

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: March 22, 2021

ITEM: Village of Ponderosa, 545, 565, and 570 Market Street and 5905 Stagecoach Drive - Amend the Village of Ponderosa Specific Plan Ordinance to modify setback and maximum height limitations – LENL, LLC – ZCSP-005046-2021

Resolution: Approval of Amendment to Specific Plan Ordinance

Background: Joel Jackson with Bishop Engineering, on behalf of the applicant and property owner, LENL, LLC, request approval of a Rezoning to amend the Village of Ponderosa Specific Plan (ZCSP), governing development of that ground located at 545, 565, and 570 Market Street and 5905 Stagecoach Drive.

Staff Review & Comment:

- Financial Impact: Undetermined
- Changes to the Originally Intended Development:
 - Maximum Building Height: The original Village of Ponderosa Specific Plan Ordinance called for 3-story mixed use buildings on the subject properties except 570 Market which was thought to be a 1-story structure. A subsequent amendment to the Ordinance was approved in 2015 allowing for stand-alone multi-family development on the properties with a maximum building height of 55' specified. The applicant designed 5-story buildings for 545 and 565 Market Street and 5905 Stagecoach Drive at a height of sixty-three feet (63') to the top of the parapet as measured from the average grade with the stair tower an additional four feet (4') above the parapet (67'). City code provides allowances for stair towers, elevator shafts, equipment penthouses, and other 'non-occupiable' space to exceed the maximum code allowed building height; however, an amendment to the specific plan to increase the maximum allowable building height to sixty-three (63') is necessary. 570 Market street is 4-story buildings which will remain at or below the current specific plan ordinance limit of fifty-five (55') for the primary structure parapet.
 - Rear and Side Yard Setbacks: All of the proposed buildings front one street with the balance of the facades bordering common space consisting of either shared parking areas or the central lake and plaza area. The current ordinance requires a thirty-foot (30') separation between buildings. The proposed buildings at 545 & 565 Market Street were site planned to be located less than one foot (1') from the rear property line as the civil engineer preparing the plans thought that they were allowed a zero foot (0') setback. The engineering consultant was working from a version of the Specific Plan Ordinance that they believed was the City approved ordinance. This version included the following provision, "Building setbacks for rear and side property lines not adjacent to streets shall be zero feet (0')". Staff researched the multiple amendments to the specific plan ordinance and found that this provision was never approved by the City Council and therefore was not adopted or codified. Although the separation requirement ensures building separation, application of the Building Code is based on the building setback from a defined property line. When a building is located less than ten feet (10') to a property line, the ability to have openings in the building are restricted and certain types of enhanced construction is required. To allow the buildings at a one foot (1') setback, a ten foot (10') no build easement will be located along the opposite (common area) side of the property line(s) and will be established to meet building and fire code requirements for building separation. The building setback language that was believed to be in the currently adopted ordinance will be added for setback clarity purposes.

- **Exhibit Modifications:** The following updates to a few of the exhibits within the Village of Ponderosa Specific Plan Ordinance are proposed with this amendment:
 - The maximum square footages allowed for Buildings “F”, “G”, “H”, and “I” in the table of Exhibit 2A have been increased. The current maximum square footage of living area allowed for each of these buildings is 40,000 square feet. Buildings “F” & “G” (545 & 565 Market St) are now proposed to be 65,747 square feet each, Building “H” (570 Market St) at 38,928 square feet, and Building “I” (5905 Stagecoach Dr) at 46,300 square feet.
 - Parking counts and distribution have been updated in Exhibit 17B because of an increase in the bedroom counts for the apartment units.
 - The images and text of Figure 25 of the Architectural Pattern Book within the Village of Ponderosa Specific Plan will be updated with the architectural drawings for the buildings and indication of the new maximum allowable height.
 - Exhibits 35 A through D in the specific plan, and Figures 5 and 26 in the architectural pattern book will be removed as they represent previously approved designs of the apartments.
- **Allowed Building Materials:** Recent development proposals for the specific plan area are more modern in design and have incorporated composite siding in higher proportions than what is found within the existing development. This material type is not allowed as a primary material in the current specific plan. In general, staff does not have a concern with the use of composite material for cladding. However, to assure that future development continues to maintain a cohesive appearance with existing development, staff is recommending that use of composite material be approved as part of the site plan review rather than a general allowance of the material in the specific plan. The materials language in the architecture section of the specific plan has been modified to reflect the allowance of composite materials as a primary building material acceptable to the City as part of the site plan review.
- **History:** The original Village of Ponderosa Specific Plan Ordinance was adopted on July 31, 2006. In 2015, an amendment to the Village of Ponderosa Specific Plan Ordinance was requested by LENL, LLC to modify the regulations to allow more residential development, including the properties at 545, 565, and 570 Market Street and 5905 Stagecoach Drive. That amendment limited the height of the apartment buildings on those properties to fifty feet (50'). Another amendment to the Ordinance was approved in March of 2017, increasing the maximum height permitted for the buildings in question from fifty feet (50') to fifty-five (55'). The amendments in 2015 and 2017 were requested by the same property owner that is now requesting to increase the height again to sixty-three (63').
- **Traffic Analysis Findings:** No traffic study completed for this request.
- **Condition(s) of Approval:**
 - Staff is proposing a condition of approval that allows the applicant to start site work, including the installation of private utilities and footing and foundations based on a City approved site plan, after City Council approval of the First Reading of the Ordinance. This will allow the applicant to get started on the proposed apartment buildings before the final adoption of the Ordinance. Starting construction before final adoption of the Ordinance would be done at the owner’s own risk.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve the Rezoning request to amend the Village of Ponderosa Specific Plan (ZCSP), subject to the applicant meeting all City Code requirements, and the following condition of approval:

1. The City Council allowing, upon approval of the First Reading of the Ordinance, the initiation of site work, including the installation of private utilities and footing and foundations based on a City approved site plan and/or installation of public utilities based on a City approved Public Improvement Plan. No above ground construction shall be allowed prior to the official adoption of the Specific Plan Ordinance by the City Council.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	March 22, 2021
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews:

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input type="checkbox"/> Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

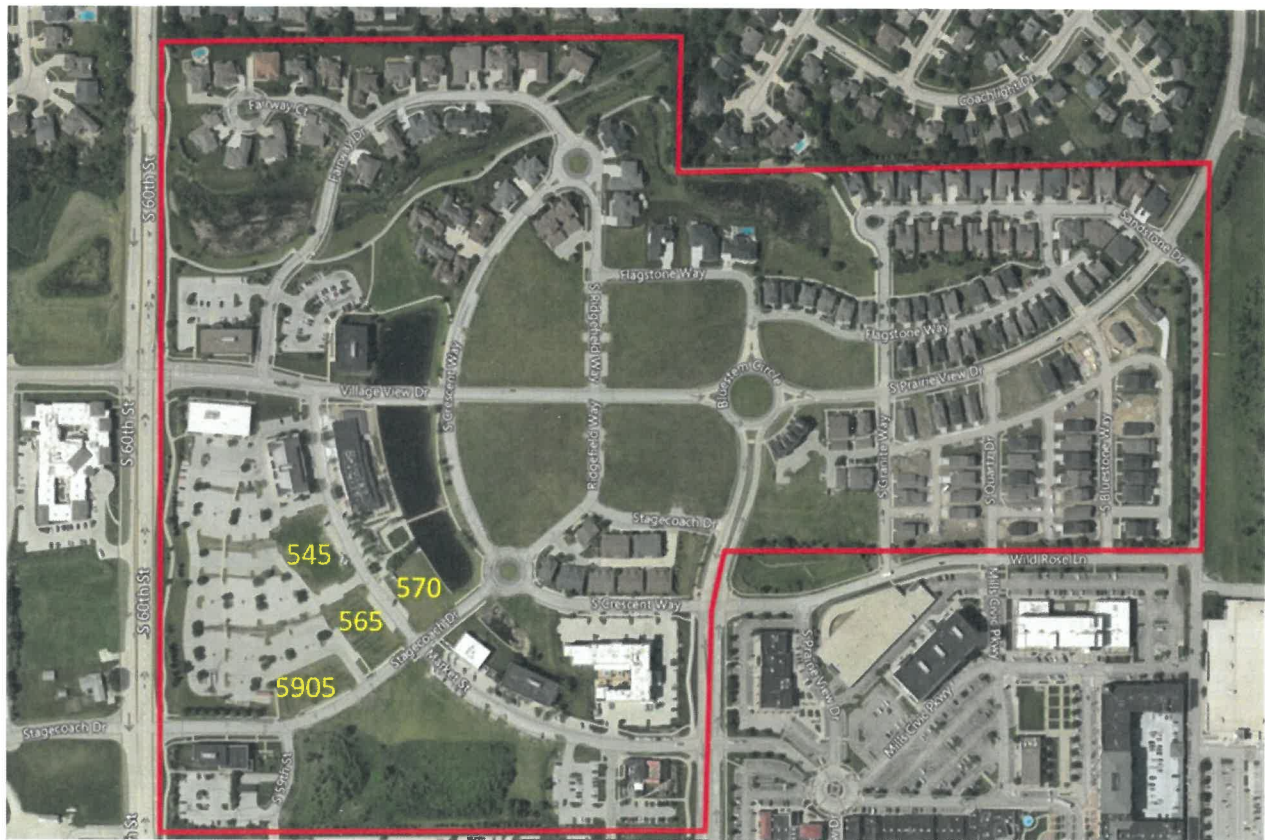
Publications (if applicable)

Published In:	Des Moines Register
Date(s) Published	3/16/21
Date(s) of Mailed Notices	3/16/21

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	3/1/21
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

Specific Plan Location Map



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-014**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, and property owner, LENL, LLC, request approval of a Rezoning to amend the Village of Ponderosa Specific Plan (ZCSP) to clarify setbacks, increase maximum height limitations and update allowable building square footages on property as legally defined in the Specific Plan Ordinance and indicated on the Location Map, both of which are included in the staff report; and

WHEREAS, the rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request to amend the Village of Ponderosa Specific Plan (ZCSP-005046-2021), subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on March 22, 2021.

Erica Andersen, Chair
Plan and Zoning Commission

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 March 22, 2021, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

ORDINANCE

AN ORDINANCE AMENDING ORDINANCES #1701, 1793, 1846, 2093, 2138, & 2208 TO AMEND THE VILLAGE OF PONDEROSA SPECIFIC PLAN ORDINANCE TO MODIFY DEVELOPMENT REGULATIONS AND ARCHITECTURAL CONCEPTS

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

SECTION 1. AMENDMENT: Amend Ordinances #1701, 1793, 1846, 2093, 2138, & 2208 pertaining to the **Village of Ponderosa Specific Plan**, Section 081-19: *Land Use and Bulk Regulations*; Subsection C: *Multi-Family Residential (Areas 1D, 2E, 3C, And 4A)*; Subsection 2: *Building Height*; and Subsection 3: *Building Setbacks*; is hereby amended by deleting the following strike-thru highlighted text and adding the bolded italicized text and re-lettering as needed. Any subsections included in currently adopted ordinance not included below shall remain as is.

- C. Multi-Family Residential (Areas 1D, 2E, 3C, and 4A):
2. Building Height: The building height for multi-family residential structures shall be as follows:
 - a. Senior/Active Adult multi-family shall not exceed sixty feet (60') in height **as measured to the top of the parapet and from the average grade.**
 - b. Buildings "F", "G", "~~"H"~~, and "I"-**primary building structure (excluding architectural detailing)** shall not exceed ~~fifty-five~~ **sixty-three** feet (~~55~~ **63**') in height, **as measured to the top of the parapet and from the average grade.**
 - c. **Building "H" primary building structure (excluding architectural detailing) shall not exceed fifty-five feet (55') in height, as measured to the top of the parapet and from the average grade.**
 - d. Buildings "K" and "L" shall not exceed seventy-two feet (72') in height **as measured to the top of the parapet and from the average grade.**
 3. Building Setbacks:
 - a. Unless otherwise specifically stated, setbacks shall be measured from the property line of parcels that abut a public street or back-of-curb of the thru-lanes of the adjoining private street or alley, not from parallel parking areas or drop-off

lanes. Setbacks along boundaries that do not abut a street shall be measured from the lot boundary.

- (1) Building setbacks in areas 1D and 4A shall be measured to the foundation of the dwelling structure or covered parking. Unless otherwise specified below, a minimum thirty foot (30') setback shall be provided from an adjoining street or perimeter lot boundary. The setback requirement along Village View Drive (both sides within Areas 1D and 4A) shall be twenty feet (20'). The setback requirement along Stagecoach Drive, north side only, within Area 2E shall be ten feet (10').
- (2) Building setbacks for buildings within Area 2E and 3C which front to Market Street are measured to the main plane of the building excluding canopies and pedestrian arcades. Buildings should be set back a minimum of fifteen feet (15') except for main building entries which may be as close as six feet (6') from the back of curb of Market Street.
- (3) ***Building setbacks for rear and side property lines not adjacent to streets shall be zero feet (0'). No build easements adjacent to each property line may be required to meet applicable building code requirements related to exterior wall and opening protection.***

SECTION 2. AMENDMENT: Amend Ordinances #1701, 1793, 1846, 2093, 2138, & 2208 pertaining to the **Village of Ponderosa Specific Plan**, Section 081-18: *Architecture*; Subsection A: *Building Design*; Subsection 2: *Material Quality And Detail*; is hereby amended by adding the bolded italicized text. Any subsections included in currently adopted ordinance not included below shall remain as is.:

2. Material Quality And Detail: All sides to each building are to receive high quality materials and finishes (360 degree architectural treatment). There are no "backs" to a building. Materials should be durable, economically maintained and of a quality that will maintain their appearance over a prolonged time.
 - a. Primary building materials should include, but not be limited to, iron spot or reclaimed brick, limestone or cast stone, concrete and architectural metals.
 - (1) ***Composite building materials acceptable to the City, as determined as part of the site plan review process, may be incorporated in the design as a primary building material.***
 - (2) ***Architectural metal and composite building materials shall be detailed with finished edges and have concealed fasteners.***
 - b. The following materials shall not be used for cladding unless specifically approved by the city of West Des Moines:
 - (1) Natural wood or wood paneling.
 - (2) EIFS or synthetic stucco.
 - (3) Concrete masonry units.
 - (4) Tilt-up precast concrete systems that are structural in appearance.
 - (5) Materials that are intended for interior use.

SECTION 3. AMENDMENT: Amend Ordinances #1701, 1793, 1846, 2093, 2138, & 2208 pertaining to the **Village of Ponderosa Specific Plan**, complete ordinance; is hereby amended by updating parking information in Exhibit 17B, modifying the maximum square footages allowed for Buildings "F," "G," "H," and "I" in the table of Exhibit 2A and removal of Exhibits 35 A through D in the Specific Plan and modifying the images and text of Figure 25, removal of Figure 5 and 26 of the Architectural Pattern Book within the Village of Ponderosa Specific Plan.

SECTION 4. REPEALER: All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 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 Code of the City of West Des Moines, Iowa.

SECTION 7. OTHER REMEDIES: In addition to the provisions set out in 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 from and after its passage, approval and publication as provided by law.

Passed by the City Council on the ____ day of _____, 2021 and approved this ____ day of _____, 2021.

Steven K. Gaer, Mayor

ATTEST:

Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2021, and was published in the Des Moines Register on _____, 2021.

Ryan T. Jacobson
City Clerk

LEGEND

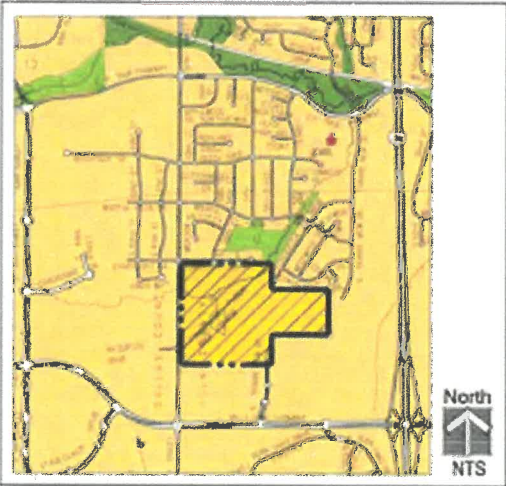
- Single Family Detached (Maximum 29.48 acres)
- High Density (Maximum 52.17 acres)

Total Maximum Dwelling Units for Development = 1,137

Building	Retail	Office	Residential	Total
		13,569 gsf		13,569 gsf
	8,202 gsf	8,451 gsf		16,653 gsf
	12,567 gsf			12,567 gsf
	8,294 gsf	19,142 gsf		27,436 gsf
	16,280 gsf			16,280 gsf
			65,747 gsf	65,747 gsf
			65,747 gsf	65,747 gsf
			48,700 gsf	48,700 gsf
			50,930 gsf	50,930 gsf
	3,755 gsf	11,628 gsf		15,383 gsf
			300,000 gsf	300,000 gsf
		5,000 gsf		5,000 gsf
		17,109 gsf		17,109 gsf
	8,900 gsf			8,900 gsf
				110 rooms hotel
57,998 gsf				76,899 gsf
470,124 gsf				645,021 gsf

Note: GSF shown excludes interior parking

PROPERTY SITE LOCATION MAP



LEGAL DESCRIPTION
Platted as Village of Ponderosa Plat #1

EXHIBIT 2A
ILLUSTRATIVE SPECIFIC PLAN

EXISTING PARKING REQUIREMENTS:

- BUILDING A: PARKING REQUIRED = 44 STALLS PER SITE PLAN (DATED JANUARY 2007)
- BUILDING B: PARKING REQUIRED = 48 STALLS PER SITE PLAN (DATED JANUARY 2007)
- BUILDING C: PARKING REQUIRED = 36 STALLS PER SITE PLAN (DATED SEPTEMBER 2009)
- BUILDING D: PARKING REQUIRED = 58 STALLS PER SITE PLAN (DATED JUNE 2007)
- BUILDING E: PARKING REQUIRED = 57 STALLS (47 STALLS PER SITE PLAN (DATED JANUARY 2007) AND 10 ADDITIONAL STALLS PER SITE PLAN (DATED JULY 2019))
- BUILDING J: PARKING REQUIRED = 44 STALLS PER SITE PLAN (DATED JUNE 2014)
- BUILDING M: PARKING REQUIRED = 13 STALLS PER SITE PLAN (DATED JUNE 2014)
- BUILDING N: PARKING REQUIRED = 49 STALLS PER SITE PLAN (DATED OCTOBER 2008)
- BUILDING O: PARKING REQUIRED = 26 STALLS PER SITE PLAN (DATED APRIL 2009)

PROPOSED PARKING REQUIREMENTS:

- PARKING REQUIREMENTS: 1 STALL PER STUDIO UNIT, 1.5 STALLS PER 1-BEDROOM UNIT, AND 2 STALLS PER 2-BEDROOM UNIT
- BUILDING F: PARKING REQUIRED = $9 \times 1 + 13 \times 1.5 + 35 \times 2 = 99$ STALLS
- BUILDING G: PARKING REQUIRED = $9 \times 1 + 13 \times 1.5 + 35 \times 2 = 99$ STALLS
- BUILDING H: PARKING REQUIRED = $19 \times 1 + 29 \times 1.5 = 63$ STALLS
- BUILDING I: PARKING REQUIRED = $8 \times 1 + 10 \times 1.5 + 28 \times 2 = 79$ STALLS

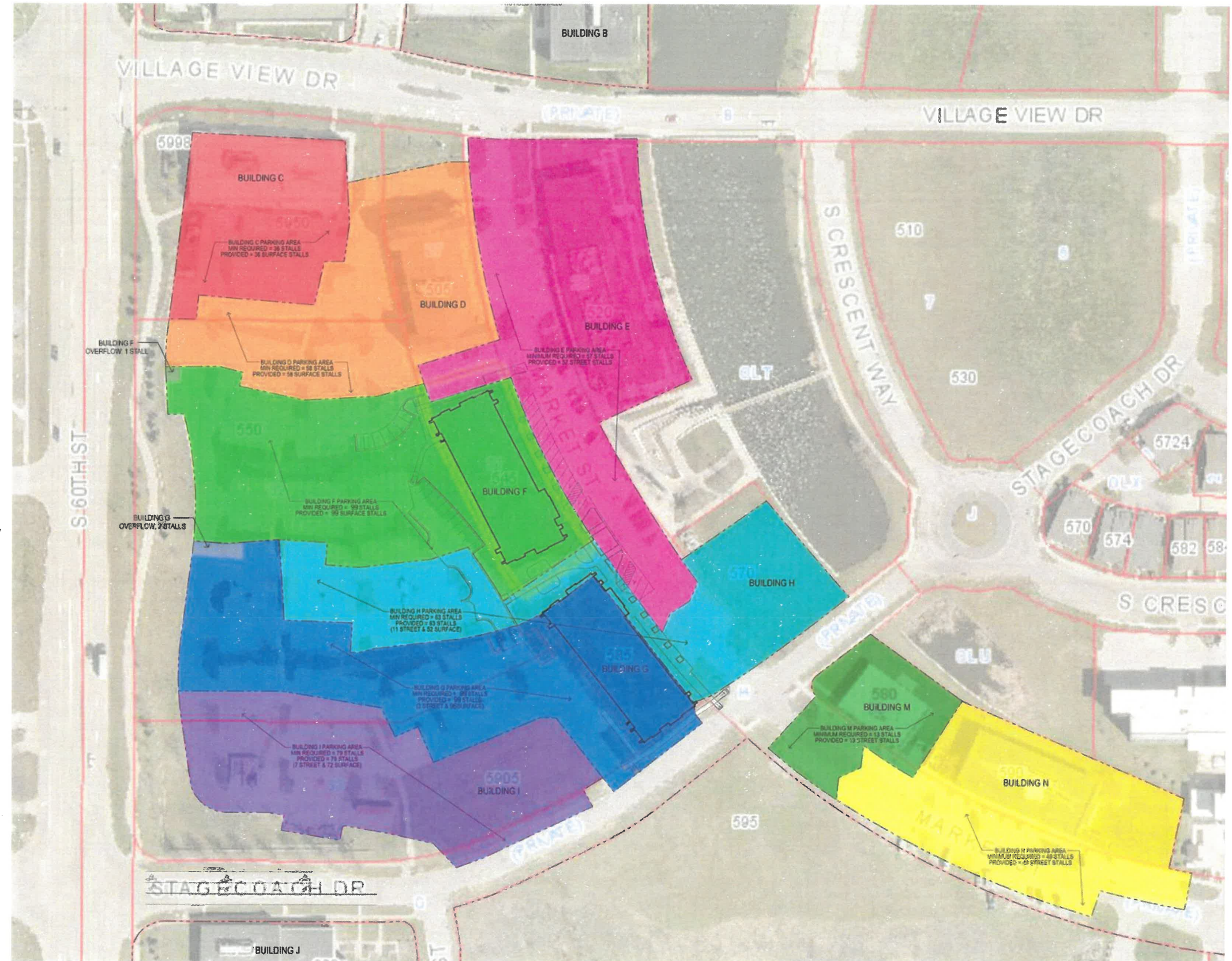
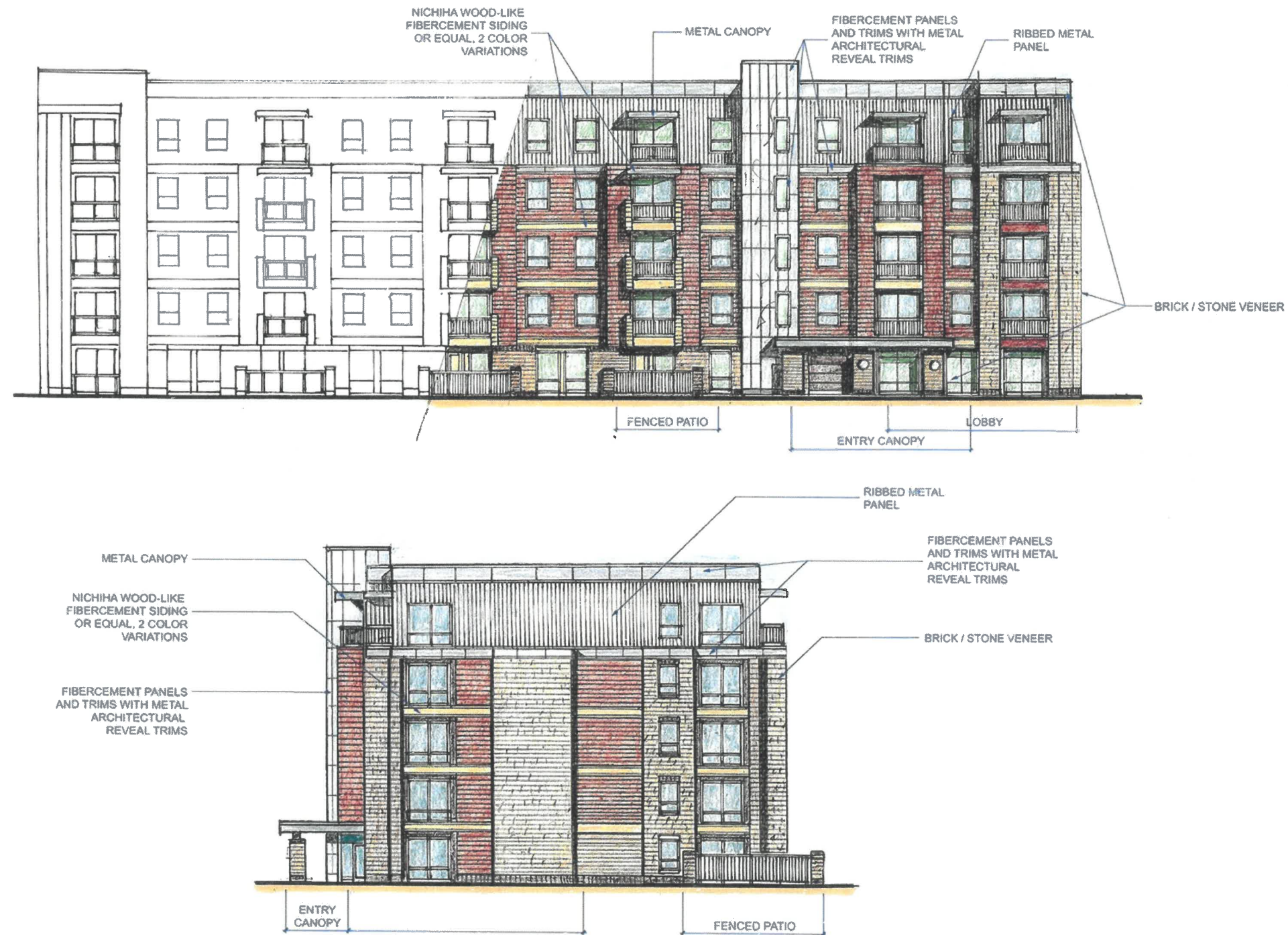


EXHIBIT 17B
PARKING COUNTS AND DISTRIBUTION

ARCHITECTURAL PATTERN BOOK



Buildings "F", "G", "H" & "I"

Height of principal structure ("F", "G" and "I") = max. 63'-0"

Height of principal structure ("H") = max. 55'-0"
(Excludes Architectural Elements such as stair towers)

See figures 25a and 25b for elevations

a. Design

- i. These buildings are organized along both Stagecoach Drive and Market Street with pedestrian entries that face both the streets and the surface parking in the rear of the buildings.
- ii. All building masses are designed with flat roofs.
- iii. Residential units that face the street are setback from the public sidewalk with an urban garden and elevated by approximately two to three feet above the public sidewalk to provide a separation of the dwelling unit's private spaces from pedestrians.

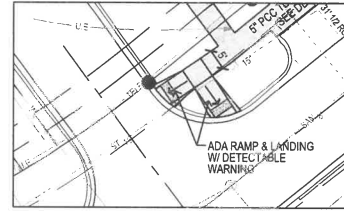
b. Materials

- i. Primary building materials for the buildings are brick with metal panel and cement board rain-screen systems.
- ii. Colors and detailing will be similar to those used in existing buildings along Market Street. In addition, accent panels will be in a complementary color.

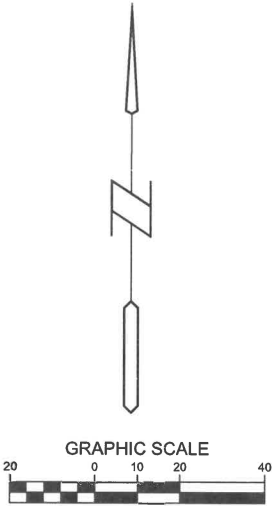
FIGURE 25

ELEVATIONS: BUILDINGS F, G, & I

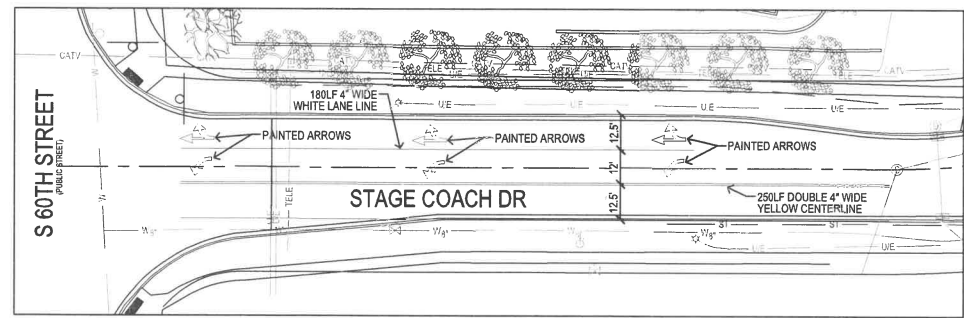
12/14/2020 3:01:52 PM L:\LAND PROJECTS\2020\200233\DWG\C2 LAYOUT.DWG



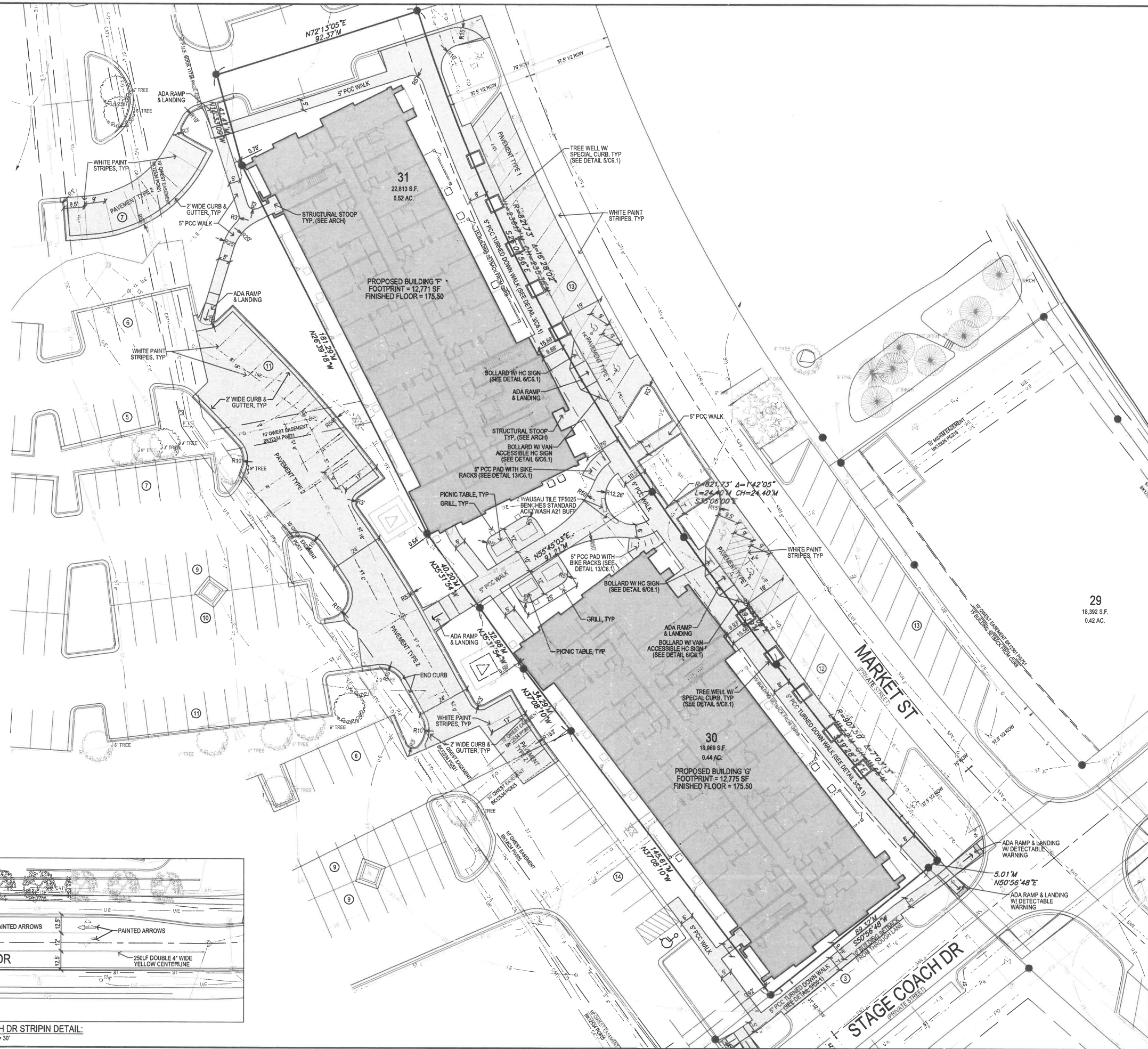
SOUTHWEST ADA RAMP DETAIL:
SCALE: 1" = 20'



GRAPHIC SCALE



S 60TH AND STAGE COACH DR STRIPIN DETAIL:
SCALE: 1" = 30'



Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50325-3625
Phone: (515) 276-0467 Fax: (515) 276-0217
Civil Engineering & Land Surveying
Established 1959

**VILLAGE OF PONDEROSA
BUILDINGS 'F' & 'G' SITE PLAN
LAYOUT PLAN**

REFERENCE NUMBER:
DRAWN BY: JMR
CHECKED BY: JEJ
REVISION DATE: 6/19/20 1ST CITY SET 7/29/20 2ND CITY SET 9/3/20 3RD CITY SET 12/4/20 4TH CITY SET
PROJECT NUMBER: 200233
SHEET NUMBER: C2.1