

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

**Meeting Date:** June 27, 2022

**ITEM:** The Shoppes at Valley West, 3330 Westown Parkway – Amend the Comprehensive Plan Land Use Map and Amend the Shoppes at Valley West Planned Unit Development Ordinance to allow and regulate Professional Commerce Park (PCP) development on the Middle and West PUD Parcels – West Bank – CPAZC-005627-2022 (*Deferred from June 13, 2022*)

**RESOLUTION:** Approval of Comprehensive Plan Land Use Map Amendment and Amendment to Planned Unit Development Ordinance

**Background:** Matt Brown with Formation Group, on behalf of the applicant and property owner, West Bank, requests approval of a Comprehensive Plan Land Use Map Amendment and Amendment to the Shoppes at Valley West Planned Unit Development (PUD) on that ground generally located at 3330 Westown Parkway. The amendments are being requested in anticipation of the development of an office building in the Middle and West PUD Parcels (amendment will change to PUD Parcel B).

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

- Amend the Comprehensive Plan Land Use Map for the approximately 7.71-acre Middle and West PUD Parcel to change from Regional Commercial (RC) to Office (OF) land use; and
- Amend the Shoppes at Valley West Planned Unit Development (PUD) to change the use and regulations for the Middle and West PUD Parcel (new Parcel B) from Regional Commercial (RC) to Professional Commerce Park (PCP) with no change to the East Parcel (new Parcel A).

The proposed Comprehensive Plan Land Use Amendment designation extends to the centerline of adjacent roads, while the zoning designation is confined to the property lines.

### **Staff Review & Comment:**

- *Intended Development:* The applicant, West Bank has been in discussions with the city for the redevelopment of the majority of the PUD area (excludes ClaimDoc parcel) for their corporate headquarters. The applicant is proposing a four-story office building. Under the current Regional Commercial zoning designation's height limits and setback requirements, West Bank's proposed building would not work. A change to the Professional Commerce Park district, which is more focused on office development, the proposed building meets standard zoning requirements.
- *Traffic Analysis Findings:* The change to the new Parcel B land use and zoning for the construction of an office and bank building generates less traffic than the previously planned uses in the PUD.

**Outstanding Issues:** There are no outstanding issues.

**Plan and Zoning Commission Action:**

Date: June 27, 2022

Vote:

Recommendation:

**City Council Comprehensive Plan Amendment:**

Date:

Vote:

**City Council Rezoning First Reading:**

Date:

Vote:

**Recommendation:** Approve the Comprehensive Plan Land Use Map Amendment and amendment to the Shoppes at Valley West Planned Unit Development (PUD) Ordinance, subject to the applicant meeting all City Code requirements.

**Lead Staff Member:** Kara V. Tragesser, AICP

**Approval Meeting Dates:**

Plan and Zoning Commission	June 27, 2022
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

**Staff Report Reviews:**

Plan & Zoning Commission	<input type="checkbox"/> Development Coordinator (or) <input checked="" type="checkbox"/> Director	<input type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	6/6/22
Date(s) of Mailed Notices	6/3/22

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning
Date Reviewed	6/6/22
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

Location Map



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION  
NO. PZC-22-057**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, West Bank, requests approval for a Comprehensive Plan Land Use Map Amendment to change the land use designation on the PUD parcels as shown on the Shoppes at Valley West Comprehensive Plan Land Use Change Illustration included in the staff report as follows:

- Middle and West PUD Parcel (future Parcel) B from Regional Commercial (RC) to Office (OF) land use; and

**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-005627-2022) 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 June 27, 2022.

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Jennifer Drake, 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 June 27, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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Recording Secretary

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION  
NO. PZC-22-058**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, West Bank, request approval of an amendment to the Shoppes at Valley West Planned Unit Development for the PUD development parcels as shown on the Sketch Plan attached to the ordinance included in the staff report as follows:

- Change PUD "East" Parcel to PUD Parcel "A"; and
- Change PUD "Middle" and "West" Parcels to PUD Parcel "B" and change the zoning district designated from Regional Commercial (RC) to Professional Commerce Park (PCP); and
- Modify bulk regulations stated for PUD Parcel "B"

Other than parcel name identifier, no substantive changes to regulations for PUD Parcel "A".

**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-005627-2022) 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 June 27, 2022.

\_\_\_\_\_  
Jennifer Drake, 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 June 27, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

Prepared by: Kara Tragesser, 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, West Bank, requests approval of a Comprehensive Plan Land Use Map Amendment to change the land use designation from Regional Commercial (RC) to Office (OF) on of 7.71-acres within that property located at 3330 Westown Parkway and 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 TBD, the Plan and Zoning Commission did recommend to the City Council, by a X-X vote, 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-005627-2022) as shown on attached Comprehensive Plan Land Use Map Change Illustration, subject to compliance with all the conditions in the staff report, dated TBD, 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 TBD.

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Russ Trimble, Mayor

ATTEST:

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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 TBD, by the indicated vote.

**Exhibit A: Conditions of Approval**

**Exhibit B: Legal Description**

# Comprehensive Plan Land Use Change Illustration

## Current



## Proposed





Prepared by: K Tragesser, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265  
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265  
Tax Statement: Not Applicable

## ORDINANCE NO.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES TO AMEND PUD #20 THE SHOPPES AT VALLEY WEST PLANNED UNIT DEVELOPMENT**

**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 revise **The Shoppes at Valley West Planned Unit Development #20** by repealing Ordinances #625, #675, #697, #797, #839, #2115, and #2328 and replacing with the following for **The Shoppes at Valley West #20**:

### **SECTION 1: LEGAL DESCRIPTION**

The legal description for The Shoppes at Valley West PUD is as follows:

#### Legal Description

That part of the North 80 acres of the West 1/2 of the Northwest fractional 1/4 of Section 4, Township 78 North, Range 25 West of the 5th Principal Meridian, described as follows: Commencing at the West 1/4 corner of said Section 4; thence North 902.8 feet along the West line of said Section 4; thence East 50 feet to the point of beginning; thence continuing East 1,063.72 feet; thence along a curved line concave Northwesterly, having a radius of 250 feet and a chord bearing North 61°18'45" East, an arc distance of 250.34 feet to the point of intersection of said curved line and the East line of the West 1/2 of said Northwest fractional 1/4 of said Section 4; thence South 00°16'30" East 574.79 feet along said East line of said West 1/2 to the South line of said North 80 acres of said West 1/2 of said Northwest fractional 1/4; thence North 89°29'15" West 497.81 feet along said South line of said North 80 acres to the point of intersection of said South line and the Northeasterly right-of-way line of I-235; thence North 75°21'40" West 732.86 feet along said right-of-way line; thence continuing along said right-of-way line North 33°47'33" West 125.86 feet to the point of intersection of said Northeasterly right-of-way line and the East right-of-way line of 35th Street, West Des Moines; thence North 165.15 feet along said East right-of-way line to the point of beginning, except the East 48.5 feet thereof, and also except that portion condemned for street right of way as recorded in Book 9954 Page 507, all being in and a part of the City of West Des Moines, Polk County, Iowa.

**SECTION 2. SKETCH PLAN:** Attached hereto and on file with the City is the Sketch Plan document for the Shoppes at Valley West PUD marked Exhibit A and is made a part of this rezoning

approval. The Sketch Plan is a graphic representation of the property included in the PUD with delineation of PUD parcels and main circulation. Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail. The sketch illustrates two areas of development: Parcel A and B for specific application of uses and regulations allowed as outlined herein.

**SECTION 3. INTENT OF PUD:** The Shoppes at Valley West PUD intends to provide a framework for development standards reflective of the realities and constraints of redevelopment of a site with existing structures, the possibility of demolition of existing structures, and the construction of new structures on the land parcels

**SECTION 4. REQUIRED PLANS:** The following plans shall be required as a part of the processing of any development application for any property within the PUD:

- A. **Planned Unit Development:** A Planned Unit Development (PUD) identifies detailed development criteria for specific areas within The Shoppes at Valley West PUD. The Planned Unit Development shall be reviewed by the Plan and Zoning Commission and adopted by the City Council by Ordinance.

This document shall constitute the Planned Unit Development Ordinance for The Shoppes at Valley West PUD. This document and any referenced documents or exhibits (included or on file with the City Clerk) are intended to specify the components, parameters, and requirements to be adhered to and implemented in order to ensure the realization of the site redevelopment. At the discretion of the Director of Development Services, changes to the layout of the development that are deemed to be 'major' changes may require an amendment to the Sketch Plan and Ordinance.

Where the Sketch Plan and PUD language conflict, the PUD language shall prevail.

- A. **Development Applications:** For site or structure modifications, the appropriate Development Application as determined by the city shall be submitted for review of the proposed modifications. Unless provided otherwise herein, said modifications shall be reviewed for compliance with City Code provisions in effect at the time of the application.
- B. **Subdivision of Property:** Subdivision of the property shall meet the codes and regulations of Title 9, Zoning, and Title 10, Subdivision. Outlots may be created with their purpose identified but will be considered unbuildable for habitable structures unless re-platted as a buildable lot(s) through the city's subdivision process.

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

- A. **General Conditions:** In addition to the PUD Sketch Plan Map, 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 and private streets, public or private street rights-of-way and general development shall adhere to the standards and design criteria set forth in the West Des Moines Subdivision Ordinance and/or established City policies pertaining thereto in effect at the time of development, unless otherwise stated within this Ordinance.
  2. **General Conformance to Zoning Ordinance:** Unless otherwise specified herein, the development of the PUD shall comply with the provisions of the West Des Moines Zoning Ordinance.
  3. **Building and Fire Code Conformance:** All construction, remodeling and change of use shall conform to West Des Moines building codes and West Des Moines Fire Codes and addendums.

4. **Flood Hazard:** In all areas within a 100-year frequency flood hazard zone, or adjoining drainage ways, and detention ponding areas involving potential flood hazards, no building shall be erected which has a lowest level floor, including basements, less than one foot (1') above the determined level of the 100-year frequency flood event. Buildings shall not be permitted within twenty five feet (25') of any drainage easement or property boundary of a major drainage way, storm water detention basin or pond unless said location is approved as part of the development entitlement by the city council and said building is structurally designed accordingly.
5. **Developer Responsibilities:** The Developer, their 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 approved site plans. Developer shall be responsible for cost of all new streets, new or reconstructed storm sewers, sanitary sewers, drainage way improvements, detention basins, water mains, buffers and other improvements as required of the development.
6. **Right-of-way:** The Developer shall dedicate appropriate rights-of-way and/or public easements required within the PUD, unless otherwise approved by the City Council.
7. **Street Lighting:** The Developer shall be responsible for all costs associated with the installation of public streetlights within or adjacent to any area proposed to be platted or included within a development.

**SECTION 6. LAND USE DESIGN CRITERIA:** 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 the PUD Parcels as designated on the Sketch Plan

A. The following permitted (P) or permitted conditional (Pc) uses are prohibited in all areas of the PUD:

- 1) SIC 15, 16, 17 Building Construction Contractor and operative builders offices
- 2) SIC 4522 Heliport/Helistop
- 3) SIC 47 Transportation Services
- 4) SIC 55 Automotive Dealers, service stations, and auto and home supply stores
- 5) SIC 75 Automotive Repair, Services, and Parking

B. PUD Parcel A. This parcel is generally considered to be located in that area east of the eastern driveway into the site and the east property line. The parcel will be developed under the Regional Commercial (RC) zoning district standards and regulations, except as modified herein.

- 1) **Building setbacks:** any new building constructed in this PUD Parcel will follow the setbacks from the property line and ultimate right-of-way line as follows:
  - a) East Property Line = a minimum of 25 feet
  - b) North Property Line = a minimum of 100 feet from the ultimate right-of-way line if parking is proposed along the north property line. If the building is situated such that it is adjacent to the ultimate right-of-way, has a pedestrian friendly façade (entry doors, glass fronts, plaza areas, patios, etc. and not the back of the building) and no intervening parking between the ultimate right-of-way line and the building, the minimum building setback will be equal to 15 feet.
  - c) South property line = a minimum of 45 feet and out of the sewer easement that is located adjacent to the sanitary sewer line that is adjacent to the south property line.
  - d) Interior property lines = zero feet. If there are not any interior property lines, the separation between buildings, including accessory structures, will be a minimum of 20 feet.
- 2) **Height Restrictions:** Maximum height at the minimum building setback line will be 36 feet. An additional 10 feet in setback will be required for each 12 feet in additional height of the building.

- 3) **Parking:** Parking spaces will be required according to Title 9, Zoning, Chapter 15, Off Street Parking and Loading, for each use in the East PUD Parcel. Except that parking rates as follows may be acceptable with City Council review and approval: Office and retail uses shall provide a minimum of 1 parking space per 300sf of gross floor area. Restaurants (both sit down and drive-thru) and drinking establishments shall provide a minimum of 1 parking space per 150sf of gross floor area. Parking spaces located in the East PUD Parcel may also accommodate the uses in the Middle PUD parcel that reasonably will be using or needing parking in the East PUD Parcel. Shared parking easements and cross access agreements between lots within the East PUD Parcel will be established with the application and review of any Major Modification or Site Plan in the East PUD Parcel. With the approval of the City Council and the execution of an appropriate cross-parking easement, required spaces for one parcel may be located on a different parcel. If shared parking is utilized, the total parking spaces provided within the PUD must meet the minimum number of parking stalls for all uses in accordance with the city code or a specified above.
  - 4) **Parking Setback:** The parking lot setback from the ultimate right-of-way will be equal to 15 feet. For parking spaces existing as of the date of this ordinance that do not meet this setback, the existing condition will be the setback for these spaces. New parking areas or full depth replacement of parking will meet the minimum 15 foot setback from the ultimate right-of-way.
  - 5) **Parking Lot Landscaping:** any reconfiguration, full depth replacement of pavement, or new parking spaces will be required to meet the parking lot landscape requirements outlined in Title 9, Zoning, Chapter 19, Landscaping, including the addition of three foot berms and year-round screening of the parking spaces facing the public street or interstate or the installation of hardscape (walls, large stones, etc.) or a mixture of both which meets the intent of screening the views of the parking from the public view.
  - 6) **Storm Water Management facilities:** as part of the application and review of a Site Plan or Major Modification for a new or replacement building to be located within PUD Parcel A, storm water management facilities generally capturing the storm water running through the PUD Parcel A, as determined by a storm water management plan, will be required to be constructed.
- C. **PUD Parcel B:** This parcel is generally considered to be located west of the eastern main driveway into the development. This PUD Parcel will be developed under the Professional Commerce Park (PCP) zoning district standards and regulations, except as modified herein. All use and bulk regulations for the PCP district shall apply to development of this PUD Parcel.

**SECTION 7. OPEN SPACE AND LANDSCAPING:** Landscaping for open space, parking lots, and screening shall be governed by Title 9, Zoning, Chapter 19, Landscaping.

**SECTION 8. ARCHITECTURE:** The architectural design of any building within this development shall be acceptable to the city. The architecture shall attempt to express a creative presentation by careful attention to exterior building materials and details, use of fenestration, and change in building mass within the plan and roof design to lessen the plainness of appearance which can be characteristic of commercial buildings. Building design, materials, and colors shall provide continuity amongst buildings to unite all structures within the development into one project concept. All sides to each building shall receive high quality materials, finishes, and details (360 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.

The building(s) within this development shall accommodate or incorporate the following in building design and materials:

- A. Prototypical architecture shall be prohibited in the PUD, except for materials and colors specific to the corporate brand can be incorporated as accents and architectural elements.
- B. Building articulation and materials which break up the building mass into modules that respect a pedestrian scale shall be implemented. The overall design should minimize long expanses of wall

at a single height or in one plane. Long blank walls shall be prohibited. Variation in materials, material modules, expressed joints, textures, colors and detailing should be used to break up the mass of the buildings. Changes in materials should be aligned with changes in plan or roof form to emphasize changes in building mass. In respect to the areas of the existing building where long expanses of wall exist and are visible to the public:

1. the exterior design shall accommodate or incorporate changes in building footprint and materials to visually minimize long expanses of wall for the entire wall segment.
- C. The building's design should meet context and site objectives such as providing gateways, creating visual and physical linkages and framing or terminating views.
- D. Variation in building height, mass and roof forms shall be provided to create interest while still maintaining an overall building continuity. Roofs should not be designed as attention getting devices related to the reinforcement of signage or as an identifiable corporate image.
- E. Entrances into buildings should be easily identified through the use of building design and detailing. Projected or recessed entryways, change in rooflines, addition of awnings or changes in building material are examples that can create this effect. Building(s) with multiple tenant spaces shall be designed to articulate each tenant facade and entry as a separate entity and to provide visual interest to the building exterior.
- F. Materials should be high quality, durable, and maintain their appearance over a prolonged time. Natural materials such as brick and stone shall be used as the major elements of the facade. Architectural concrete, composite materials or metal panel systems acceptable to the city may be incorporated in the design. These materials should be used in limited areas to offer architectural detail and texture. Metal panel systems should be detailed with finished edges and have concealed fasteners. Architectural concrete shall have an integrated color rather than surface applied paint/staining and should generally have texture for interest. The use of EIFS or synthetic stucco shall be used in moderation and primarily used as an accent or trim material and not within six feet (6') of grade. The use of vinyl materials is prohibited. The incorporation of new materials on an existing building shall complement existing building materials to provide a unified design.
- G. Trim and structural elements such as posts or columns shall be sized to the scale of the building.
- H. Canopy supports that are subject to impacts due to vehicle traffic shall be constructed with hard surface durable material such as brick or stone or architectural masonry consistent with the materials used for the primary structure for a minimum of seven feet (7') above the surrounding paved surface. Masonry on the support columns may not be required if the columns provide a significant design element for the canopy and/or the overall building or it is unique in its design due to a specific architecture style to warrant the elimination of the masonry at the base of the columns.

**SECTION 9. SIGNAGE REGULATION:** Signage will be regulated through the provisions and standards of Title 9, Chapter 18 (Signs) for the designated Zoning District for each of the PUD Parcels, except as provided-as follows:

- 1) Interstate Signage:
  - a) One interstate sign shall be allowed within each PUD Parcel with a maximum of two Interstate signs along the I-235 frontage.
  - b) Interstate signs will be constructed of materials consistent with the primary materials in the development.
  - c) All other regulations of interstate signs will be governed by Title 9, Zoning, Chapter 18, Signs.
- 2) Monument Signage
  - a) Two monument signs will be allowed along the Westtown Parkway frontage for Parcel B. The existing sign on the east side of PUD Parcel B will be allowed to be used by Parcel A, normally considered off-premise signage, but due to the sign already in existence and it's past use of the sign, the use will be allowed to continue. The setback for the signs will be measured from the property line or ultimate right-of-way easement line. All other regulations of monument signs will be governed by Title 9, Zoning, Chapter 18, Signs.

**SECTION 10. TRAFFIC STUDY AND VEHICLE TRIP GENERATION:** The traffic study completed by the city of West Des Moines dated May 16, 2022, for the West Bank Corporate Headquarters estimates that the PUD area will collectively generate a total of 2,499 average daily trips (ADT); 220 A.M. peak; and 331 P.M. peak vehicle trips.

The traffic allocation indicated above shall be an entitlement to the PUD. The traffic to be generated by these parcels must be less than or equal to that allocated to the PUD. Traffic generation due to subsequent redevelopment, expansion or change of use for any parcel shall not exceed the maximum traffic allocation stated for the development. Alternate or different square foot ratio of uses to that currently anticipated may be allowed, following completion of an amendment to the approved traffic study analyzing the proposed alternative and appropriate city approval if the existing uses and the proposed change(s) collectively do not exceed the trip allocation above.

**SECTION 2. 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 3. 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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
Russ Trimble, Mayor

**ATTEST:**

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Ryan T. Jacobson, City Clerk