CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: May 16, 2022

ITEM: Waterbury Office Building, 7765 Office Plaza Drive North – Approve Extension of Site Plan Entitlement – R&R Realty Group – SP-2003-028/SP-004306-2019

Resolution: Approval of Extension of Site Plan Entitlement

Background: The applicant, R&R Realty Group, on behalf of the property owner, Dallas County Partners, requests approval of an extension of entitlement for the Waterbury Office Building Site Plan for the 3.79-acre property located at 7765 Office Plaza Drive North.

Staff Review & Comment:

- *History:* The original approval of the project application was granted by the City Council on September 20, 1999, however, the entitlement expired in September 2001. A new site plan approval was granted in June 2004 which was valid for two years. The entitlement has been extended each year since the original approval with the most recent extension granted on May 17, 2021, which extended the entitlement to June 7, 2022. The original approval proposes the construction of a 52,800 sq. ft., single story office building.

- *Code Modifications to Code since last approval:*
  - *Building & Fire Code Updates:* Both the Building and Fire Codes were updated in 2020. The building will need to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested. This has been a standard condition of approval on previous entitlement extension requests.

  - *Building Setback & Minimum Parking:* As noted in the May 18, 2020 extension request staff report, there have been two city code amendments that would impact the site plan; however, both amendments are to the benefit of the applicant. An amendment was made to the Professional Commerce Park (PCP) setback regulations which added a provision for a 25' setback when a site abuts a like zoning district (previously a 50' setback would have been required). The subject property and the properties to the east, west and south of the subject property are all contained within PUD Parcel A-2 which has an underlying zoning classification of PCP. The setback from the east, west and south can be as small as 25'. The other city code change was an amendment to minimum parking requirements. Prior to the change, per code, office would have been required to provide 5 parking spaces per 1,000sf GFA. Under the new code, office is required to provide only 3.5 spaces per 1,000sf GFA.

- *Conditions of Approval:* No new conditions from those included for previous extension requests have been added.

Outstanding Issues: There are no outstanding issues.

Recommendation: Approve a one-year Site Plan entitlement extension to June 7, 2023, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the City that if necessary, a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR).

2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues.
3. The applicant acknowledging and agreeing that the building will need to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested.
4. The applicant acknowledging and agreeing that the site will need to be developed compliant with city code adopted at the time of construction, including if code changes are more stringent than that at the time the site plan was originally prepared and approved.

Lead Staff Member: Lynne Twedt

Approval Meeting Dates:

Plan and Zoning Commission	N/A
City Council	May 16, 2022

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☒ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	n/a
Recommendation	☐ Yes ☐ No ☐ Split

Location Map

R&R
REALTY GROUP

April 28, 2022

Lynne Twedt
Development Services Director
Development Services Department – Planning Division
The City of West Des Moines
4200 Mills Civic Parkway
P.O. Box 65320
West Des Moines, IA 50265-0320

RE: Preliminary Site Plans Extension Requests for:
1. Alameda Office Building at 6770 Vista Drive
2. Waterbury Office Building at 7765 Office Plaza Drive North

Dear Lynne:

Pursuant to this letter, R&R Realty Group is requesting extensions for the approved site plans regarding the following office buildings:

1. Alameda Office Building. The original site plan was approved by the West Des Moines City Council on September 13, 2004. On August 28, 2006, the West Des Moines City Council approved the extension of the preliminary site to August 28, 2007 and has annually granted extensions. The most recent extension was granted on May 17, 2021 extending site plan approval to June 7, 2022.

2. Waterbury Office Building. The applicable site plan was approved by the West Des Moines City Council on June 7, 2004. Since 2004 the site plan entitlement has been extended each year with the most recent one-year extension being granted on May 17, 2021, extending the site plan approval to June 7, 2022.

Currently, substantial building and site construction will not be completed by June 7, 2022; therefore, the owner is asking for one-year extensions of the previous extension approvals.

If you need any additional information from me, please let me know. I understand that this request will be taken to the City Council. Please advise of the date for consideration by the City Council and anything that I may need to do in advance of that meeting.

Very truly yours,

Tom Rupprecht

Tom Rupprecht
President, Development Services Corporation

TR/sb
cc: Chris Langpaul (R&R Realty Group)

Prepared by: Lynne Twedt, 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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AN EXTENSION OF ENTITLEMENT FOR AN APPROVED SITE PLAN TO CONSTRUCT AN OFFICE BUILDING

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, The applicant, R&R Realty Group, on behalf of the property owner, Dallas County Partners, request approval of an extension of entitlement for an approved Site Plan for the 3.79-acre property located at 7765 Office Plaza Drive North and legally described as follows for the purpose of constructing a 1-story 52,800sf office building;

Legal Description
LOT 4 EXCEPT PARCEL A, COUNTRY CLUB OFFICE PLAZA WEST PLAT 3, OFFICIAL PLAT, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

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 Site Plan complies with findings stated in the applicable provisions of Title 9, Chapter 1, Subsection 8, the Comprehensive Plan and City Code; and

WHEREAS, on this day the City Council held a duly noticed hearing to consider the request for an extension of entitlement to June 7, 2023, for the approved Waterbury Office Building Site Plan.

NOW, THEREFORE, The City Council does approve the extension of entitlement to the Waterbury Office Building Site Plan (SP-2003-028/SP-004306-2019), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 16, 2022.

_____
Russ Trimble, Mayor

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 May 16, 2022, by the following vote.

Exhibit A: Conditions of Approval

1. Prior to initiating any grading or construction activity on the site, the applicant providing written confirmation to the City that if necessary, a current National Pollutant Discharge Elimination System (NPDES) Permit has been obtained from the Iowa Department of Natural Resources (IDNR).
2. Prior to issuance of any occupancy permits, including temporary occupancy permits, the applicant complying with the City's Storm Water Ordinance (adopted November 1, 2007) which requires the execution of a "Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement" for post-construction storm water issues.
3. The applicant acknowledging and agreeing that the building will need to be constructed in accordance with adopted building and fire codes which are in existence at the time when the building permit is requested.
4. The applicant acknowledging and agreeing that the site will need to be developed compliant with city code adopted at the time of construction, including if code changes are more stringent than that at the time the site plan was originally prepared and approved.