

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: June 28, 2021

ITEM: Westowne Center Planned Unit Development, west side of 22nd Street between I-235 and Westown Parkway - Establish the Westowne Center Planned Unit Development Ordinance to govern development of the existing shopping center – Westowne Center Associates – ZC-005069-2021

RESOLUTION: Approval to Establish a Planned Unit Development Ordinance

Background: Josh Trygstad with Civil Design Advantage, on behalf of the applicant and property owner, Westowne Center Associates, request approval of a Rezoning to establish the Westowne Center Planned Unit Development (PUD), governing development of that ground generally located on the west side of 22nd Street between I-235 and Westown Parkway. This PUD will govern the operation of the shopping center while providing for improvements to bring as many non-compliant site issues into as close to conformance with city code as possible over time. The ability to bring the site into compliance primarily depends on the applicant's ability to negotiate new lease agreements or renegotiate existing upon renewal that redefine parking allowances to each tenant.

Staff Review & Comment:

- **History:** On February 15, 2021, the City Council approved a Plat of Survey (POS-004939-2021) to increase the lot size of the existing McDonald's along 22nd Street. City Council placed a condition of approval on the Plat of Survey requiring the applicant to rezone the from Regional Commercial (RC) to Planned Unit Development (PUD) because the McDonald's property failed to comply with the RC zone's 60,000-square foot minimum lot size requirement. Therefore, the applicant has submitted a PUD request to address the Plat of Survey's condition of approval and other non-conforming aspects of the site.

The existing shopping center was originally approved by City Council in 1979 (SP-1979-003). On November 16, 1989, City Council approved revisions to the original site plan (SP-1989-030) to construct a 10,000 square foot freestanding building with several conditions of approval relating to the site coming into compliance with the city's signage and landscaping regulations at the time, but the freestanding building was never constructed. On February 18, 1991, City Council approved another revised site plan to construct the former Hooters, now Jethros, restaurant. A common issue raised in the staff reports for these applications noted the lack of general maintenance and upkeep of the facility. Specifically, concerns were raised relating to parking lot paving maintenance, landscaped area maintenance, dead tree replacement, and nonconforming free-standing signage along 22nd Street. This is important to note because the proposed Planned Unit Development ordinance provides a detailed plan to bring the entire site into as close to compliance with the city's current zoning ordinance with specific language relating to the historic issues with landscaping, pavement, and maintenance; as well as guidelines for future development projects on-site.

In addition, two buildings along 22nd Street were granted variances from the Board of Adjustment (VAR-2011-007 & VAR-2012-006) reducing the setbacks for the buildings and parking lots from 22nd Street to address their non-conforming setbacks.

- **Key Development Aspects:**

- Land Use Limitations &/or Allowances: Several land uses otherwise allowed in the Regional Commercial (RC) zoning district have been prohibited per the ordinance. The prohibited uses either were deemed to be inconsistent with the desired activity level for a shopping area or were believed may result in impacts to available parking and operations of other tenants. The PUD language does provide for one additional drive-through if, through the design review process, including a traffic analysis, it can be demonstrated that future drive-throughs will not cause traffic congestion, exceed trip caps, or interfere with pedestrian movement throughout the development.
- Lot Area: As indicated above, the McDonald's parcel does not comply with the 60,000sf minimum lot size required of Regional Commercial zoning. The Taco Bell parcel at approx. 38,000sf also does not comply. Additionally, the applicant is indicating the potential creation of a parcel for Jethro's, as well as potentially a lot immediately to the south of Jethro's – neither of which would comply with the current 60,000sf lot size. The PUD does include language allowing for lots less than minimum square footage required by code if supported by reciprocal ingress/egress and parking easements. The PUD requires lots to be no less than 30,000 square feet in size or of a size necessary to ensure development of the site complies with other bulk regulations stated within this ordinance and in city code.
- Building Setback: Where appropriate, setbacks have been modified to accommodate existing building locations. Whereas the Regional Commercial district would require 100' front yard setbacks (22nd Street and Westown Pkwy) and 50' rear and side yard (south and west) setbacks. In recognition of existing conditions, the PUD provides for 80' setback from 22nd Street, 30' setback from Westown Pkwy due to additional ROW dedication anticipated but maintains the 50' setback from the south (I-235) and west boundaries. As is typical in multi-lot developments, no internal setbacks between lots is required; however, any construction would need to comply with Building and Fire Codes for separations.
- Internal Drives: An existing recorded title agreement to the benefit of the existing Greater Iowa Credit Union located adjacent to the northeast corner of the PUD allows access over the drive aisles within the Westowne Shopping Center property. This agreement also stipulates that Westowne Center provide some of the parking required of the bank site. Additionally, as is done with most developments, a vehicle drive connection in the southwest corner of the site is requested and shall be provided at such time that the property to the west requests' a connection or when otherwise directed by the city to alleviate a safety concern. The main drive aisle along the west side of the main building which has been a state of disrepair has been paved.
- Off-Street Parking: While the total number of stalls required per code for a Planned Commercial area is being provided, one of the main deficiencies of the site with city code is the parking areas. Specifically stall and drive aisle dimensions and lack of landscaping. The applicant is bound by existing lease agreements that detail how many stalls each use has rights to and where those stalls must be located. It is recognized that these existing individual lease agreements impact what can and cannot be done to bring off-street parking into full compliance with city code requirements for design, and landscaping. The PUD provides triggers for improving aspects as possible while acknowledging that many of the triggers will not occur for several years.
- Landscaping: The Regional Commercial district requires 25% open space; however, the site currently provides 21% of open space with a majority of it being provided along the west property boundary which is not generally visible from the public rights-of-way. The

applicant has indicated that with the provision of a minimum of 25% open space within any new lots created, and the transforming of paved terminal islands to vegetative islands and incorporating new terminal and linear islands and tree pods the site can provide 23% of open space. The PUD is written to make the 23% open space as the minimum required.

▪ Signage:

- Ground Monument Signs: The applicant is requesting allowance of 'Development' signs in addition to the existing ground monument signs. To be content neutral, the sign code does not have specific provisions allowing for development signs in addition to other ground monument signs for specific tenants. If a developer wishes to utilize an allowed ground sign to identify the center, that is at their discretion, but no additional signs, increase in structure size or copy area is provided. This has been done in several PUDs in and around the Jordan Creek Town Center; however, to avoid sign clutter, typically the trade off has been developer restricting who gets an individual ground monument sign and/or who gets to be included/identified on the sign which includes the development name. This approach has generally resulted in fewer ground signs than would be allowed per straight code. The recent allowance of larger signs at the RecPlex and DMU were done to provide necessary wayfinding given the size of the developments (RecPlex @ 61 acres & DMU @ 88 acres – Westowne Center @ 21 acres) in combination with the distance from the road for key use areas, and in the case of DMU the elevation of the site which sits below the anticipated elevation of future Grand Ave. As it relates to ground signs in this case, the PUD provides that:
 - Westtown Parkway follow straight code for number and separation but does provide that the sign may be consistent in size for a 20' setback (max 7' in height and 64sf of copy) regardless of setback due to anticipated ROW dedication. Additionally, the signs along Westtown are allowed to identify any tenant within the center, not just those tenants located within the parcel upon which the sign is located.
 - All of the tenants fronting to 22nd Street already have ground monument signs that may or may not meet code. These signs are being accepted while allowing the addition of a ground sign on the proposed new lot assuming that it provides the minimum 150' of lot frontage along 22nd Street. As the lot that contains the main building does not have 150' of continuous frontage, no additional 'development sign' is being allowed.
- Interstate Sign: The sign code provides that any lot with a minimum of 300' of lot frontage may have a maximum 30' tall by 12' wide sign with 100sf of copy for single tenant developments or 200sf for multi-tenant developments. The code does provide for additional height in the event the base of the sign would be located below the level of the interstate. The sign code a sign be located 100' from the edge of the lot. The applicant has enough frontage, that depending on how the property is parceled out, could achieve two lots that meet the minimum 300' of lot frontage. The applicant is requesting that they be allowed to combined the potentially two allowed signs into one with an increase in height to 48' and allowance for 400'sf of copy area. Staff could find no instance of when interstate signs were allowed to exceed provisions stated in code. Additionally, other properties have modified their lot layouts to achieve the necessary frontage to be allowed additional signs. Staff did not provide any provision in the PUD different from city code other than the allowance for any tenant to be identified on the sign regardless if they are located on the lot upon which the sign is located.

- Traffic Analysis Findings: A traffic analysis for the proposed PUD was completed on May 25, 2021. Key findings are summarized below.
 1. The adjacent streets are expected to have adequate capacity for the proposed development. No changes to roadway geometry or traffic control are recommended at this time.
 2. Modifications to the concept plan were given in the analysis. These modifications, including removing a driveway internal to the site and keeping a future internal connection, will help keep internal operations from spilling back onto the public street system and help to enhance circulation for the area. The concept plan has been revised, with the exception of the planned internal connection at the southwest corner of the site, which the applicant wishes to remove. Staff believes that this connection, once completed in the future, would have multiple benefits to multimodal connectivity between properties. The installation of this connection will not be triggered with the approval of the PUD, rather at the time of a future site plan if needed. To avoid any confusion, the sketch plan should illustrate the recommendations from the traffic study and show the future connection.
- Developer Responsibilities: In conjunction with site development or platting of the lots, whichever occurs first, the developer will be responsible for construction and/or installation of all required public and private infrastructure improvements necessary to support development. The following items are known improvements and outlined in the PUD; additional improvements may be required in response to development proposals:
 - Public Street Right of Way Dedication: In order to maintain the functional class of the city's roadway system as set forth in the comprehensive plan, the rights of way (120' or 60' from centerline) necessary for Westtown Parkway and 22nd Street shall be dedicated to the city in fee title according to the associated agreement with the City.
 - Internal Drive: All internal drives shall be of a design and surfacing to accommodate emergency response vehicles and shall be maintained at all times, including snow removal. A vehicle drive connection in the southwest corner of the site shall be provided at such time that the property to the west requests' a connection or when otherwise directed by the city to alleviate a safety concern.
- Development & Planning Subcommittee: The subcommittee discussed this project at their May 17, 2021 meeting. The applicant expressed difficulties about bringing the site into zoning compliance due to the existing lease agreements that would ultimately impact the required amount of parking and landscaping provided on each lot within the development. Additionally, the applicant was requesting signage that exceeds code allowed. The Subcommittee indicated concerns with granting signage inconsistent with code and what others have followed but did indicate a desire to be consistent with the recent instances in which larger signage was allowed for the RecPlex, DMU, Sammons and other large acre developments. This proposed PUD provides a framework to address nonconforming elements and establishes a long-range plan to achieve as much compliance as feasible and meet the intent of the City's zoning and development standards.

Outstanding Issues: It is anticipated that the applicant is not agreeable to the signage provisions spelled out in the ordinance, as well as the future drive connection at the southwest corner of the site and possibly with future requirements that tie to negotiation of new or renegotiation of existing lease agreements.

Plan and Zoning Commission Action:

Date: June 28, 2021

Vote:
 Recommendation:

City Council Comprehensive Plan Amendment:

Date:
 Vote:

City Council First Reading Rezoning:

Date:
 Vote:

Recommendation: Approve the Rezoning request to establish the Westowne Shopping Center Planned Unit Development (PUD), subject to the applicant meeting all City Code requirements.

Lead Staff Member: Bryce C. Johnson

Approval Meeting Dates:

Plan and Zoning Commission	June 28, 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

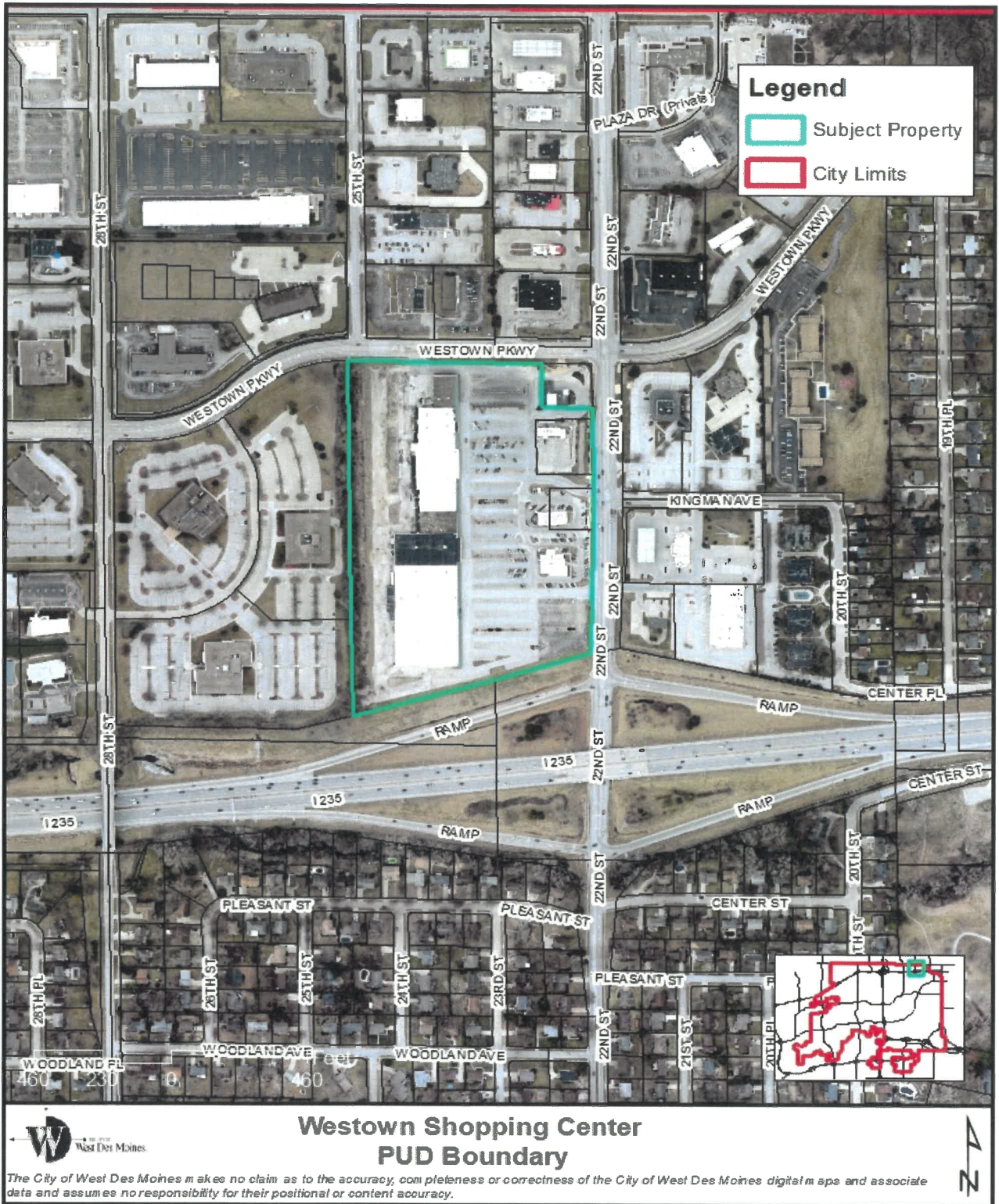
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	6/18/21
Date(s) of Mailed Notices	6/18/21

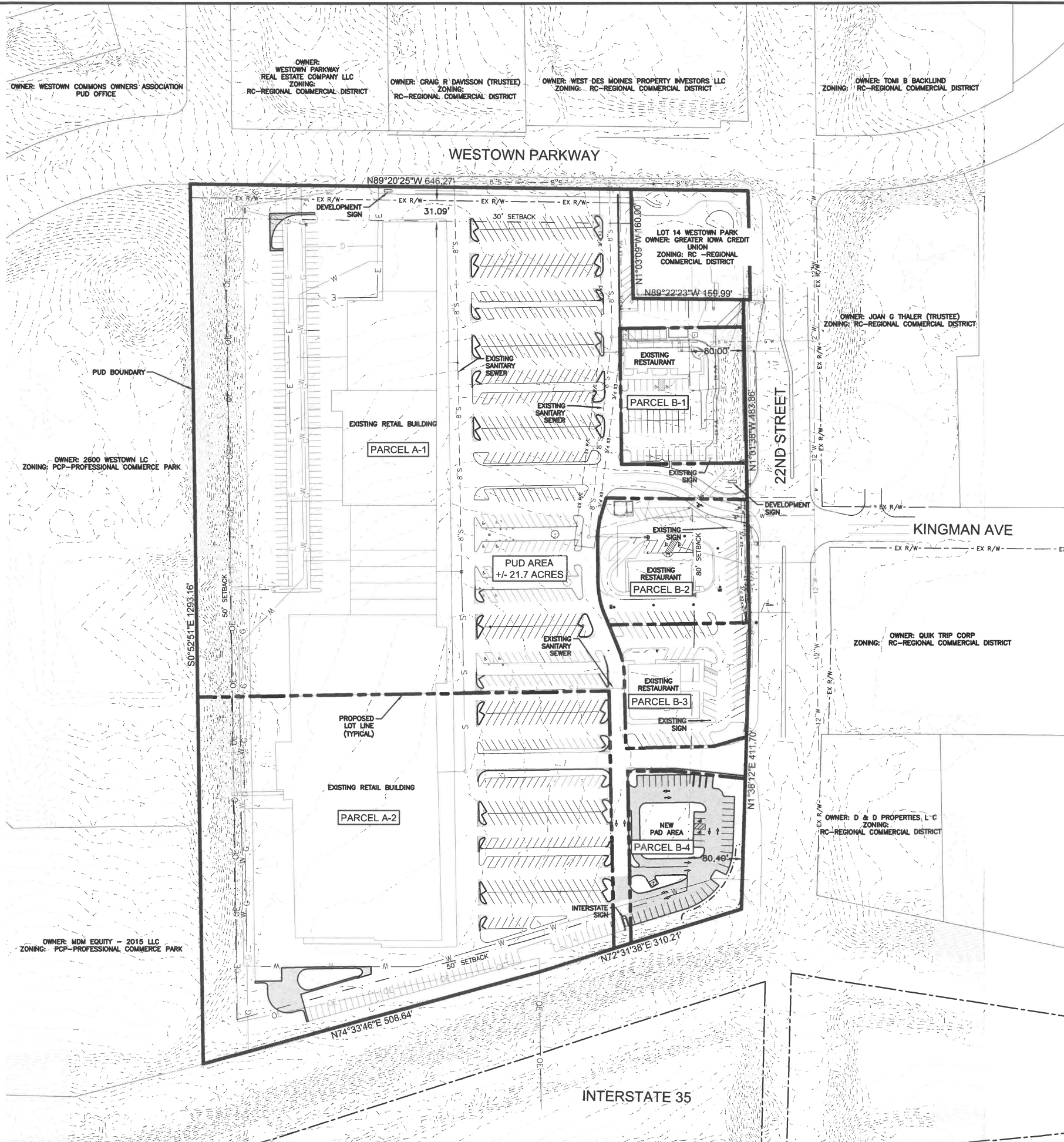
Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	5/17/21
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

Location Map



FILE: H:\2021\2102052\2102052-PUD SKETCH PLAN
 DATE: 6/11/21
 DATE PLOTTED: 6/23/2021 4:03 PM
 COMMENT: JOSH TRYGSSTAD



BULK REGULATIONS

EXISTING:
 SETBACKS:
 FRONT= 100 FEET
 SIDE= 50 FEET (SETBACK OF 0 FEET IF ABUTS A SIMILAR DISTRICT)
 REAR= 50 FEET (SETBACK OF 0 FEET IF ABUTS A SIMILAR DISTRICT)
 MINIMUM LOT AREA: 60,000 SQUARE FEET
 EXISTING USES: RETAIL, RESTAURANT AND OFFICE

PROPOSED:
 FRONT= 30 FEET (WESTTOWN PARKWAY)
 80 FEET (22ND STREET)
 SIDE= 50 FEET (SETBACK OF 0 FEET IF ABUTS A SIMILAR DISTRICT OR INTERNAL TO SITE)
 REAR= 50 FEET (SETBACK OF 0 FEET IF ABUTS A SIMILAR DISTRICT OR INTERNAL TO SITE)
 MINIMUM LOT AREA: 30,000 SQUARE FEET
 PROPOSED USES: RETAIL, RESTAURANT, OFFICE AND COFFEE SHOP

PARKING SUMMARY

EXISTING REQUIRED (PER CURRENT CITY ZONING ORDINANCE):
 PLANNED COMMERCIAL:
 191,240 SF @ 4.5 SPACES/1,000 SF OF GFA = 861 SPACES
 TOTAL EXISTING PARKING PROVIDED = 926 SPACES

PROPOSED REQUIRED (PER PUD):
 FLOOR & DECOR:
 78,000 SF @ 1 SPACE/1,000 SF OF GFA = 78 SPACES
 RETAIL:
 53,926 SF @ 3.5 SPACES/1,000 SF OF GFA = 189 SPACES
 OFFICE:
 1,424 SF @ 3.5 SPACES/1,000 SF OF GFA = 5 SPACES
 RESTAURANT - SIT DOWN (NO DRIVE-THROUGH):
 7,648 SF @ 20 SPACES/1,000 SF OF GFA = 153 SPACES
 RESTAURANTS - FAST FOOD WITH DINING:
 11,347 SF @ 15 SPACES/1,000 SF OF GFA = 171 SPACES
 11 QUEUING SPACES PER DRIVE-THROUGH (5 OF WHICH SHALL BE DESIGNATED FOR THE ORDERING STATION IF IT IS SEPARATE FROM THE PICKUP WINDOW)
 BANK (OFF SITE, GREATER IOWA CREDIT UNION)
 4,704 SF @ 3 SPACES/1000 SF = 15 SPACES
 PHYSICAL FITNESS FACILITIES:
 25,691 SF @ 5 SPACES/1,000 SF OF GFA = 129 SPACES
 VEHICLE SERVICE STATIONS:
 3 SERVICE BAYS @ 3 SPACES/SERVICE BAY = 9 SPACES
 3 VEHICLES @ 1 SPACE/SERVICE VEHICLE = 3 SPACES
 10 EMPLOYEES @ 1 SPACE/EMPLOYEE = 10 SPACES
 NEW PAD - ASSUME FAST FOOD WITH DINING
 4,500 SF @ 15 SPACES/1000 SF = 68 SPACES

TOTAL PROPOSED PARKING REQUIRED = 830 SPACES
 PROVIDED PARKING = 872 SPACES

OPEN SPACE

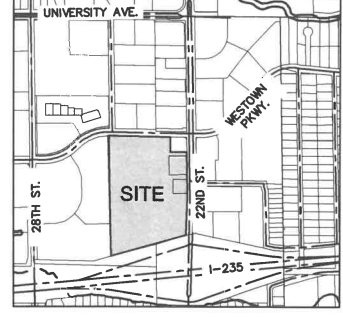
(OPEN SPACE CALCULATIONS EXCLUDES AREAS FROM LOT 14 AND IRRECOVERABLE ROW ALONG WESTTOWN PARKWAY. BOTH EXISTING AND PROPOSED CALCULATIONS ARE BASED OFF OF MAP INFORMATION AND FUTURE CONCEPTUAL IMPROVEMENTS)

EXISTING:
 EXISTING REQUIRED (25% OF 906,362 SF) = 226,591 SF
 EXISTING PROVIDED = 198,362 SF (21.9%)

FUTURE:
 FUTURE ESTIMATED = 214,130 SF (23.6%)

Plans included are for illustrative purposes only.
 Approve plans on file with the City.

VICINITY MAP



OWNER / APPLICANT
 WESTTOWNE CENTER ASSOCIATES LLC
 1500 22ND ST
 WEST DES MOINES, IA 50266
 PH: 816-412-5858

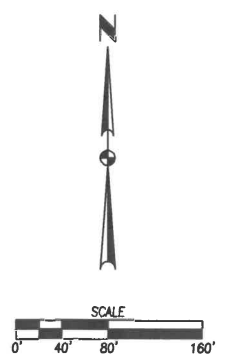
ENGINEER
 CIVIL DESIGN ADVANTAGE, LLC
 CONTACT: JOSH TRYGSSTAD
 3405 SE CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PH. (515) 369-4400
 FX. (515) 369-4410

SURVEYOR
 CIVIL DESIGN ADVANTAGE, LLC
 CONTACT: MIKE BROONER
 3405 SE CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PH. (515) 369-4400
 FX. (515) 369-4410

COMP. PLAN DESIGNATION
 EXISTING: RC - REGIONAL COMMERCIAL

ZONING
 EXISTING: RC - REGIONAL COMMERCIAL
 PROPOSED: PUD

LEGAL DESCRIPTION
 LOT 3 AND LOT 15, WESTTOWN PARK, AN OFFICIAL PLAT AND PARCEL 'A' OF SAID LOT 3 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 13937, PAGE 101, ALL IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.
 EXCEPT THE EAST 10.00 FEET THEREOF.
 ALL CONTAINING 21.10 ACRES (919,314 SQUARE FEET).
 AND
 LOT 14, WESTTOWN PARK, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY IOWA
 PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.



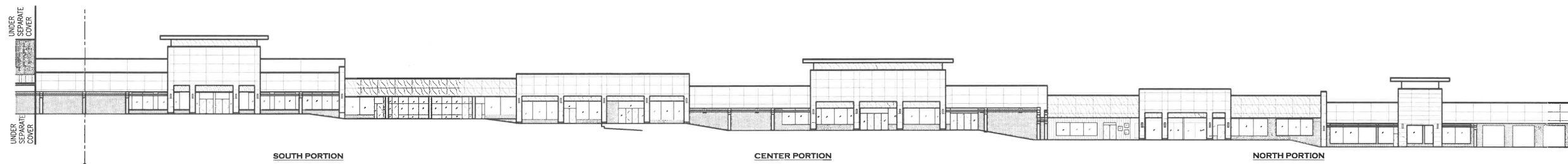
WESTTOWNE CENTER
PUD SKETCH PLAN

3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 369-4400 FAX: (515) 369-4410

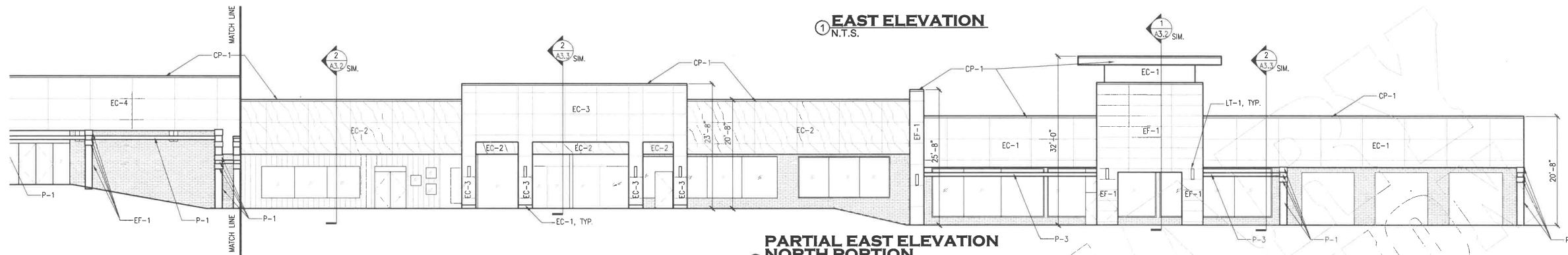
ENGINEER: CIVIL DESIGN ADVANTAGE
 WEST DES MOINES, IOWA

DATE: 06/23/21
 PUD SKETCH PLAN #6
 PUD SKETCH PLAN #5
 PUD SKETCH PLAN #4
 PUD SKETCH PLAN #3
 PUD SKETCH PLAN #2
 PUD SKETCH PLAN #1

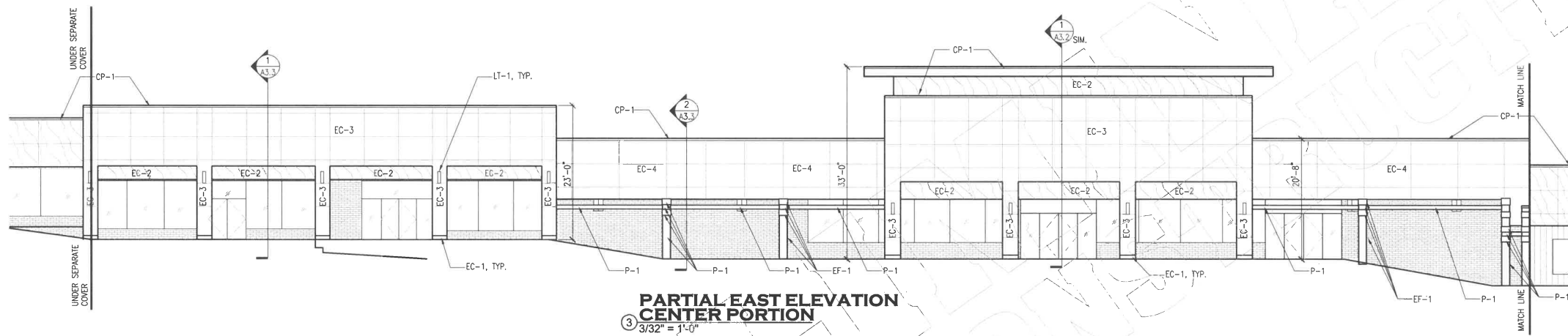
2102052



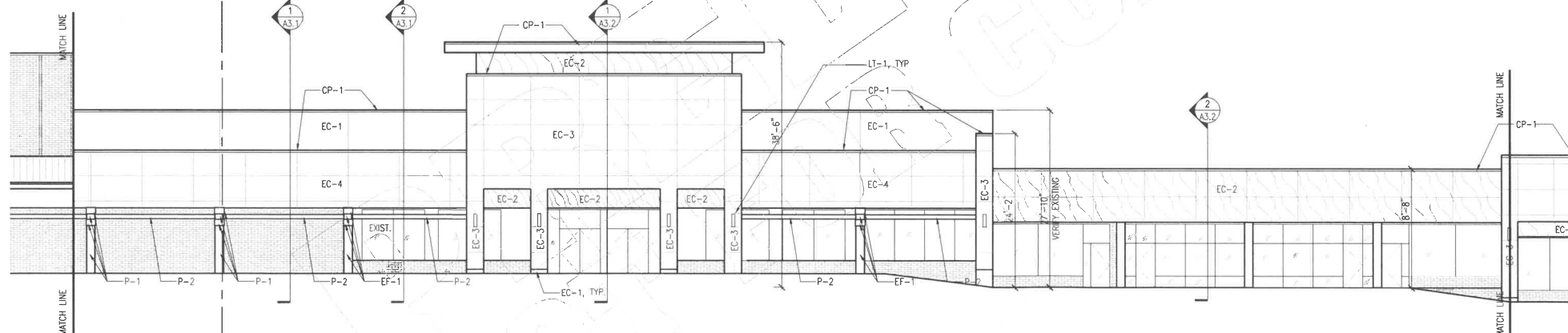
1 EAST ELEVATION
 N.T.S.



**2 PARTIAL EAST ELEVATION
 NORTH PORTION**
 3/32" = 1'-0"



**3 PARTIAL EAST ELEVATION
 CENTER PORTION**
 3/32" = 1'-0"



**4 PARTIAL EAST ELEVATION
 SOUTH PORTION**
 3/32" = 1'-0"

GENERAL EXT. ELEVATION NOTES

- REFER TO ADDITIONAL NOTES AND REQUIREMENTS ON ALL OTHER DOCUMENTS AND OTHER DISCIPLINES DOCUMENTS.
- ALL HORIZONTAL TRANSITIONS BETWEEN DIFFERENT MATERIALS SHALL BE FLASHED CONTINUOUS FROM UP BEHIND TO UNDER UPPER MATERIAL AND EXTEND OVER TO EXTERIOR FACE OF LOWER MATERIAL.
- ANY RETURNS OR BLIND ELEVATIONS NOT SHOWN SHALL BE SIMILAR IN MATERIAL AND MAKEUP TO ADJACENT CONDITIONS OR OTHER SIMILAR CONDITIONS.
- INSTALL VERTICAL EXPANSION JOINT MINIMAL AT COLUMN/GRID LINES AND AT THE HEAD OF DOOR JAMBS/OPENINGS OR AS OTHERWISE NOTED OR WHERE REQUIRED PER STANDARD MATERIAL PRACTICE TO REDUCE STRESS CRACKING. NO CONTROL JOINT/EXPANSION JOINT AT MAIN STRUCTURAL BEARING, KEEP AWAY 2'-6" MIN.
- CAULK & SEAL ALL TRANSITION-CONTROL-EXPANSION AT ALL EXTERIOR MATERIALS.
- INSULATE AND SEAL TO ENSURE ADEQUATE AIR INFILTRATION BARRIER AROUND ALL EXTERIOR PENETRATIONS TO PREVENT WATER AND SPRINKLER PIPE FREEZING.
- ADDRESS SHALL BE PROVIDED ON STREET SIDE OF BUILDING AND ON MOUNTAIN SIDE NUMBERS A MINIMUM 5 INCH CONTRASTING COLOR NUMBERS WITH MINIMUM 1/2" STROKE.
- IF ANY SIGNAGE OR SIGN BASE IS SHOWN IT IS FOR REFERENCE ONLY. FINAL DESIGNS AND/OR ALLOWANCES SHALL BE DETERMINED WITH APPROVED SIGNAGE PERMIT(S).

EXTERIOR MATERIAL LEGEND

MAT. LABEL	MATERIAL DESCRIPTION MATERIAL SPECIFICATION INFORMATION
COPING-1	PREFINISHED METAL COPING; FIRESTONE DARK BRONZE OR EQUAL.
EF-1	EXTERIOR INSULATION FINISH SYSTEM; TEXTURE: TBD MATCH SW7048 URBANE BRONZE
EC-1	EXTERIOR RAINSCREEN CLADDING, CONCEALED FASTENER STONEWOOD STUDIO PEBBLE GREY 7032-CD
EC-2	EXTERIOR RAINSCREEN CLADDING, CONCEALED FASTENER STONEWOOD STUDIO SHADWELL OAK 9573-AA
EC-3	EXTERIOR RAINSCREEN CLADDING, CONCEALED FASTENER STONEWOOD STANDARD DESIGNER WHITE 9194-CB
EC-4	EXTERIOR RAINSCREEN CLADDING, CONCEALED FASTENER STONEWOOD MATCH SW7048 URBANE BRONZE
P-1	PAINT EXTERIOR SURFACE SW7048 URBANE BRONZE
P-2	PAINT EXTERIOR SURFACE SW6888 REAL RED
P-3	PAINT EXTERIOR SURFACE MATCH EC-1
LT-1	EXTERIOR WALL SCONCE LIGHTING DARK BRONZE HOUSING

- H. METAL MAN DOORS & FRAMES: PAINTED TO MATCH ADJACENT M.PANEL COLOR.
 OVERHEAD PANEL DOORS: METAL PRE-FINISHED WHITE W/ CLEAR VIEWING WINDOWS.
 GUTTERS & DOWNSPOUTS: METAL PREFINISHED TO MATCH ADJACENT MATERIAL.
 FACIA & SOFFIT: METAL PREFINISHED TO MATCH ROOF COLOR.
 LIGHT FIXTURES: PRE-FINISHED DARK BRONZE HOUSINGS.
 BOLLARDS: CONCRETE FILLED STEEL BOLLARDS PAINTED SAFETY YELLOW.

PRICING NOTES

- PROVIDE ALTERNATE PRICE FOR SUBSTITUTING EIFS FOR ALL "EC" MATERIALS NOTED ON THE PLANS.
- ALL EXISTING EXTERIOR WALLS UNDER THE FRONT CANOPY TO BE PAINTED.
- ALL EXTERIOR NORTH AND WEST EXTERIOR WALLS TO BE PAINTED.
- PROVIDE ADD ALTERNATE TO REPLACE ALL UNDER-CANOPY SOFFIT WITH PRE-FINISHED ALUMINUM.
- PROVIDE ADD ALTERNATE TO REPLACE ALL FRONT SIDEWALK.
- AREAS WHERE PARAPET IS BEING RAISED FROM EXISTING WILL REQUIRE ROOF STRUCTURE REINFORCEMENT. INCLUDE AN ALLOWANCE IN THE BID FOR ASSOCIATED STRUCTURAL WORK.



WESTOWNE CENTER P.U.D.
1500 22ND STREET
WEST DES MOINES, IA
6-23-2021

SAA# 12001A

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simonson

SIMONSON & ASSOCIATES ARCHITECTS LLC
 1717 INGERSOLL AVENUE SUITE 117 DES MOINES IA 50309
 PHN 515 440 5626 WWW.SIMONSONASSOC.COM

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-057**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, and property owner, Westowne Associates LLC, request approval of a Rezoning Request to establish the Westowne Shopping Center Planned Unit Development (PUD) to govern redevelopment and future development of the existing shopping center on property as legally defined in the Planned Unit Development 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 establish the Westown Shopping Center Planned Unit Development (PUD) (ZC-005069-2021), 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 June 28, 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 June 28, 2021, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

Prepared by: Bryce Johnson, 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 #

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 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, by rezoning the following legally described property from Regional Commercial to Westowne Shopping Center Planned Unit Development (PUD) Ordinance of West Des Moines, Iowa:

Legal Description

LOT 3 AND LOT 15, WESTOWN PARK , AN OFFICIAL PLAT AND PARCEL 'A' OF SAID LOT 3 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 13937, PAGE 101, ALL IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA. EXCEPT THE EAST 10.00 FEET THEREOF. ALL CONTAINING 21.10 ACRES (919,314 SQUARE FEET). AND LOT 14, WESTOWN PARK, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY IOWA PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

SECTION 2. INTENT: The Westowne Shopping Center PUD intends to provide a framework for improvements reflective of the realities and constraints of redevelopment for an aging shopping area by enabling an approach that addresses non-conforming elements and establishes a long range plan to achieve the intent of the City's development standards in logical intervals whenever possible. The PUD will also outline detailed development criteria such as future development opportunities, architectural building design and details with a cohesive development identity for existing and new development.

SECTION 3. SKETCH PLAN: Attached hereto (or on file with the city) and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan document and building precedent images for Westowne Shopping Center PUD. These drawings are a graphic representation of the property and proposed buildings included in the PUD area for the purpose of easier reference for the applicable regulations of this Ordinance. Wherever conflict occurs

between the written text in this document and the notations on the drawings, the written text shall prevail.

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 Westowne Shopping Center PUD:

A. **Planned Unit Development:** This document shall constitute the planned unit development ordinance for Westowne Shopping Center. On file in the city and made a part of this ordinance is a sketch plan that illustrates the overall site layout concept (Exhibit I). This document and the referenced documents or exhibits (on file in the city) are intended to specify the components, parameters, and requirements to be adhered to and implemented in order to ensure the realization of the Westowne Shopping Center PUD. It is recognized that modifications and changes may be necessary due to changes in building footprints, site details, and response to market demand. At the discretion of the Director of Development Services, changes to the layout of the development that are deemed to be "major" changes shall require an amendment to the sketch plan and ordinance, if applicable. Major amendments shall require the review and approval of the Plan and Zoning Commission and City Council.

Where the sketch plan and PUD language conflict, the PUD language shall prevail. Where the PUD language conflicts with provisions of the West Des Moines city code the PUD language shall prevail.

B. **Development Applications:** Site plans (new, Major Modifications, and Minor Modifications) for development within the Westowne Shopping Center PUD must meet the intent of the approved PUD. Site plans (new, Major Modifications and Minor Modifications) shall be submitted to the City of West Des Moines for review and approval prior to the development or modifications to any portion of the lot. New site plans and Major Modifications for permitted uses which comply (as determined by the Director of Development Services or designee) with the design intent as set forth in this PUD will be subject to review via the City's review process and receive final approval from the City Council following a recommendation from the Plan and Zoning Commission. Minor Modifications to previously approved site plans may be approved administratively in accordance with Title 9. Approval by the Board of Adjustment for any use designated as a Permitted Conditional (Pc) use shall occur prior to approval of a subsequent site plan by the City Council. At the discretion of the Director of Development Services, an amendment to the Westowne Shopping Center PUD may be required to bring consistency between the ordinance and site plan development proposed.

C. **Preliminary and Final Platting:** Platting, if needed for subdivision or right-of-way dedication, shall be done in accordance with the City's Subdivision Ordinance. Lots to be platted without public street frontage in accordance with the City Code requirements, may be allowed provided the frontage requirements of the Code have been met by an abutting or surrounding lot which is under common ownership under an owners' association, or a cross parking and access easement has been executed which provides for the unrestricted use and access of the drives and parking. Platted outlots are not buildable until such time that they are replatted through the City's Subdivision process.

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:

In addition to the Sketch Map, 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 Westown Shopping Center PUD shall comply with Title 9, Zoning, or any other applicable codes.
- 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. 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, water mains and service lines, drainage-way improvements, detention basins, buffers, and other improvements as required. 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 by the City of West Des Moines. 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.
- E. A private sewer easement of a minimum width of ten feet (10') shall be provided to serve the properties. The sewer will be required to be public and meet current design standards if the property is further subdivided in a way that causes the private sewer to cross more than one (1) lot line. All new development requiring a site plan application shall be served by a public sewer.

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 for the Regional Commercial (RC) District shall apply to all development within the Westowne Shopping Center area

A. Land Use: All land uses as set forth in Title 9, Zoning, of the City Code for Regional Commercial (RC) District as permitted and permitted conditionally shall apply, except as designated below:

1. Permitted Uses: Permitted uses shall include the following:
 - a. All Permitted (P) uses allowed within the Regional Commercial (RC) district except those that have been prohibited by this ordinance.
 - b. All Permitted Conditional (PC) uses allowed within the Regional Commercial (RC) district except those that have been prohibited by this ordinance may be allowed with the approval of the appropriate review body.

2. Prohibited Uses: the following permitted and permitted conditional uses otherwise allowed in the Regional Commercial (RC) District shall be prohibited:

- SIC 2082 Brewery greater than 5,000 sq. ft. and less than or equal to 10,000 sq. ft. in conjunction with a taproom, including restaurants with brewery component
- SIC 2085 Distillery greater than 5,000 sq. ft. and less than or equal to 10,000 sq. ft. with a tasting room
- SIC 526 Retail nurseries and garden stores with outdoor components
- SIC 58 Eating and drinking places - Taproom/beer parlor in conjunction with a brewery or distillery greater than 10,000 sq. ft.
- SIC 5999 Miscellaneous retail stores, NEC (e.g., no outdoor sales or storage)
 - Adult entertainment establishment (films, books, magazines, sexually oriented merchandise)
 - Farm equipment and supply stores with outdoor components
 - Monument and tombstone stores with outdoor components
 - Swimming pools, hot tubs and sauna equipment and supply stores with outdoor components
- SIC 7211 Power laundries, family and commercial
- SIC 7215 Coin operated laundries and dry cleaning
- SIC 726 Funeral service
- SIC 7389-14 Auction, appraisal, and exchange services (flea market) with outside components
- SIC 7539 Automotive services, NEC - Frame and front end repair services
- SIC 7948 Racing, including track operations
- SIC 7992 Public golf courses
- SIC 805 Nursing and personal care facilities
- SIC 806 Hospitals
- SIC 821 Elementary and secondary schools, except tutoring
- SIC 822 Colleges and universities, except online programs
- SIC 83 Social services
- SIC 92 Justice, public order, and safety
- All Division E Transportation, Communication and Public Utilities, except SIC 491 Electric Services Solar Energy Systems and Electric Vehicle Charging Stations which shall be allowed

3. Drive-Throughs: If, through the design review process, including a traffic analysis, it can be demonstrated that a drive-through does not cause traffic congestion, does not cause the Westowne Shopping Center PUD to exceed its trip caps, does not interfere with pedestrian movements and can be designed to minimize their presence, a maximum of

three drive-throughs may be permitted within the Westowne Shopping Center PUD. The presence of drive-throughs shall be minimized through one or more of the following: the incorporation of the drive-through into the building architecture rather than as an added-on canopy component; visual screening through the use of earth berming and vegetation placemen; or other screening measures acceptable to the City. All drive-throughs shall comply with city code requirements for vehicle queuing.

- B. Lot Area: Lots less than minimum square footage required by code shall be considered acceptable if supported by reciprocal ingress/egress and parking easements; however, no lot shall be less than 30,000 square feet in size or of a size necessary to ensure development of the site complies with bulk regulations stated within this ordinance and in city code. Multiple buildings shall be permitted on one lot. Any lot line that crosses through a building may necessitate modifications to the existing buildings or measures as part of new buildings to accommodate Building and Fire Code regulations related to fire resistive construction and potentially the execution of “No Build” easements or agreements.
- C. Building Setback: Buildings on all parcels shall be setback as follows. The setback shall be measured from the property line, unless otherwise indicated, to the visible primary vertical foundation wall. Intermittent encroachment into the setback for canopies, awnings, building bump-outs, outdoor dining areas, etc. may be allowed at the discretion of the Director of the Development Services.
 - 1. Along Interstate 235 – Minimum of fifty feet (50’)
 - 2. Along Westown Parkway – Minimum of thirty feet (30’)
 - 3. Along West Property Line – Minimum of fifty feet (50’)
 - 4. Along 22nd Street – Minimum of eighty-feet (80’)
 - 5. No setback (0’) shall be required between internal PUD lots, unless otherwise required by building separation requirements within adopted Building and Fire Codes.
- D. Internal Drives:
 - 1. Per a (title) agreement recorded in Book 6345, Page 373, Polk County, Iowa, access to and from the existing bank located adjacent to the northeast corner of the PUD is provided via drive aisles within the Westowne Center property. This provision shall be maintained indefinitely.
 - 2. In order to provide safe and consistent access of emergency vehicles, drive aisle design must meet requirements for emergency vehicles (bearing capacity and turning movements). All internal drives shall be of a design and surfacing to accommodate emergency response vehicles and shall be maintained at all times, including snow removal. Drives shall support a minimum of 75,000 lbs GVW.
 - 3. A vehicle drive connection in the southwest corner of the site shall be provided at such time that the property to the west requests’ a connection or when otherwise directed by the city to alleviate a safety concern. Said connection shall give travel priority to the north-south vehicle access drive within this property that is intended for use by large delivery trucks for the patron at the south end of the development. Construction of the drive shall be by each property owner of that portion situated within their respective site. Said drive shall be design and constructed compliant with off-street parking requirements.
- E. Off-Street Parking: It is recognized that existing individual lease agreements for number and location of parking stalls to be provided impact what can and cannot be done to bring off-street parking into full compliance with city code requirements for design and landscaping. With the exception of parking lot setbacks as provided below, it is expected that every effort be made by the owner of the center to negotiate/re negotiate lease agreements in conjunction with the execution of new or renewal of lease agreements to accommodate code requirements

thus allowing modifications to bring the site into compliance with city code regulations or as otherwise stated herein.

1. Parking Ratios:

- a. Parking ratios shall be calculated as a Planned Commercial Center (4.5 spaces per 1,000 square feet of GFA). Minimum parking stall numbers required and provided within the site shall include the parking required for the existing bank located adjacent to the northeast corner of the PUD area per the agreement recorded March 5, 1991.
- b. Parking spaces in the rear of Parcels A-1 & A-2 can be utilized to meet parking requirements if the existing granular areas are improved in a manner to comply with the city's off-street parking surfacing requirements. Unless additional public access entries are implemented for businesses adjacent to this rear parking area, employee parking shall be encouraged in this area.
- c. If shared parking is intended, if not already existing for all or parts of the development, a shared parking agreement will need to be executed in conjunction with the approval of an associated site modification permit.
- d. At the discretion of the Development Services Director, a less stringent parking calculation may be used provided the applicant can demonstrate a parking rate less than the above is adequate due to the type of potential use within a specific tenant space (e.g., warehouse versus sales floor), shared uses or offsetting peak uses.

2. Setbacks: Parking areas shall be setback from the perimeter boundaries of the development as follows:

- a. Along Interstate 235 – Minimum of fifteen feet (15')
- b. Along Westtown Parkway – Parking areas shall not extend closer to Westtown Pkwy than the north line of the current paved area. Due to right-of-way dedication, the parking area may remain within the street right-of-way upon execution of a city approved hold harmless agreement to the benefit of the City.
- c. Along 22nd Street – Minimum of fifteen feet (15'). Existing parking areas shall not extend closer to 22nd Street than the east line of the current paved area. Any new lots created along 22nd Street frontage shall provide a minimum parking lot setback of fifteen feet (15').
- d. Along West Boundary – Minimum of thirty feet (30').
- e. There shall be no minimum parking lot setback between internal lot boundaries if lots are designed as one continuous parking field. Lots not designed as one shall provide a minimum of five feet (5') between parking fields.

3. Design:

- a. Minimum parking stall measurements and drive aisle widths per type of parking (head-in or angled) shall conform to Chapter 15 of the City's Zoning Ordinance (city code title 9) as follows:
 - 1) Any existing situation(s) not impacted by existing lease agreements shall be restriped accordingly to comply with minimum city code regulations in conjunction with asphalt overlays (top coating) or implementation of underground storm water detention facilities or full depth pavement reconstruction of parking area(s) occurs, whichever allows the earliest opportunity to restripe.
 - 2) Areas currently governed by a lease agreement(s) that prevent changes, shall be brought into compliance with city code upon renegotiation of existing or execution of new lease agreements, in combination with the timing of parking lot modifications including pavement overlays, implementation of underground storm water detention facilities or full depth pavement reconstruction of parking area(s) occurs, whichever allows the earliest opportunity to achieve compliance. The

following existing conditions shall be considered acceptable in the interim but shall be remedied as soon as lease agreements allow:

- a) Existing bi-directional angled parking noncompliant with minimum drive aisle widths.
 - b) Existing rows of parking adjacent to linear islands noncompliant with minimum required stall depth.
 - c) Existing areas noncompliant with minimum parking stall measurements for width and depth.
 - d) Existing situations noncompliant with required minimum drive aisle width(s).
- b. Parking lot markings shall comply with the Manual on Uniform Traffic Control Devices (MUTCD).
 - c. A fire truck turn radius sheet shall be provided and approved by the City's Fire Marshal prior to modifications of any parking surfaces.
4. Parking Lot Landscaping: For purposes of increasing open space within a site, providing needed visual relief from large expanses of parking, reduce heat reflection and improving pedestrian comfort, areas of vegetation within off-street parking areas is required. This site currently provides several linear parking rows and a few terminal islands, but overall does not comply with current code requirements. While complete compliance may not be possible due to lease agreements, it is a goal, to over time, increase the amount of green space within off-street parking areas to be in closer alignment with city code requirements and achievement of the above stated purposes. Therefore, the following shall apply within off-street parking areas;
- a. All current and future unpaved areas shall include one (1) tree for every 150 square feet of unpaved area which is consistent to the vegetation requirement of a 9'x17' parking island. The implementation of shrubs, ornamental grasses and perennials shall be optional and at the developer's discretion. To support plant growth and survivability and minimize presence of hard materials within the site, it is desired that vegetated areas contain shredded hardwood mulch in lieu of rock whenever possible.
 - b. Existing green areas within the parking shall remain or be replaced in equal size elsewhere within an off-street parking area.
 - c. Within two (2) years of the adoption of this ordinance, all existing unpaved areas within the parking lot shall be evaluated and additional landscape material be incorporated accordingly to comply with the vegetation requirement previously stated.
 - d. Existing striped paved islands shall be modified to vegetative islands consistent with city code regulations for incorporation of terminal islands and tree pods at such time that the implementation of underground storm water detention facilities or full depth pavement replacement (not just top coating) of parking lot areas occurs.
 - e. All other paved areas otherwise required per city code regulations to be terminal islands and tree pods shall be installed upon allowance per renegotiated or new lease agreements and at such time that the implementation of underground storm water detention facilities or full pavement replacement (not just top coating) of parking lot areas occurs.
 - f. At such time that conversion of currently paved areas is to occur, the property owner shall take the appropriate measures to mitigate soil compaction and nutrient deficiencies for all areas intended for implementation of vegetation.

SECTION 6. LANDSCAPING: Unless otherwise provided within this ordinance, the site shall comply with provisions and regulations stated in Chapter 19, Landscaping within title 9 of city code. As a general rule, the maximum amount of "green" (unpaved areas and vegetation) should be provided within the development. Details regarding specific varieties, exact quantities, and the

minimum size at time of planting shall be provided and approved as part of a new site plan or site plan modification submittal and shall meet the general guidelines in respect to the minimum plant sizes traditionally applied to development within the city. Vegetation required for one purpose shall be in addition to vegetation required for another purpose, e.g., vegetation to achieve parking lot screening is in addition to vegetation that is part of open space requirements. The following landscape and mitigation of views of negative elements shall apply:

1. *Open Space:* Open space shall be considered those areas unencumbered by buildings and vehicle use drives, loading docks, and off-street parking areas. Vegetated parking lot islands and tree pods may be counted towards required open space. Open Space vegetation shall be provided at a rate of two (2) trees and three (3) shrubs for every 3,000 square feet of required open space.

As of the June 2021, this site is providing 21% open space with the majority of the open space being provided along the western property boundary which is generally not visible to the general public when within the development, as well as when passing by on the adjacent roadways. Unpaved terminal and linear parking lot islands and tree pods are critical to increasing the amount of visible open space and green provided within this site. Ultimately, this site shall be required to provide a minimum of 23% of the site as open space. This will be achieved with the required provision of a minimum of 25% open space within any new lots created, as well as transforming currently paved terminal islands to vegetative islands and incorporating as much as possible, new terminal and linear islands and tree pods. Details of the timing of implementation of respective parking lot improvements is outline in the Parking section contained within this ordinance.

2. *Parking Lot Screening:* Vegetation necessary to mitigate views of parking areas from adjoining roadways and properties outside of the Westowne Center property shall be provided. Views of parking shall be mitigated through the implementation of vegetation with or without earthen berming to a minimum height of three feet (3'). Vegetation shall be located on private property except that vegetation may be located within the city owned right of way along Westown Parkway; however, said vegetation shall be limited to shrubs and understory trees. No overstory or coniferous trees shall be allowed. As much as possible, said shrubs shall be of a coniferous variety to provide year-round screening. Parking lot screening shall be implemented within two (2) years of adoption of this PUD ordinance.
3. *Streetscape:* A landscaped edge or streetscape intended to bring needed green to the city, shade and visually soften pavement expanses is desired along all roadways upon which the public is permitted to travel. The streetscape is intended to be ornamental in nature and there are no minimum vegetation requirements; however, landscaping placed along a roadway may be counted toward fulfilling open space landscape vegetation requirements. Due to the limited open space and lack of vegetated parking lot islands and pods, trees are desired, although not required, along 22nd Street and Westown Parkway. As indicated previously, trees located along Westown Parkway may be located within city right-of-way but must be of an understory variety.
4. *Negative Site Elements:* Adequate mitigation of views of undesirable site elements such as, but not limited to loading docks, service areas, garbage or recycling dumpsters, transformers, utility meters, mechanical equipment, etc. shall be achieved.
 - a. *Mechanical Equipment:* Ground, wall mounted, and roof mounted equipment shall be visually screened in accordance with the following:
 - 1) At the time of installation of new equipment.
 - 2) At the time of replacement of existing equipment.
 - 3) At time of façade improvements adjacent to existing equipment.

- 4) Ground and wall mounted equipment may be screened via the implementation of vegetation of a coniferous variety of adequate height to achieve screening at time of implementation or via architectural components such as screen walls comprised of the materials and colors consistent or compatible to the surrounding façade to the equipment.
 - 5) Roof mounted equipment that is visible from an adjoining roadway or property outside of the Westowne Center development shall be screened by architecturally integrated measures consistent and compatible to the primary building façade colors and materials.
- b. **Dumpster Enclosures:** Enclosures shall be required for all refuse containers on site, including cardboard recycling and restaurant grease receptacles. Said enclosures shall be designed and constructed consistent with Chapter 10, Performance Standards provided within title 9 of city code. Required enclosures shall be constructed in conjunction with facade improvements of the tenant spaces which utilize said trash, cardboard or grease receptacles or within two (2) years of the adoption of this ordinance, whichever occurs first.
5. **Buffers:** A buffer shall be provided along the west property boundary to screen views from the property immediately to the west of the back of the primary building, parking areas, loading docks and service areas. There shall be no minimum width requirement to this buffer; however, proof of visual screening achievement must be demonstrated through existing and /or new vegetation and/or topography. In the event that vegetation dies or is otherwise removed, replacement trees and shrubs in the same numbers and type in a size as typically required per Chapter 19, Section 8 shall be installed, or vegetation numbers and types consistent with that required by code for a 30' wide buffer shall be provided. Achievement of buffering as outlined herein shall occur within two (2) years of adoption of this ordinance. In the event that existing vegetation is removed to accommodate a regional storm water detention facility that benefits more than the Westowne Center property, any replacement of the vegetation necessary for buffering shall be the responsibility of the City.

SECTION 6. VEHICLE TRIP ALLOCATION: As part of the traffic analysis completed by the City of West Des Moines, the Westowne Shopping Center PUD has been allocated the following vehicle trips: thirteen thousand one hundred forty eight (13,148) average daily trips (ADT); seven hundred thirty nine (739) A.M. peak hours; and one thousand one hundred eighty eight (1,188) P.M. peak hour trips. Alternate uses to the proposed planned uses, if within the parameters of the traffic analysis and approved as part of the Westowne Center redevelopment plan and this PUD ordinance may be allowed, following completion of an amendment to the approved traffic study analyzing the proposed alternative and appropriate City approval if the existing uses and the proposed change(s) collectively do not exceed that allocated above to this development. Overall trips for the Westowne Shopping Center District must remain within the caps established for the Westowne Shopping Center District as a whole which were established as part of the Westowne Center Redevelopment Plan traffic study. Future redevelopment within the Westowne Shopping Center PUD may be limited by available trips due to traffic generated elsewhere within the district.

SECTION 7. STORMWATER MANAGEMENT PLAN: A master stormwater management plan for the entire Westowne Center redevelopment area which governs the overall stormwater management of the Westowne Shopping Center has been prepared by and approved by the City of West Des Moines. An agreement exists in book 14005, page 819 in the Polk County Records office and amended on February 3, 2020 outlining the implementation schedule of this plan. Any alternate timelines for the implementation of storm water management measures from that previously established within the agreement will require the approval of the City Council.

A regional storm water management facility is being considered which will be located within this property. Details for the construction and maintenance of the facility will be detailed in a separate agreement or per modifications to the existing recorded agreement indicated above. In the event the facility is located within an existing parking area, minimum parking requirements for the site shall be appropriately reduce by the number of stalls affected by the facility. Additionally, as provided in the buffer provisions, any vegetation that is serving to buffer the west property that is removed to accommodate the detention facility shall be the responsibility of the city to replace.

Individual stormwater management plans which align with the master stormwater management plan will be required with the development of each site plan (new site plan, Major Modification and Minor Modifications that increase net impervious by more than 2,000sf). The individual stormwater management plans shall be prepared at the developer's expense, by a professional engineer licensed in the state of Iowa. All individual stormwater management plans shall comply with the city's applicable design standards for stormwater management existing at the time each development (site plan) is approved and demonstrate compliance with the Westowne Center East master stormwater management plan.

A Stormwater Management Facility Maintenance Agreement (SWMFMA) exists for this site. In conjunction with the installation of any new storm water management facilities within the site, the developer of the Westowne Shopping Center PUD shall be required to update the SWMFMA to guarantee future maintenance of any new stormwater facilities.

SECTION 8. PUBLIC STREET RIGHT OF WAY DEDICATION: In order to maintain the functional class of the city's roadway system as set forth in the comprehensive plan, the rights of way (120' or 60' from centerline) necessary for Westown Pkwy and 22nd Street will need to be dedicated upon City request. Existing private improvements that will be within the Westown Parkway or 22nd Street rights-of-way may remain upon execution of a Hold Harmless Agreement to the benefit of the City; however, no new improvements shall be implemented without specific approval of the City Council. In addition, when requested, the developer shall provide, at no cost to the city, temporary easements that may be necessary for improvements to public streets adjacent to the development.

SECTION 11. SIGNAGE: Unless otherwise provided herein, all exterior signage shall be in accordance with title 9, chapter 18 of the city code for the Regional Commercial District (RC). Implementation of new signage and modifications to existing (wall and ground) require the review and approval of a Sign Permit by the City of West Des Moines prior to installation.

1. Westown Parkway: Permanent ground signs consistent with code regulations for number and separation distances to other signs shall be allowed. Said sign(s) shall be allowed to be a maximum of seven feet (7') in height and 64 square feet of sign structure, regardless of setback provided. Upon dedication of additional required right-of-way, and upon provision of a hold harmless agreement to the benefit of the city, said sign(s) may be located on city property adjacent to the edge of the existing parking. The location of sign(s) shall not obstruct visibility at intersections thus the location of any signs are required to be evaluated and approved in conjunction with the issuance of the associated sign permit. Any tenant within the development may be identified on this sign.
2. 22nd Street: Existing ground signs shall be allowed to remain. No additional signs shall be allowed, except an additional sign may be allowed within a lot created in the southeast corner of the development which has a minimum of 150' of 22nd Street frontage and is a minimum of 30,000 square feet in size. Said sign on this new lot shall be separated the greatest distance possible from the ground sign on the next lot to the north. In the event an existing sign structure

is modified, said structure shall be brought into compliance with city code; however, the sign may be allowed in its current location if separation requirements stated within code cannot be accommodated. Only the tenants located within the lot that contains the sign may be identified.

3. I-235 Interstate Sign: With the provision of code required minimum lot frontage(s), interstate signage consistent with all city code provisions may be allowed. Identification of any tenant within the Westowne Center development may be displayed on an interstate sign regardless whether they are located within the same parcel as the sign; however, no business or tenant may be located on more than one (1) interstate sign.

SECTION 12. ARCHITECTURE: The intent is to create building façades throughout this development that are varied and articulated to provide visual interest to pedestrians and to establish a unique identity for the development. The architectural design of any building within this development shall be acceptable to the City. The architecture shall attempt to express a creative presentation by careful attention to exterior building materials and details, use of fenestration, and change in building mass within the plane and roof design to lessen the plainness of appearance which can be characteristic of large commercial. Building design, materials, trim, detailing, and colors shall provide continuity amongst buildings to unite all structures within the development into one project concept. All sides to each building shall receive high quality materials, finishes, and details (360° architectural treatment). Materials should be durable, economically maintained and of a quality that will maintain their appearance over time.

On file with the City are conceptual architectural illustrations of the general building style and material options. Once City approval is gained on a particular building design, any alteration in design before or during construction must be reviewed and approved by the City's Development Services Department.

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

1. Corporate architecture shall be prohibited. Limited use of architectural elements characteristic of prototypical architecture may be allowed at the discretion of the Director of Development Services or the appropriate reviewing and approval body. Implementation of these architectural elements shall be minimized and whenever possible modified to give a unique image to the establishment. No standard corporate building design without modifications shall be implemented.
2. Buildings shall be organized to create a logical and identifiable relationship with the site and other buildings, open spaces, and pedestrian circulation paths.
3. The use of building articulation and materials which break up the building mass into modules that respect a pedestrian scale and reflects proportions similar to other buildings within the development.
4. The building's design should meet context and site objectives such as providing gateways, creating visual and physical linkages and framing or terminating views.
5. Variation in building height, mass and roof forms shall be provided to create interest while still maintaining an overall building continuity. Roofs should not be designed as attention-getting devices related to the reinforcement of signage or as an identifiable corporate image.
6. Entrances into buildings should be easily identified through the use of building design and detailing. Projected or recessed entryways, change in rooflines, addition of awnings or changes in building material are examples that can create this effect.
7. Shifts in building planes/facades and variation in exterior materials shall be incorporated to minimize long expanses of wall. Long blank walls shall be prohibited.

8. Variation in materials, material modules, expressed joints, textures, colors and details should be used to break up the mass of the buildings. Materials should change with the change in building planes.
9. Trim and structural elements such as posts or columns shall be sized to the scale of the building and detailed appropriately to the theme. Parapets and other building elements which extend above rooflines shall be of adequate depth to provide visual structural integrity. The backs of any visible architectural element shall be finished with the same materials and treatments as the other sides of the architectural element.
10. Whenever possible, ground floor tenant areas should provide the maximum possible glazing toward sidewalks to provide pedestrians with visual interest. Use of reflective glass or mirrored glass is discouraged. Efforts should be made to use clear glass on storefronts, windows and doors to promote the linkage of the interior and exterior of buildings.
11. Durable materials such as brick, stone, architectural precast or concrete masonry units shall be used as the major elements of all building facades. Metal or composite materials may be incorporated in the design as major exterior materials as acceptable to the City. All composite panel or metal cladding must have concealed fasteners. All exposed edges must have a fully finished edge or be terminated with trim. Trim for the panels should be finished with the same color as the panel or be consistent in detail and color throughout the center. Concrete products used in new construction shall have integrated color rather than surface applied paint/staining and should have a textured finish for interest; smooth finish concrete products may be used in conjunction with texture for accent purposes. Vinyl products shall be prohibited. 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 and cannot be the predominate building material.
12. The appropriate measure to fully screen undesirable building elements, mechanical (both ground and rooftop mounted) and electrical equipment, including electrical transformers and meters shall be implemented. When feasible, screening measures shall be incorporated into the building architecture through the use of wing walls, raised parapets, etc. using compatible materials to the main building design.
13. Canopies: Drop off and other drive-through canopies must be designed to incorporate the building's architecture through the use of similar building materials, roof design and color, including the application of brick or stone to canopy support columns. When possible, canopies should be designed as an extension of the building rather than an added-on element.

SECTION 13. REPEALER: All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

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. 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 16. 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 17. 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 this _____ day of _____ 2021.

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.

Ryan T. Jacobson, City Clerk