and installation of private utilities when done as part of a City approved phased site plan***, prior to any site work occurring within Parcel 8, an amendment to the West Grand Business Park Planned Unit Development (PUD) Ordinance shall be required which provides a master plan for development of Parcel 8, identifies ancillary uses to SIC 8221 to be allowed and details specific site development regulations. ***Any and all site improvements done prior to City approval of the amendment to this PUD and full site plan shall be at the owner's own risk.***

Total signage allowed to be displayed on the property during construction shall be calculated based on 64 square feet per property frontage on a public street. Multiple signs without sign separation and multiple locations of signage shall be allowed; however, no more than 128sf of signage shall be allowed in a single location. All signs shall be located a minimum of fifty-feet (50') from the ultimate street right-of-way line(s). Illumination of the signs shall be allowed by ground lights directed at the sign face with implementation of all measures possible to negate any light spillover beyond the face of the sign. Said signage shall not be erected on the property until such time that a phased or full site plan or subdivision plat for the property containing the sign has been approved by the City. Said signage shall be allowed to remain until such time that the first occupancy permit, including temporary occupancy permits are issued for any building within the site.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. 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 4. 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 5. 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 6. 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 the _____ 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