NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: September 7, 2021

ITEM: Jordan Creek Business Park, North side of Village View Drive between S. 60th Street and S. 64th Street – Amend Comprehensive Plan Land Use Map and Amend the Jordan Creek Business Park Specific Plan Ordinance to designate and regulate High Density Residential within development parcel C – Todd Rueter – CPAZCSP-005158-2021

ORDINANCE: Approval of Second Reading of Specific Plan Ordinance Amendment

Background: Doug Mandernach with Civil Design Advantage, on behalf of the applicant, Caliber Iowa, and property owners, Todd Rueter, Paige Rueter Benlaala, and Alex Rueter, Todd and Constance Rueter, Rueter & Zenor Co., Rueter Leasing, L.C. and Jordan Creek Commons Association, Inc., requests approval of a Comprehensive Plan Land Use Map Amendment and Rezoning Request on that ground generally located on the north side of Village View Drive between S. 60th Street and S. 64th Street. The amendments are being requested in anticipation of the development of apartments on the site.

Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for the approximately 14-acre area to change from Office (OF) to High Density Residential (HD) land use; and
- Amend the Jordan Creek Business Park Specific Plan Ordinance for the part of the Specific Plan area north of Village View Drive to change from Regional Commercial (RC) and Professional Commerce Park (PCP) to Residential High Density (RH-18) zoning and modify bulk regulations and building architecture requirements related to the anticipated multi-family apartment development.

Staff Review & Comment:

- *Financial Impact:* There is no City funding of this project; however, there is staff time for processing of development application and inspections during construction.
- *Proposed Changes*:
  - *New Parcel C*: The Jordan Creek Business Park Specific Plan Ordinance is proposed to be amended to accommodate the proposed development of apartments on the north portion of the Specific Plan area. A new parcel (Parcel C) will be designated within the Specific Plan Ordinance on the property north of Village View Drive and identified for multi-family residential. The development, as proposed, will meet typical City Code requirements for multi-family development for setbacks, parking, streetscape, etc. The existing wetland/natural area north of the proposed multi-family will remain and provide buffering from the adjoining Kings Valley single-family to the north.
  - *Architecture*: The architecture section of the Specific Plan Ordinance is proposed to be amended to accommodate the proposed apartment development with standard text that has been used within other PUD/Specific Plan Ordinances.

- *Specific Plan Map*: The Jordan Creek Business Park Specific Plan Map is proposed to be amended with this request, now showing the proposed development of the north portion of the Specific Plan area (Parcel C). Parcel A will remain as Regional Commercial and only encompasses the southeast corner of S 64th Street and Village View Drive where the BioLife establishment is located. Parcel B will include the balance of the parcels along the south side of Village View Drive which includes the indoor-storage facility, office condo building and the Morningstar Assisted and Memory Care facility.

- *Traffic Analysis Findings:* The site is estimated to generate less traffic as high density residential than the originally proposed office development. Lane configurations for the major roadways outside of the Jordan Creek Business Park development, as recommended in earlier traffic studies remain adequate. This analysis is based on a conceptual site layout and therefore the traffic study recommendations are preliminary and will need to be verified in future studies with site plan review of the site.

Outstanding Issues: There are no outstanding issues.

Plan & Zoning Commission Discussion: Prior to the hearing, the Plan & Zoning Commissioners were provided with a memo indicating that two emails were received from surrounding property owners in opposition to the request for a Comprehensive Plan Amendment and Specific Plan Ordinance amendment. Staff outlined the response that was provided to the questions that were posed by those property owners. To summarize, both asked about the proposed height of the buildings. Staff indicated that the PUD allows for maximum 60' of height and City Code allows four (4) story buildings, as long as an additional ten feet (10') of setback is provided for each additional twelve feet (12') of height or story. An additional ten feet (10') above the 60' setback required along the north and the 25' setback (east, west south PUD boundary and Village View Drive) can readily be accommodated within the proposed development area. The wetland/natural area will remain resulting in a setback from the north of almost 300' from the single-family homes. Additionally, each asked about the number of units proposed, which staff indicated is proposed to be 232 dwelling units. This number of dwelling units is permitted within the proposed Residential High-Density district as the density calculates out to 16.5 DU/acre which is below the maximum 18 DU/acre allowed in High-Density zoning.

There were no adjacent property owners that spoke at the Plan & Zoning Commission hearing.

Plan and Zoning Commission Action:

Date:	August 9, 2021
Vote:	6-0 for approval, with Commissioner Anderson absent
Recommendation:	Approve the Comprehensive Plan Land Use Map Amendment and Rezoning request to amend the Jordan Creek Business Park Specific Plan (ZCSP) Ordinance

City Council Comprehensive Plan Amendment:

Date:	August 16, 2021
Vote:	5-0, Approval

City Council Rezoning First Reading of PUD Amendment:

Date:	August 16, 2021
Vote:	4-1, Approval with Council Member Trimble voting No

City Council Discussion: Subsequent to the Plan & Zoning Commission meeting, a letter signed by several residents within the Village of Ponderosa development was received (dais memo with letter and illustrations included for historical purposes). While the letter itself did not include addresses or printed names of those signing the letter, a Village of Ponderosa resident was able to provide at the meeting a print-out of the names and addresses of those signing. With this information it was concluded that only three (3) of the signatures were from individuals within 200' of the subject properties and were not enough to necessitate a super majority vote (7 of the 36 properties within 200' required).

Two residents spoke of concern of changes to their current views and the impact of the residential density. The developer, Nick Jensen summarized the proposed project noting that the area north of the proposed apartment buildings was a wetland thus the wetland area as well as the north tree line adjacent to the King's Valley single-family homes would remain as is. Mr. Jensen also reminded the City Council of land use changes within the area that changed from non-residential to multi-family residential, as well as PUD amendments that increased building heights which allowed for a greater number of dwelling units.

City Council Rezoning Second Reading of PUD Amendment:
Date:
Vote:

Recommendation: Approve the Comprehensive Plan Land Use Map Amendment and Second Reading of the Rezoning request to amend the Jordan Creek Business Park Specific Plan (ZCSP) Ordinance, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	August 9, 2021
City Council: First Reading	August 16, 2021
City Council: Second Reading	September 7, 2021
City Council: Third Reading	

Staff Report Reviews:

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

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	7/30/21
Date(s) of Mailed Notices	7/29/21

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	5/17/21
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

CITY OF WEST DES MOINES
MEMORANDUM

TO: Vice Chair Drake and Plan & Zoning Commission members

FROM: Brian Portz, Planner

DATE: August 9, 2021

RE: Item 2b – Jordan Creek Business Park

Attached are two emails received about the Comprehensive Plan and PUD Amendment requests for the Jordan Creek Business Park located at S. 60th Street and Village View Drive.

Staff responded to the Stoltenberg property owner's questions provided in the attached email with the following:

1. A concept plan and concept building elevations were provided to the property owner for review.
2. Four story buildings are allowed per City Code as long as they are setback from property lines an additional 10 feet further than 3 story buildings. This additional setback requirement can be accommodated on this site.
3. The City can't require that the units be owner occupied.
4. Regarding grading occurring on the site, a grading permit was issued by the City Engineer. City Code allows grading to occur prior to the zoning being changed, but any work being completed is at the developer's own risk in case the zoning change isn't approved. The developer is aware of this and decided to move forward.

In a phone call, staff responded to Charla Bruce's questions about the following:

1. Staff explained the proposed location of buildings on the site.
2. Staff said two of the buildings are proposed to be four stories and two will be 3 stories. She was under the impression the buildings will be 6 stories tall.
3. Staff told her that there are proposed to be 220 to 230 dwelling units on the site, which would be allowed in the proposed High-Density Residential zoning.

Cc: Lynne Twedt, Director Development Services
Linda Schemmel, Development Coordinator

From:	Charla Bruce
To:	Portz, Brian
Cc:	Mark Lyle; Kevin Snyder
Subject:	[EXT] Request to Deny Variance
Date:	Monday, August 9, 2021 2:42:36 PM

Dear Brain,
Thank you so much for taking my call this morning! You answered my questions…and given my position, I felt it necessary to ask that you share this email with the West Des Moines Plan and Zoning Commission.
Charla

Dear Plan and Zoning Commission Team,
I am writing you to formally request that you deny a zoning change to the Applicant Caliber Iowa for the parcels on Village View Drive and S. 60th Street.

While I am certain that a due diligence has or will be performed by the Developer, I am objecting on the Grounds that a Comprehensive plan called for those parcels to be developed as Commercial properties NOT High Density Residential property! I have faith that the planners, who Developed the original zoning and usage, understood the Comprehensive nature of this and all sites in the area. All who currently own property in the adjacent area, made our investments based on your comprehensive Zoning plan for that parcel. I have not purposefully objected to any commercial buildings in the area. Again, I purchased my property knowing that specific parcel would be developed as commercial property!

I understand the need for housing is great, however, I respectfully request that the Zoning commission and staff work with this Developer to find a site which was planned and designed for multifamily use!.

Thank you for serving a very important role in our Community, and I look forward to your favorable consideration of this request….
Sincerely,

Charla Bruce
5930 Fairway Court

From: Melanie Stoltenberg
To: Development Services Inbox
Cc: Scot Stoltenberg
Subject: [EXT] Zoning Change - S60th/S68th & Village View Drive
Date: Monday, August 9, 2021 10:07:58 AM

Hello

We have been made aware of the request to change zoning from office to HD in the area south of our home (6122 Kings Way). We are unable to attend this evening's zoning committee meeting, so I'm providing an email instead.

1) Could you send drawings of what the proposed HD development would look like?
2) Currently the OC zone is to accommodate a 1-2 story building but the HD zone could accommodate upto 4 stories. Is there a way to change the zone but put a limit on the size/height of the buildings? For the home owners that back this area it's quite a swing from having a 1-2 story building that is primarily only occupied during the day to potentially having a 4 story unit and hundreds of people backing 24/7.
3)Is there an option to make these purchased units vs rental units?

Finally, I did want to let you know that to already see land work being done on this property without the official notice that the zoning is changing, is disappointing. A developer wouldn't spend the money to start to move land around without knowledge that the zoning change isn't a problem. It makes me wonder why tax paying homeowners are even notified if it's a done deal? Obviously the opinions of these residents don't matter.

Melanie Stoltenberg
6122 Kings Way

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-068

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Caliber Iowa, and property owners, Todd Rueter, Paige Rueter Benlaala, and Alex Rueter, Todd and Constance Rueter, Rueter & Zenor Co., Rueter Leasing, L.C. and Jordan Creek Commons Association, Inc., request approval for a Comprehensive Plan Land Use Map Amendment to change the land use designation on the Specific Plan development parcels as shown on the Specific Plan Comprehensive Plan Land Use Change Illustration included in the staff report as follows:

- North side of Village View Drive between S. 60th Street and S. 64th Street from Office (OF) to High Density Residential (HD)

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

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPAZCSP-005158-2021) 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 August 9, 2021.

Jennifer Drake, Vice Chair
Plan and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 9, 2021, by the following vote:

AYES: Conlin, Costa, Crowley, Davis, Drake, Hatfield

NAYS:

ABSTENTIONS:

ABSENT: Andersen

ATTEST:

Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-069

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Caliber Iowa, and property owners, Todd Rueter, Paige Rueter Benlaala, and Alex Rueter, Todd and Constance Rueter, Rueter & Zenor Co., Rueter Leasing, L.C. and Jordan Creek Commons Association, Inc., request approval of an amendment to the Jordan Creek Business Park Specific Plan (ZCSP) for the Specific Plan development parcels as shown on the Specific Plan Sketch Plan attached to the ordinance included in the staff report as follows:

- Amend the Jordan Creek Business Park Specific Plan Ordinance for the part of the Specific Plan area north of Village View Drive to change from Regional Commercial (RC) and Professional Commerce Park (PCP) to Residential High Density (RH-18) zoning for multi-family residential development and modify bulk regulations and building architecture requirements for the proposed multi-family development.

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, (CPAZCSP-005158-2021) 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 August 9, 2021.

Jennifer Drake, Vice Chair
Plan and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Pla and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting he on August 9, 2021, by the following vote:

AYES: Conlin, Costa, Crowley, Davis, Drake, Hatfield

NAYS:

ABSTENTIONS:

ABSENT: Andersen

ATTEST:

Recording Secretary

CITY OF WEST DES MOINES
MEMORANDUM

TO: Mayor Gaer and Members of the City Council

FROM: Brian Portz, Planner

DATE: August 16, 2021

RE: Item 6b – Jordan Creek Business Park

The attached letter was received from property owners notified of the proposed Comprehensive Plan Amendment and Rezoning (PUD Amendment) of the property north of Village View Drive between S. 60th Street and S. 64th Street within the Jordan Creek Business Park. The request under consideration is to change the land use and zoning designation from Office and Regional Commercial to High Density Residential for development of four apartment buildings with a total of 232 dwelling units.

Iowa Code Section 414.5 provides that if a written petition is filed with the City Clerk which contains signatures of 20% or more of the owners of property within 200' of the subject property being changed, then a favorable vote of at least ¾ (super majority) of all of the voting Council Members is required. It appears there are 36 parcels within 200' of the PUD boundary which includes fourteen single-family lots in the King's Valley Subdivision and the Bella South Condos complex to the north of the subject property and three single-family residential lots in the Village of Ponderosa (see attached buffer illustration). The remaining lots within 200' are commercial or office. A calculation of 20% of the thirty-six (36) lots equates to seven (7) signatures.

Staff did their best to match the signatures on the attached with property owners' names indicated on the respective Assessor's websites. While it appears that the owners of the three Village of Ponderosa properties within 200' of the subject property did sign the letter, the balance of the signatures appear to from owners whose property is greater than 200' from the Jordan Creek Business Park PUD boundary. Given that no addresses were provided with the signatures, staff has no way to determine if the owners of the four association &/or commercial lots within the Village of Ponderosa that would be within the 200' signed the letter. Therefore, with confirmation of the Legal Department, staff can only conclude that while there are multiple signatures on the letter, it does not equate to 20% of the properties within 200' of the subject property proposed for change, and therefore, a super majority vote in favor of the change is <u>not</u> required to approve the proposed land use change and amendment to the Jordan Creek Business Park Specific Plan Ordinance.

In light of the letter, staff would note the following related to previous land use change requests for development:

- Village of Ponderosa has undergone the following land use changes:
    - July 2006: Open Space (golf course) to single and multi-family residential, office and commercial in anticipation of the development.
    - 2015: 14.9 acres from Medium Density Residential to High Density Residential; approximately 9.4 acres from Medium Density Residential to Single Family Residential (SE area); approximately 2.1 acres from Medium Density Residential to Support Commercial (Element Hotel); approximately 12.4 acres from Support

Commercial for mixed-use to High Density Residential (up to 500 senior apartments and 480 market rate dwellings), and approximately 0.6 acre from Office to Support Commercial (Market Street). These changes allowed the Village of Ponderosa to have up to 1137 dwellings which is an increase from the original 2006 development proposal of 521 dwellings (87 single family & 434 multi-family dwellings).
    - 2017 & 2021: amended the Specific Plan Ordinance to allow additional height for the market rate apartment buildings.
- Area north of Target in the West Glen development was amended this past May to change from Office to Medium Density Residential. This was followed by a July 19, 2021 approval of a Preliminary Plat for 184 lots for attached townhome development.
- Since 2014, there have been approximately 90 amendments to the Comprehensive Plan Land Use Map, with at least 9 of these changes to accommodate multi-family buildings.
- The anticipated location of the four multi-family buildings within the site will be approximately:
    - 260' from the property line of the single-family lots to the north (King's Valley) and the multi-family development (Bella South) at the southeast corner of S 64th & Coachlight Drive. A wetland/drainage channel/natural area exists today and will remain along the south boundary of the single-family lots.
    - The easternmost building adjacent to S 60th Street will be approximately 390' from the single-family rear lot line in the Village of Ponderosa.

Cc: Tom Hadden, City Manager
Richard Scieszinski, City Attorney
Lynne Twedt, Director Development Services

Attachments:
- 200' buffer illustration
- Anticipated site layout & distance to adjacent residential

August 11, 2021

Subject: **Request to Deny Variance** for Property at Village View Drive and S.60th Street

Honored Mayor and Distinguished Members of the City Council of the City of West Des Moines:

We are sending this letter today to you on behalf of concerned Resident Citizens residing in Ponderosa Village and living adjacent to the aforementioned property. Please consider this as a formal request to Deny the Variance for the property at Village View Drive and S. 60th Street.

The Developer is aggressively seeking to Amend the Comprehensive Plan from Commercial Use to High Density Apartments. Obviously ineffectual in Developing the property as planned (the property sat vacant for 15 years), he has spent his time convincing the City that his Multifamily project is the panacea for that site. His proposal is like putting the population of a small town on a long City Block. This Change to the Comprehensive Plan is **unacceptable.**

A Comprehensive Plan for the City of West Des Moines has been a key Document, mutual direction and Guide for the City. As Residents we have invested substantially in our property based on that Document. Deviation for short term gain is not in keeping with *the Long Term* success and livability of our City. And most certainly, a 220 Multi Family Complex (regardless of a Developers Due Diligence) is not the use intended for long term success of the plan., and use of that site.

While the economic conditions may not be opportune for commercial use at this site…the City's priority is…LONG TERM success and a "buy-in" by all parties. This Variance *does not* have our "buy-in."

There is no doubt that Housing is a big need! If the Developer wishes to proceed with densely populated Multifamily Housing developments, we encourage him to Work with the City and appropriate Staff to find a site which has been designed for that purpose.

We respectfully request that you Deny the Variance, as proposed, to amend the Comprehensive Plan for Village View Drive and S. 60th Street at your council meeting Council meeting.

Respectfully Submitted,

Concerned Residents

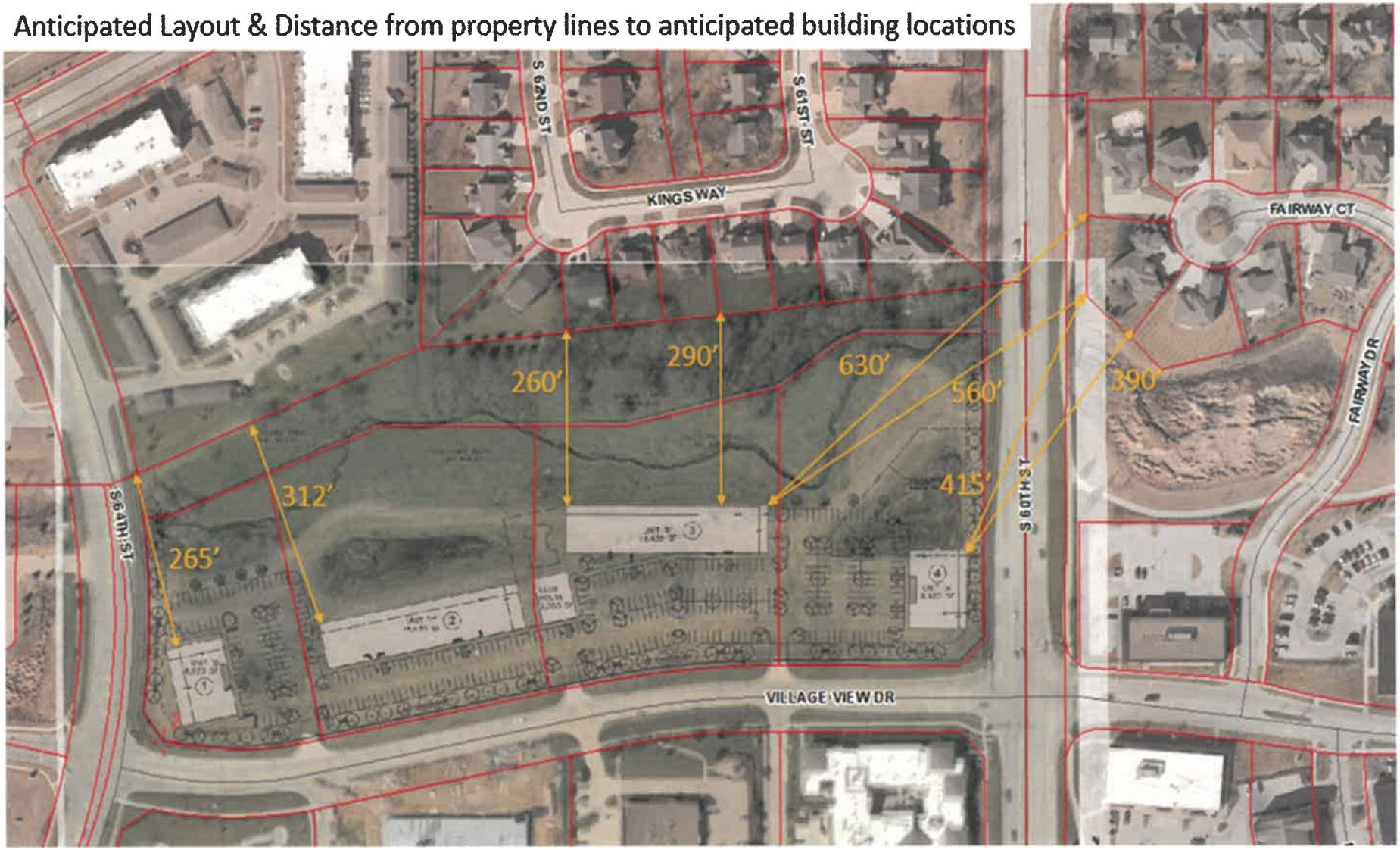
200' buffer from perimeter of Reserves subject property

200' buffer from perimeter of Jordan Creek Business Park Specific Plan boundary

200' from the subject property touches 28 properties; 200' from PUD boundary appears to touch 36 properties.

- 14 single-family lots in King's Valley to the north *(Jeffrey & Sooni Roberts, Robert Casper, Mark & Laura Gustafson, Andrew & Kelli Ferree, Jordan Bose, James & Brenda Vankeuren, Scot & Cherise Bates, Scot & Melanie Stoltenberg, James & Gail O'Connor, Rick Davis, Kimberley & Joel Bauman, Colin & Jordan Cunningham, Kevin & Julie Kellner, Brian & Susan Arnold Trust, Kings Valley Homeowners Assoc & Bella South Condos)*
- 3 single-family lots in Village of Ponderosa *(Traci Lindholm, Charla Bruce & Nancy Hammond/Lauren Blumberg)*
- Non-residential properties: *Village View Commercial, Hurd Ponderosa, VOP Master Owners, VOP/Comm Owners Assoc, Albough, S-J Jordan, CFT Development, D&B Development, Kohl's, AJE JCIIX, Jordan Creek Investments, SLK Global Solutions, HFB II, JC Business Condos, Altus Group*

Anticipated Layout & Distance from property lines to anticipated building locations



Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant Caliber Iowa, and property owners, Todd and Constance Rueter, Rueter & Zenor Co., Rueter Leasing, L.C. and Jordan Creek Commons Association, Inc., request approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation from Office (OF) to High Density Residential (HD) on the ground legally described in attached Exhibit "B" and as indicated on the attached Comprehensive Plan Land Use Map Change Illustration; and

WHEREAS, studies and investigations were made, and staff reports, and recommendations were submitted which is made a part of this record and herein incorporated by reference; and

WHEREAS, the Comprehensive Plan Land Use Map Amendment complies with applicable provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on August 9, 2021, the Plan and Zoning Commission did recommend to the City Council, by a 6-0 vote, for approval of the Comprehensive Plan Land Use Map Amendment; and

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

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Land Use Map Amendment (CPAZCSP-005158-2021) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on August 16, 2021.

Steven K. Gaer, Mayor

COUNCIL ACTION	YEAS	NAYS	ABST.	ABS
TREVILLYAN	✓			
HUDSON	✓			
TRIMBLE	✓			
HARDMAN	✓			
MCKINNEY	✓			

MOTION BY McKinney
SECOND BY: Trevillyan
ROLL CALL # 21-415

ATTEST:

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on August 16, 2021, by the indicated vote.

Exhibit A: Conditions of Approval

1. No conditions of approval.

Exhibit B: Legal Description

LOTS 5, 6, 7, 8, and Outlot Z, JORDAN CREEK BUSINESS PARK, AN OFFICIAL PLAT IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

Comprehensive Plan Land Use Map Change Illustration

Prepared by: Brian Portz, 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 CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #1712 AND #2271 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: Ordinance #1712 and #2271, pertaining to the Jordan Creek Business Park Planned Unit Development (PUD) Ordinance, Section 083-01, *Legal Description*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

~~Parcels A and B as shown on the plat of survey in book 2006, page 8554 of outlot X, Davis Estates plat 1, an official plat and parcels A and B as shown on the plat of survey in book 2006, page 8556 of outlot Y, Davis Estates plat 1 and outlot Z, Davis Estates plat 1 all being in the city of West Des Moines, Dallas County, Iowa.~~ ***Lots 1-8 and Outlot Z, Jordan Creek Business Park, an official Plat in the City of West Des Moines, Dallas County, Iowa.***

Section 2. AMENDMENT: Ordinance #1712 and #2271, pertaining to the Jordan Creek Business Park Planned Unit Development (PUD) Ordinance, Section 083-04, *Land Use*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

Unless provided otherwise in this ordinance, all general use regulations and provisions set forth in title 9, "Zoning", of the city code for the specified zoning district shall apply to development within the designated parcel within the Jordan Creek Business Park specific plan area (in addition to the regulations found in subsection 083-05G, "Vehicle Drive-Throughs", of this ordinance).

A. Parcel A: ~~Parcel A shall be limited to 5.5 acres to be located along the western perimeter boundary of the Jordan Creek Business Park specific plan area (lots 1 and 8 as shown on the specific plan map)~~. ***Parcel A shall include only Lot 1 as defined on the Jordan Creek Business Park final plat recorded in Book 2007, Page 11985, Dallas County, Iowa.***

1. Land Use: All land uses as set forth in title 9, "Zoning", of the city code for the regional commercial (RC) district as permitted and permitted conditionally shall apply except as indicated below:

a. Permitted Uses: Permitted uses shall include the following:

(1) All permitted (P) uses allowed within the regional commercial (RC) district except those otherwise adjusted or prohibited by this ordinance:
(A) SIC 701 - Hotels and motels shall be considered a permitted conditional use (PC) requiring the appropriate city approvals.

(2) 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.

b. Prohibited Uses: The following permitted and permitted conditional uses otherwise allowed in the regional commercial (RC) district shall be prohibited:
SIC 0752 - Boarding services with kennels.
SIC 45 series - Transportation by air.
SIC 46 series - Pipelines.
SIC 49 series - Electric, gas and sanitary services.
SIC 55 series - Automotive dealers and service stations (including gas stations and convenience stores).
SIC 593 - Used merchandise stores and used buildings materials.
SIC 5999 - Adult entertainment establishments.
SIC 7211 - Power laundries, family and commercial.
SIC 726 - Crematories.
SIC 75 series - Automotive repair, services, and parking.
SIC 7699 - Repair shops and related services shall be prohibited, except the following which shall be permitted (P):
Hobby and collectors services.
Leather goods and luggage repair services.
Lock and key services.
Musical instrument repair.
Photographic and optical goods equipment repair services.
Recreational sporting equipment repair services.

B. Parcel B: ***Parcel B shall include Lots 2, 3 and 4, as defined on the Jordan Creek Business Park final plat recorded in Book 2007, Page 11985, Dallas County, Iowa.***

1. Land Use: All land uses as set forth in title 9, "Zoning", of the City Code for the Professional Commerce Park (PCP) District as permitted and permitted conditionally shall apply except as indicated below:

a. Permitted Uses: Permitted uses shall include the following:

(1) All permitted (P) uses allowed within the Professional Commerce Park (PCP) District except those otherwise adjusted or prohibited by this ordinance:
(A) SIC 484 - Wall mounted antennas and/or dishes shall be considered a permitted conditional use (Pc) requiring the appropriate City approvals.

(2) All permitted conditional (Pc) uses allowed within the Professional Commerce Park (PCP) District except those otherwise adjusted or prohibited by this ordinance may be allowed with the approval of the appropriate review body:
(A) SIC 5812 series - Eating places shall be considered a permitted use (P).

b. Prohibited Uses: The following permitted and permitted conditional uses otherwise allowed in the Professional Commerce Park (PCP) District shall be prohibited:
SIC 42 series - Trucking and warehousing, except a maximum of one SIC 4225, self-service storage facility - interior unit access with no outside storage yard, shall be permitted within the Jordan Creek Business Park development area. Reuse of all or part of the indoor storage building shall be limited by available parking within the site: the reuse of the full building may not be possible.
SIC 46 series - Pipelines.

SIC 49 series - Electric, gas, and sanitary services.
~~SIC 701 - Hotels and motels shall be considered a permitted use (P); however they shall only be allowed north of Village View Drive if the average height is thirty six feet (36') or less; the overall size of the building is one hundred thousand (100,000) square feet or less; and the individual rooms are served by an interior hallway versus opening to the exterior of the building.~~

C. Parcel C: Parcel C shall include Lots 5, 6, 7, 8 and Outlot Z as defined on the Jordan Creek Business Park final plat recorded in Book 2007, Page 11985, Dallas County, Iowa.

1. Land Use: All land uses as set forth in title 9, "Zoning", of the City Code for the Residential High Density (RH-18) District as permitted and permitted conditionally shall apply except as indicated below

a. Permitted Uses: Permitted uses shall include the following:

(1) All permitted (P) uses allowed within the Residential High Density (RH-18) district.

(2) All permitted conditional (PC) uses allowed within the Residential High Density (RH-18) district may be allowed with the approval of the appropriate review body.

Section 3. <u>AMENDMENT</u>: Ordinance #1712 and #2271, pertaining to the Jordan Creek Business Park Planned Unit Development (PUD) Ordinance, Section 083-05, *Requirements*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

To the extent that the provisions of this section conflict with or are more restrictive than similar provisions provided elsewhere in the West Des Moines zoning ordinance, the provisions of this section shall control. The following design criteria, development standards, and landscaping regulations shall apply to all parcels within the Jordan Creek Business Park specific plan area:

A. Lot Area: Multiple buildings separated by parking areas or drives and lots less than two (2) acres in size may be considered acceptable if supported by appropriate easements or a reciprocal easement agreement; and if approved by the appropriate approval body as part of an overlay district site plan, permitted conditional use permit, or plat.

B. Building Setback: Buildings shall be set back as follows unless otherwise required by minimum building separation requirements within the adopted building codes. ~~The setback shall be measured from the perimeter PUD boundary line, unless otherwise indicated, to the closest point of the structure including canopies, awnings, building bump outs, etc.~~

1. North: Minimum of sixty feet (60'); however, no structure or portion of any structure shall be located within the wetland area as designated on the specific plan map.

2. South, east, and west: Minimum of twenty five feet (25'). ~~The building setback adjacent to Waterford Drive along the southern boundary shall be measured from the existing road easement.~~

3. No setback (0 feet) shall be required from an adjoining parcel which is included within the overall boundaries of the Jordan Creek Business Park specific plan area except that no structure should be located closer than twenty five feet (25') from the right-of-way line of Village View Drive.

4. Structures such as pergolas, arbors, gazebos, etc., that are a part of plaza areas may be placed within the defined setbacks; however, they shall be located no closer than ten feet (10') from the perimeter property boundary or the right-of-way line of Village View Drive.

C. Building Separation: Unless physically attached to the adjoining building, a minimum building separation of twenty five feet (25') shall be provided ***along with complying with all building and fire code requirements for separation***.

D. Building Height: No part of any structure, including place making elements and landmarks such as clock towers shall exceed sixty feet (60') in height as measured from the average finished grade, except, an additional twelve feet (12') of height shall be allowed for each additional ten feet (10') of setback from the perimeter PUD boundary line or the right-of-way line of Village View Drive. (Ord. 1712, 10-23-2006)

E. Parking Ratios:

1. A minimum of one space per three hundred fifty (350) square feet of gross leasable area (gla) of nonresidential uses (2.9 per 1,000 square feet) with a maximum of one space per two hundred fifty (250) square feet of gla of nonresidential uses (4 per 1,000) shall be provided within each lot. ***Senior living facilities (assisted and memory care) shall provide one (1) parking space for every three (3) beds plus one (1) space per employee on maximum shift. All other residential uses, including active adult senior living facilities, shall provide the minimum number of parking spaces according to current City Code requirements.***
   a. If a higher parking ratio is desired, the applicant shall be restricted to implementing initial parking in compliance with one space per two hundred fifty (250) square feet of gla, with additional parking to be implemented at such time that it is proven to the satisfaction of the Director of Community Development that the additional spaces are needed to accommodate the patrons of the business. The potential additional parking stalls/area shall be identified on the approved site plan for the parcel. Including the additional proposed parking, said site must be in compliance with all other open space, buffer, screening, landscaping, and setback requirements. At the time of implementation of the additional parking, a minor modification request shall be submitted to the City. Said minor modification request shall be for notification purposes only and shall not be used as a trigger to require changes to the site, except to bring the site into compliance with the initially approved site plan. The minor modification request shall be administratively approved.
   b. Reuse of all or part of the one SIC 4225, self-service storage facility - interior unit access with no outside storage yard allowed within the Jordan Creek Business Park shall be limited by available parking within the parcel. Parking required shall be calculated as follows: office uses at one space per three hundred fifty (350) square feet of gla and basement storage for a tenant(s) with office space within the building at one space per five hundred (500) square feet of gla for the first ten thousand (10,000) square feet and one space per five thousand (5,000) square feet of gla for each ten thousand (10,000) square feet thereafter. Parking for all other uses not otherwise regulated under this ordinance shall abide by City Code. Based on site layout information provided at time of drafting this ordinance, use of the building would be limited to the 2nd and 3rd floors (approximately 60,000 square feet of the gla of the building) being used as an office and the basement (approximately 30,000 square feet gla) for storage of office related materials, supplies, documents, etc., of office tenants occupying space within the building. The storage area may not be rented by a business or person not occupying offices within the building. The remaining building square footage (main level) is designated for indoor parking for the office and storage tenants. (Ord. 2271, 1-22-2018)
2. At the discretion of the Community Development 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, shared uses or off peak uses.
3. If not already established as a blanket easement, developers of parcels must provide a cross access parking and ingress/egress easement.

F. Parking Setbacks:

1. Whenever possible, off street parking lots shall be located behind the building to the interior of the property rather than adjacent to the street, ***unless views thereof are properly mitigated***.

H. Buffers: The provision of adequate buffering and landscaping shall be more thoroughly evaluated and approved as part of the site plan approval. Additional buffer and landscaping may be required at that time in response to additional details of the use, buildings, parking, etc., to be implemented.

1. Buffering between districts or parcels and uses shall not be required as set forth in title 9, chapter 3 of the city code.
2. Buffers shall be installed within each lot at the time of development of the first building within that lot.
3. Buffers shall be provided along and measured from the perimeter boundaries of the Jordan Creek Business Park development as follows:
    a. North: One hundred feet (100').
    b. East: Streetscape required in lieu of buffer.
    c. South: Twenty five feet (25').
    d. West: Streetscape required in lieu of buffer.
    e. No buffers between internal parcels shall be required except to mitigate undesirable elements and views.
4. Buffers should be designed to achieve the maximum amount of screening from the maximum number of viewpoints with vegetation layered to ensure adequate blockage of views and to create depth and a sense of naturalness. Care should be taken to ensure that "through-views" under tree canopies are adequately blocked.
5. ***Unless otherwise fulfilled through the presence of existing vegetation of an acceptable variety consistent with the type (overstory, evergreen, understory, and/or shrubs) and minimum size required at time of planting,*** ~~T~~the minimum landscaping within required buffers shall be provided as follows:
    a. One overstory tree and three (3) shrubs shall be provided per thirty five (35) linear feet of required buffer.
    b. Vegetation substitution:
        (1) Two (2) ornamental trees, one evergreen tree, or six (6) shrubs may be substituted for one required overstory tree; however, no more than twenty five percent (25%) of the required number of overstory trees may be substituted.
        (2) A twenty five (25) square foot mass planting of perennials or ornamental grasses may be substituted for three (3) shrubs.
    c. Landscape vegetation required within buffer areas is in addition to the landscape vegetation required of open space and parking areas.
6. ~~Ponds, lakes, wetlands,~~ ***Created storm water management facilities*** or other water features may be placed within the buffer area given the following:
    a. Such water features constantly contain water at a level visible from adjoining properties and public streets;
    b. Pond edge treatments are incorporated to enhance the attractiveness of the element (no "wild overgrown pond edge" allowed); and
    c. The appropriate water circulation and clarification measures are implemented.

Section 4. AMENDMENT: Ordinance #1712 and #2271, pertaining to the Jordan Creek Business Park Planned Unit Development (PUD) Ordinance, Section 083-06, *Architecture*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

The architectural design of any building within this development shall be acceptable to the city. The architecture shall attempt to express a creative presentation of exterior building materials, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design to lessen the plainness of appearance which can be characteristic of large buildings. Building design, materials, and colors within each parcel shall provide continuity amongst buildings to unite all structures within the parcel into one project concept. Additionally, although the architectural style may be different between the commercial (parcel A), ~~and~~ office ~~portions~~ (parcel B)***, and the residential (parcel C) portions*** of the site, a sense of connectivity between the ~~two (2)~~ ***three (3)*** areas should still be created. All sides to each building shall receive high quality materials, finishes, and details (360 degree architectural treatment). There are no "backs" to a building. Materials should be durable, economically maintained and of a quality that will maintain their appearance over a prolonged time.
On file with the ~~city~~ ***City Clerk*** are conceptual architectural illustrations illustrating the general architectural style and materials to be implemented (see Exhibit "B").

A. All buildings within this development shall accommodate or incorporate the following in building design and materials:
   1. Corporate architecture shall be prohibited.
   2. Buildings shall be oriented 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 which breaks up the building mass into modules that 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 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. Variation in horizontal planes through the use of materials, color and projecting forms should be implemented to signify an entry, create protection for the pedestrian, and creates interest.
   7. Shifts in building planes/facades and variation in exterior materials shall be incorporated to minimize long expanses of wall.
   8. Ground floor tenant areas should provide the maximum possible glazing toward sidewalks to provide pedestrians with visual interest.
   9. The use of brick, stone, architectural concrete or masonry acceptable to the city shall be incorporated. The use of EIFS or synthetic stucco shall be used in moderation and primarily as an accent or trim material.
   10. Variation in materials, material modules, expressed joints, textures, colors and details should be used to break up the mass of the buildings.
   11. Architectural design for multi-family units shall include:
      a. Unit design should incorporate elements such as balconies and patios to reinforce the connection between the residents and the activities within the development. A minimum of eighty percent (80%) of the multi-family units within the development must provide a balcony or porch/patio with a minimum usable area of forty (40) square feet and a minimum usable dimension of five feet (5') deep in either direction. In lieu of outdoor living area for individual units, area(s) of common defined and enhanced outdoor living space can be provided.

b. Accessory Buildings:

a. The exterior design for a clubhouse that is accessory to the primary use, and detached accessory buildings such as garages (should they be pursued) shall incorporate the architectural design and treatments of the principal residential buildings, such as windows, doors, trim and materials on all sides of the building.

b. For parking incorporated within the primary building, the design should place the garage doors on a non-street side façade and on facades not facing single-family residential development unless appropriately detailed to minimize the dominance of garage doors on the facade.

Section 5. AMENDMENT: Ordinance #1712 and #2271, pertaining to the Jordan Creek Business Park Planned Unit Development (PUD) Ordinance, Section 083-07, *Signage*; Subsection B, *Wall Signage* is hereby amended by deleting the highlighted strike-through text:

B. Wall Signage:

1. All wall signage shall consist of individual three-dimensional letters attached directly to the building. No cabinet or panel signs shall be allowed except for contoured cabinet signs necessary to display logos. In the event cabinet signs are implemented, every measure possible shall be implemented to minimize the amount of illuminated background.
2. Signage for single tenant buildings may be located on any wall facade. Signage for tenants within a multi-tenant building shall be located on the same floor as and immediately adjacent to and above the tenant space.
3. No wall signage shall be located on the northern facade of those buildings immediately adjacent to the wetland area ~~(identified as buildings 13, 14, and 18 on the specific plan map)~~.
4. Wall signage located above a roof element shall be allowed at the discretion of the director of community development provided that the signage is located on a flat wall. Any illumination of the sign shall be by reverse lighting to project the light back towards the wall to create a "halo" effect; no front illumination is allowed. The individual letters shall have returns to screen the lighting source and shall be placed so the space between the wall plane and back of the letter is no greater than two inches (2").
5. Total wall signage allowed per building or tenant shall be calculated as per city code.

Section 6. AMENDMENT: Ordinance #1712 and #2271, "Jordan Creek Business Park" is hereby amended by replacing the respective pages of the Specific Plan Map and architectural concepts on file with the City Clerk with that as illustrated in Exhibit "A" and "B" of this ordinance.

Section 7. REPEALER. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 8. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 9. 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 10. OTHER REMEDIES. In addition to the provisions set out in Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 11. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

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

_____
Steven K. Gaer, Mayor

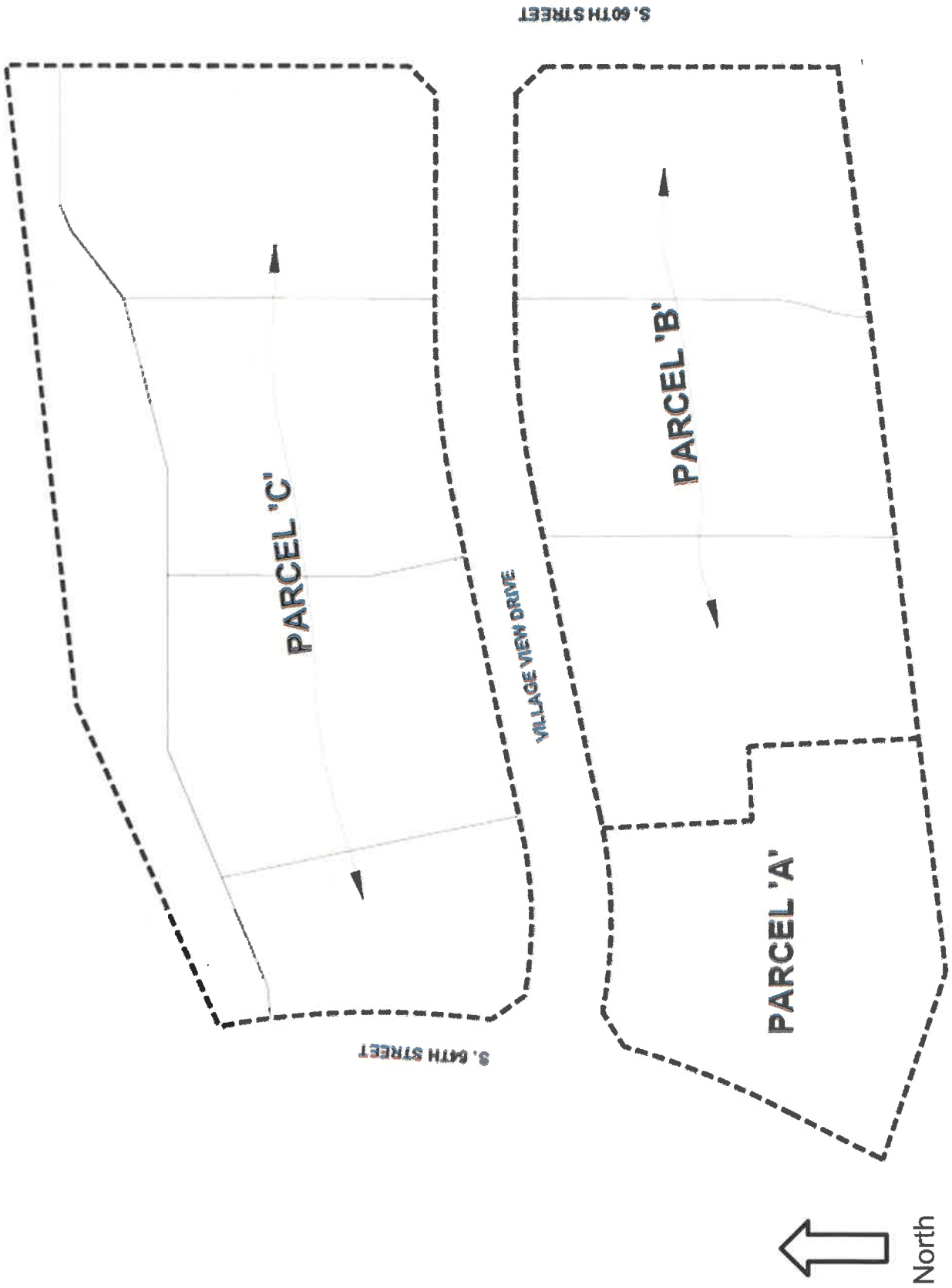
ATTEST:

_____
Ryan Jacobson, City Clerk

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

_____
Ryan T. Jacobson
City Clerk

EXHIBIT A: Specific Plan Sketch Plan



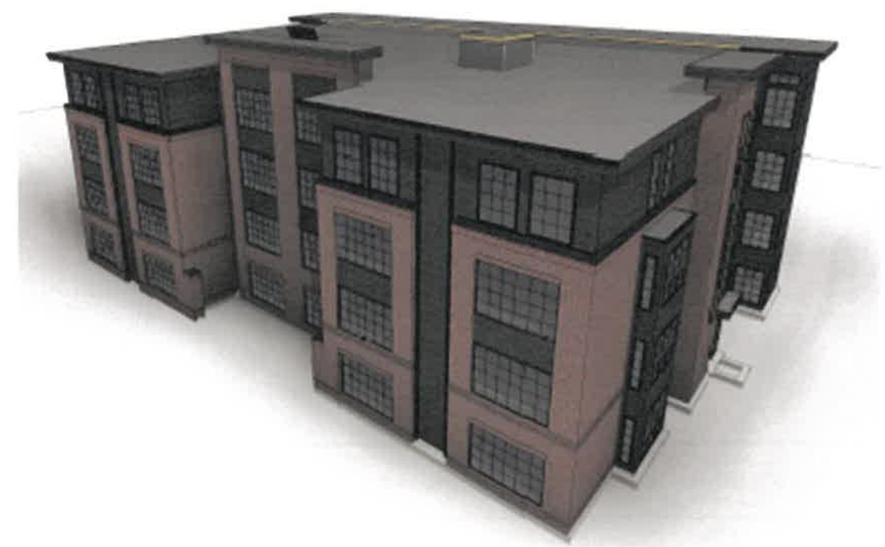
PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

Exhibit B: Precedent Architectural Images

1 SW PERSPECTIVE
SCALE

2 NW PERSPECTIVE 2
SCALE

3 SE PERSPECTIVE
SCALE



4 NE AERIAL
SCALE

JCorp, inc
P.O. Box 159 HUDLEY IA 50124
p: 515.597.5437
f: 515.597.5441
www.JCORP.biz

The Reserve | 3D Views
06 / 30 / 2021

1 SW PERSPECTIVE
SCALE:

4 SE PERSPECTIVE
SCALE:

3 NE PERSPECTIVE
SCALE:

2 NW PERSPECTIVE
SCALE:

JCorp, inc
P.O. Box 159 Hiland, IA 50134
p: 515.397.5437
f: 515.397.5441
www.jcorp.biz

THE RESERVE UNITS B & C

3D Views
06 / 30 / 2021

1 Marketing East Elevation
SCALE: 3/32" = 1'-0"

2 Marketing North Elevation
SCALE: 3/32" = 1'-0"

3 Marketing South Elevation
SCALE: 3/32" = 1'-0"

4 Marketing West Elevation
SCALE: 3/32" = 1'-0"

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f: 515.597.5461
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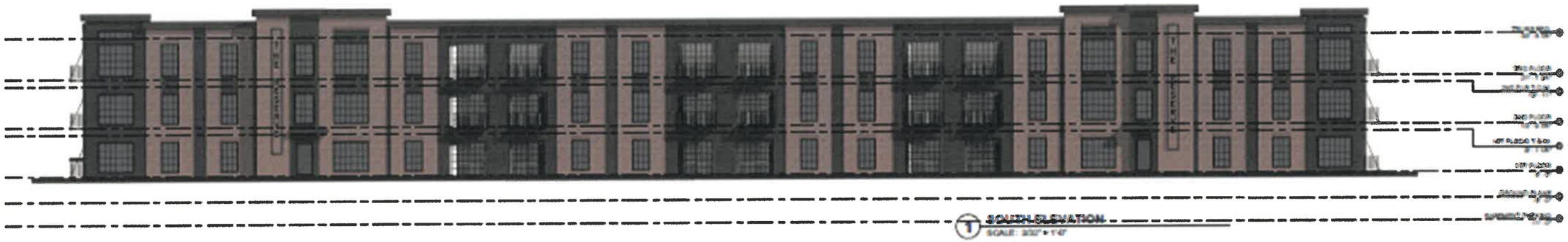
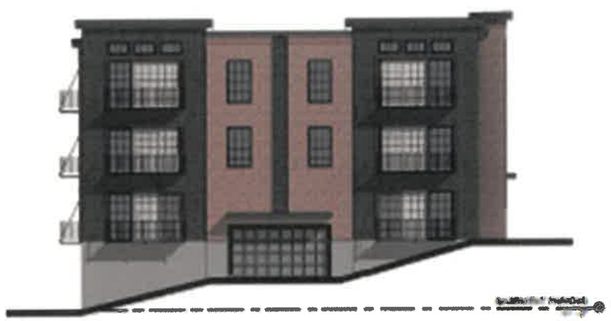
The Reserve

Elevations
06 / 30 / 2021



1 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



2 WEST ELEVATION
SCALE: 3/32" = 1'-0"

3 EAST ELEVATION
SCALE: 3/32" = 1'-0"

4 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

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THE RESERVE UNITS B & C | Color Elevations 06 / 30 / 2021