

**CITY OF WEST DES MOINES
MEMORANDUM**

TO: Chairperson Andersen and Members of the Plan and Zoning Commission
FROM: Bryce C. Johnson
DATE: June 28, 2021
RE: Item 2a, Westowne Center Planned Unit Development

As anticipated and suggested in the Outstanding Comments section of the staff report, please find below aspects that the applicant is not in agreement with as it relates to improvements to the Westowne Shopping Center to be required over time. The applicant would like the language changes as indicated in red. Staff feels the ordinance presented in the staff report accurately recognizes the existing conditions of the site and precedent of what others have been allowed/provided, as well as Development & Planning Subcommittee discussion and direction while acknowledging indicated lease agreement timeline restrictions affect on complying with city code regulations. Staff and the applicant are essentially at an 'agree to disagree' point. Staff will need direction on each proposed change whether to:

- a. accept the applicant's requested change as written;
- b. leave as written in the ordinance included in the staff report; or,
- c. modify to language that the Commission feels is appropriate.

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~~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); <ul style="list-style-type: none"> - 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

SECTION 6 REQUIREMENTS:

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.

SECTION 6 REQUIREMENTS:

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 northeast 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.~~

SECTION 6 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/renegotiate 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.~~
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), except as follows:
 - 1) ~~Any existing situation(s) not impacted by existing lease agreements~~The area identified on Exhibit I 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).
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 or practical~~, 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~~ There shall ~~include~~ be no less than 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.
~~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.~~
- c. ~~Existing~~ The existing striped paved islands identified on Exhibit I 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.
- d. ~~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.~~
- e. 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.

Following section and paragraph numbering will need to be adjusted – incorrect in ordinance included in staff report. Kept as provided in staff report for ease in relating back to that ncluded in staff report.

SECTION 67. 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:

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. or 22nd Street.~~ Parking lot screening shall be implemented, to the extent permitted within the lease agreement, within ~~twofive~~ (25) years of adoption of this PUD ordinance.

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~~Upon mutual agreement of all parties, details for the construction and maintenance of the facility ~~will~~may 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 provide 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, City has obtained by fee simple transfer or irrevocable dedication agreement the ~~rights~~right of way 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 written approval of the City ~~Council~~. In addition, when requested, the ~~developer~~owner shall provide, at no cost to the ~~city~~City, temporary easements which do not interfere with ingress/egress or signage 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.

3. I-235 Interstate Sign: ~~With the provision of code required minimum lot frontage(s), One interstate sign with up to 496 sf of sign area shall be permitted. The height of the interstate sign may be 127% of the height currently permitted by the city code for interstate signage consistent with all city code provisions may be allowed within the Regional Commercial District (RC).~~ Identification of any tenant one or more tenants within the Westowne Center development may be displayed on ~~an~~the interstate sign regardless whether ~~they are~~the tenant is located within the same parcel as the sign; ~~however, no business or tenant may be located on more than one (1).~~ The design of the interstate sign-- shall be cohesive with the overall design of the development.

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), except that the western portion of the western façade of the main, inline center building will be permitted to remain as-is so long as the development remains in compliance with the "Buffers" Section contained herein. 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:

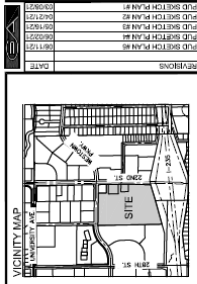
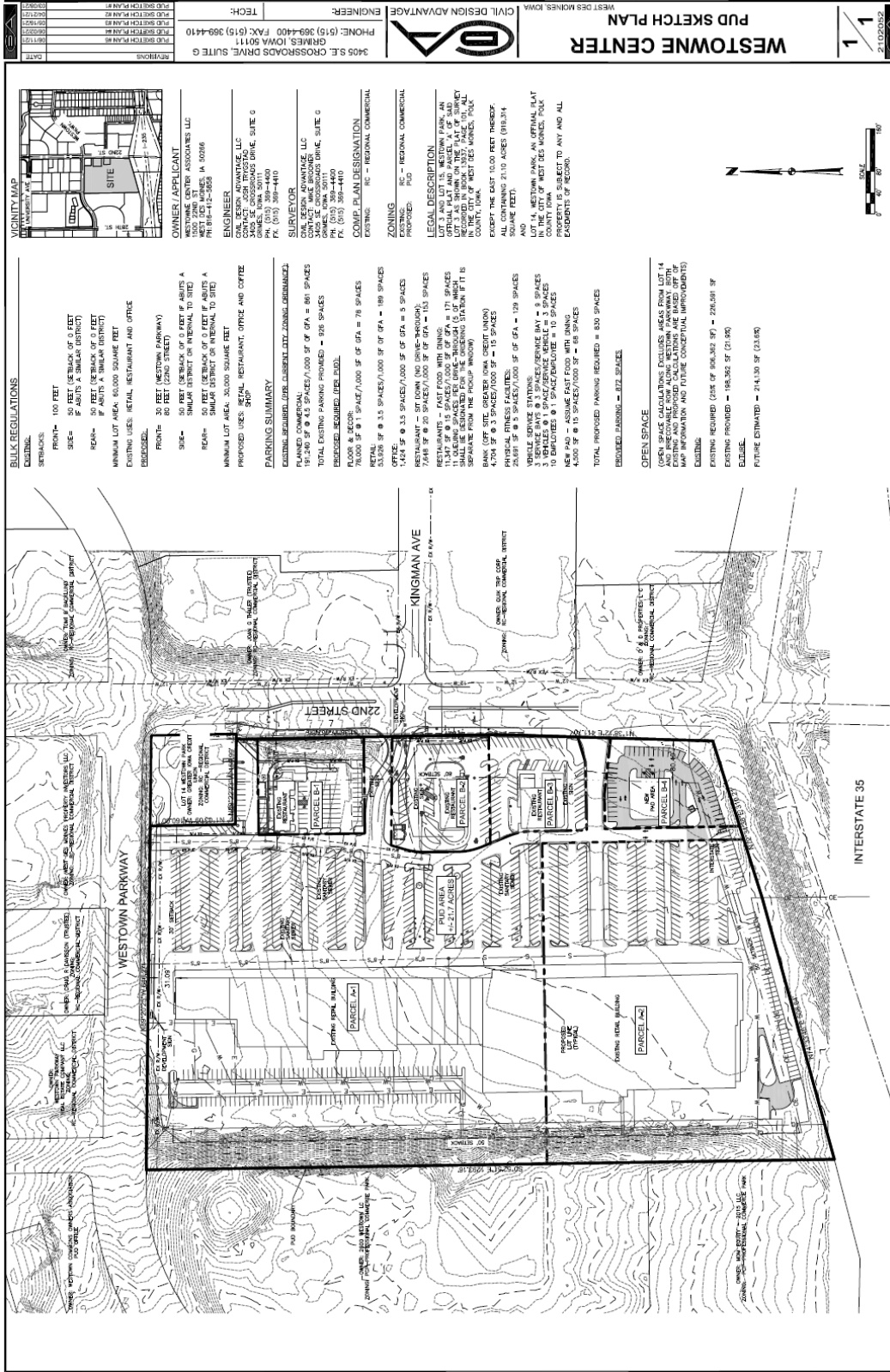
- ~~2-1.~~ ~~Corporate architecture shall be prohibited. Limited use of architectural elements characteristic of prototypical architecture may be allowed at the discretion of the Director of Development Services or the appropriate reviewing and approval body. Implementation of these architectural elements 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.~~
- 3-2. Buildings shall be organized to create a logical and identifiable relationship with the site and other buildings, open spaces, and pedestrian circulation paths.
- 4-3. 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.
- 5-4. The building's design should meet context and site objectives such as providing gateways, creating visual and physical linkages and framing or terminating views.
- 6-5. 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.~~
- 7-6. 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.
- 8-7. 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.~~
- 9-8. 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.
- 10-9. 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.
- 11-10. 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.
- 12-11. 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.

13.12. 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.

14.13. 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.

Exhibit I



OWNER/APPLICANT
 CIVIL DESIGN ADVANTAGE, LLC
 3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 399-4400 FAX: (515) 399-4410

ENGINEER
 CIVIL DESIGN ADVANTAGE
 3405 S.E. CROSSROADS DRIVE, SUITE G
 GRIMES, IOWA 50111
 PHONE: (515) 399-4400 FAX: (515) 399-4410

TECH:

LEGAL DESCRIPTION
 LOT 2 AND LOT 15, WESTOWN PARK, AN UNDIVIDED SUBDIVISION OF WESTOWN CENTER PUD, AS SHOWN ON THE PLAT OF SAID LOT 2 AND LOT 15, WESTOWN PARK, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

EXCEPT THE EAST 10.00 FEET THEREOF; 4.704 SF OF 3.15 SPACES/1,000 SF OF GFA = 15 SPACES AND 4.704 SF OF 3.15 SPACES/1,000 SF OF GFA = 15 SPACES.

AND 10.00 FEET THEREOF; 21.0 ACRES (17.04) IN THE CITY OF WEST DES MOINES, POLK COUNTY IOWA SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

BULK REGULATIONS

SETBACKS:
 FRONT - 100 FEET
 SIDE - 50 FEET (RETRUCK OF 0 FEET IF ADJUT A 50 FEET SETBACK IS SHOWN (DISTRICT) IF ADJUT A 50 FEET SETBACK IS SHOWN (DISTRICT) IF ADJUT A 50 FEET SETBACK IS SHOWN (DISTRICT))
 REAR - 50 FEET (RETRUCK OF 0 FEET IF ADJUT A 50 FEET SETBACK IS SHOWN (DISTRICT) IF ADJUT A 50 FEET SETBACK IS SHOWN (DISTRICT) IF ADJUT A 50 FEET SETBACK IS SHOWN (DISTRICT))

MINIMUM LOT AREA: 60,000 SQUARE FEET

EXISTING USES: RETAIL, RESTAURANT AND OFFICE

PROPOSED USES: RETAIL, RESTAURANT, OFFICE AND OFFICE

PARKING SUMMARY

EXISTING: 100 SPACES (100 SPACES/1,000 SF OF GFA = 100 SPACES)
 100 SPACES (100 SPACES/1,000 SF OF GFA = 100 SPACES)
 TOTAL EXISTING PARKING PROVIDED = 200 SPACES

ENCLOSED: 800 SPACES

FLOOR & SECOND:
 78,000 SF @ 1.1 SPACES/1,000 SF OF GFA = 78 SPACES
 1,424 SF @ 3.5 SPACES/1,000 SF OF GFA = 149 SPACES
 7,648 SF @ 20 SPACES/1,000 SF OF GFA = 153 SPACES

RESTAURANT - SIT DOWN (NO DRIVE-THROUGH):
 1,424 SF @ 3.5 SPACES/1,000 SF OF GFA = 149 SPACES
 7,648 SF @ 20 SPACES/1,000 SF OF GFA = 153 SPACES

RESTAURANT - FAST FOOD WITH DINING:
 11,000 SPACES PER DRIVE-THROUGH (5 OF WHICH SEPARATE FROM THE PICKUP WINDOW) @ 11 IS 11 SPACES

BANK (OFF SITE, GREATER IOWA CREDIT UNION):
 4,704 SF @ 3.15 SPACES/1,000 SF = 15 SPACES

PHYSICIAN OFFICE FACILITIES:
 4,704 SF @ 3.15 SPACES/1,000 SF OF GFA = 15 SPACES

VEHICLE SERVICE STATIONS:
 3 SERVICE BAYS @ 3 SPACES/SERVICE BAY = 9 SPACES
 10 DRIVEWAYS @ 1 SPACE/DRIVEWAY = 10 SPACES

NEW PAD - ASSUME FAST FOOD WITH DINING:
 4,000 SF @ 10 SPACES/1,000 SF = 40 SPACES

TOTAL PROPOSED PARKING REQUIRED = 800 SPACES

ENCLOSED PARKING = 800 SPACES

OPEN SPACE
 (OPEN SPACE CALCULATIONS EXCLUDES AREAS FROM LOT 14 AND LOT 15, WESTOWN PARK, AN UNDIVIDED SUBDIVISION OF WESTOWN CENTER PUD, AS SHOWN ON THE PLAT OF SAID LOT 14 AND LOT 15, WESTOWN PARK, IN THE CITY OF WEST DES MOINES, POLK COUNTY IOWA SUBJECT TO ANY AND ALL EASEMENTS OF RECORD)

EXISTING:
 EXISTING PROVIDED (20% OF 800,000 SF) = 270,000 SF
 EXISTING PROVIDED = 198,302 SF (21.9%)

ENTIRE:
 FUTURE ESTIMATED = 214,330 SF (23.8%)

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