NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: October 4, 2021

ITEM: Three Fountains Commercial, 4502 to 4900 University Avenue - Amend the Three Fountains Commercial Planned Unit Development Ordinance to modify building setbacks and signage allowed within the PUD – Shoppes at Three Fountains, L.C. – ZC-005187-2021

Ordinance: Approval of 2nd Reading, Waive 3rd Reading and Adopt Amendment to Planned Unit Development Ordinance

Background: Jeremy Shepherd with Development Services Corporation, on behalf of the applicant, R & R Realty Group, and the majority property owner for Parcel A, Shoppes at Three Fountains, L.C., requests approval of a Rezoning request to amend the Three Fountains Commercial Planned Unit Development (PUD), governing development of that ground generally located at 4502 – 4900 University Avenue to allow for a Scooter's Coffee kiosk with drive-through to the north of the Barnes & Noble store on the site. The proposed building won't be able to meet front yard setback requirements along University Avenue, therefore a PUD amendment is requested. In addition, modification to signage allowances within the PUD are requested to be more consistent with current sign code requirements.

Staff Review & Comment:

- *Financial Impact:* No financial impacts from the City are required of this request.
- *Change to the Originally Intended Development:*
  - *Drive-Through Uses:* City Code requires 11 vehicle queuing spaces with 5 designated for the ordering station for drive through uses. The drive-through queuing length is proposed to be amended in the Three Fountains Commercial PUD for establishments with less than 1,000 square feet of gross floor area serving only beverages via the drive through. For these establishments, a total of 9 vehicle queuing spaces (4 of which are required to be designated for the ordering station) shall be required. This reduction in the number of vehicles to be accommodated within the queue lane shall only be permitted if an associated traffic study indicates no anticipated impact to adjoining public streets or a main vehicle drive aisle within the development.
  - *Building Setback*: A Scooters Coffee kiosk building is proposed to be constructed in front of the Barnes & Noble building on this site in place of the free-standing ATM. The proposed location of the building won't meet the currently required 120' building setback from University Avenue. The Scooters building is proposed to be setback 50' from the front property line along University Avenue, which is in line with the existing PUD setback requirement of 50' along 50th Street and Corporate Drive which border the PUD. The larger setback is appropriate for a larger building such as the Barnes & Noble building; however, staff is comfortable with the reduction in the setback given the size of the building proposed.

- *Ground Monument Signs*: The applicant has requested an additional monument sign along University Avenue for the site and to allow existing and future monument signs to be located up to 20' from the University Avenue property line. Current PUD allows up to 2 monument signs and requires them to be setback 60' from the University Avenue property line. Current city code allows monument signs up to 7' tall, at a 20' setback, therefore, the proposed setback amendment would be in line with current sign code requirements. Also, since this PUD has such a large frontage along University Avenue, adding an additional sign would be allowed by the current sign code as long as the signs are spaced a minimum of 300' apart. Due to the large frontage of this site along University Avenue, this distance requirement can be easily accommodated on this site, therefore, no special provisions for a third sign are included.
- *Wall Signs*: Per the City sign code, one square foot of signage is allowed for each linear foot of building frontage that faces a public street. The PUD Ordinance currently refers to the City sign code requirements for wall signage. Based on the size and orientation of the proposed Scooters building (approximately 16' X 32'), the building would only be allowed approximately 16 square feet of wall signs for the entire building. This PUD is proposed to be amended to measure the allowed wall sign square footage based on the longest side of freestanding buildings that are less than 1,000 square feet in size, thus Scooters would be allowed approximately 32 square feet of wall signage. This measurement allowance has been permitted in other PUD's in the City.

- *History*: The Three Fountains Commercial PUD was originally adopted in November of 1994. In 1998, the original ordinance was repealed entirely and replaced with the current PUD language. The PUD was also amended in 1999, which included revisions to the allowed monument signs on the site, including number, size, height and spacing between the signs. In 2014, an amendment was approved to allow drive-thru uses and modification of the allowed wall signage according to the current sign code requirements.
- *Traffic Analysis Findings:* A traffic study was completed for the proposed Scooter's Coffee kiosk drive-thru site. The amount of vehicle stacking as proposed (9 vehicles or approximately 190 feet) is expected to be adequate during typical weekday mornings, based on data of other coffee shops observed by City Engineering Services staff.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date:	September 13, 2021
Vote:	5-0, for approval with Commissioner Davis abstaining and Commissioner Drake Absent
Recommendation:	Approval of the amendment to the PUD

City Council First Reading:

Date:	September 20, 2021
Vote:	5-0, for Approval

Recommendation: Approve the Rezoning request to amend the Three Fountains Commercial Planned Unit Development (PUD), subject to the applicant meeting all City Code requirements.

Lead Staff Member: **Brian Portz**

Approval Meeting Dates:

Plan and Zoning Commission	September 13, 2021
City Council: First Reading	September 20, 2021
City Council: Second Reading, Waive Third Reading and Adopt	October 4, 2021

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	9/3/21
Date(s) of Mailed Notices	9/2/21

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	6/7/21
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-079

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, R & R Realty Group, the majority property owner for Parcel A, Shoppes at Three Fountains, L.C., requests approval of a Rezoning request to amend the Three Fountains Commercial Planned Unit Development (PUD) Ordinance to modify building setbacks and signage allowed within the PUD 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 amend the Three Fountains Commercial Planned Unit Development (PUD) Ordinance (ZC-005187-2021), 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 September 13, 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 September 13, 2021, by the following vote:

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

ATTEST:

Recording Secretary

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 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) #40, DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT. Ordinances #1106, #1296, #1372 and #2070, pertaining to the Three Fountains Commercial Planned Unit Development (PUD), Section 040-03, *Conditions*, Subsection B, *Land Use Design Criteria*, is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics. All other items in current adopted portion of code not relected below shall remain as is.:

B. Land Use Design Criteria: In addition to the general conditions as stated in subsection A above, the following land use design criteria shall apply to the legally described property herein.

All general use regulations, performance standards and provisions set forth in title 9, Zoning, chapter 11 for the PCP professional ***commerce park*** ~~plaza~~ district shall apply to any development proposal for the property except as shall be further provided herein. The following development standards and use regulations shall apply to property as applicable.

1. Development Standards: The planned unit development area incorporates two (2) parcels. Parcel A shall not exceed twelve point two hundred six (12.206) acres and parcel B shall not exceed seventeen and three-fourths (17.75) acres. Specific uses allowed on each parcel are identified below:

2. Parcel A Uses:

d. Drive-through uses: Allowed uses which include a drive-through component will be limited to a maximum of three (3) such uses in parcel A. ***The length of the drive through queuing lane shall be such to accommodate the minimum number of vehicles stated in City Code, except for establishments with less than one thousand (1,000) square feet in gross floor area serving only beverages via***

the drive through. For such establishments, a total of nine (9) vehicle queuing spaces (four (4) of which are required to be designated for the ordering station) shall be required. This reduction in the number of vehicles to be accommodated within the queue lane shall only be permitted if an associated traffic study indicates no anticipated impact to adjoining public streets or a main vehicle drive aisle within the development.

6. Building Setback Requirements: A minimum separation distance of forty feet (40') between primary buildings, regardless of the property line location shall be ~~addressed~~ ***reflected*** on all site plans submitted for consideration by the planning and zoning commission and city council. ~~A principal building setback along Corporate Drive, 50th Street and the east property line shall be no less than fifty feet (50') and no less than one hundred twenty feet (120') along University Avenue as measured from the ultimate street right of way line. Accessory buildings shall be setback along Corporate Drive, 50th Street and the east property line no less than fifty feet (50') and no less than one hundred feet (100') from the ultimate right of way line of University Avenue.~~ ***Principal and Accessory buildings and structures shall be setback a minimum of fifty feet (50') from the east property line and the ultimate right of way line of adjoining roadways, except that accessory buildings or structures serving a principal building or use within the site shall be setback a minimum of one-hundred feet (100') from the University Avenue ultimate right of way line.***

SECTION 2. AMENDMENT. Ordinance #1106, #1296, #1372 and #2070, pertaining to the Three Fountains Commercial Planned Unit Development (PUD), Section 040-04, *Signage Regulation*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

No pole sign, as defined by the West Des Moines city sign code, shall be incorporated into any development within the Three Fountains Commercial PUD. Ground sign standards shall be used for the construction of freestanding signage as provided for within the West Des Moines city sign code for the PCP professional commerce park district; unless otherwise modified herein.

A total of three (3) ~~Two (2)~~ ground monument signs shall be allowed on University Avenue for the uses located in the Three Fountains Commercial PUD following the following criteria: ***two (2)*** ~~one~~ ground monument sign***s*** for K.V.I. plat no. 1 and one ***(1)*** ground monument sign for lots 1, 2, and 3, Three Fountains plat no. 2. ~~No monument signs shall be located along Corporate Drive.~~ A minimum separation of ~~six hundred fifty feet (650')~~ ***three hundred feet (300')*** shall be observed between ground monument signs ***however, such sign may be placed at any location along University Avenue within Three Fountains Commercial PUD as long as the minimum separation is met. No monument signs shall be located along Corporate Drive. Ground monument signs may display any tenant or lot owner located within the Three Fountains Commercial PUD.***

K.V.I. Plat No. 1: Signage shall follow the PCP professional commerce park standards, as provided for within the West Des Moines city sign code.

Lots 1, 2, And 3, Three Fountains Plat No. 2: ~~A~~ ***The existing*** monument sign ***on the site*** shall not exceed sixty four (64) square feet in size~~,~~ ***or*** ~~no higher than~~ nine feet (9') in height, and ***shall be*** set back from the ultimate right of way line ~~sixty feet (60')~~ ***a minimum of twenty feet (20'). This existing nine-foot (9') monument sign may be moved to a new location***

on the site as long as the minimum twenty-foot (20') setback and three hundred foot (300') minimum separation requirements are met. The height of the ***existing*** sign shall include any base of the sign and extend to the midpoint of the cap sign. The measurement of the ***existing*** monument sign shall not include side brick elements, provided that the brick material, i.e., columns, on each side of the sign, shall not extend beyond twelve inches (12") from the monument sign. ~~The monument sign shall have no more than nine (9) changeout tenant panels.~~ Lettering on all monument signs shall be cutout lettering with copy backlight with translucent acrylic material or the translucent acrylic letter is pushed through the opening. ***Any new ground monument signs added to the site shall meet the West Des Moines city sign code requirements for ground monument signs (or equivalent), including, but not limited to, maximum number of signs, maximum sign size, maximum sign height, minimum setback and minimum distance from other signs.***

All signage constructed as wall signs on building fascia within the PUD shall incorporate aesthetic features compatible with the overall character of the development. All wall signs will be composed of solid individual letters attached to the building fascia, or individual letters of anodized aluminum, galvanized metal, illuminated self-contained with translucent plastic faces set in anodized aluminum returns and trim; panel signs with letters incorporated or painted upon a panel or wall area shall be prohibited. Temporary advertising or promotional signage attached to exterior windows or walls shall be allowed only with an approved temporary signage permit issued through the building department under the provisions for temporary signage in the city code. Signs with exposed neon lights, moving lights or flashing lights visible from the exterior of the building shall be prohibited.

Building ***(wall)*** signage shall be allowed according to the provisions of the sign ordinance, title 9, Zoning, chapter 18, Signs, ***except that the longest wall of a building less than one thousand (1,000) square feet may be used for the wall signage allowance calculation***.

Section 3. Repealer. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. 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 6. 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 7. 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.

_____
Matthew McKinney, Mayor Pro Tem

ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the City 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