CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: May 3, 2021

ITEM: South Branch Business Park, SW Corner of SE Army Post Road and SE 42nd Street – Amend Comprehensive Plan Land Use Map and the Zoning Map to designate 12 acres of General Industrial Land Use and to Establish the South Branch Business Park Planned Unit Development – SBBP JV21, L.L.C. – CPA-004991-2021/ZC-004992-2021

RESOLUTION: Approval of Comprehensive Plan Land Use Map Amendment
ORDINANCE: Approval of First Reading of Planned Unit Development Ordinance

Background: Brad Kuehl, with Bishop Engineering, on behalf of the applicant and property owner, SBBP JV21, L.L.C., requests approval of a Comprehensive Plan Land Use Map Amendment and Rezoning for property located at the SW corner of SE Army Post Road and SE 42nd Street. The applicant requests to designate 12 acres out of the 41.52-acre property to General Industrial land use, with the remaining acres retaining the Business Park land use designation that is already designated on the property. Also, the applicant has applied for a Planned Unit Development (PUD) ordinance upon direction by the City to provide parameters for outdoor storage/display aspects and regulations for the screening of uses from the surrounding properties on the east which are zoned for office development and the properties to the north which are possible residential and regional recreation uses and the Iowa Highway 5 and Interstate 35 viewshed. The applicant proposes to use the western end of the property for a mini-storage facility with outdoor storage and the balance of the site as flex industrial space, with anticipated truck traffic.

Staff Review & Comment:

- *Financial Impact:* The applicant and the City, including West Des Moines Water Works, are negotiating a Development Agreement to address the provision of water and sewer to the site. The Alluvion Urban Renewal Plan will be amended to include this area and the provision of water and payment of costs will be included in the Tax Increment Financing agreement, which is part of the urban renewal plan. A minimum assessment will be part of these agreements.
- *Development Intent:* The applicant indicates that the west 12 acres of the site will be used for a mini warehouse with outside storage and the balance of the property for flex industrial buildings. The intent of the PUD is to achieve high quality, visually appealing buildings with properly screened uses due to the proximity of the property within the PUD to the Interstate 35 and Iowa Highway 5 interchange and the open space to the north which is anticipated to become a recreation area for residents and visitors. It is expected that all views of negative elements and activities within the site will be negated through building placement in conjunction with earthen berming and vegetation implementation.
- *Key Development Aspects:*
  - *Land Use*: The requested change in land use of 12 acres from Business Park to General Industrial is recommended only for the most western portion of the property since outdoor storage is requested. The western portion of the property is in the 'elbow' of the interstate ramp and not as visible to travelers. The entire

development will be required to visually mitigate the presence of outdoor activities with the intent to achieve development in which it is not readily obvious what is incurring within the site.

- *Landscaping*: Under consideration are future plans for more residential and commercial development supporting the residential population in this area and removing most of the heavy industrial and business park uses. This property could potentially be surrounded with uses attractive to residents and visitors and staff feels that the visibility and potential neighbors are important factors for designing the site. The development of the site will have greater requirements for screening of operational elements of dock doors, loading areas, outdoor storage to the west end of the site, parking of vehicles and outdoor mechanical equipment.
- *Bulk Regulations*: There are no modifications to standard bulk regulations (setbacks, open space %, minimum parking, etc.) from that stated in city code.

- *Traffic Analysis Findings:* The site, with the assumption of General Industrial and Business Park land uses, is expected to generate less traffic than previously estimated in full-build traffic modeling for the area; however, it is assumed there will be a higher volume of truck traffic due to the warehouse/flex space uses.
- *Developer Responsibilities*: The segment of SE Army Post Road along the north side of this development is owned by the City but was vacated as a public street due to the condition of the road and that it no longer served any properties to the west. If the road is to become public, the road will need to be improved by the developer from a rural cross section to an urban cross section. There is also the option of the applicant obtaining ownership of the underlying ground and constructing a more typical private internal roadway that serves as access to the South Branch Business Park as well as access to the potential future recreation areas to the north. It is not known at this time which approach will be taken and/or whether or not ownership of the underlying ground can be obtained. The road improvements will need to be completed with the first site plan in which access from the roadway is intended. Also, the Developer will be responsible for ¼ of the cost of the installation of a traffic signals at the intersection of SE Army Post Road and SE 42nd Street.
- *Development & Planning Subcommittee:* At the November 2, 2020 meeting, Staff noted that current zoning allowed for warehousing and flex industrial development, but no outdoor storage. Staff expressed concern with the outdoor storage due to the visibility of the property from the highways, planned residential uses in the vicinity, and the possibility of Crystal Lake being used for regional recreation uses (Crystal Lake is owned by the Des Moines Water Works for water storage and is a former mining site). The Subcommittee was supportive of allowing outdoor storage in conjunction with a mini-warehouse development but only on the western part of the property that is subject to the Comprehensive Plan Land Use amendment. Also, the Subcommittee was concerned with screening of the negative elements of the developments and indicated need to ensure visual screening for which measures have been included in the Planned Unit Development.

Outstanding Issues: There are no outstanding issues.

Plan & Zoning Commission: Mark Lee, representing Wittern Realty, Inc., questioned the screening plans from the Iowa Highway 5 exit ramp to Interstate 35 of the general industrial outdoor storage development that may occur on the property. Staff responded that the planned unit development ordinance included provision of screening of the view into the site from the highway as much as feasible given the terrain.

Plan and Zoning Commission Action:

Date:	April 26, 2021
Vote:	7-0 for Approval
Recommendation:	Recommend Approval of Comprehensive Plan Land Use Amendment
Recommendation:	Recommend Approval of Planned Unit Development Ordinance

City Council First Reading:
Date:
Vote:

Recommendation: Approve the Comprehensive Plan Land Use Map Amendment, Rezoning request and establish the South Branch Business Park Planned Unit Development (PUD), subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara V. Tragesser, AICP

Approval Meeting Dates:

Plan and Zoning Commission	April 26, 2021
City Council: First Reading	May 3, 2021
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews:

Plan & Zoning Commission	☒ Development Coordinator (or) ☒ Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☐ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	April 8, 2021
Date(s) of Mailed Notices	April 5, 2021

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	November 2, 2020
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-018

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, SBBP JV21, L.L.C. has requested approval for a Comprehensive Plan Land Use Amendment for property generally located at the southwest corner of SE Army Post Road and SE 42nd Street to change the land use designation as follows and as shown on the Land Use and Zoning Change illustration included in the staff report:

- The western 12 acres from Business Park to General Industrial

WHEREAS, the comprehensive plan amendment complies with the applicable provisions of Iowa Code Chapter 414 and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Amendment, (CPA-004991-2021) 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 April 26, 2021.

Jennifer Drake, Vice 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 April 26, 2021, by the following vote:

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

ATTEST: Jennifer Canaday
Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-019

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, SBBP JV21, L.L.C. has requested approval for a Rezoning for property generally located at the southwest corner of SE Army Post Road and SE 42nd Street and as shown on the Land Use and Zoning Change illustration included in the staff report and the PUD Sketch Plan included with the ordinance to change the zoning of the property from Business Park to South Branch Business Park PUD establishing:

- Parcel A as approx.12.0 acres of General Industrial (GI) zoning
- Parcel B as approx. 29.52 acres of Business Park (BP) zoning

WHEREAS, the zone change complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan, as amended and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Zone Change, (ZC-004992-2021) to establish the PUD 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 April 26, 2021.

Jennifer Drake, Vice 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 April 26, 2021, by the following vote:

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

ATTEST:
Jennifer Canaday
Recording Secretary

Prepared by: Kara Tragesser, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 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

RESOLUTION

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner SBB JV 21, L.L.C., requests approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation from Business Park (BP) to General Industrial (GI) on property legally described in attached Exhibit 'B' and as indicated on the attached Comprehensive Plan Land Use Map Change Illustration; 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, the Comprehensive Plan Land Use Map Amendment complies with applicable provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on April 26, 2021, the Plan and Zoning Commission did recommend to the City Council, by a 7-0 vote, approval of the Comprehensive Plan Land Use Map Amendment; and

WHEREAS, on this day this City Council held a duly noticed Public Hearing to consider the application for Comprehensive Plan Land Use Map Amendment.

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Land Use Map Amendment (CPA-004991-2021) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, dated May 3, 2021, including conditions added at the meeting, and attached hereto as Exhibit " A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 3, 2021.

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 May 3, 2021, by the indicated vote.

Exhibit A
Conditions of Approval

None.

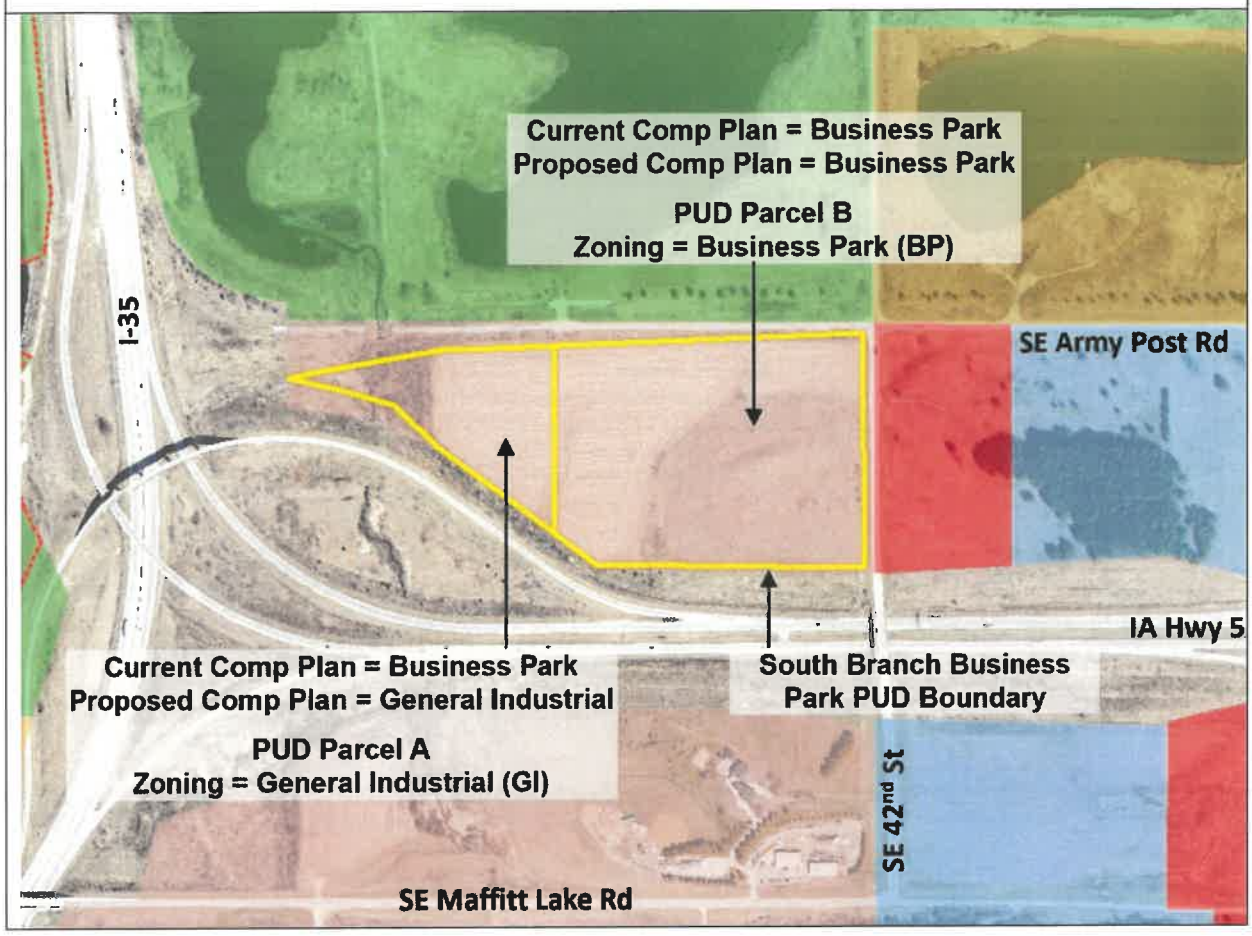
Exhibit B: Legal Description

The west 12 acres of the following described property:

(QUIT CLAIM DEED BOOK 16333, PAGE 168)

A PARCEL OF LAND PARTLY IN THE NW1/4 OF THE NW1/4 AND PARTLY IN THE NE1/4 OF THE NW1/4 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA IDENTIFIED AS COUNTY AUDITOR PARCEL 2016-198 ON PLAT OF SURVEY [(BOOK 16214, PAGE 28)], WHICH BY REFERENCE IS MADE A PART THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 32; THENCE S00°14'46"E, 254.50 FEET ALONG THE WEST LINE OF SAID NW1/4; THENCE S86°45'43"E, 167.23 FEET TO THE POINT OF BEGINNING; THENCE S63°35'09"E 408.17 FEET; THENCE S51°28'22"E, 1079.81 FEET; THENCE N89°43'57"E, 1189.22 FEET; THENCE N00°04'23"W, 1005.03 FEET; THENCE N89°43'11"W, 1331.65 FEET; THENCE S85°42'10"W, 586.48 FEET; THENCE S78°36'38"W, 216.76 FEET; THENCE S74°12'20"W, 279.84 FEET TO THE POINT OF BEGINNING, CONTAINING 41.52 ACRES.

Land Use and Zoning Change Illustration



Prepared by: Kara Tragesser, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 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, BY AMENDING TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) 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, from Business Park to **South Branch Business Park Planned Unit Development ("PUD")** of West Des Moines, Iowa:

Legal Description

(QUIT CLAIM DEED BOOK 16333, PAGE 168)

A PARCEL OF LAND PARTLY IN THE NW1/4 OF THE NW1/4 AND PARTLY IN THE NE1/4 OF THE NW1/4 OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA IDENTIFIED AS COUNTY AUDITOR PARCEL 2016-198 ON PLAT OF SURVEY [(BOOK 16214, PAGE 28)], WHICH BY REFERENCE IS MADE A PART THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 32; THENCE S00°14'46"E, 254.50 FEET ALONG THE WEST LINE OF SAID NW1/4; THENCE S86°45'43"E, 167.23 FEET TO THE POINT OF BEGINNING; THENCE S63°35'09"E 408.17 FEET; THENCE S51°28'22"E, 1079.81 FEET; THENCE N89°43'57"E, 1189.22 FEET; THENCE N00°04'23"W, 1005.03 FEET; THENCE N89°43'11"W, 1331.65 FEET; THENCE S85°42'10"W, 586.48 FEET; THENCE S78°36'38"W, 216.76 FEET; THENCE S74°12'20"W, 279.84 FEET TO THE POINT OF BEGINNING, CONTAINING 41.52 ACRES.

SECTION 2. INTENT. The PUD will regulate industrial development to achieve high quality, visually appealing buildings with properly screened uses due to the proximity of the property within the PUD to the open space to the north which is anticipated to become a recreation area for residents and visitors and Interstate 35 and Iowa Highway 5. It is expected that outdoor elements and activities will be controlled and all views of negative elements and activities within the site will be negated.

SECTION 3. SKETCH PLAN. As part of the PUD a sketch plan is attached and on file with the Development Services Department which delineates two PUD Parcels, Parcel 'A' zoned for General Industrial development and Parcel 'B' zoned for Business Park development.

SECTION 4. REQUIRED PLANS. The following plans shall be required as a part of the processing of any development application for any property within the South Branch Business Park PUD:

A. Site Plans: Site plans shall be submitted to the City of West Des Moines for review and approval prior to the development of the respective area within the PUD. Site Plans are subject to review of the Plan & Zoning Commission and City Council.

   Unless otherwise provided in the following platting section, prior to the issuance of any building permit, including footing and foundation permits, for construction of any structure or physical site improvement an associated site plan must be approved for the area proposed for development.

   Upon approval of a site plan, any modifications to the site or the development indicated on an approved site plan, including architectural design, materials, or color changes, shall be reviewed and approved as part of a Minor or Major Modification application, as applicable prior to implementation of the modifications.

B. Preliminary and Final Platting: Platting for any PUD parcel shall be at the discretion of the developer. Platting, if needed for subdivision or right-of-way dedication, shall be done in accordance with the City's Subdivision Ordinance. Platted outlots are not buildable until such time that they are replatted through the City's Subdivision process (Preliminary and Final Plat).

   Unless otherwise specifically restricted by City Council action, groundwork and construction of private roads and utilities may be started, at the developer's risk, upon approval by the City Council of a preliminary plat or site plan which includes details of the improvements. Public street and utility construction may begin, at the risk of the developer, after the preliminary plat or site plan which includes details of the improvements area is approved by the City Council and construction improvement plans approved by the City of West Des Moines.

   Prior to approval of the final plat or first site plan, unless otherwise allowed by City Council, the developer shall provide the appropriate agreements, sureties, and easements for all public rights-of-way and other public improvements (utilities, sidewalks, street lights, etc.) within and associated with the development.

SECTION 5. CONDITIONS. Whereas, Title 9 of the West Des Moines City Code includes Chapter 9, PUD Planned Unit Development District and establishes certain regulations and guidelines pertaining to accompanying information required on plat and site plan documents. Now, therefore, the following conditions, restrictions, and regulations are adopted as part of this approval, to wit:

The following general development criteria shall be integrated into and made a part of this PUD Ordinance:

A. 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.

B. General Conformance to Zoning Ordinance: Unless otherwise specified herein, the development of the South Branch Business Park PUD shall comply with Title 9, Zoning, or any other applicable codes. Any aspect not specifically addressed within this PUD shall be governed by City Code.

C. 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.

D. Developer Responsibilities: 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 (excluding fee district sewers), water mains and service lines, drainage-way improvements, detention basins, buffers, and other improvements as determined necessary. 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. Dry sanitary sewer and on-site sanitary installation will be required in the event that public sanitary service is not available at the time of development.

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 accepted, including public infrastructure by the City of West Des Moines.

1. SE Army Post Road: If this roadway will be a public roadway, the developer will be responsible for one and a half (1 ½) lanes of paving and all appurtenances for SE Army Post Road reconstructed to a urban cross section, including the cul-de-sac, from the end of the cul-de-sac to SE 42nd Street. Since a half of lane cannot be constructed, if the property owner on the opposite side of the roadway is unwilling to participate at time of construction, the applicant will need to construct two (2) full lanes. If the roadway is private, the developer will be responsible for improving to accommodate anticipated construction traffic and to city standards necessary to accommodate emergency response vehicles.

2. Traffic Signal at SE Army Post Road and SE 42nd Street: The developer will be responsible for twenty-five (25) percent of the cost of installation of a fully functioning traffic signal at the intersection of SE Army Post Road and SE 42nd Street when deemed

warranted. An agreement by the developer at either the first site plan or final plat, whichever comes first, will be required to provide for the payment of the signal.

Improvements and modifications to adjoining public roads as identified within the traffic study shall be implemented and accepted by the City Council or the developer may petition the City Council to provide surety in lieu of public improvement acceptance prior to approval and recordation of the first final plat or the first site plan, whichever occurs first. Dedication of permanent right-of-way to accommodate public road improvements shall be provided as necessary upon request. Temporary right-of-way required during the construction/installation shall be provided as necessary.

E. Public Utilities and Easements: The placement of public utility easements within landscape buffers and islands within parking areas is discouraged due to the potential conflict between trees and the need to access the lines for repair. Overstory and understory trees should be placed off utility lines a minimum distance equal to the 1:1 excavation trench necessary for the deepest utility. The placement of utility lines within buffers or parking lot islands is not justification to negate the provision of landscape vegetation as required by this ordinance or city code. Adequate access for maintenance vehicles shall be provided into and through the easement areas.

   All necessary easements to allow City access to public utilities for maintenance and repair purposes shall be executed prior to the approval and recordation of the first final plat for all known utility locations and prior to approval of a site plan for all subsequent utilities within each PUD parcel. Unless otherwise specified within a specific easement document, the City shall not be responsible for reimbursement, restoration and/or replacement of any improvements located within the public easements should the City be required to excavate the public utilities for normal City operations.

F. Shared Parking Agreement: To accommodate a wider range of uses and avoid potential issues with insufficient parking within parcels or development sites, the developer should consider establishing a shared parking agreement between parcels or development sites as part of the first site plan or first final plat.

G. Access: Each site or lot is required to provide two points of access to the satisfaction of the City. Accesses may be available through a direct connection to an external roadway or an internal road network of drives or frontage roads that connects to the external roadway. Access will be evaluated with each site plan.

H. Fire Access: 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.

   1. All access drives and drive aisles shall maintain a minimum of twenty feet (20') of clear pavement.
   2. A minimum of fourteen feet (14') of vertical clearance over the travel portion shall be maintained at all times over all vehicle travel ways.
   3. 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.

4. Adequate fire accesses as determined by the City's Fire Marshall shall be provided at all times to those areas under construction.
5. At the discretion of the City's Fire Marshall, "No Parking Fire Lane" areas may be established as necessary to ensure efficient movement and access of the fire trucks. The developer of each site plan within the development shall be responsible for the procurement and erection of approved fire lane signage.

I. Public Streetlights: The developer shall enter into an agreement with MidAmerican Energy for the installation of public streetlights along all public streets within and abutting the South Branch Business Park area in conjunction with the approval of the final plat or first site plan, whichever occurs first.

J. Storm Water Management: A signed Storm Water Management Facility Maintenance Agreement, along with required certifications and as-built drawings of the detention facilities, shall be submitted by the developer of each parcel prior to the issuance of a final occupancy permit for a building utilizing the storm water detention facility.

K. Definitions: For the purpose of this ordinance, the following definitions shall apply:
1. Outdoor Storage: Any item, material, equipment, or vehicle that remains on the property for twenty-four (24) or more consecutive hours. It shall not be enough to move the outdoor storage within the site or briefly remove from the site in order to circumvent the twenty-four (24) hour timeframes.
2. Outdoor Display: An arrangement of objects, items, products or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product or service.
3. Fleet Vehicle: Motor vehicle(s) operated by an on-premise business that is generally used on a daily basis (leaves the property) and not intended for long-haul transportation. Typical examples are vehicles operated by public utilities, service companies, public safety departments and delivery or fulfilment companies. Tractor/trailers, construction equipment, trailers and non-vehicular/non-motorized items used in the normal operations of a business would not be considered fleet vehicles for the purposes of allowing parking in a front yard, but instead shall be parked in rear and side yards, if allowed within the respective PUD parcel.

SECTION 6. REQUIREMENTS. Unless provided otherwise in this Ordinance, all general use regulations, performance standards and provisions set forth in Title 9, Zoning, of the City Code shall apply to the development within the South Branch Business Park area. To the extent that the provisions of this Section conflict with or are more restrictive than similar provisions provided elsewhere in the West Des Moines Zoning Ordinance, the provisions of this Section shall control. The following land use design criteria, development standards and regulations shall apply to all parcels within the South Brand Business Park area:

A. Parcel A:
1. Land Use: For all lots or development in Parcel A, all land uses as set forth in Title 9, Zoning, of the City Code for the General Industrial (GI) District as permitted and permitted conditionally shall apply except as designated below:
   a. Permitted Uses: All Permitted (P) uses allowed within the General Industrial (GI) district except those that have been prohibited by this ordinance shall be allowed with approval of the appropriate review body.

b. All Permitted Conditional (PC) uses allowed within the General Industrial (GI) district except those that have been prohibited by this ordinance may be allowed with the approval of the appropriate review body.

c. Prohibited Uses: the following permitted and permitted conditional uses otherwise allowed in the General Industrial (GI) district shall be prohibited due to the intent of the PUD and the minimal access to the PUD land:

SIC 0741	Animal Services for Livestock
SIC 0872	Lawn and Garden Services
SIC 2082	Brewery – with tap room
SIC 2085	Distillery – with tasting room
SIC 489	Transmitting/Receiving Towers
SIC 5092-02	Fireworks: sales, storage
SIC 58	Taproom/Beer Parlor
SIC 596	Unattended Fuel Pumps for general public use (allowed as part of a business located within the site)
SIC 79	Event venues
SIC 7991	Physical Fitness Facilities

2. Site Development Regulations: Unless provided otherwise here within, all development within this PUD Parcel A will be governed by the General Industrial (GI) regulations as stated in city code.

   a. Outdoor Storage yard and outdoor display areas shall comply with Title 9, Chapter 6 of City Code.

   b. Outdoor Storage yards and outdoor display areas shall comply with Title 9, Chapter 10, Section 4 of City Code. For purposes of application of regulations, the front yard shall be considered the north side of the PUD boundary. Mitigation of views shall comply with Visual Screening provisions stated elsewhere in this PUD ordinance.

   c. The parking of fleet vehicles (on-site for four (4) or less hours within a typical eight-hour workday) shall be allowed within the front yard and shall comply with typical parking lot screening requirements.

   d. The long-term parking of fleet vehicles (do not leave the property within a typical workday) and long-term parking of tractor/trailers, construction equipment, trailers and non-vehicular/non-motorized items related to an approved business operating within the parcel shall be allowed in the side or rear yard but shall not be located in the front yard(s). Views of fleet vehicles parked long-term, equipment, vehicles, trailers or materials shall be appropriately screened compliant with Visual Screening provisions stated elsewhere in this PUD ordinance.

   e. Outdoor storage, outdoor displays, long-term fleet vehicle parking, tractor/trailers, construction equipment, trailers and non-vehicular/non-motorized items used in the normal operations of a business shall not occupy parking spaces otherwise provided to meet minimum number of parking stall requirements required of the building or use.

B. Parcel B:

1. Land Use: For all lots or development in Parcel B, all land uses as set forth in Title 9, Zoning, of the City Code for the Business Park (BP) District as permitted and permitted conditionally shall apply, except those that have been prohibited by this ordinance:
   a. Permitted Uses: All Permitted (P) uses allowed within the Business Park (BP) district except those that have been prohibited by this ordinance shall be allowed with approval of the appropriate review body.
   b. All Permitted Conditional (PC) uses allowed within the Business Park (BP) district except those that have been prohibited by this ordinance may be allowed with the approval of the appropriate review body.
   c. Prohibited Uses: the following permitted and permitted conditional uses otherwise allowed in the Business Park (BP) district shall be prohibited due to the intent of the PUD and the minimal access to the PUD land:

SIC 2082	Brewery – with tap room
SIC 2085	Distillery – with tasting room
SIC 489	Transmitting/Receiving Towers
SIC 5092-02	Fireworks, sales storage
SIC 58	Taproom/Beer Parlor
SIC 596	Unattended Fuel Pumps for general public use (allowed as part of a business located within the site)
SIC 79	Event venues
SIC 7999	Amusement and Recreation Services, NEC with any type of outdoor activity aspects
SIC 7999	Betting Information Services, Bookies, Bookmakers, Gambling Establishments, Gambling machines, Game parlors, Lotteries, Lottery Clubs and ticket sales to individuals and Off-track betting
SIC 7999	Carnival operations, Circus companies, Fairs and Rodeo related activities (offices of such are allowed)

2. Site Development Regulations: Unless provided otherwise here within, all development within this PUD Parcel B will be governed by the Business Park (BP) regulations as stated in city code.
   a. Outdoor display shall comply with Title 9, Chapter 10, Section 4 of City Code. For purposes of application of regulations, front yards shall be considered the north and east side of the PUD boundary. Mitigation of views shall comply with Visual Screening provisions stated elsewhere in this PUD ordinance.
   b. The parking of fleet vehicles (on-site for four (4) or less hours within a typical eight-hour workday) shall be allowed within the front yard and shall comply with typical parking lot screening requirements.
   c. Outdoor storage yards are not allowed. Semi-trailers and other delivery trucks may be parked at a loading dock as necessary for loading and unloading; however, other semi-trailers and delivery vehicles waiting for loading or unloading shall not be staged on-site for more than 24 hours. At any given time the maximum number of semi-trailers and other delivery trucks within the site shall not exceed one at each loading dock plus one additional for each loading dock (e.g. five loading docks – a total of ten semi-trailers/delivery trucks may be on-site: one at the five loading docks, plus five additional staged for future loading or unloading). Semi-trailers staged for future loading or

unloading shall be located in rear yards only and must be screened compliant with Visual Screening provisions stated elsewhere in this PUD ordinance.

d. Outdoor displays, long-term fleet vehicle parking, tractor/trailers, construction equipment, trailers and non-vehicular/non-motorized items used in the normal operations of a business shall not occupy parking spaces otherwise provided to meet minimum number of parking stall requirements required of the building or use..

C. Landscaping: As noted in the PUD intent statement, development of ground within the PUD will be regulated to achieve attractive and properly screened uses. It is expected that the public edge of the development will be enhanced with earthen berms whenever possible and heavily landscaped to provide for a natural green edge that mitigates views into the site. The landscaping requirements specified herein are intended to create an aesthetically pleasing development which enhances the appearance and character of the City of West Des Moines, while protecting the general health, safety, and welfare of the citizens. Landscaping is required to address the following primary aspects or consequences of development:

- Open space protection and enhancement
- Mitigation of paving expanse associated with off-street parking
- Visual screening of undesirable views, activities and/or site elements

At the time of site plan review for each PUD parcel, landscaping shall be evaluated to ensure achievement of the intents and standards stated within this PUD ordinance. Additional vegetation beyond that required herein may be required to be implemented in response to additional details of the use, buildings, vehicle circulation patterns, parking, site layout, etc. Details regarding specific varieties, exact quantities, and the minimum size at time of planting shall be provided and approved as part of the site plan submittal for each PUD parcel and unless otherwise specifically required to achieve a defined intent shall meet the general guidelines in respect to the minimum plant size traditionally applied to development within the City.

1. Open Space: The intent of open space is to allow for a balance between natural areas and the built environment and to provide for the overall beautification and "greening" of the City. The implementation of sufficient open space vegetation to break up views, soften expanses of hard materials and anchor built structures into the environment is critical when dealing with larger industrial warehouses and flex buildings, as well as repetitive, minimalistic buildings typical of mini-warehousing.
   a. The minimum open space percentage will be governed by Chapter 7, Setback and Density Regulations of Title 9, Zoning, of the City Code for the designated zoning applicable to each PUD parcel.
   b. Open space shall be considered all areas unencumbered by buildings or paved areas associated with parking, drive aisles, and loading docks or zones. Plaza areas, water features and structures such as gazebos, arbors, pergolas, etc. that are associated with outdoor pedestrian use areas, as well as designated and enhanced pedestrian walkways through and between areas within the development may be counted towards fulfilling the minimum open space requirement.
   c. The minimum requirement for vegetation is at a rate of two (2) trees and three (3) shrubs per 3,000 square feet of required open space for each lot within the development.
   d. Vegetation substitution: No substitution with shrubs, grasses, or perennials will be allowed in lieu of trees. Substitution of shrubs with grasses or other perennials may occur with species being compatible in bulk, density, and which reach a minimum

height of three (3) feet. No more than fifty percent (50%) of the shrubs may be substituted in this manner.

e. Vegetation required as part of the open space may be placed into off-street parking areas, streetscapes or required buffers; however the open space vegetation is in addition to that which would be required of buffers or parking islands/pods and may not be counted towards fulfilling the minimum amount of vegetation required for these areas.

2. Off-Street Parking Areas:
   a. Unless otherwise required to fulfill Visual Screening regulations stated within this ordinance, all off-street parking areas shall be screened through the use of a minimum three (3) foot berm and landscaping to screen their visibility from public street rights-of-way and adjoining property outside of the South Branch Business Park development. Landscape materials of an evergreen variety are desired for year-round screening.
   b. All off-street parking areas shall be aesthetically improved to reduce obtrusive characteristics that are inherent to their function. Multiple landscape islands combined with vegetation shall be incorporated to effectively eliminate a "sea of asphalt/concrete" and to provide shade thus decreasing heat reflection back into the environment. Landscape islands and/or pods shall be implemented in accordance with the following:
      (1) Islands or open areas shall be located at the terminus end of all parking rows. Terminal islands shall measure at least ten feet (10') in width and shall match, at a minimum, the stall length.
      (2) Landscaped islands shall be placed, at a minimum, every eighteen (18) stalls within a linear row of parking. Landscaped pods (tree diamonds) within a linear row of parking shall be evenly spaced between the islands; however, shall be spaced no farther than nine (9) parking stalls from another landscape pod or landscaped islands. At a minimum, islands shall match the dimensions of one (1) parking stall and pods shall measure a minimum of six feet (6') from back-of-curb to back-of-curb.
      (3) In lieu of the implementation of pods between islands as required above, the width of terminal islands may be increased to no less than eighteen feet (18') in width.
   c. Landscape Vegetation shall be provided as follows:
      (1) Two (2) trees in each nine-foot (9') by thirty-four-foot (34') island.
      (2) One (1) tree in each nine-foot (9') by seventeen-foot (17') island.
      (3) One (1) tree in each landscape pod. If terminal islands are widened in lieu of installing tree diamonds, the trees that other otherwise would be required in the tree pods shall be located in the widened terminal islands.
      (4) Additional shrubs, ground covers, grasses, and flowers may be provided in landscaped islands but is not required.

3. Visual Screening: As noted in the PUD intent statement, development of ground within the PUD will be regulated to achieve attractive and properly screened uses and activities. Due to the potential for future recreational activities in the area, it is expected that the public edge of the development will be enhanced with earthen berms and heavily landscaped to provide for a natural green edge. Mitigation of views into the development shall be provided for the following aspects as follows:
   a. Outdoor Storage: All views of outdoor storage as defined in this ordinance shall be mitigated to 100% opacity with the exception of brief views into the site at access

points. Earthen berming to a minimum height of eight feet (8') in conjunction with necessary landscape vegetation shall be implemented along the perimeter(s) of the PUD property as applicable and feasible due to topography of the area to block views into or through the site.

b. Outdoor Display: All views of outdoor display as defined in this ordinance shall be mitigated to 100% opacity with exception of brief views into the site at access points. Earthen berming to a minimum height of four feet (4') in combination with necessary landscape vegetation shall be implemented along the perimeter(s) of the PUD property as applicable to block views of displayed items.

c. Views of fleet vehicles that typically leave the site daily shall be mitigated in accordance with Off-Street Parking regulations as provided within this ordinance.

d. Views of fleet vehicles parked long-term, equipment, trailers or materials shall be mitigated to 100% opacity with exception of brief views into the site at access points. Earthen berming to a minimum height of eight feet (8') in combination with necessary landscape vegetation shall be implemented along the perimeter(s) of the PUD property as applicable to block views of long-term parked vehicles.

e. Mechanical Equipment:

   (1) Views from streets and adjoining properties of the negative aspects of development and buildings such as building heating, ventilation, or air conditioning (HVAC) units, meter banks, or similar electrical or mechanical appurtenances shall be adequately screened. Said screening shall be achieved through the implementation of architectural measures (such as wing walls or equipment rooms) or landscaping consisting of evergreen material for year-round screening.

   (2) Views from adjoining roadways, including Iowa Highway 5 and Interstate 35 of rooftop mechanical units (RTUs) shall be mitigated to minimize the visible presence of or completely hide the RTUs. Screening measures shall be reviewed and approved as part of the site plan review process. Architectural materials used should be consistent in color and materials of the building so as to best blend into the architecture of the building.

   (3) The exterior of any through-wall HVAC units (such as PTAC's) shall be finished with a color that is compatible with the surrounding building materials.

f. Trash Enclosures & Generators: Trash receptacles, dumpsters and generators shall be screened by the use of a permanent enclosure. Whenever possible, the enclosure should be designed as an attached extension to the primary structure rather than a free-standing structure and shall be located as far as possible interior to the site. Enclosures shall be constructed of materials consistent with or complementary to the primary structure. Additionally, the enclosure should be landscaped to minimize the visual presence and impact of the structure.

g. Loading Docks & Overhead Doors: As much as possible, buildings should be oriented such that loading docks open to 'service zones' (see Architecture section). Views from adjacent properties and roadways of loading docks and overhead doors shall be completely mitigated through the placement of the building, the use of earthen berming with necessary landscape vegetation consisting of primarily evergreen materials and/or opaque fencing in combination with landscaping to soften the presence of the fence. The vegetation species shall be selected for its density and height and shall achieve screening day one.

4. Site topography and grading for detention or retention ponds and storm water flow paths do not negate fulfillment of the intent of landscaping required within the site, including the satisfactory achievement of visual screening as previously specified. The varieties of

vegetation will need to be carefully chosen to accommodate drier conditions that occur on slopes in which water runs downhill rather than soaking in (more drought tolerant plants) or potential wet feet from periodic standing water within detention ponds and overland flowage paths (moisture tolerant plants).

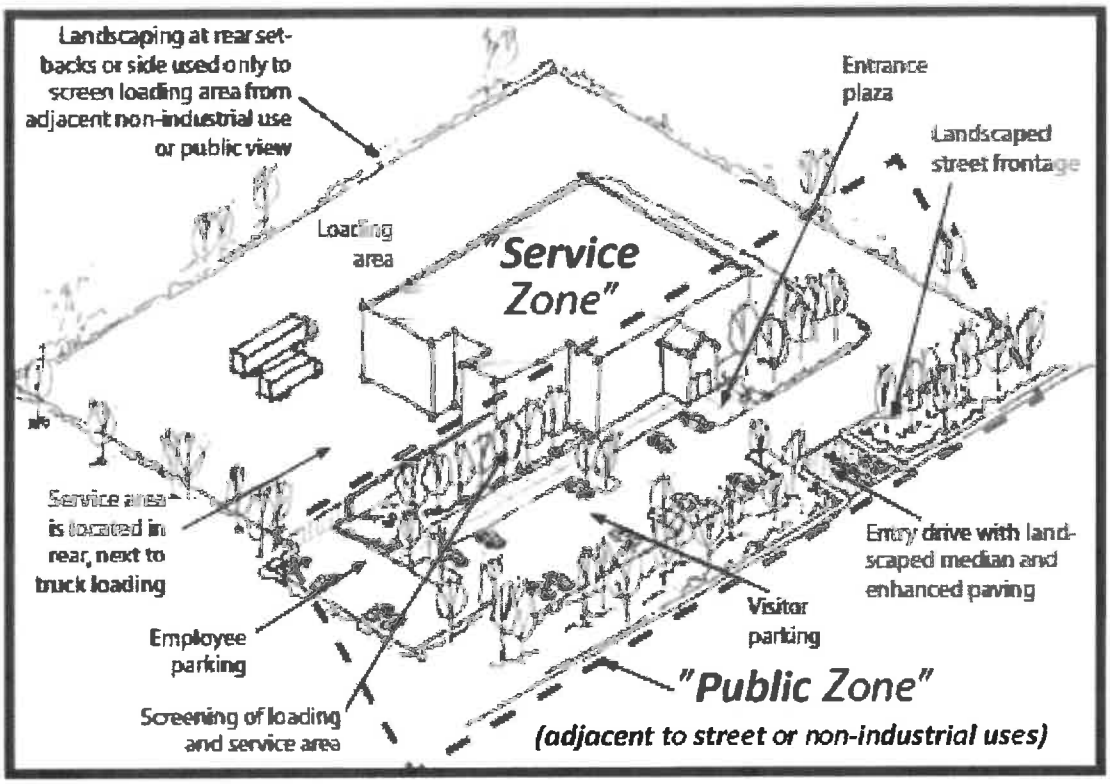
Ponds, lakes, wetlands, or retention ponds may be placed along the edge of the development if the following criteria are met:

a. Such water features constantly contain water at a level visible from adjoining properties and public streets.
b. Pond edge treatments are incorporated to enhance the attractiveness of the element (no 'wild overgrown pond edge' allowed); and
c. The appropriate water circulation and clarification measures are implemented, including water fountains or jets when implemented which project water high enough to be visible from adjoining properties and public streets.

D. Lighting:

1. The foot candle level at all exterior parcel lines shall be less than one. The foot candle level at interior or common property lines shall be less than one unless part of a shared parking area or vehicle drive aisle.
2. The height of overhead lights shall be analyzed as part of the site planning process to ensure no impact to drivers on Interstate 35 or Iowa Highway 5.
3. Fixtures are to be downcast, cut-off variety to direct lighting to parking areas and eliminate glare to neighboring areas. Bulbs shall not be exposed or extend down past the fixture.
4. No wall packs or floodlighting are allowed without appropriate shields to direct light to their intended target. In addition to cut-off fixtures, particular attention shall be given to eliminate hot spots and light glare. To achieve this, additional measures may include, but are not limited to, lowering parking lot light levels after business hours, turning off lights not necessary for security purposes, and use of landscaping for light screening/blockage.
5. As a part of the review of each site plan, a photometric plan must be submitted. During the review, the applicant must demonstrate how lighting will not adversely affect adjoining properties.

SECTION 7. ARCHITECTURE. With the high-visibility location of the development and proximity to recreational uses, the intent is to provide industrial development that is as visually appealing as is reasonable, especially by the public. Therefore, the building and site design for development within the PUD shall be organized in a "public zone" and "service zone" development concept. The intent is to create building facades throughout that are varied and articulated to provide visual interest and to establish a unique identity for the development yet recognize the constraints and needs of industrial users. Site and building design should address the public vs. service zones differently to provide that high-quality appearance for the development yet balance the functional and security needs of industrial users.



All buildings within this development shall accommodate or incorporate the following in building design and materials:

1. Building design and plan layout should orientate the pubic zone activities (visitor parking, office functions and employee parking and break areas) along the street façade or adjacent to non-industrial uses and organize the service zone operations (loading, storage and service areas) in less visible areas such as at the side or rear of the building, adjacent to other industrial uses or in areas that provide sufficient screening due to natural features of the site or installed landscape buffers, screen walls and fencing. Views of garage or loading dock doors shall be mitigated from the public street or adjacent property.
2. Screening of operations and functions such as loading, outdoor storage, fabrication yards and service areas shall be designed as an integral part of the building design to the greatest extent possible.
3. Buildings shall be organized to create a logical and identifiable relationship with the site and other buildings, open spaces, and pedestrian circulation paths.
4. Public Zones:
   a. In general, building design in the public zone shall provide facades that are varied and articulated by careful attention to exterior building materials and details, use of fenestration, and change in building mass within the plan and roof design to lessen the plainness of appearance which can be characteristic of large industrial buildings. However, the level of design and detail can be reduced on the facades not facing a street (service zone) as long as the building in its entirety is cohesive in design.
   b. Any building elevations that face a street should avoid the appearance of being the "back of the building". Placing office or employee functions in front of the operations or service areas along the street façade provides a benefit in building design as these

spaces can more easily accommodate human scale massing and fenestration, providing interest and transparency along the street. If the building function dictates the need for a large blank wall facing the street, their appearance can be mitigated with the following strategies:

(1) Incorporating minor changes in building footprint and roof forms along with utilizing a variety of materials for visual interest and to break-up long blank wall expanses.

(2) Often fenestration can be incorporated into the design as accent elements higher up on the façade. These openings can be located high enough that they don't interfere with storage and equipment layout or trigger security concerns but add interest to the façade and provide natural light to the interior of the space.

(3) Provide landscaping along the façade in a sufficient mix and quantity to reduce the imposing scale of the building.

(4) Continue the same materials and details along all public zone facades to provide a cohesive appearance.

5. Roof Forms: Building design in public zones should have enhanced cornices on parapets or detail in the primary surface and use rooflines to define entry areas and emphasize human scale. If roof overhangs or projections are incorporated in the building design, they should be of sufficient size and projection to be in proportion to the scale of the building.

6. Entryways: Building entries serving the public should be designed as a visual focal point and provide human scale to a typically large-scale building. Secondary or services entries to the building can be less prominent in design, yet still provide a recognizable entry point and shelter from the elements.

7. Materials:

a. Parcel A (General Industrial)

(1) Within the public and service zone areas, the following materials can be utilized: Natural, durable materials such as brick and stone, precast or cast in place concrete or concrete masonry units and metal or composite cladding. Other materials that are durable in nature may be implemented if acceptable to the City as determined as part of the site plan review process. All hard materials shall have the appearance of three-dimensional elements, logically terminated at a change in building form or wrapping outside corners appropriately.

(2) The use of EIFS or synthetic stucco shall be used in limited quantities and primarily as an accent or trim material; located only on the upper portions of the facades. EIFS or synthetic stucco may not comprise more than twenty percent (20%) of the exterior cladding area.

(3) Fit and Finish: Exposed edges of cladding material used anywhere on the building must have a fully finished edge or be terminated with trim. Concrete and CMU's shall have integrated color rather than surface applied paint/staining if a color other than the raw material is implemented.

b. Parcel B (Business Park)

(1) Public Zone facades: Natural, durable materials such as brick and stone, architectural precast or cast in place concrete or architectural concrete masonry units shall be used as the major materials used on facades within the public zone (fifty percent (50%) or greater). The remainder of the public zone façade areas can utilize architectural metal or composite cladding. Other materials that are durable in nature may be implemented within the public zone if acceptable

to the City as determined as part of the site plan review process. All hard materials shall have the appearance of three-dimensional elements, logically terminated at a change in building form or wrapping outside corners appropriately.

(2) Service zone facades: The following materials can be utilized in addition to the materials noted above: non-architectural precast or cast in place concrete panels, concrete masonry units (CMU) and metal or composite cladding.

(3) The use of EIFS or synthetic stucco shall be used in limited quantities and primarily as an accent or trim material; located only on the upper portions of the facades. EIFS or synthetic stucco may not comprise more than twenty percent (20%) of the exterior cladding area within the public zone or service zone.

(4) Fit and Finish: Composite panel or metal cladding utilized for the public zone facades must have concealed fasteners. Exposed edges of cladding material used anywhere on the building must have a fully finished edge or be terminated with trim. Concrete and CMU's shall have integrated color rather than surface applied paint/staining and should generally have texture for interest; smooth CMU may be used in conjunction with texture for accent purposes.

SECTION 8. SIGNAGE. All proposed ground and exterior wall signage require a sign permit issued by the City of West Des Moines through normal sign review procedures. Unless otherwise prescribed herein, signage shall abide by the standards and regulations as set forth in Title 9, Chapter 18: Signs for the zoning district designated for each PUD parcel.

Interstate Signs will be allowed in accordance with standards and regulations set forth in Title 9, Chapter 18: Signs. A maximum of two (2) such signs may be located along the Iowa Highway 5 frontage provided there is a minimum five hundred feet (500') of separation between the two signs and one hundred feet (100') of setback from both the east and west perimeter PUD boundaries. The allowable copy area shall comply with city code. Tenant(s) within the South Branch Business Park development may be identified on a sign located on a different parcel than where the tenant's business is; however, no business or tenant shall be identified on more than one (1) sign. No pole signs shall be allowed within the development.

SECTION 9. STORM WATER MANAGEMENT PLAN. A Master Storm Water Management Plan for the entire development which governs the overall storm water management of the development shall be submitted to and approved by the City of West Des Moines as part of the first plat or site plan approval, whichever occurs first. Specific Storm Water Management Plans demonstrating compliance with the approved South Branch Business Park Master Storm Water Management Plan, on file with the City will be required with the development of each site plan. The Storm Water Management Plans shall be prepared at the developer's expense, by a Professional Engineer licensed in the State of Iowa. All Storm Water Management Plans shall comply with the City's applicable design standards for storm water management existing at the time each site plan is approved. A Storm Water Management Facility Maintenance Agreement (SWMFMA) shall be provided prior to issuance of the first occupancy permit, including temporary occupancy. Certifications and as-built information shall be provided prior to issuance of the first Final Occupancy Permit. If deemed necessary by the City, an update to the SWMFMA and additional certifications and as-built information will be required prior to issuance of subsequent Final Occupancy permits.

SECTION 10. TRAFFIC STUDY. The February 2021 traffic analysis gives preliminary recommendations based on the proposed land uses. Additional studies will be necessary as the site develops and more information is known regarding the future land use, site layout, and access

locations. Therefore, the preliminary recommendations for the adjacent streets and potential access locations are subject to change.

The internal site layout should allow for the safe and orderly movement of vehicles and pedestrians, as well as emergency vehicle maneuverability. Trucks need to be able to access the site without blocking traffic on the adjacent streets, and internal conflicts near the accesses must not cause traffic to spill back onto the adjacent streets.

Signing, pavement markings, and other traffic control devices on all streets need to be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD, Federal Highway Administration)

SECTION 11. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed

SECTION 12. 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 13. 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 14. 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 15. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

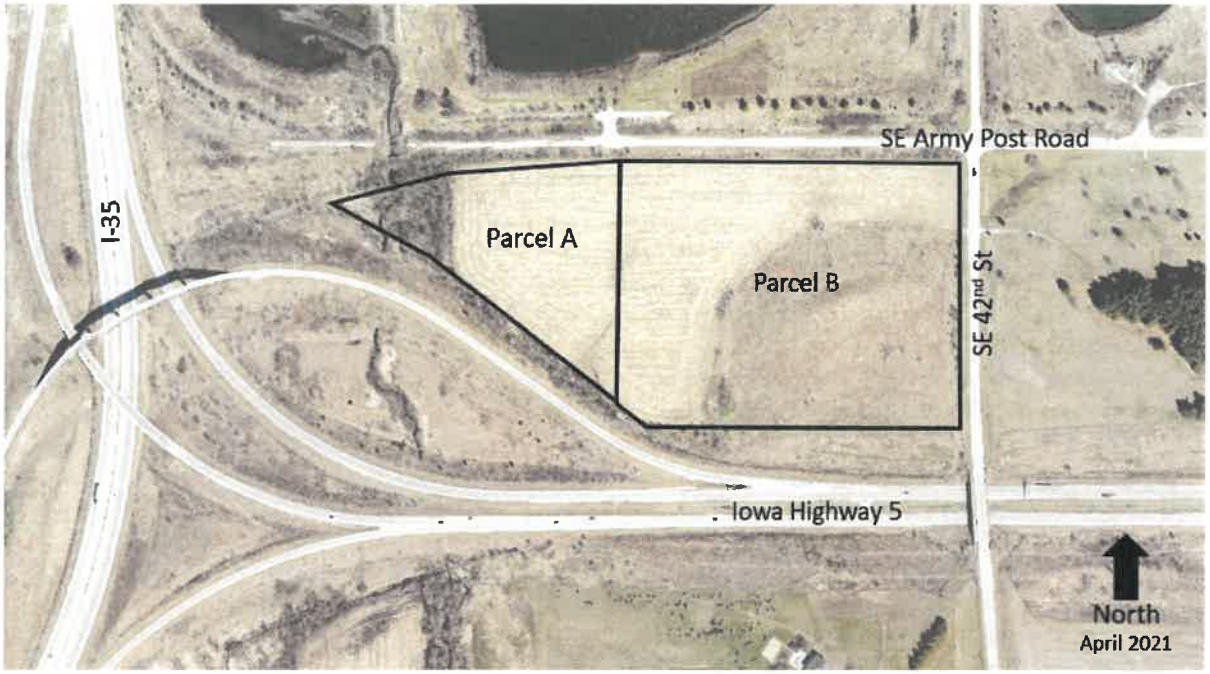
_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____on the __ day of _____, 2021.

PUD Sketch Plan



South Branch Business Park PUD Sketch Plan