CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 2, 2020

ITEM: Glen Oaks PUD Parcel 'L', Northwest corner of Raccoon River Drive and Grand Avenue – Amend the Glen Oaks PUD to remove a portion of Parcel 'L' from the PUD, amend the Comprehensive Plan land use map to change the property from Support Commercial to Office and then consistency zone the property to Office – JCG Equity, L.L.C. – ZC-004845-2020/CPA-004844-2020/ZC-004843-2020

ORDINANCE: Approval of First Reading of the Ordinance to Amend the Glen Oaks Planned Unit Development
RESOLUTION: Approval of Comprehensive Plan Amendment
ORDINANCE: Approval of First Reading of the Ordinance for Consistency Zoning

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The property owner and applicant, JCG Equity, L.L.C., is proposing to remove a portion of Parcel L from the Glen Oaks PUD to allow for the development of the property for offices. The applicant proposes to remove approximately the western 700 feet from PUD Parcel 'L'. Upon removal the applicant requests a change to the Comprehensive Plan land use of the property from Support Commercial (SC) to Office (OF) and then consistency zone the property to the Office (OF) designation. Parcel 'L' is generally located at the northwest corner of Raccoon River Drive and Grand Avenue.

Plan and Zoning Commission Action:
Vote: 7-0 Approval
Date: October 26, 2020
Motion: Adopt a resolution recommending the City Council approve the PUD Ordinance Amendment, Comprehensive Plan Amendment and Ordinance to consistency zone the property to Office

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee – *Development and Planning: September 21, 2020*
- Staff Review and Comments
  - *Property Development*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendation and Conditions of Approval – Glen Oaks PUD Amendment
- Staff Recommendation and Conditions of Approval – Comprehensive Plan Amendment
- Staff Recommendation and Conditions of Approval – Rezoning
- Property Owner/Applicant/Applicant's Representative Information

RECOMMENDATION – GLEN OAKS PUD AMENDMENT: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Glen Oaks PUD Amendment to remove the subject property from the PUD, subject to the applicant meeting all City Code requirements.

RECOMMENDATION – COMPREHENSIVE PLAN AMENDMENT: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Comprehensive Plan Amendment to change the land use from Support Commercial (SC) to Office (OF), subject to the applicant meeting all City Code requirements.

RECOMMENDATION – REZONING: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the consistency zoning of the property to Office (OF), subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	*JDS*
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	October 16, 2020	
Letter sent to surrounding property owners		October 14, 2020

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	September 21, 2020		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution – Remove Property from PUD
  - Exhibit A - Conditions of Approval
  - Exhibit B - Proposed PUD Sketch (Moved to Exhibit II)
- Attachment B - Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
  - Exhibit A - Conditions of Approval
  - Exhibit B - Comprehensive Plan Map (Moved to Exhibit III)
- Attachment C - Plan and Zoning Commission Resolution – Rezoning
  - Exhibit A - Conditions of Approval
  - Exhibit B - Zoning Map (Moved to Exhibit IV)
- Attachment D - Existing PUD Sketch Plan
- Attachment E - Comprehensive Plan/Rezoning Sketch
- Attachment F - Proposed Development Information

Exhibit II - Proposed Ordinance Amendment (Moved from P&Z Attachment G)
- Exhibit A - PUD Sketch Map**

Exhibit III - City Council Resolution – Comprehensive Plan Land Use Amendment
- Exhibit A - Conditions of Approval
- Exhibit B - Comprehensive Plan Land Use Map**

Exhibit IV - Ordinance for Consistency Zoning
- Exhibit A - Zoning Map**

**Maps included in staff report are for illustrative purposes only – Approved maps on file with the City.

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: October 26, 2020

Item: Glen Oaks PUD Parcel 'L', Northwest corner of Raccoon River Drive and Grand Avenue – Amend the Glen Oaks PUD to remove a portion of Parcel 'L' from the PUD, amend the Comprehensive Plan land use map to change the property from Support Commercial to Office and then consistency zone the property to Office – JCG Equity, LLC – ZC-004845-2020/CPA-004844-2020/ZC-004843-2020

Requested Action: Recommend Approval of PUD Amendment
Recommend Approval of Comprehensive Plan Amendment
Recommend Approval of Rezoning

Case Advisor: Brian S. Portz, AICP BP

Applicant's Request: The property owner and applicant, JCG Equity, LLC, is proposing to remove a portion of Parcel L from the Glen Oaks PUD to allow for the development of the property for offices. The applicant proposes to remove approximately the western 700 feet from PUD Parcel 'L'. Upon removal the applicant requests a change to the Comprehensive Plan land use of the property from Support Commercial (SC) to Office (OF) and then consistency zone the property to an Office (OF) designation. Parcel 'L' is generally located at the northwest corner of Raccoon River Drive and Grand Avenue.

History: The property is a part of the Glen Oaks PUD that was approved in 1992 with revisions in 1993, 1995, 2004 and 2006. On May 18, 2020, the City Council approved a plat of survey to create a parcel within PUD Parcel 'L' to allow for the transfer of ownership of the property to the applicant.

City Council Subcommittee: This item was presented at the September 21, 2020 Development and Planning City Council Subcommittee as an informational item. The subcommittee was supportive of 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 items. Staff would summarize the following:

- *Property Development*: The property in question is part of the larger Parcel 'L' which was divided with the approval of a Plat of Survey in May of 2020. The applicant wishes to remove the property from the Glen Oaks PUD due to requirements of the PUD that aren't conducive in use and design requirements to the proposed development of the site for office buildings. Once the applicant's property is removed from the PUD, the land use of the property is proposed to be changed to Office and the property consistency zoned to Office for the proposed development. The applicant is currently working on a preliminary plat and site plan for the actual development of the site. These plans will be presented to the Plan and Zoning Commission and City Council at a later date. Development of the site is anticipated to begin in Spring 2021.

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 October 16, 2020, notice for the October 26, 2020, Plan and Zoning Commission and November 2, 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 property owners within the Glen Oaks PUD and those within 370 feet of the subject property on October 14, 2020.

Staff Recommendation – Glen Oaks PUD 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 recommending the City Council approve an amendment to the Glen Oaks PUD to remove a portion of Parcel 'L' from the PUD, subject to the applicant meeting all City Code requirements.

Staff Recommendation – 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 recommending the City Council approve a Comprehensive Plan Amendment to the change the land use of the property from Support Commercial (SC) to Office (OF), subject to the applicant meeting all City Code requirements.

Staff Recommendation – 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 recommending the City Council approve consistency zoning of the property Office (OF), subject to the applicant meeting all City Code requirements.

Property Owner/Applicant: JCG Equity, LLC
P.O. Box 7592
Urbandale, IA 50323

Applicant's Representative: Bishop Engineering
3501 104th Street
Urbandale, IA 50323
mwahlert@bishopengr.com

Attachments:

- Attachment A - Plan and Zoning Commission Resolution – Remove Property from PUD
  - Exhibit A - Conditions of Approval
- Attachment B - Plan and Zoning Commission Resolution – Comprehensive Plan Amendment
  - Exhibit A - Conditions of Approval
  - Exhibit B - Comprehensive Plan Map
- Attachment C - Plan and Zoning Commission Resolution – Rezoning
  - Exhibit A - Conditions of Approval
  - Exhibit B - Zoning Map
- Attachment D - Existing PUD Sketch Plan
- Attachment E - Comprehensive Plan/Rezoning Sketch
- Attachment F - Proposed Development Information
- Attachment G - Proposed PUD Ordinance Amendment
  - Exhibit A - Proposed PUD Sketch Plan

ATTACHMENT A

RESOLUTION NO. PZC-20-073

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 GLEN OAKS PUD TO REMOVE A PORTION OF PARCEL 'L' FROM THE PUD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant and property owner, JCG Equity, LLC, has requested an amendment to the Glen Oaks PUD (ZC-004845-2020) to remove the western 11.83 acres of Parcel 'L' from the 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 October 26, 2020, this Commission held a duly noticed hearing to consider the application for Rezoning Request (ZC-004845-2020).

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 October 26, 2020, or as amended orally at the Plan and Zoning Commission hearing of October 26, 2020, are adopted.

SECTION 2. REZONING REQUEST (ZC-004945-2020) to remove a portion of Parcel 'L' from the PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated October 26, 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 October 26, 2020.

Erica Andersen

Erica Anderson, Chairperson
Plan and Zoning Commission

ATTEST: Michelle Riesenberg
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on October 26, 2020, by the following vote:

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

ATTEST: Michelle Riesenberg
Recording Secretary

EXHIBIT A: Conditions of Approval
No Conditions of Approval

ATTACHMENT B

RESOLUTION NO. PZC-20-074

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 FROM SUPPORT COMMERCIAL TO OFFICE LAND USE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant and property owner, JCG Equity, LLC, has requested approval of an amendment to the Comprehensive Plan Land Use Map (CPA-004844-2020) to change the land use designation on ground located at the northwest corner of Raccoon River Drive and Grand Avenue from Support Commercial (SC) to 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 October 26, 2020, this Commission held a duly noticed hearing to consider the application for Comprehensive Plan Amendment (CPA-004844-2020); 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 October 26, 2020, or as amended orally at the Plan and Zoning Commission hearing of October 26, 2020, are adopted.

SECTION 2. Comprehensive Plan Land Use Amendment (CPA-004844-2020) 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 October 26, 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 October 26, 2020.

Erica Andersen

Erica Anderson, Chairperson
Plan and Zoning Commission

ATTEST: Michelle Riesenberg
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on October 26, 2020, by the following vote:

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

ATTEST: Michelle Riesenberg
Recording Secretary

Exhibit A: Conditions of Approval
No conditions of approval

ATTACHMENT C

RESOLUTION NO. PZC-20-075

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE CONSISTENCY ZONING TO OFFICE ON GROUND GENERALLY LOCATED AT THE NORTWEST CORNER OF RACCOON RIVER DRIVE AND GRAND AVENUE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant and property owner, JCG Equity, LLC, has requested approval for consistency zoning for property generally located at the northwest corner of Raccoon River Drive and Grand Avenue to amend the Zoning Map and designate zoning of the property to 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 October 26, 2020, this Commission held a duly noticed hearing to consider the application for the Rezoning Request (ZC-004843-2020).

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 October 26, 2020, or as amended orally at the Plan and Zoning Commission hearing of October 26, 2020, are adopted.

SECTION 2. REZONING REQUEST (ZC-004843-2020) to consistency zone the property to Office (OF) is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated October 26, 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 October 26, 2020.

Erica Andersen

Erica Anderson, Chairperson
Plan and Zoning Commission

ATTEST: Michelle Riesenberg
Recording Secretary

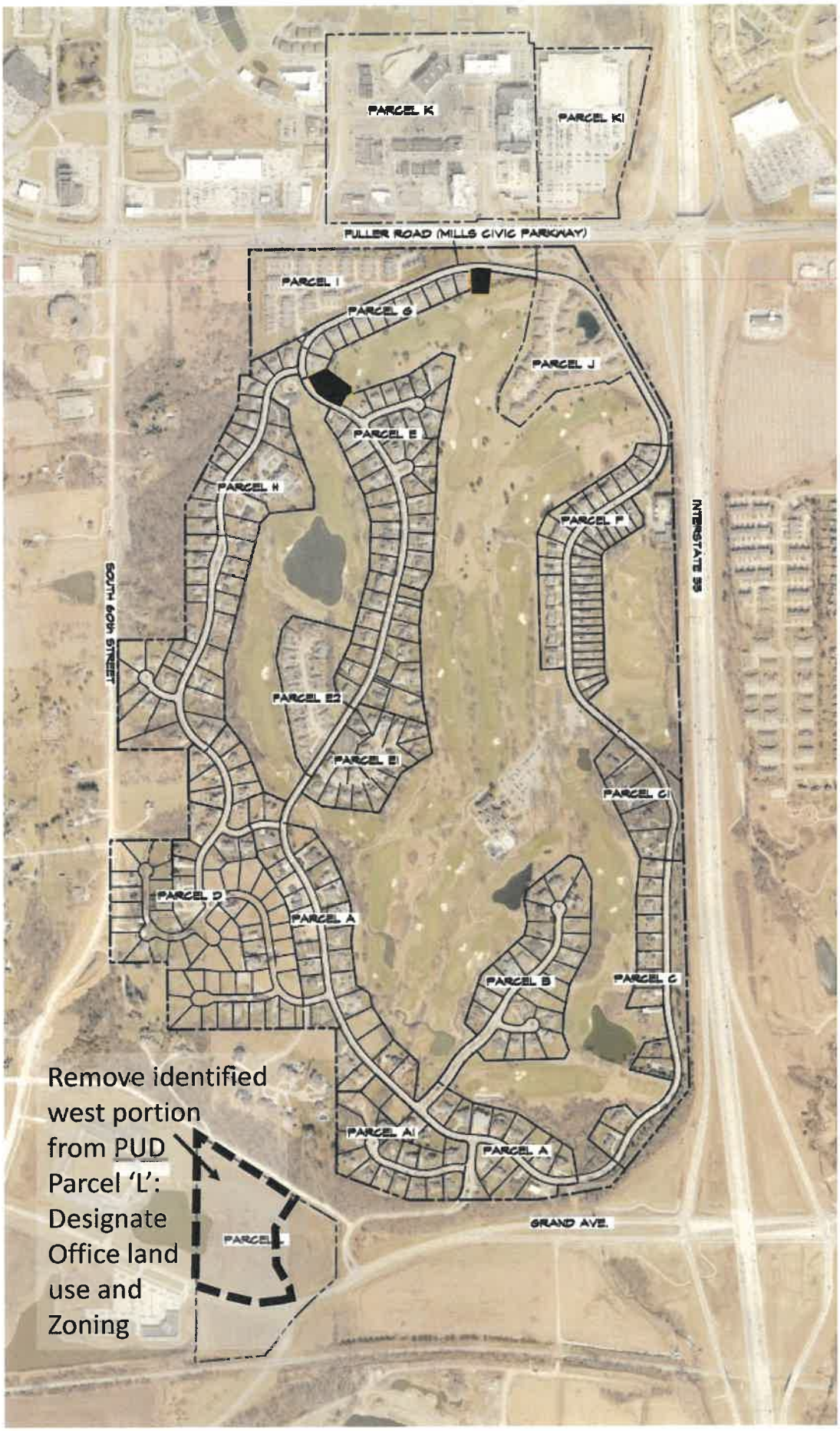
I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on October 26, 2020, by the following vote:

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

ATTEST: Michelle Riesenberg
Recording Secretary

Exhibit A: Conditions of Approval
No Conditions of Approval

ATTACHMENT D



ATTACHMENT E

THE OAKS ON GRAND

COMPREHENSIVE PLAN AMENDMENT/ REZONING SKETCH

SITE CONTROL AND BENCHMARKS:

BASIS OF BEARING OBTAINED FROM GPS OBSERVATIONS
DATUM = NAD 83, IOWA SOUTH
BENCHMARK DATUM = CITY DATUM , ZONE IARCS-8

POINT #9000
NORTHING = 7470454.49
EASTING = 18480699.62
ELEVATION = 62.24
DESCRIPTION: SET 3/4" IRON PIPE W/ RPC

POINT #9001
NORTHING = 7470997.41
EASTING = 18480482.36
ELEVATION = 74.74
DESCRIPTION: SET 3/4" IRON PIPE W/ RPC

POINT #9002
NORTHING = 7470551.97
EASTING = 18481222.35
ELEVATION = 73.90
DESCRIPTION: SET 3/4" IRON PIPE W/ RPC

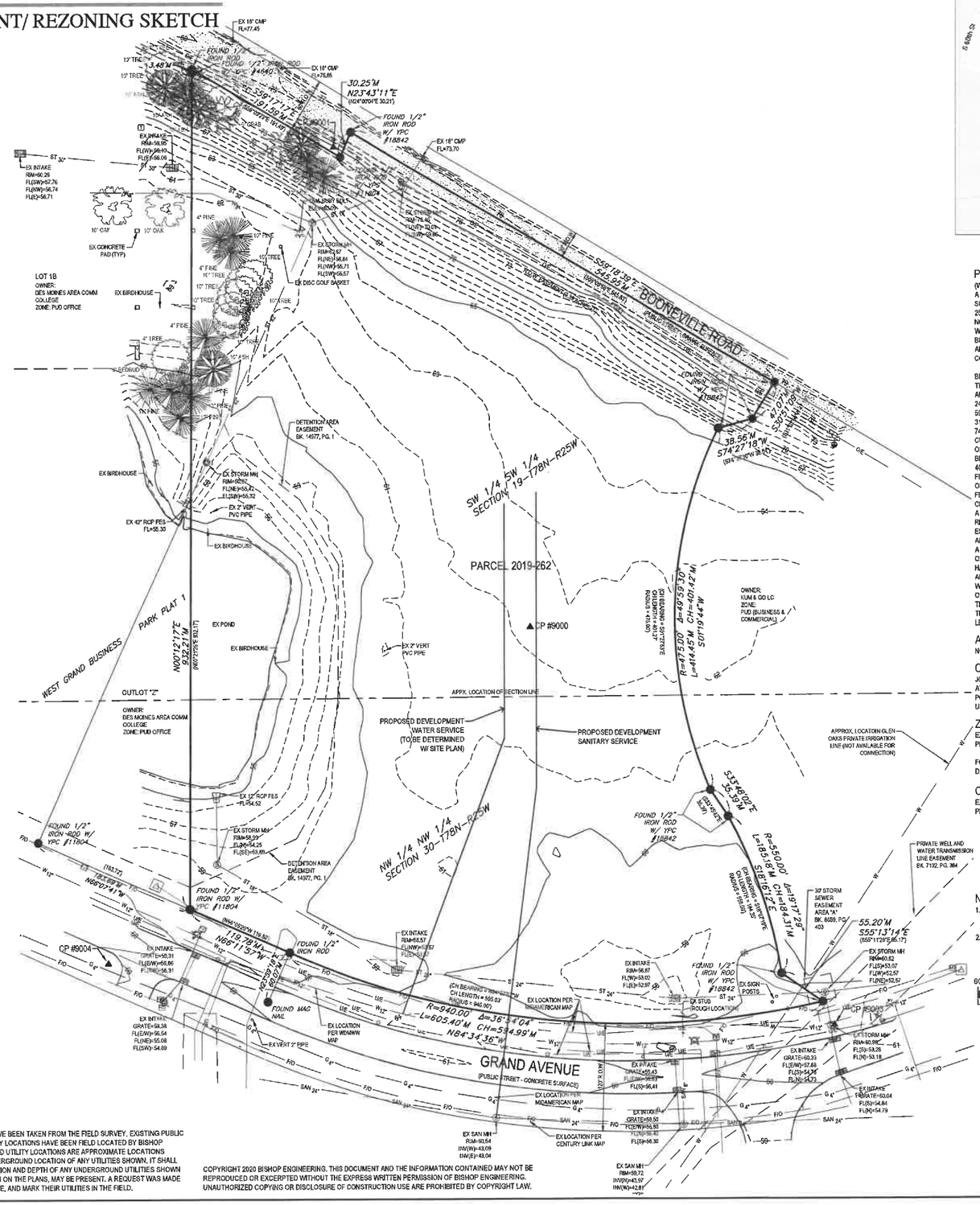
POINT #9003
NORTHING = 7470021.45
EASTING = 18481058.50
ELEVATION = 60.75
DESCRIPTION: SET 3/4" IRON PIPE W/ RPC

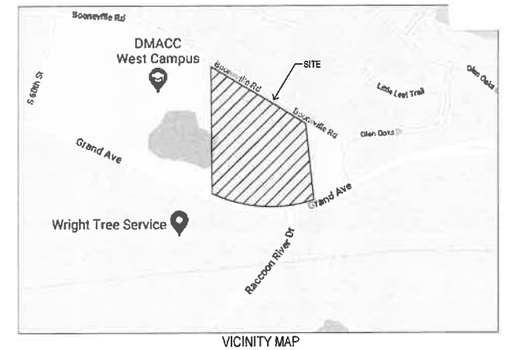
POINT #9004
NORTHING = 7470091.82
EASTING = 18480232.91
ELEVATION = 60.58
DESCRIPTION: SET 3/4" IRON PIPE W/ RPC

ON-SITE TBM:
BURY BOLT ON HYDRANT LOCATED NEAR THE NW CORNER OF PROJECT SITE
ELEVATION=63.09

ABBREVIATIONS:

AC	ACRES
ASPH	ASPHALT
BK	BOOK
CONC	CONCRETE
D	DEEDED DISTANCE
EX	EXISTING
ENCL	ENCLOSURE
FF	FINISHED FLOOR
FL	FLOW LINE
FRAC	FRACTIONAL
M	MEASURED DISTANCE
MH	MANHOLE
OPC	ORANGE PLASTIC CAP
P	PLATTED DISTANCE
PG	PAGE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PRA	PREVIOUSLY RECORDED AS
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT OF WAY
RPC	RED PLASTIC CAP
SF	SQUARE FEET
SAN	SANITARY
TYP	TYPICAL
YPC	YELLOW PLASTIC CAP
N	NORTH
S	SOUTH
E	EAST
W	WEST





VICINITY MAP
SCALE: 1" = 500'

PROPERTY DESCRIPTION:

(WARRANTY DEED BOOK 17876, PAGE 900)
A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., AND OUTLOT "Y" IN WEST GRAND BUSINESS PARK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT "Y" THENCE SOUTH 59°09'23" EAST, A DISTANCE OF 191.49 FEET ALONG THE NORTH LINE OF SAID OUTLOT "Y"; THENCE NORTH 24°09'04" EAST, A DISTANCE OF 30.21 FEET; THENCE SOUTH 59°09'56" EAST, A DISTANCE OF 545.83 FEET; THENCE SOUTH 31°02'56" WEST, A DISTANCE OF 47.19 FEET; THENCE SOUTH 74°37'10" WEST, A DISTANCE OF 38.51 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 475.00 FEET, A DELTA OF 49°58'14", AN ARC LENGTH OF 414.27 FEET, A CHORD WHICH BEARS SOUTH 01°27'53" WEST HAVING A CHORD LENGTH OF 401.27 FEET; THENCE SOUTH 33°45'42" EAST A DISTANCE OF 35.39 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET, A DELTA OF 19°17'45", AN ARC LENGTH OF 185.23 FEET, A CHORD WHICH BEARS SOUTH 18°07'19" EAST HAVING A CHORD LENGTH OF 184.35 FEET; THENCE SOUTH 55°11'28" EAST, A DISTANCE OF 55.17 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS PRESENTLY ESTABLISHED; THENCE ALONG SAID NORTH RIGHT OF WAY ALONG A CURVE TO THE RIGHT ALONG SAID RIGHT AWAY HAVING A RADIUS OF 940.00 FEET, A DELTA OF 36°54'13" AN ARC LENGTH OF 605.45 FEET, A CHORD WHICH BEARS NORTH 84°27'03" WEST HAVING A CHORD LENGTH OF 595.03 FEET; THENCE, CONTINUING ALONG SAID NORTH RIGHT OF WAY, RIGHT NORTH 68°05'20" WEST, A DISTANCE OF 119.80 FEET TO THE SOUTHEAST CORNER OF OUTLOT "Z" IN SAID WEST GRAND BUSINESS PARK PLAT 1; THENCE NORTH 0°21'25" EAST, A DISTANCE OF 932.17 FEET, TO THE POINT OF BEGINNING, CONTAINING 11.83 ACRES, MORE OR LESS.

ADDRESS:

NO ADDRESS AT CURRENT TIME

OWNER/ PREPARED FOR:

JCG EQUITY LLC
ATTN: JON GALLOWAY (515) 297-6200
POB 7502
URBANDALE, IA 50323

ZONING:

EXISTING: GLEN OAKS PUD (SUPPORT COMMERCIAL)
PROPOSED: OF - OFFICE DISTRICT (REMOVED FROM PUD)

FOR AN OFFICIAL ZONING REPORT PLEASE CALL CITY OF WEST DES MOINES AT 515-222-3475

COMPREHENSIVE PLAN LAND USE:

EXISTING: SC - SUPPORT COMMERCIAL
PROPOSED: OF - OFFICE

NOTES:

1. ADJACENT PROPERTY OWNER INFORMATION OBTAINED FROM POLK COUNTY ASSESSORS WEB PAGE AND THE DALLAS COUNTY ASSESSORS PAGE.
2. PARENTHESIS ( ) DENOTES PREVIOUSLY RECORDED BEARINGS AND DISTANCES

GRAPHIC SCALE
60 0 30 60 120
SCALE: 1" = 60'
FIELD WORK COMPLETED ON: 7-8-2020

LEGEND:

—SAN—	SANITARY SEWER
—ST—	STORM SEWER
—W—	WATER LINE
—G—	GAS LINE
—U/E—	UNDERGROUND ELECTRIC
—O/E—	OVERHEAD ELECTRIC
—TELE—	TELEPHONE LINE
—F/O—	FIBER OPTIC
—CATV—	CABLE TV
	STORM MANHOLE
	CURB INTAKE
	SURFACE INTAKE
	FLARED END SECTION
	SANITARY MANHOLE
	CLEANOUT
	FIRE HYDRANT
	SPRINKLER
	IRRIGATION CONTROL VALVE
	WATER MANHOLE
	WELL
	WATER VALVE
	WATER SHUT OFF
	YARD HYDRANT
	ELECTRIC MANHOLE
	ELECTRIC METER
	ELECTRIC RISER
	ELECTRIC VAULT
	POWER POLE
	TRANSFORMER POLE
	LIGHT POLE
	ELECTRIC JUNCTION BOX
	ELECTRIC PANEL
	TRANSFORMER
	GROUND LIGHT
	GUY WIRE
	ELECTRIC HANDHOLE
	GAS METER
	GAS VALVE
	AIR CONDITIONING UNIT
	TELEPHONE RISER
	TELEPHONE VAULT
	TELEPHONE MANHOLE
	TRAFFIC SIGNAL MANHOLE
	FIBER OPTIC MANHOLE
	FIBER OPTIC RISER
	FIBER OPTIC FAULT
	CABLE TV RISER
	SIGN
	BOLLARDS
	DENOTES NUMBER OF PARKING STALLS
	PROPERTY CORNER - FOUND AS NOTED
	PROPERTY CORNER- PLACED 3/4" IRON PIPE WITH YELLOW PLASTIC CAP ID # 14775 OR AS NOTED
	SECTION CORNER - FOUND AS NOTED
	SITE CONTROL POINT - MONUMENT AS NOTED

UTILITY MAPS PROVIDED BY:

1. ELECTRIC (MIDAMERICAN / 515-252-6832)
2. WATER (WEST DES MOINES WATER WORKS / 515-222-3510)
3. FIBER OPTIC (MIDAMERICAN / 515-281-2313)
4. FIBER OPTIC (CENTURY LINK / 913-312-2744)
5. GAS (MIDAMERICAN / 515-252-6632)

IOWA ONE CALL
1-800-292-8989
www.iowaonecall.com

UTILITY NOTE:

THE LOCATION OF THE UTILITIES INDICATED ON THE PLANS HAVE BEEN TAKEN FROM THE FIELD SURVEY, EXISTING PUBLIC RECORDS, AND PLANS PROVIDED BY OTHERS. SURFACE UTILITY LOCATIONS HAVE BEEN FIELD LOCATED BY BISHOP ENGINEERING, UNLESS OTHERWISE NOTED. ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE LOCATIONS ONLY. BISHOP ENGINEERING DOES NOT GUARANTEE THE UNDERGROUND LOCATION OF ANY UTILITIES SHOWN. IT SHALL BE THE DUTY OF THE CONTRACTOR TO DETERMINE THE LOCATION AND DEPTH OF ANY UNDERGROUND UTILITIES SHOWN AND IF ANY ADDITIONAL UTILITIES, OTHER THAN THOSE SHOWN ON THE PLANS, MAY BE PRESENT. A REQUEST WAS MADE TO IOWA ONE CALL FOR UTILITY PROVIDERS TO VERIFY, LOCATE, AND MARK THEIR UTILITIES IN THE FIELD.

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Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50322-3825
Phone: (515)276-0467 Fax: (515)276-0217
Civil Engineering & Land Surveying Established 1959

THE OAKS ON GRAND
WEST DES MOINES, IA

COMPREHENSIVE PLAN SKETCH

REFERENCE NUMBER:

DRAWN BY: MJE

CHECKED BY:

REVISION DATE: 9-10-2020

PROJECT NUMBER: 180575

SHEET NUMBER: 1 OF 1

10/29/2020 9:21:52 AM M:\LAND PROJECTS 2018\180575 - JON GALLOWAY GRAND AVE BUILDING\DWG\0 SITE SURVEY.DWG

THE OAKS ON GRAND

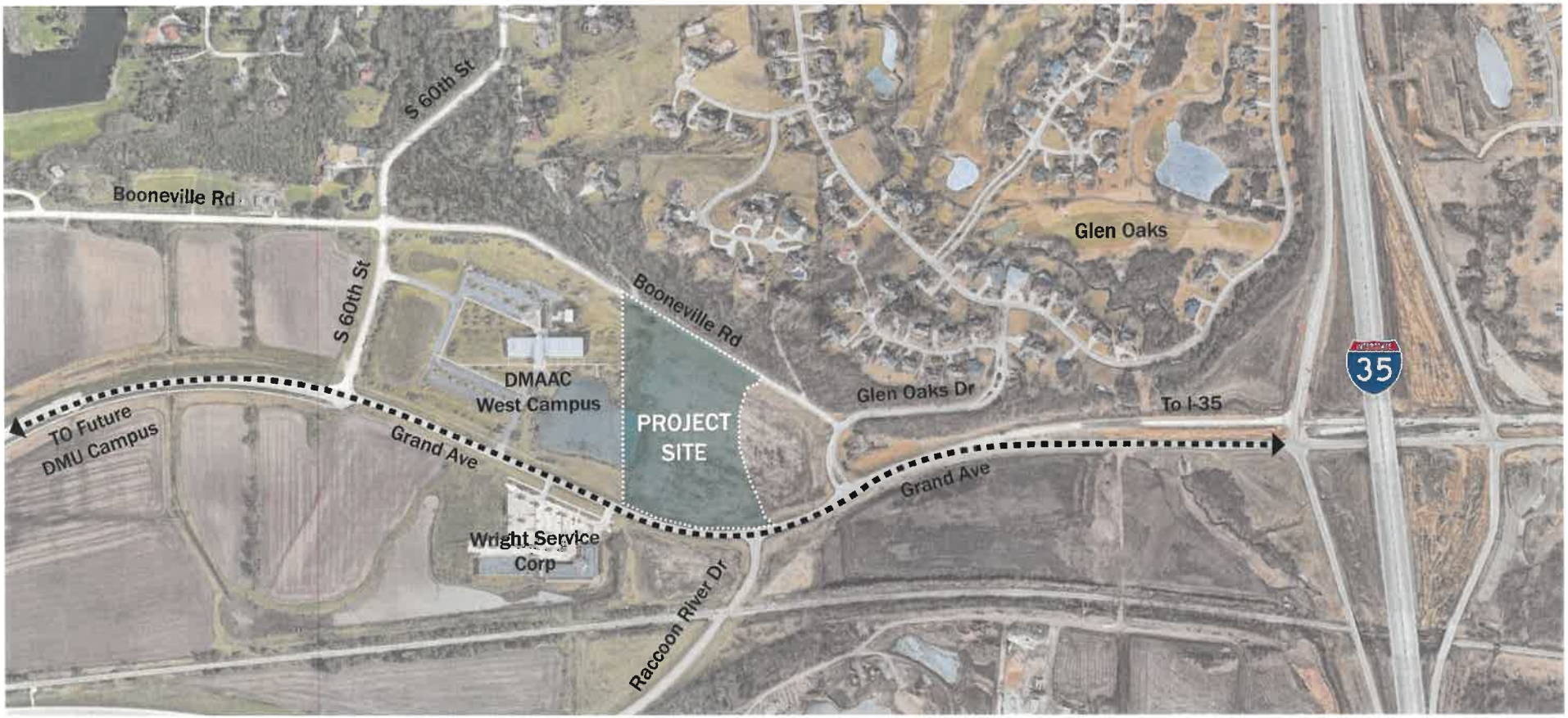
GALLOWAY HOLDINGS LLC.

CITY OF WEST DES MOINES - PLANNING & ZONING
26 OCTOBER 2020

substancearchitecture | HOERR SCHAUDT
LANDSCAPE ARCHITECTS

ATTACHMENT F

PROJECT SITE



N

ZONING COMPARISON

	SC - SUPPORT COMMERCIAL (CURRENT)	OF - OFFICE DISTRICT (PROPOSED)
SETBACKS	FRONT = 100' (60' FRONT SETBACK FROM GRAND AVE IN GLEN OAKS PUD) REAR = 50' SIDE = 50' PARKING = 15'	FRONT = 30' REAR = 35' (15' IF ABUTS LIKE ZONING DISTRICT) SIDE = 10' (0' IF ABUTS SIMILAR DISTRICT) PARKING = 15'
MIN. LOT SIZE	60,000 SF	10,000 SF
MIN. LOT WIDTH	50'	80'
ARCHITECTURE	ROOF DESIGN TO BE PITCHED OR GABLED TO REFLECT RESIDENTIAL APPEARANCE. PRIMARY EXTERIOR MATERIALS TO BE GLASS, BRICK OR STONE. NO WOOD, MASONITE, ASPHALTIC WALL OR ROOF MATERIAL, ALUMINUM SIDING, NONARCHITECTURAL SHEET METAL, CONCRETE BLOCK OR OTHER SIMIALAR MATERIALS. (REQUIREMENTS PER GLEN OAKS PUD)	COMPATIBLE WITH SURROUNDING BUILDINGS AND THE CHARACTER OF THE COMMUNITY
RESTAURANTS	ALLOWED = CLASS 1, CLASS 2, BAR/RESTAURANT * CLASS 1 = NO ALCOHOL SERVED * CLASS 2 = MORE FOOD THAN ALCOHOL, MINORS ALLOWED UNTIL MIDNIGHT * BAR/RESTAURANT = MORE ALCOHOL THAN FOOD, MINORS NOT ALLOWED	ALLOWED = CLASS 1 & CLASS 2 * CLASS 1 = NO ALCOHOL SERVED * CLASS 2 = MORE FOOD THAN ALCOHOL, MINORS ALLOWED UNTIL MIDNIGHT

THE OAKS ON GRAND - SITE PLAN

01 BUILDING 1 - OFFICE & WAREHOUSE
02 BUILDING 2 - OFFICE
03 BUILDING 3 - OFFICE (FUTURE)
04 PARKING
05 AMENITIES ZONE
06 DETENTION POND
07 LANDSCAPE BUFFER

MASTER PLAN - SW LOOKING NE

01 BUILDING 1 - OFFICE & WAREHOUSE
02 BUILDING 2 - OFFICE
03 BUILDING 3 - OFFICE (FUTURE)

POND PATHWAY AND BMP

BUILDING 1 TERRACE

BUILDING 1
ENTRY VIEW

BUILDING 1
VIEW FROM POND

BUILDING 2
ENTRY VIEW

BUILDING 2
VIEW FROM POND

EXHIBIT II

Prepared by: B. Portz, Development Services, PO Box 65320, W.D.M., 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 #1007, #1043, #1047, #1063, #1156, #1568 AND #1720 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS AND GUIDELINES, SPECIFICALLY PUD #30 GLEN OAKS.

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

SECTION 1. AMENDMENT. Ordinance #1007, #1043, #1047, #1063, #1156, #1568, and #1720, pertaining to the **Glen Oaks Planned Unit Development (PUD)**, Section 030-01: *Legal Description;* is hereby amended by adding the following bolded italicized text at the end of the existing legal description:

EXCEPT

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., AND OUTLOT "Y" IN WEST GRAND BUSINESS PARK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT "Y" THENCE SOUTH 59°09'23" EAST, A DISTANCE OF 191.49 FEET ALONG THE NORTH LINE OF SAID OUTLOT "Y"; THENCE NORTH 24°00'04" EAST, A DISTANCE OF 30.21 FEET; THENCE SOUTH 59°09'58" EAST, A DISTANCE OF 545.83 FEET; THENCE SOUTH 31°02'50" WEST, A DISTANCE OF 47.19 FEET; THENCE SOUTH 74°37'10" WEST, A DISTANCE OF 38.51 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 475.00 FEET, A DELTA OF 49°58'14", AN ARC LENGTH OF 414.27 FEET, A CHORD WHICH BEARS SOUTH 01°27'53" WEST HAVING A CHORD LENGTH OF 401.27 FEET; THENCE SOUTH 33°45'42"

EAST A DISTANCE OF 35.39 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET, A DELTA OF 19°17'45", AN ARC LENGTH OF 185.23 FEET, A CHORD WHICH BEARS SOUTH 18°07'19" EAST HAVING A CHORD LENGTH OF 184.35

FEET; THENCE SOUTH 55°11'28" EAST, A DISTANCE OF 55.17 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS PRESENTLY ESTABLISHED; THENCE ALONG SAID NORTH RIGHT OF WAY ALONG A CURVE TO THE RIGHT ALONG SAID RIGHT AWAY HAVING A RADIUS OF 940.00 FEET, A DELTA OF 36°54'13" AN ARC LENGTH OF 605.45 FEET, A CHORD WHICH BEARS NORTH 84°27'03" WEST HAVING A CHORD LENGTH OF 595.03 FEET; THENCE, CONTINUING ALONG SAID NORTH RIGHT OF WAY, RIGHT NORTH 66°05'20" WEST, A DISTANCE OF 119.80 FEET; TO THE SOUTHEAST CORNER OF OUTLOT "Z" IN SAID WEST GRAND BUSINESS PARK PLAT 1. THENCE NORTH 0°21'25" EAST, A DISTANCE OF 932.17 FEET, TO THE POINT OF BEGINNING, CONTAINING 11.83 ACRES, MORE OR LESS.

SECTION 2. AMENDMENT. Ordinance #1007, #1043, #1047, #1063, #1156, #1568, and #1720, pertaining to the **Glen Oaks Planned Unit Development (PUD)**, Section 030-02: *Sketch Plan*; is hereby amended by replacing the PUD sketch plan with Exhibit A attached hereto.

SECTION 3. AMENDMENT. Ordinance #1007, #1043, #1047, #1063, #1156, #1568, and #1720, pertaining to the **Glen Oaks Planned Unit Development (PUD)**, Section 030-03: *Conditions*; Subsection B*: Land Use Design Criteria*; Subsection 7: *Parcel L*; is hereby amended by deleting the following strike-thru highlighted text and adding the bolded italicized text:

7. Parcel L: All general use regulations, performance standards and provisions set forth in ~~Article XIV of Ordinance 430~~ ***City Code*** for the ~~C-1-A Business-Commercial Plaza~~ ***Support Commercial (SC)*** District shall apply to any development proposal for the property within Parcel L as shown on the ***PUD*** sketch plan, except as shall be further provided herein. ~~This parcel shall encompass a maximum of twenty two (22.0) acres.~~

a. Permitted Uses: Permitted uses within Parcel L shall include:
All uses permitted within the ~~C-1-A Business-Commercial Plaza~~ ***Support Commercial (SC)*** District, except travel trailer parks, landscape garden plant stores, any and all outside display areas and all auto-related sales and service facilities shall each be prohibited.

b. Development Standards: Lot area, lot frontage and yard requirements shall comply with standards of the ~~C-1-A Zone~~ ***SC*** District. Multiple use of a lot shall comply with ~~C-1-A Zone~~ ***SC*** District standards with multiple buildings on a site of minimum lot area being consistent in architectural design and use of materials and organized utilizing a compatible planned open space, landscape plan, and parking plan to serve and maintain a unified master plan concept~~; multiple buildings separated by parking areas shall not be considered acceptable if not complying with the C-1-A Zoned Districts minimum two (2) acre lot area standards~~. Parking lots, internal drives, buildings and/or structures of any kind shall be set back a minimum of sixty feet (60') from the future Grand Avenue right-of-way. A minimum ten foot (10') parking lot and internal drive setback shall be maintained from adjoining properties and internal streets and adjacent roadways unless said parking lot is part of a common parking lot jointly used by adjoining properties. Parking lots shall be sufficiently screened~~, as practical,~~ from public street view and surrounding properties with the use of landscaping, earth berming, and/or wall structures as may be required by the City. No direct access shall be permitted to Grand Avenue from Parcel L.

c. Architecture: The architectural design of any building shall be acceptable to the City, provided acceptance shall not be unreasonably withheld, and all buildings within the parcel shall have as a primary element of the exterior being fascia glass, face brick, ~~or~~ stone, ***architectural metal or composite panels acceptable to the City. All composite panel or metal cladding must have concealed fasteners and fully finished edges.*** ~~, with all~~ ***All*** sides of any building built within Parcel L consistent in design and use of materials. No wood, masonite, visible asphaltic exterior wall or roof material, aluminum siding, nonarchitectural sheet metal, concrete

block, or other similar materials shall constitute a portion of any building exterior, except as a trim material, unless the City Council of West Des Moines, after review by the Planning and Zoning Commission of West Des Moines shall determine said material, when used as a primary element, enhances the physical appearance. ~~The roof design of any and all buildings within Parcel L shall be pitched or gabled and reflect a residential appearance in nature.~~

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed

SECTION 5. 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 6. 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 of West Des Moines, Iowa.

SECTION 7. 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 8. 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:

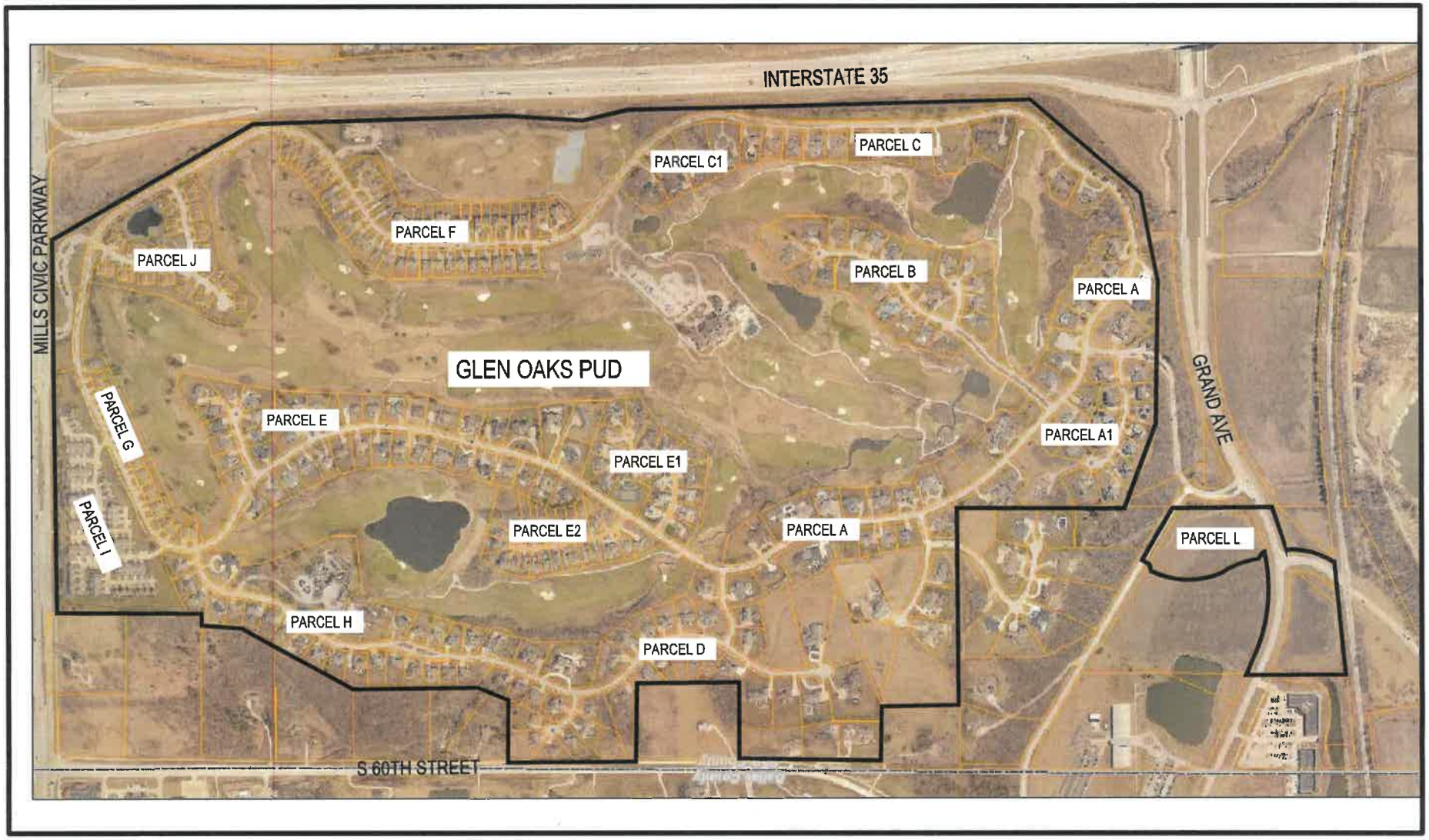
_____
Ryan T. Jacobson, City Clerk

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

_____

Ryan T. Jacobson, City Clerk

GLEN OAKS PUD
PUD SKETCH



GRAPHIC SCALE

400 0 200 400 800

SCALE: 1" = 800'

EXHIBIT A

EXHIBIT III

Prepared by: B. Portz, 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 AMENDMENT TO THE COMPREHENSIVE PLAN LAND USE MAP (CPA - 004844-2020) FROM SUPPORT COMMERCIAL TO OFFICE LAND USE

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant and property owner, JCG Equity, L.L.C., has requested approval of an amendment to the Comprehensive Plan Land Use Map (CPA-04844-2020) to change the land use designation on ground located at the northwest corner of Raccoon River Drive and Grand Avenue from Support Commercial (SC) to Office (OF) as illustrated on Exhibit B and legally described below;

Legal Description of Property

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., AND OUTLOT "Y" IN WEST GRAND BUSINESS PARK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT "Y" THENCE SOUTH 59°09'23" EAST, A DISTANCE OF 191.49 FEET ALONG THE NORTH LINE OF SAID OUTLOT "Y"; THENCE NORTH 24°00'04" EAST, A DISTANCE OF 30.21 FEET; THENCE SOUTH 59°09'58" EAST, A DISTANCE OF 545.83 FEET; THENCE SOUTH 31°02'50" WEST, A DISTANCE OF 47.19 FEET; THENCE SOUTH 74°37'10" WEST, A DISTANCE OF 38.51 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 475.00 FEET, A DELTA OF 49°58'14", AN ARC LENGTH OF 414.27 FEET, A CHORD WHICH BEARS SOUTH 01°27'53" WEST HAVING A CHORD LENGTH OF 401.27 FEET; THENCE SOUTH 33°45'42"

EAST A DISTANCE OF 35.39 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET, A DELTA OF 19°17'45", AN ARC LENGTH OF 185.23 FEET, A CHORD WHICH BEARS SOUTH 18°07'19" EAST HAVING A CHORD LENGTH OF 184.35 FEET; THENCE SOUTH 55°11'28" EAST, A DISTANCE OF 55.17 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS PRESENTLY ESTABLISHED; THENCE ALONG SAID NORTH RIGHT OF WAY ALONG A CURVE TO THE RIGHT ALONG

SAID RIGHT AWAY HAVING A RADIUS OF 940.00 FEET, A DELTA OF 36°54'13" AN ARC LENGTH OF 605.45 FEET, A CHORD WHICH BEARS NORTH 84°27'03" WEST HAVING A CHORD LENGTH OF 595.03 FEET; THENCE, CONTINUING ALONG SAID NORTH RIGHT OF WAY, RIGHT NORTH 66°05'20" WEST, A DISTANCE OF 119.80 FEET; TO THE SOUTHEAST CORNER OF OUTLOT "Z" IN SAID WEST GRAND BUSINESS PARK PLAT 1. THENCE NORTH 0°21'25" EAST, A DISTANCE OF 932.17 FEET, TO THE POINT OF BEGINNING, CONTAINING 11.83 ACRES, 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; and

WHEREAS, on October 26, 2020, the Plan and Zoning Commission did recommend to the City Council approval of the Comprehensive Plan Amendment (CPA-004844-2020); and

WHEREAS, on November 2, 2020, this City Council held a duly-noticed Hearing to consider the application for Comprehensive Plan Amendment (CPA-004844-2020).

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

SECTION 1. The findings, for approval, stated in the staff report, dated November 2, 2020, or as amended orally at the City Council meeting of November 2, 2020, are adopted.

SECTION 2. Comprehensive Plan Amendment (CPA-004844-2020) to change to Office (OF) land use is approved, subject to compliance with all the conditions in the staff report, dated November 2, 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 entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on November 2, 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 November 2, 2020, by the following vote:

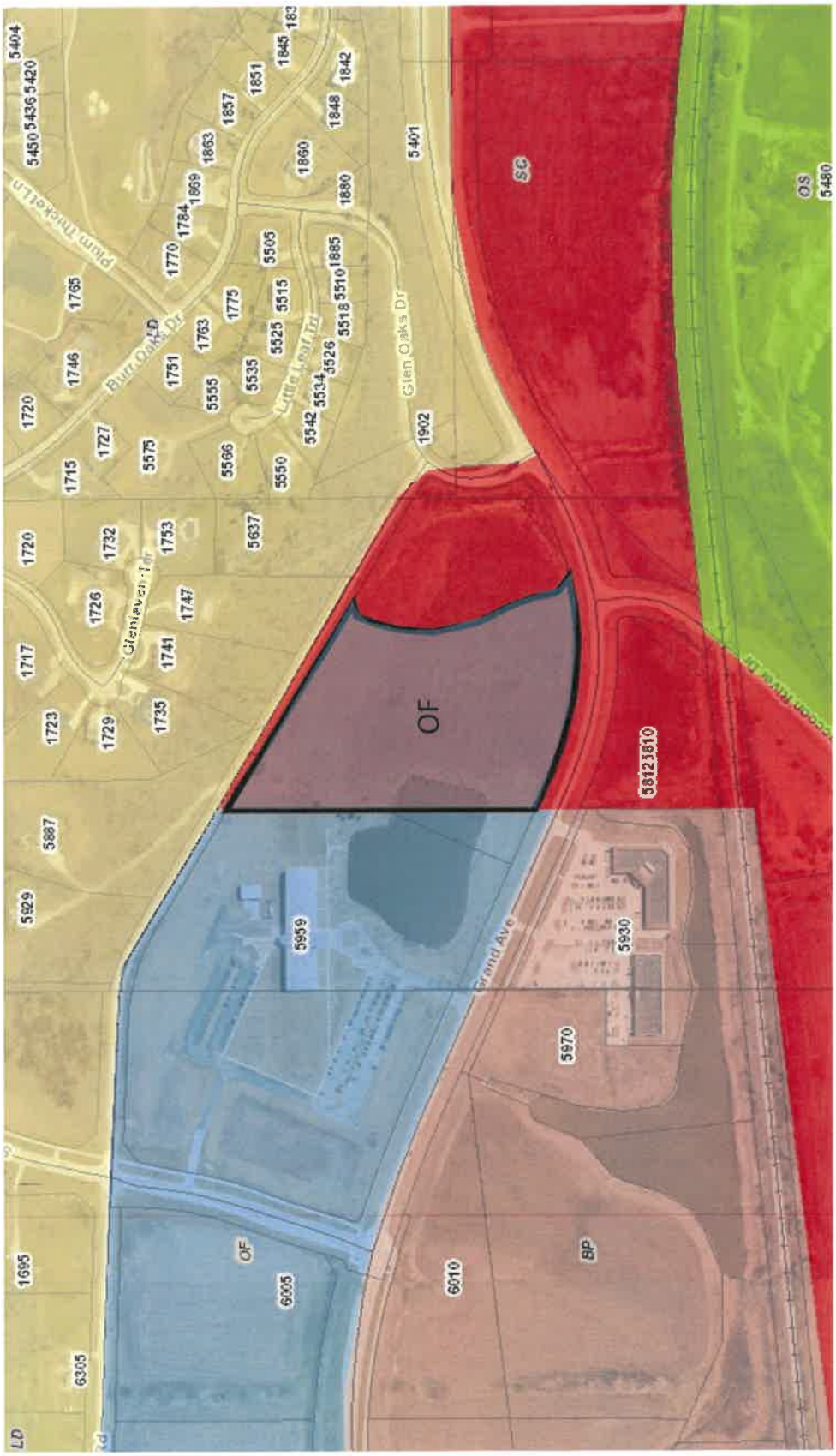
ATTEST:

_____
Ryan Jacobson, City Clerk

Exhibit A: Conditions of Approval
No conditions of approval

EXHIBIT B

Proposed Comprehensive Plan Land Use



Prepared by: B. Portz, 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

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 4: ZONING DISTRICTS AND MAP

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

SECTION 1. AMENDMENT: The Zoning Map of the City of West Des Moines, Iowa, is hereby amended by consistency zoning the following legally described property to Office (OF) District in Compliance with the adopted City of West Des Moines Comprehensive Land Use Plan.

Legal Description

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M. AND THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., AND OUTLOT "Y" IN WEST GRAND BUSINESS PARK PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY IOWA IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT "Y" THENCE SOUTH 59°09'23" EAST, A DISTANCE OF 191.49 FEET ALONG THE NORTH LINE OF SAID OUTLOT "Y"; THENCE NORTH 24°00'04" EAST, A DISTANCE OF 30.21 FEET; THENCE SOUTH 59°09'58" EAST, A DISTANCE OF 545.83 FEET; THENCE SOUTH 31°02'50" WEST, A DISTANCE OF 47.19 FEET; THENCE SOUTH 74°37'10" WEST, A DISTANCE OF 38.51 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 475.00 FEET, A DELTA OF 49°58'14", AN ARC LENGTH OF 414.27 FEET, A CHORD WHICH BEARS SOUTH 01°27'53" WEST HAVING A CHORD LENGTH OF 401.27 FEET; THENCE SOUTH 33°45'42"

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CHORD LENGTH OF 595.03 FEET; THENCE, CONTINUING ALONG SAID NORTH RIGHT OF WAY, RIGHT NORTH 66°05'20" WEST, A DISTANCE OF 119.80 FEET; TO THE SOUTHEAST CORNER OF OUTLOT "Z" IN SAID WEST GRAND BUSINESS PARK PLAT 1. THENCE NORTH 0°21'25" EAST, A DISTANCE OF 932.17 FEET, TO THE POINT OF BEGINNING, CONTAINING 11.83 ACRES, MORE OR LESS.

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 this 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 PENALITIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Section 1 and Section 2 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 from and 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

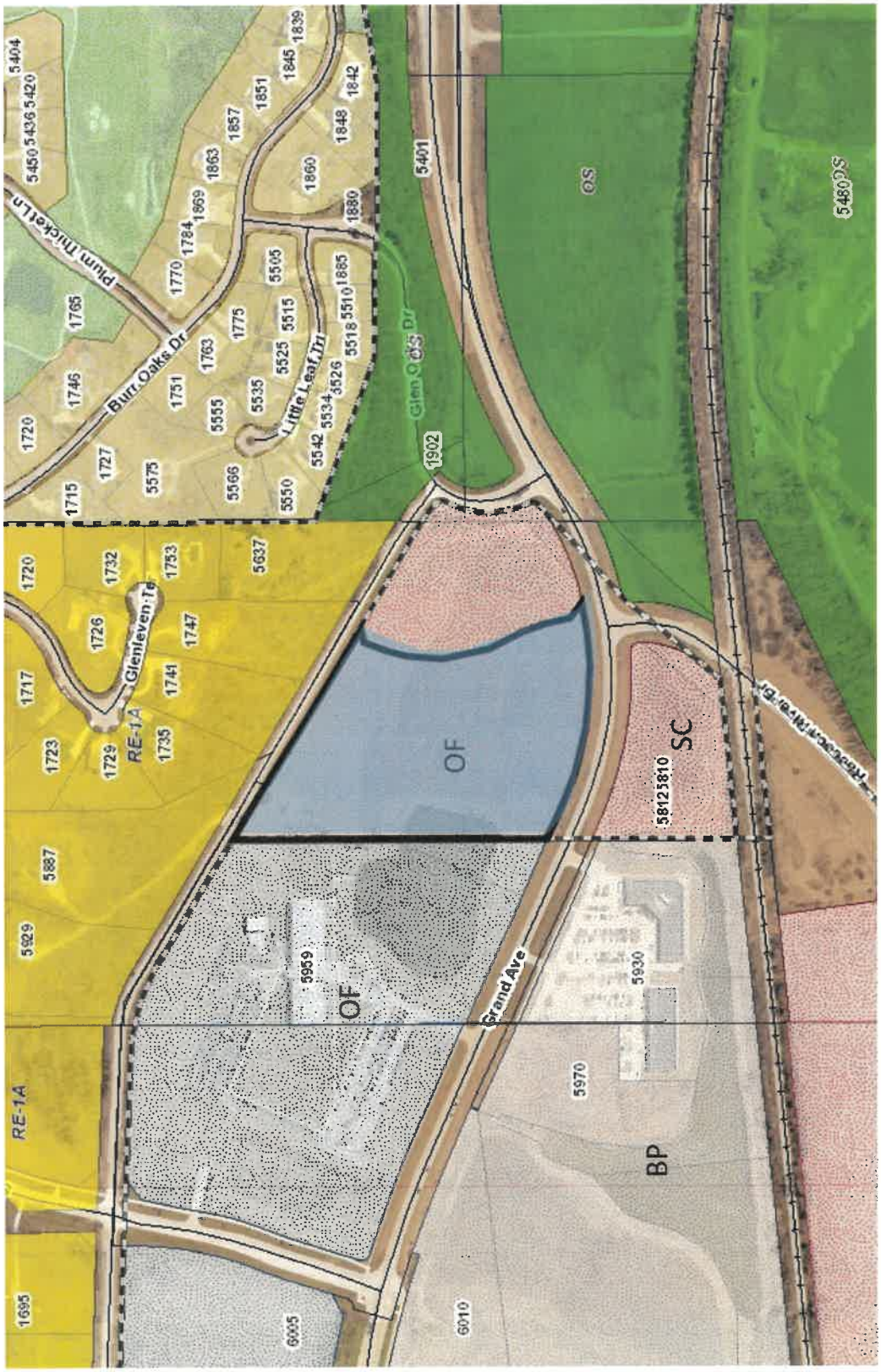
ATTEST:

_____
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

EXHIBIT A

Proposed Zoning Map