CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: November 1, 2021

ITEM: Village at Sugar Creek, Northeast corner of S. 88th Street and Booneville Road – Amend Comprehensive Plan Land Use Map to designate Medium Density Residential, Neighborhood Commercial and Open Space, repeal the Midwest Technology Business Park PUD and establish the Village at Sugar Creek Planned Unit Development Ordinance regulating development of attached townhomes and apartments, commercial area and open space – DB Booneville, LLC – CPAZC-005153-2021

RESOLUTION: Approval of Second Reading, Waive 3rd Reading and Establish a new Planned Unit Development Ordinance

Background: Ed Arp with Civil Engineering Consultants, on behalf of the applicant and property owner, DB Booneville, LLC, and property owners, Deborah L. and James C. Miller, requests approval of a Comprehensive Plan Land Use Map Amendment and Rezoning request on that ground generally located at the northeast corner of S. 88th Street and Booneville Road. The property is currently designated as High Density Residential (HD) and Business Park (BP) on the Comprehensive Plan Land Use Map and is designated as Midwest Technology Business Park Planned Unit Development (PUD) with underlying zoning of Business Park (BP) on the City's zoning map. The proposed rezoning of the property is intended to replace the existing PUD with a new PUD for multi-family residential and commercial development. The Comprehensive Plan Amendment and Rezoning are being requested in anticipation of the development of attached townhomes and apartments, commercial area and open space on the site.

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

- Amend the Comprehensive Plan Land Use Map for approximately 44.1 acres to change from Business Park (BP) to Medium Density Residential (MD) land use; and
- Amend the Comprehensive Plan Land Use Map for approximately 5.7 acres to change from High Density Residential (HD) to Neighborhood Commercial (NC) land use; and
- Amend the Comprehensive Plan Land Use Map for approximately 12.9 acres to change from Business Park (BP) to Neighborhood Commercial (NC) land use; and
- Amend the Comprehensive Plan Land Use Map for approximately 1.5 acres to change from Business Park (BP) to Open Space (OS) land use; and
- Replace the Midwest Technology Business Park Planned Unit Development with the Village at Sugar Creek Planned Unit Development (PUD) Ordinance

Staff Review & Comment:

- *Financial Impact:* Undetermined at this time, however, it is recognized that in order to facilitate the development of this area, including adjacent areas outside this specific request, a network of new streets will need to be constructed to adequately serve the future traffic of the area. This will include the extension of Stagecoach Drive between S Jordan Creek Parkway and S 88th Street, S 81st Street, S 85th Street, and anticipated realignment of Booneville Road, along with typical local streets within developments. Staff is exploring options to facilitate the construction of the main road(s) only and will bring forward information for Council direction at a later date.

  Additionally, as discussed below in the Conditions of Approval section, it is being indicated that the changes in land use within this area in response to the locating of Des Moines University (DMU) immediately to the south will result in sanitary sewer capacity issues. It has been suggested that some of the sanitary sewer pipes currently within the area were either installed without sufficient

slope or improperly sized for the land uses that are shown on the current adopted Comprehensive Plan Land Use Map, let alone sized with any extra capacity to accommodate any land use changes. While certainly some of the cost to increase capacity of the sanitary sewers should be the responsibility of those property owners/developers requesting a change in land use which generates a need for more capacity, it is believed by staff that part of the cost should be covered by the City. To what extent and at what dollar amount is still being determined. Staff will bring forward information and options to the City Council once more details are known.

- *Development Intent:* The intent with this development is to provide different housing types for DMU students and staff and to provide commercial amenities for those students, DMU staff, existing and future residents within the area and others.

- *Key Development Aspects:*
  - *Land Use*: The land use is proposed to be changed for this project from High Density Residential (HD) and Business Park (BP) to Medium Density Residential (MD), Open Space (OS) and Neighborhood Commercial (NC) for the proposed Village at Sugar Creek development. As indicated above, the development of attached townhomes and apartments is planned. Additionally, although some master planning work still needs to be done for the 18.6 acre commercial area, it is anticipated that the approximately seven (7) acres of the commercial area and adjacent medium-density area to the north will be preserved in a natural state. It is anticipated that this area will be used in part to fulfill greenbelt requirements associated with Parkland Dedication.
  - *PUD Development:* The developer is anxious to begin construction on the apartment component of the PUD in order to have the dwelling units available to DMU students by the school's opening in 2023. While the site plan for the apartment parcel is currently being reviewed, details for development of the other parcels are not known. To facilitate the apartment construction, the PUD is being presented with a requirement that prior to development of the commercial parcel, an amendment to the PUD will need to be done to specify development allowances, regulations, requirements and restrictions. Details, including architecture of the intended bi-attached residential areas can be worked through during the site planning process as no special provisions are included in the PUD but rather these areas follow standard regulations of the Residential Medium-Density (RM) zoning district.
  - *Residential Density:* The southern portion of Parcel A is proposed to be developed with 408 apartment units. The north portion of parcel A is anticipated to be bi-attached townhomes (approx. 70 dwellings) as is the development proposed for Parcel C (approx. 16 dwellings). Parcel D will be part of a future park in combination with ground from other adjacent developments outside of the PUD (High Point & Jordan Ridge developments). Collectively, the acreage of Parcels A, C & D amounts to 45.6 acres. With 494 total dwelling units proposed, the development falls within the maximum density allowance of the Medium Density Residential classification (maximum 12 DU/acre; however, PUD caps at 11 DU/ac). Similar to Glen Oaks, the specific densities for each residential parcel or development site may be more or less than twelve (12) dwelling units per acre, but the overall total number of dwelling units within the PUD shall not exceed the allowance of the Medium Density district at eleven (11) DU/acre or 494 dwelling units.
  - *Booneville Road Realignment:* Booneville Road currently runs along the southern boundary of the Village at Sugar Creek development and the "Superblock Area" connecting S Jordan Creek Parkway to S 88th Street. DMU and a private property owner is located on the southside of Booneville Road. As part of the planning for this development and in recognition of the topography challenges with improving Booneville Road in its current location, it was determined that shifting Booneville Road north made sense. The shift

results in easier construction and provides the opportunity to have development that will access new Booneville Road on both sides of the roadway, thus helping to absorb the cost of reconstructing Booneville Road as a paved public street. This realigned Booneville Road will run somewhat diagonally extending from its current tie-in at S 88th Street to S. Jordan Creek Parkway opposite where Eldorado Point aligns on the east side of S Jordan Creek Parkway. The Village at Sugar Creek developer is required to provide DMU a driveway connection to realigned Booneville Road. The traffic study identifies where the possible connections can be made and the developer has been in discussions with DMU. Existing Booneville Road is anticipated to be vacated as a public roadway. A portion of the roadway may be kept as a private roadway and improved to provide a south access to the proposed apartment complex.

- *Landscaping:* The Village at Sugar Creek PUD Ordinance proposes to require a minimum 30' landscape streetscape or buffer along all major roads within and adjacent to the PUD area (S 81st Street, s 88th Street and realigned Booneville Road). Additionally, a 30' landscape buffer is also proposed along the eastern boundary of the PUD area as the adjacent property currently contains a single-family dwelling and is anticipated for lower density single-family development in the future.

- *Traffic Analysis Findings:* The proposed site is expected to generate slightly less average weekday and PM peak hour traffic, and less AM peak hour traffic, compared to what was previously assumed for the site as Business Park land use. Compared to the street alignments previously planned for this area, there is only one (1) north/south street (S 81st Street) proposed connecting Stagecoach Drive to Booneville Road instead of two (2) streets. Similarly, with the anticipated removal of much of existing Booneville Road, there is only one (1) east/west street (new Booneville Road) serving most of the "superblock" area instead of two (2) streets. With fewer streets, more traffic is loaded onto the remaining streets. These streets will have higher speeds associated with a higher amount of through traffic, and the walkability/bike ability of the area will be reduced.

- *Developer Responsibilities:* Unless a separate development agreement is executed, the developer will be responsible for the costs and construction of S 81st Street, the realignment of Booneville Road, improvements to existing Booneville Road, possibly S 88th Street, all internal streets and all other infrastructure necessary to adequately serve the proposed development.

- *Condition(s) of Approval:*

  - *Sanitary Sewer Capacity*: The existing sanitary sewer that serves this site and the larger "superblock" area was originally sized based on a large amount of low-density residential development within the area. In response to the relocation of Des Moines University (DMU) from the City of Des Moines to the property immediately to the south, there is a desire and need for changes in the previously planned land uses. As part of the proposed land use changes in the area, Staff requested the Applicant provide calculations showing sufficient capacity was available in the existing sanitary sewer infrastructure. The analysis identified multiple segments of sanitary sewer with insufficient capacity under the existing Comprehensive Plan density and proposed land uses. Proposed improvements have been identified to resolve the capacity deficiencies. These improvements can be deferred until development and density thresholds are met.

    City staff is in the process of determining possible options for the sharing of costs by individual property owners within the superblock area based on the anticipated increase in waste generation as a result of their request to change from current adopted land uses. Staff believes that each property has entitlement to capacity based on the current adopted land uses and that the participation in costs to upsize should be tie to the increase in waste based on their requested land use change(s). This site is changing from 5.7 acres of High

Density Residential and 12.9 acres of Business Park to 18.6 acres of commercial and 44.1 acres of Business Park to multi-family residential and 1.5 acres of Business Park to Open Space. Staff recommends a condition of approval requiring the Applicant to acknowledge the proposed land use changes may contribute to sanitary sewer loads exceeding those of the existing comprehensive plan and may be greater than the existing infrastructure can accommodate. The Applicant further acknowledging that capacity improvements may be necessary and that the Applicant may be responsible for the proportionate share for the costs of said improvements.

- *Development & Planning Subcommittee:* The "superblock" area between S Jordan Creek Parkway and S 88th Street and between Booneville Road on the south and Stagecoach Drive on the north, which includes Village at Sugar Creek (the subject development) and the proposed Jordan Ridge and High Pointe developments were discussed at the Development & Planning Subcommittee meetings on June 7, 2021 and July 19, 2021. Residential types and density were the main points of discussion along with the question of entitlement of residential development for the area. Staff acknowledged the need for some apartments in this area around DMU, but it was not thought that a high number was necessary. It was pointed out that DMU already existed in the Metro and is a graduate program with older students, many of which already have homes and families and no desire for apartment living. Therefore, Staff indicated a desire to ensure a wide range of housing types and price points would be developed within the area. At the July 19th meeting, Staff provided a land use plan that met the needs of the pending developers while achieving a range of housing options. The apartment and attached townhome multi-family development as proposed by the applicant will provide desired housing variety and the apartments immediately north of DMU will provide convenient housing for DMU's students desiring apartments.

Outstanding Issues: There are no outstanding issues; however, as noted above, there is work to be done to determine responsibilities, including financial obligations for infrastructure construction and future modifications.

Plan and Zoning Commission Action:

Date:	October 11, 2021
Vote:	6-0 for approval, with Commissioner Conlin absent
Recommendation:	Approval of the Comprehensive Plan Land Use Map Amendment and the rezoning request to establish the Village at Sugar Creek PUD

City Council Comprehensive Plan Amendment:

Date:	October 18, 2021
Vote:	5-0 for approval

City Council First Reading:

Date:	October 18, 2021
Vote:	5-0 for approval

Recommendation: Approve the Comprehensive Plan Land Use Map Amendment and Rezoning request to establish the Village at Sugar Creek Planned Unit Development (PUD) Ordinance, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. Applicant/developer acknowledging the proposed land use changes contribute to sanitary sewer loads exceeding those of the existing comprehensive plan and may be greater than the existing infrastructure can accommodate. The applicant/developer further acknowledging that capacity improvements may be necessary and that the applicant/developer may be responsible for their proportionate share for the costs of said improvements.
2. The applicant/developer acknowledging that the appropriate road network will need to be constructed to support intended development and unless responsibilities are otherwise defined in a development agreement with the City, that the applicant/developer will be responsible for the implementation of the necessary roadways to serve their development. Furthermore, the applicant/developer acknowledging that development of sites, including above ground construction may be restricted until adequate road and water infrastructure to the satisfaction of the City's Fire Marshal is available.

Lead Staff Member: **Brian Portz**

Approval Meeting Dates:

Plan and Zoning Commission	October 11, 2021
City Council: First Reading	October 18, 2021
City Council: Second Reading, Waive Third Reading and Adopt	November 1, 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	10/1/21
Date(s) of Mailed Notices	9/30/21

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning		
Date Reviewed	June 7, 2021 & July 19, 2021		
Recommendation	☐ Yes	☐ No	☐ Split

Location Map

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-085

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, DB Booneville, LLC, and property owners, Deborah L and James C Miller, request approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation of the Planned Unit Development development parcels as shown on the Planned Unit Development Sketch Plan included in the staff report as follows:

- PUD Parcel A from Business Park (BP) to Medium Density Residential (MD); and
- PUD Parcel B from High Density Residential (HD) and Business Park (BP) to Neighborhood Commercial (NC); and
- PUD Parcel C from Business Park (BP) to Medium Density Residential (MD); and
- PUD Parcel D from Business Park (BP) to Open Space (OS)

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 (CPAZC-005163-2021) 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 October 11, 2021.

Erica Andersen

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 October 11, 2021, by the following vote:

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

NAYS:

ABSTENTIONS:

ABSENT: Conlin

ATTEST: Jennifer Conaway

Recording Secretary

A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-086

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, DB Booneville, LLC, and property owners, Deborah L. and James C. Miller, request approval of a Rezoning Request to replace the Midwest Technology Business Park Planned Unit Development (PUD) with the Village at Sugar Creek Planned Unit Development (PUD) on property as legally defined in the Planned Unit Development (PUD) Ordinance and indicated on the Location Map, both of which are included in the staff report. Specifically, the following underlying zoning shall be applied as follows:

- PUD Parcel A to establish Residential Medium Density zoning; and
- PUD Parcel B to establish Neighborhood Commercial (NC) zoning; and
- PUD Parcel C to establish Residential Medium Density zoning; and
- PUD Parcel D to establish Agricultural/Open Space (OS) zoning; 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, (CPAZC-00005163-2021) 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 October 11, 2021.

Erica Andersen

Erica Andersen, Chair
Plan and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan ar Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held c October 11, 2021, by the following vote:

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

NAYS:

ABSTENTIONS:

ABSENT: Conlin

ATTEST:

Jennifer Connolly

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

RESOLUTION

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, DB Booneville, LLC, and property owners, Deborah L. and James C. Miller, request approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation from High Density Residential (HD) and Business Park (BP) to Medium Density Residential (MD), Neighborhood Commercial (NC), and Open Space (OS) 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 October 11, 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 (CPAZC-00005163-2021) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, dated October 18, 2021, including conditions added at the meeting, and attached hereto as Exhibit " A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on October 18, 2021.

Steven K. Gaer, Mayor

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

MOTION BY Trimble
SECOND BY: McKinney
ROLL CALL # 21-505

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 October 18, 2021, by the indicated vote.

Exhibit A: Conditions of Approval

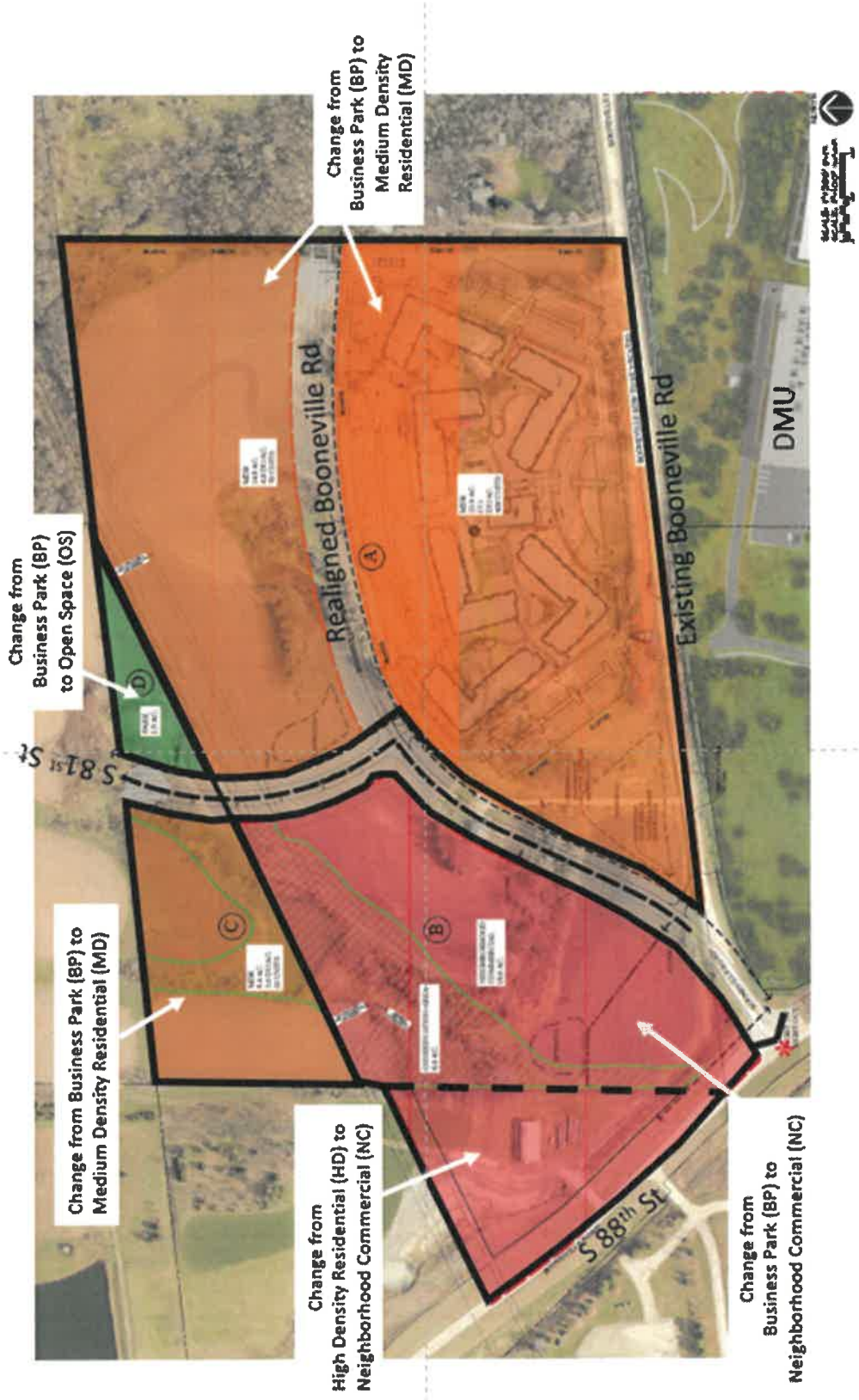
1. Applicant/developer acknowledging the proposed land use changes contribute to sanitary sewer loads exceeding those of the existing comprehensive plan and are greater than the existing infrastructure can accommodate. The applicant/developer further acknowledging that capacity improvements will be necessary and that the applicant/developer will be responsible for their proportionate share for the costs of said improvements.
2. The applicant/developer acknowledging that the appropriate road network will need to be constructed to support intended development and unless responsibilities are otherwise defined in a development agreement with the City, that the applicant/developer will be responsible for the implementation of the necessary roadways to serve their development. Furthermore, the applicant/developer acknowledging that development of sites, including above ground construction may be restricted until adequate road and water infrastructure to the satisfaction of the City's Fire Marshal is available.

Exhibit B: Legal Description

A PARCEL OF LAND IN THE NE1/4 SW1/4, THE NW1/4 SW1/4, AND THE W1/2 NW1/4 SE1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 23; THENCE N83°04'41"E, 653.90 FEET ALONG THE NORTH LINE OF SAID W1/2 NW1/4 SE1/4 TO THE NE CORNER OF SAID W1/2 NW1/4 SE1/4, SAID W1/2 NW1/4 SE1/4 ALSO BEING KNOW AS THE WEST 654.48 FEET OF SAID NW1/4 SE1/4; THENCE S00°24'28"W, 1312.96 FEET ALONG THE EAST LINE OF SAID W1/2 NW1/4 SE1/4 TO THE SE CORNER OF SAID W1/2 NW1/4 SE1/4; THENCE S83°19'15"W, 655.36 FEET ALONG THE SOUTH LINE OF SAID W1/2 NW1/4 SE1/4 TO THE SE CORNER OF SAID NE1/4 SW1/4; THENCE S83°26'45"W, 996.17 FEET ALONG THE SOUTH LINE OF SAID NE1/4 SW1/4 TO A POINT ON THE CENTERLINE OF THE PROPOSED BOONEVILLE ROAD RELOCATION; THENCE SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET AND A CHORD BEARING S50°58'00"W, AN ARC LENGTH OF 55.73 FEET ALONG SAID CENTERLINE TO A POINT OF TANGENCY; THENCE S53°37'40"W, 211.10 FEET ALONG SAID CENTERLINE TO A POINT; THENCE NORTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET AND A CHORD BEARING N41°47'34"W, AN ARC LENGTH 89.67 FEET TO A POINT OF TANGENCY; THENCE N44°21'41"W, 526.64 FEET ALONG THE EXISTING CENTERLINE OF SAID BOONEVILLE ROAD TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 715.00 FEET AND A CHORD BEARING N39°53'48"W, AN ARC LENGTH OF 65.57 FEET ALONG SAID CENTERLINE TO A POINT OF TANGENCY; THENCE N37°16'10"W, 217.83 FEET ALONG SAID CENTERLINE TO A POINT; THENCE N64°20'40"E, 561.46 FEET TO A POINT ON THE WEST LINE OF SAID NE1/4 SW1/4; THENCE N00°32'16"E, 533.29 FEET ALONG SAID WEST LINE TO THE NW CORNER OF SAID NE1/4 SW1/4; THENCE N83°49'59"E, 1312.42 FEET ALONG THE NORTH LINE OF SAID NE1/4 SW1/4 TO THE POINT OF BEGINNING AND CONTAINING 64.23 ACRES MORE OR LESS.

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 OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO PLANNED UNIT DEVLOPMENT (PUD), DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT: Amend the Zoning Map of the City of West Des Moines, Iowa, to repeal the Midwest Technology Business Park Planned Unit Development in its entirety and establish the Village at Sugar Creek Planned Unit Development (PUD) on the following legally described property:

Legal Description

A PARCEL OF LAND IN THE NE1/4 SW1/4, THE NW1/4 SW1/4, AND THE W1/2 NW1/4 SE1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 23; THENCE N83°04'41"E, 653.90 FEET ALONG THE NORTH LINE OF SAID W1/2 NW1/4 SE1/4 TO THE NE CORNER OF SAID W1/2 NW1/4 SE1/4, SAID W1/2 NW1/4 SE1/4 ALSO BEING KNOW AS THE WEST 654.48 FEET OF SAID NW1/4 SE1/4; THENCE S00°24'28"W, 1312.96 FEET ALONG THE EAST LINE OF SAID W1/2 NW1/4 SE1/4 TO THE SE CORNER OF SAID W1/2 NW1/4 SE1/4; THENCE S83°19'15"W, 655.36 FEET ALONG THE SOUTH LINE OF SAID W1/2 NW1/4 SE1/4 TO THE SE CORNER OF SAID NE1/4 SW1/4; THENCE S83°26'45"W, 996.17 FEET ALONG THE SOUTH LINE OF SAID NE1/4 SW1/4 TO A POINT ON THE CENTERLINE OF THE PROPOSED BOONEVILLE ROAD RELOCATION; THENCE SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 600.00 FEET AND A CHORD BEARING S50°58'00"W, AN ARC LENGTH OF 55.73 FEET ALONG SAID CENTERLINE TO A POINT OF TANGENCY; THENCE S53°37'40"W, 211.10 FEET ALONG SAID CENTERLINE TO A POINT; THENCE NORTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET AND A CHORD BEARING N41°47'34"W, AN ARC LENGTH 89.67 FEET TO A POINT OF TANGENCY; THENCE N44°21'41"W, 526.64 FEET ALONG THE EXISTING CENTERLINE OF SAID BOONEVILLE ROAD TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 715.00 FEET

AND A CHORD BEARING N39°53'48"W, AN ARC LENGTH OF 65.57 FEET ALONG SAID CENTERLINE TO A POINT OF TANGENCY; THENCE N37°16'10"W, 217.83 FEET ALONG SAID CENTERLINE TO A POINT; THENCE N64°20'40"E, 561.46 FEET TO A POINT ON THE WEST LINE OF SAID NE1/4 SW1/4; THENCE N00°32'16"E, 533.29 FEET ALONG SAID WEST LINE TO THE NW CORNER OF SAID NE1/4 SW1/4; THENCE N83°49'59"E, 1312.42 FEET ALONG THE NORTH LINE OF SAID NE1/4 SW1/4 TO THE POINT OF BEGINNING AND CONTAINING 64.23 ACRES MORE OR LESS.

SECTION 2. DEVELOPMENT INTENT: The Village at Sugar Creek PUD intends to establish a framework for the integration of a variety of multi-family dwelling types, office and commercial land uses in a visually cohesive, walkable, and pedestrian focused development that provides a variety of uses for Des Moines University students and staff, as well as existing and anticipated surrounding residential developments. The preservation of natural areas shall be incorporated in the master planning to enhance and define the development.

SECTION 3. SKETCH PLAN: Attached hereto (or on file with the city) and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan document for the Village at Sugar Creek PUD marked Exhibit "A". The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the PUD Parcels for the purpose of easier reference for the applicable regulations of this Ordinance. It should be recognized that the location of streets throughout the development shall define the final parcel configuration and size. Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail.

SECTION 4. REQUIRED PLANS: Prior to or in conjunction with development of any portion of the property covered by this PUD, the following plans shall be required:

A. Preliminary Plat and Final Plat: All ground within the PUD shall be platted in accordance with the City's Subdivision Ordinance and associated zoning regulations unless otherwise modified within this ordinance. Outlots within a plat shall have the proposed use clearly designated on the plat document. Platted outlots intended for future private development must be re-platted through the preliminary and final plat process prior to physical development. Outlots intended to provide for public utilities, or publicly owned or accessible park ground, greenways, or other recreational amenities are not required to be replatted prior to development.

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

   Unless otherwise specifically restricted by the City Council, ground work and construction of private roads and utilities may be started, at the developer's risk, upon approval of the preliminary plat by the City Council; however, no construction of structures, including footing and foundations shall be allowed prior to site plan and final plat approval. Public street and utility construction may begin, at the sole risk of the developer, after approval of the preliminary plat by the City Council and Public Improvement Plans by the City of West Des Moines.

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

A. General Conditions: The following general development criteria shall be integrated into and made a part of this planned unit development.

1. General Conformance to Subdivision Ordinance: All subdivisions, public streets, public street rights of way, and general development shall adhere to the standards and design criteria set forth in the West Des Moines subdivision ordinances and the most current design standards adopted by the city of West Des Moines pertaining thereto unless otherwise stated within this ordinance.

2. General Conformance to Zoning Ordinance: Unless otherwise specified herein, the development of the Village at Sugar Creek PUD shall comply with title 9, "Zoning", of the city code or any other applicable codes. To the extent that the provisions of this ordinance conflict with or are more restrictive than provisions provided elsewhere in the West Des Moines zoning ordinance, the provisions of this ordinance shall control.

3. Developer Responsibility: Unless otherwise specifically approved by the City Council, the developer, its successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development as required by this Ordinance, and shall pay all costs related to approved site plans, which may include but is not limited to the cost of all streets (public and private), storm sewers, sanitary sewers, water mains and service lines, drainage-way improvements, detention basins, and other improvements as required. Unless otherwise provided for in a separate development agreement, at the time of subdivision platting within the PUD, the subdivider shall be responsible for construction and/or installation of all required public infrastructure improvements in accordance with the City's Subdivision Ordinance, as indicated herein, and/or as indicated on the approved Village at Sugar Creek PUD Sketch Plan Map. With any subdivision plat within the PUD, the subdivider shall be responsible for constructing and/or installing the public infrastructure necessary to support development within the subdivision in a manner that will assure that the public infrastructure functions at an acceptable level of service (per City policies) and complies with the West Des Moines Subdivision Ordinance and the Des Moines Metropolitan Design Standards, as adopted by the City of West Des Moines, unless modified otherwise in this Ordinance. No occupancy permits, either temporary or permanent, shall be issued until all necessary improvements applicable to the area/lot or structure requesting occupancy are installed and public improvements accepted by the City of West Des Moines. Nothing in this Ordinance shall be construed to prevent the developer, its successors and/or assigns, if any, from entering into private agreement(s) as it/they may desire to share the cost of improvements.

4. Flood Hazard: In all areas within a Base Flood (100 Year), or adjoining drainage ways, and detention ponding areas involving potential flood hazards, all buildings proposed to be located in a flood hazard area must be elevated and designed in accordance with the American Society of Civil Engineers publication ASCE 24 and no building shall be erected which has a minimum opening elevation (including top of window well) less than one foot (1') above the determined level of the Base Flood. In areas where historical high-water levels are above the Flood Insurance Rate Map (FIRM) Base Flood Elevation or special conditions exist, the City may require a Design Flood Elevation be calculated and used as the Base Flood Elevation for determination of elevation requirements. Buildings shall only be permitted within twenty-five feet (25') of any easement or property boundary of a major drainageway, storm water detention basin or pond if said location is approved as part of the development entitlement by the City Council and said building is structurally designed accordingly.

5. Sanitary Sewer: The commercial and multi-family land uses proposed within this PUD are anticipated to generate more waste than the previously intended business park land use. The existing sanitary infrastructure within this area may not have sufficient capacity for the PUD

proposed land uses. The developer shall be responsible for infrastructure improvements necessary to account for additional capacity generated by the land uses. Any further change in approved land uses and/or densities for the PUD will require a reanalysis of the sanitary sewer to assure that adequate capacity is available for the proposed change(s).

6. Street Lighting: Unless otherwise provided for in a separate development agreement, the Developer shall be responsible for all costs associated with the installation of public and private street lights within or adjacent to any area included within the development.

7. Mailboxes: The Developer shall be responsible for installation of any required Cluster Box Units (CBUs) as per the local U.S. Postal Service Post Office.

8. The Village at Sugar Creek development shall incorporate an internal trail and sidewalk system connecting residential areas to Des Moines University, the commercial village, open natural areas and recreation amenities and to the City-wide trails and sidewalk system.

9. Interior site lighting should be located, designed and directed in such a way as to mitigate impact on adjacent uses.
    a. Parking lot fixtures in proximity to residential dwellings on another property (as measured from the dwelling itself), including properties outside of the PUD area shall abide by the following:
        1. Fixtures greater than 150 feet away shall not exceed twenty-eight feet (28') in height as measured from the ground to the top of the light structure.
        2. Fixtures greater than 100 feet but less than 150 feet away shall not exceed twenty-two feet (22') in height as measured from the ground to the top of the light structure.
        3. Fixtures less than 100 feet away shall not exceed sixteen feet (16') in height.
    b. The footcandle level at property lines not adjacent to a roadway shall be less than one.
    c. All fixtures are to be downcast, cut-off variety to direct lighting to parking areas and pedestrian pathways and eliminate glare to neighboring properties. Bulbs shall not be exposed or extend down past the fixture. Care should be taken to ensure that adjoining properties are not looking up and into the bulbs of light fixtures. In addition to cut-off fixtures, particular attention shall be given to eliminate hot spots and light glare. To achieve this, additional measures may include, but are not limited to, lowering parking lot light levels after business hours, turning off lights not necessary for security purposes, and use of landscaping for light screening/blockage.
    d. No wall packs or floodlighting are allowed, except that sconces or decorative lighting shall be permitted.
    e. As a part of the review of each site plan, a photometric plan must be submitted. During the review, the applicant must demonstrate how lighting will not adversely affect adjoining properties.
    f. Fixtures located 150 feet or less from a residential dwelling on another property, including properties outside of the PUD area shall be turned off no later than 30 minutes after the closing of the last business, except those lights necessary for security purposes.

SECTION 6. <u>LAND USE DESIGN CRITERIA</u>: In addition to the general criteria as stated above, the following land use regulations, development standards, and design criteria shall apply to the development of all PUD parcels designated on the Sketch Plan

A. Parcels A & C: The intent of development within these parcels is to provide a variety of housing options ranging from detached homes, bi-attached townhomes and apartments.

All bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Residential Medium Density district shall apply to any development proposal within these parcels, unless noted otherwise in this ordinance. Only residential uses shall be allowed within these parcels.

Number of Dwellings: A maximum of eleven (11) dwelling units per acre, or 494 total dwellings shall be allowed within the 45.6 acres consisting of Parcels A, C and D collectively. No additional residential

dwellings shall be allowed regardless if the collective acreage of Parcels A, C and D is increased. Any reduction in the acreage of these parcels shall result in a corresponding reduction in the total number of dwellings allowed (calculated based on 11 DU/acre).

B. Parcel B: The intent of development within this parcel is to allow for commercial and office uses that primarily serve the needs of students, staff and visitors to the adjacent Des Moines University Campus and nearby residents. The scale of buildings and intensity of uses shall respect surrounding residential uses. This area shall be designed with walkability at its core via an enhanced pedestrian promenade physically separated from vehicle use areas. All buildings within this area shall be visually cohesive through design, materials and colors and shall be integrated with the natural topography of the parcel.

   All general use and bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Neighborhood Commercial (NC) district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.

   Prior to development of any ground within Parcel B, including grading activities, this PUD Ordinance shall be amended to specify development allowances, regulations, requirements, and restrictions to be applied within Parcel B. As part of the amendment, precedent architectural images shall be included to illustrate the design concept and components to be incorporate within all buildings within the Parcel. The design of buildings within Parcel B shall comply with the Architectural section included within this PUD and shall be cohesive in design, materials and colors amongst all building within the parcel as well as with any constructed residential.

C. Parcel D: The intent of this parcel is to provide land for a future public park that will be combined with adjacent properties north of the Village at Sugar Creek PUD to provide park land for the larger area.

SECTION 7. <u>STREETSCAPES AND BUFFERS</u>: Buffering between zoning districts shall be required as set forth in Title 9, Chapter 19 of the city code. Specifically, a minimum thirty-foot (30') buffer is required along the east property line of the Village at Sugar Creek development. A minimum thirty-foot (30') streetscape buffer shall be required along both sides of new Booneville Road, S 81st Street and the east side of S 88th Street. Vegetation requirements shall abide by City Code as provided for a 30' buffer regardless if a streetscape or buffer. Quality existing trees and shrubs as determined by a qualified arborist and not otherwise listed on the City's prohibited tree list or of an Ash variety may be counted toward the buffer planting requirements.

SECTION 8. <u>ARCHITECTURE</u>: The intent is to create building facades throughout this development that are varied and articulated to provide visual interest and to establish a unique identity for each parcel within the development. Although it is understood and preferred that not all buildings within a parcel are identical, each building will include design elements as well as common materials, complimentary colors and detailing to provide continuity amongst buildings and to unite all structures within a parcel into one project concept. The architectural design of any building within this development shall be acceptable to the City.

Final details of actual design, materials, colors and detailing will be provided at the time of individual site plan approvals. Once City approval is obtained 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.

A. All buildings within this development shall accommodate or incorporate the following in building design and materials:
   1. All sides to each building shall receive high quality materials, finishes, and details (360 degree architectural treatment). There are no "backs" to a building.
   2. Form and Scale: Building design shall consider the scale of the building and create a distinct and intended transition to the height, bulk, and scale of the building depending on the surrounding development. Building entries, front porches for residential uses, pedestrian areas, plazas and street level uses and functions should be designed to engage the pedestrian with the activities

occurring within them and should be designed to be in the scale appropriate to the use and function of the space.

3. Roof and Building Mounted Mechanical Equipment: Views of equipment from roadways and adjoining development sites shall be mitigated by screening incorporated into the design of the building through location and the use of equipment penthouse, parapets, screening walls, or other acceptable solutions as identified during the review of the site plan.
4. Material Quality and Detail:
   a. The choice of materials and texture has great visual significance and can affect the long-term appearance of the city. Proper selection of exterior building material is directly related to the durability of the building against weathering and damage from natural forces. Materials should be durable, economically maintained and of a quality that will maintain their appearance over a prolonged time. Natural materials such as brick and stone shall be used as the major cladding elements of the facade. Acceptable cladding for the balance of the building and trim materials will be determined with the review of each parcel's site plan.
   b. Variation in materials, material modules, expressed joints, textures, colors and details shall be used to break up the mass of the buildings. Changes in materials shall be aligned with changes in plan or roof form to emphasize these changes in building mass and shall have the appearance of 3-dimensional elements.
5. Outdoor Living Area: All dwelling units within multi-family buildings shall provide decks/balconies of a useable size, a defined public plaza or common outdoor living space. Minimum usable area and design criteria will be determined with each parcel's site plan review.

SECTION 9. SIGNAGE: All signage within the PUD shall be designed, constructed and maintained in accordance with the West Des Moines Sign Code. The zoning district designated for application of bulk regulations for each parcel shall govern signage allowances and design.

SECTION 10. PARKLAND DEDICATION: All residential developments shall abide by the City's Parkland Dedication regulations. Intended amenities and facilities to fulfill dedication requirements shall be identified as part of preliminary plat/site plan review of each PUD parcel or development proposal. A Parkland Dedication Agreement, acceptable to the Parks and Recreation Department, detailing the specifics related to the Parkland Dedication requirements for each area developed as residential is required to be executed in conjunction with the associated site plan. At the time of final platting of land intended to fulfill park and greenway requirements, said land shall be deeded to the City.

SECTION 11. VEHICLE TRIP ALLOCATIONS: A Traffic Impact Study (study) dated August 27, 2021, has been prepared for the Village at Sugar Creek development. Per the study, the development has been allocated 789 P.M. peak hour trips; 380 A.M. peak hour trips; and 6,629 Average Daily Trips (ADT). As development proposals are approved, the number of vehicle trips generated by the proposed development will be subtracted from the total trips allocated to the development. Approval of this PUD does not constitute a guarantee that the proposed plan can be implemented. Development of all parcels and implementation of desired land uses, including specific high traffic generating tenants, will be limited by the available number of trips.

Should anticipated traffic exceed the total trips allocated for the Village at Sugar Creek development prior to full build out, further development of parcels may be limited or prohibited. Alternate uses to those planned within the study and approved as part of this PUD ordinance may be allowed, following completion of an amended traffic study analyzing the proposed alternative and appropriate City approval of an amendment to the respective PUD ordinance and/or PUD Sketch map, if necessary, if the existing uses and the proposed change(s) collectively do not exceed the total trips allocated to the development.

SECTION 12. STORM WATER MANAGEMENT: Individual Storm Water Management Plans will be required with each preliminary plat or site plan for ground within the PUD area. The Developer will have said Storm Water Management Plans prepared by a Professional Engineer licensed in the State of Iowa. The Storm Water Management Plans shall comply with the City's current design standards for storm water

management. The method of storm water management and the storm water conveyance system shall be determined prior to City approval of a preliminary plat or site plan.

At time of final platting of a developable parcel or site plan if development is not known at the time of platting, ownership and responsibility for all storm water detention areas and private storm water detention outlet structures will need to be established through the execution of a Storm Water Facility Maintenance Agreement prepared by the City with information provided by the developer. This agreement essentially provides that the property owner will maintain and repair their storm water facilities. If they fail to do so, the city will make repairs or perform maintenance and assess all costs back to the property owner. Upon installation of storm water management facilities, the property owner will be responsible to provide as-built drawings and a letter certifying the detention facility was constructed in in conformance with the approved Storm Water Management Plan. The letter and as-built plans will be required prior to the issuance of a final occupancy permit for the first building or residential dwelling on property which is served by a particular detention facility. Both the letter and as-builts will need to be signed and sealed in accordance with Chapter 6, 193C-6.1(542B) of the Iowa Code.

SECTION 13. MASTER PROPERTY OWNERS ASSOCIATION: If deemed necessary, proper action shall be taken to establish a property owners association. The property owners association shall be responsible for the ongoing upkeep and maintenance of any private infrastructure, common grounds such as buffer parks, storm water detention facilities, greenbelts, plazas and other common space, and any other specific development improvements noted as their responsibility in this ordinance or otherwise determined as part of the platting or site plan process.

SECTION 14. FIRE ACCESS:

A. All internal drive aisles and parking lots shall permit the travel of the Fire Department's largest vehicle, including adequate accommodation of the vehicle's turning needs. Approval of unique design solutions to accommodate fire access may be granted by the City Council if, the solutions proposed are recommended by the West Des Moines Fire Department.
B. At the discretion of the City's Fire Marshal, "No Parking Fire Lane" areas may be established as necessary to ensure efficient movement and access of the fire trucks. Unless otherwise agreed upon, the developer of the Pavilion Park development shall be responsible for the procurement and erection of approved fire lane signage.
C. All access drives and drive aisles shall maintain a minimum of twenty feet (20') of clear pavement.
D. A minimum of fourteen feet (14') of vertical clearance over the travel portion shall be maintained at all times over all vehicle travel ways.
E. The developer or its designee shall be responsible for enforcement of no parking lanes and maintaining adequate clearance of structures and vegetation along and above all vehicle travel ways regardless if public or private.
F. Adequate fire accesses as determined by the City's Fire Marshal shall be provided at all times to those areas under construction.

SECTION 15. REPEALER: All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 16. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 17. 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 18. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 19. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

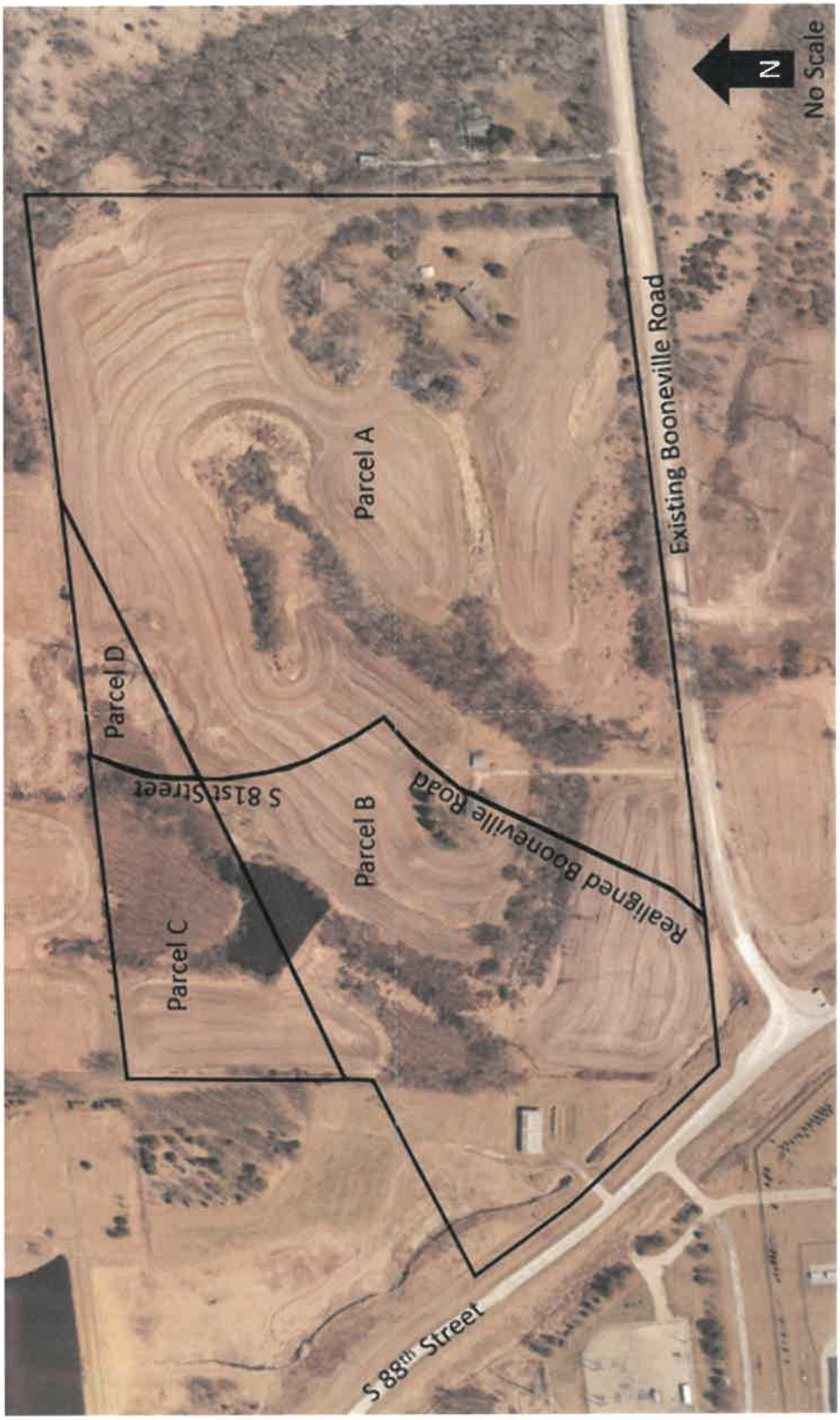
Passed and approved by the City Council on this _____ day of _____ 2021.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan 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

PUD Sketch Plan