

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: August 22, 2022

ITEM: The Village at Sugar Creek, Northeast corner of Booneville Road and S. 88th Street – Amend Comprehensive Plan Land Use Map and Amend the Village at Sugar Creek Planned Unit Development Ordinance to modify parcel boundaries and designate and regulate Support Commercial land use within development parcel B

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DB Booneville, LLC – CPAZC-005601-2022

RESOLUTION: Approval of Comprehensive Plan Land Use Map Amendment and Amendment to 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, request approval of a Comprehensive Plan Land Use Map Amendment and PUD Amendment on that ground generally located at the northeast corner of Booneville Road and S. 88th Street. The property is currently designated as Neighborhood Commercial (NC), Medium Density Residential (MD, and Open Space (OS) on the Comprehensive Plan Land Use Map and is zoned The Village at Sugar Creek Planned Unit Development. The property is anticipated for multi-family residential and commercial development and intended to provide housing and services to the students, staff and visitors of Des Moines University immediately to the south. The amendments are being requested in anticipation of the development of attached townhomes and apartments, a multi-building commercial area and open space within the site.

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

- Amend approximately 65.3 acres of the Comprehensive Plan Land Use Map to change from Medium Density Residential, Neighborhood Commercial and Open Space Land uses to approximately 33.1 acres of Medium Density Residential, 22.1 acres of Support Commercial and 10.1 acres of Open Space land uses; and
- Amend The Village at Sugar Creek Planned Unit Development (PUD) which includes modifications to the following PUD Parcels:
 - PUD Parcel A to change from Residential Medium Density (RM-12) to Residential Medium Density (RM-10) zoning and modify bulk regulations; and
 - PUD Parcel B to change from Neighborhood Commercial (NC) to Support Commercial (SC) zoning and establish bulk regulations and use design criteria; and
 - PUD Parcel C to change from Residential Medium Density (RM-12) to Agriculture/Open Space (OS) zoning.

Acreage discrepancies between proposed Comprehensive Plan Land Use and zoning is due to the manner in which the districts are mapped and assigned. Land use extends to the centerline of adjacent roads, while zoning stops at the property lines. In this case resulting in an approximately 1.6 acre discrepancy between the comprehensive plan land use and the zoning acreages.

Staff Review & Comment:

- **Financial Impact:** At this time, there is no city assistance or funding for any portion of this development; 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.

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 most likely 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 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 commercial area is to be designed with walkability as a key element via enhanced pedestrian walkways connecting residential to the commercial area and to the intended park and open space areas.
- **History:** The original adoption of the PUD was approved on November 1, 2021. Prior to adoption of The Village at Sugar Creek PUD, the area was included in the Midwest Technology Business Park which was established in 2014 under belief that additional data center uses would follow the development of Microsoft's data center to the southwest of the subject property. No development occurred and the site remained undeveloped with the exception of a few agricultural out-buildings.
- **Proposed Changes:**
 - **Land Use:** The primary changes in land use are an approximate 11-acre decrease in the amount of residential ground, relocation of and an increase of approximately 9-acres of public park/greenway ground, and an approximately 9-acre increase of the commercial area. Part of the reason for the decrease in residential ground and increase in commercial ground is due to the engineering for relocated Booneville Road and S 81st Street which resulted in a shifting of the location and alignment of the streets. Along with an increase in the amount of commercial area is a change from Neighborhood Commercial (NC) to Support Commercial (SC). The proposed 21.6-acre commercial area is intended for a variety of commercial and office uses to serve the needs of students, staff and visitors to Des Moines University, as well as surrounding existing and future residential within the larger area. The change to Support Commercial expands the types of commercial and office uses that could be accommodated within the larger commercial PUD parcel, including the allowance for restaurants and coffee shops with drive-throughs. Additionally, the change to Support Commercial allows for the implementation of vertical mixed-use buildings which provides opportunity to incorporate residential to gain back some

of the units that were lost with the decrease in the residential acreage. It is anticipated that the greenway area (Parcel D) immediately adjacent to the commercial area will be preserved in a natural state and will be used in part to fulfill greenbelt requirements associated with Parkland Dedication.

- *Residential Density:* The southern portion of Parcel A is proposed to be developed with a 237-unit apartment complex. The north portion of Parcel A is anticipated to be approximately 152 bi-attached townhomes units, with a total of 389 dwelling units proposed. Parcel C will be part of a future park in combination with ground from other adjacent developments outside of the PUD (High Point & Jordan Ridge developments). Parcel D is intended to generally be preserved in a natural state. The PUD allows the density that otherwise could have been incorporate in Parcels C and D to be shifted to Parcel A and resulting in a density of 10 dwelling units per acre and capped at no more than 400 dwelling units within Parcel A. Up to an additional 60 apartments can be located in the mixed-use buildings planned for within Parcel C.
- *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. 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. Existing Booneville Road is anticipated to be vacated as a public roadway.
- *Landscaping/Buffer:* 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 detached single-family development in the future.
- *Traffic Analysis Findings:* The June 2022 traffic analysis gives preliminary recommendations for public streets and accesses based on the conceptual layout. Additional studies will be necessary as the site develops and more information is known regarding the land use, site layout, and access locations. With the proposed land uses, the site is expected to generate more traffic than previously estimated. The planned ultimate street alignments are different than, but generally similar to, what was analyzed in studies beginning in May 2021. Prior to May 2021, S 81st Street and S 85th Street were both planned to continue south to Booneville Road. With only 1 north/south street on the proposed plan instead of 2 north/south streets, more traffic is loaded onto the remaining street (S. 81st Street). This still will have higher speeds associated with a higher amount of through traffic, and the walkability/bike ability of the “Superblock” area is reduced.

- Developer Responsibilities: Unless a separate development agreement is executed, the developer will be responsible for the costs and construction of S 81st Street, realigned Booneville Road, possibly S 88th Street, all internal drives, 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) 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 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 57 acres of Business Park. Staff recommends a condition of approval requiring the applicant/developer acknowledge that 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/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.

- 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 the Village at Sugar Creek (the subject development) and 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.

The Village at Sugar Creek area was specifically discussed at the Development & Planning Subcommittee meeting on April 18, 2022. The changes to the commercial area was the main point of discussion. Road engineering resulted in a change in the alignment of Booneville Road and S 81st Street from that anticipated with the initial PUD which led to an increase in the intended commercial PUD parcel. With the increase in the commercial area, and inquiries from businesses that want to locate within the development, the developer was requesting a change from Neighborhood Commercial to Support Commercial. This change to Support Commercial would allow opportunity to implement a vertical mixed-use building that includes residential and allow the implementation of restaurants and coffee shops with drive-throughs. Staff noted that the PUD was written for neighborhood commercial zoning and intended to be a walkable area

for nearby residents, not an auto-dominate development that typically occurs with drive-throughs. Staff indicated a desire to ensure the area was still focused on pedestrians and that the visual mitigation of vehicle components such as drive-throughs occur. The Subcommittee indicated support of the change to Support Commercial with proper mitigation of auto aspects.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date: August 22, 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 Rezoning request to amend 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 uses 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.

Lead Staff Member: Kate Devine

Approval Meeting Dates:

Planning and Zoning Commission	August 22, 2022
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews:

Planning & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input type="checkbox"/> Director	<input checked="" 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

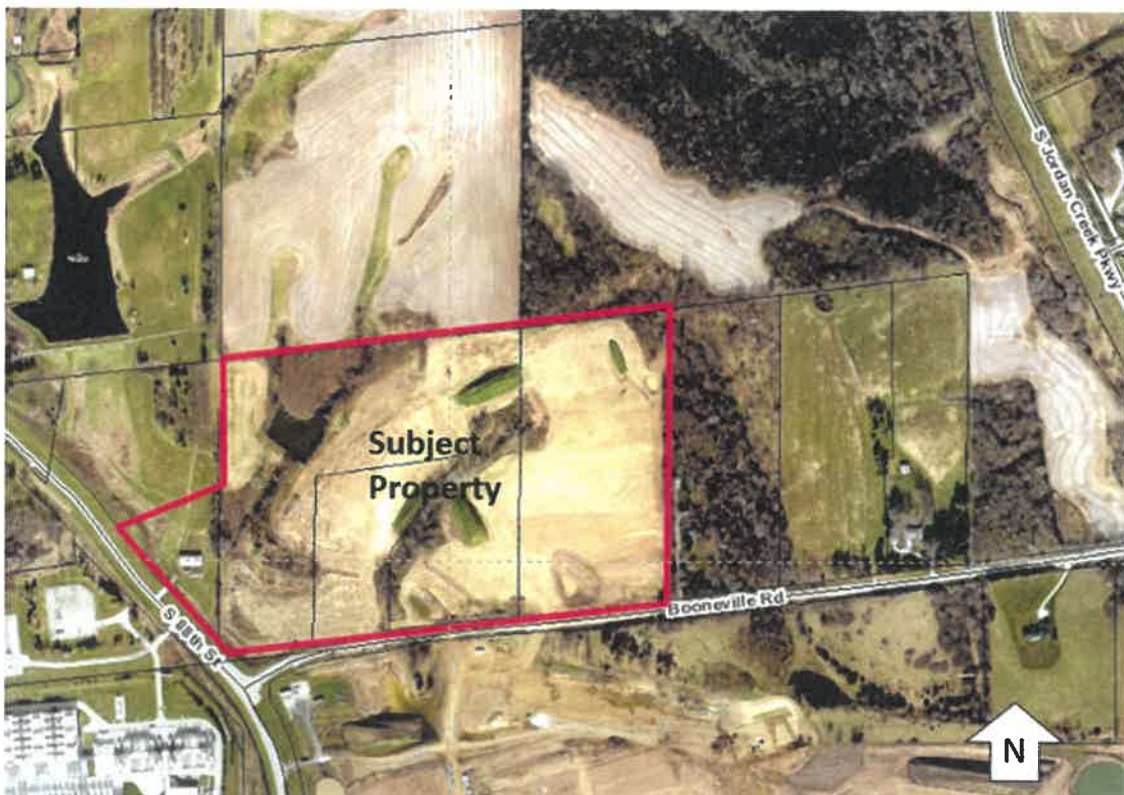
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	8/17/22
Date(s) of Mailed Notices	8/17/22

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	4/18/22 and 5/2/22			
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

Location Map



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-22-077

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 for a Comprehensive Plan Land Use Map Amendment to designate land use as shown on the Comprehensive Plan Land Use Change Illustration included in the staff report which is as follows:

- Approximately 33 acres (PUD Parcel A) as Medium Density Residential (MD); and
- Approximately 22 acres (PUD Parcel B) Support Commercial (SC); and
- Approximately 10 acres (PUD Parcels C and D) as Open Space (OS).

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

NOW, THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPAZC-005601-2022) 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 August 22, 2022.

Jennifer Drake, Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 22, 2022, by the following vote:

AYES:

NAYS:

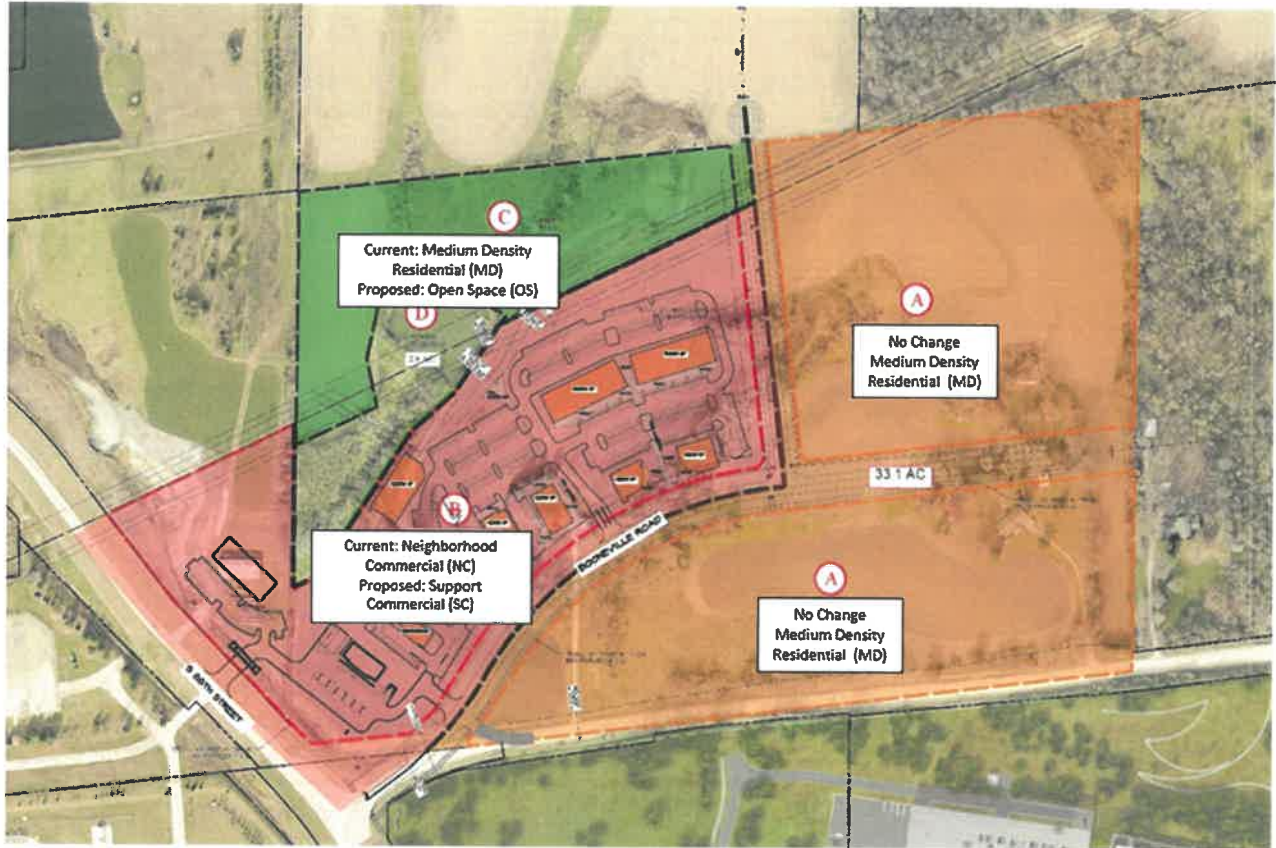
ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Comprehensive Plan Land Map Use Change Illustration



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-22-078

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 an amendment to The Village at Sugar Creek Planned Unit Development (PUD) for the PUD parcels as shown on the Planned Unit Development Sketch Plan attached to the ordinance included in the staff report as follows:

- PUD Parcel A to change from Residential Medium Density (RM-12) to Residential Medium Density (RM-10) zoning and modify bulk regulations for development of apartments and townhomes; and
- PUD Parcel B to change from Neighborhood Commercial (NC) to Support Commercial (SC) zoning and establish bulk regulations for development of commercial and office; and
- PUD Parcel C to change from Residential Medium Density (RM-12) to Agricultural/Open Space (OS) zoning for the development of a future public park; and
- PUD Parcel D to change from Medium Density Residential (MD) to Agricultural/Open Space (OS) for the development of a natural greenway.

WHEREAS, the Rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW, THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request, (CPAZC-005601-2022) 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 August 22, 2022.

Jennifer Drake, Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 22, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: Kate Devine, 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 DEVELOPMENT (PUD) DISTRICT REGULATIONS AND GUIDELINES TO AMEND PUD #134, THE VILLAGE AT SUGAR CREEK PLANNED UNIT DEVELOPMENT

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

SECTION 1. AMENDMENT. Ordinance #2494 pertaining to the Village at Sugar Creek Planned Unit Development (PUD), is hereby amended by replacing the PUD Sketch Plan on file with the City Clerk with that as illustrated in Exhibit A of this ordinance.

SECTION 2. AMENDMENT. Ordinance #2494, pertaining to the Village at Sugar Creek Planned Unit Development (PUD), Section 134-06, *Land Use Design Criteria*, is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics.

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 all PUD parcels designated on the Sketch Plan

- A. Parcels A & C: The intent of development within ~~these~~ ***this*** parcels is to provide a variety of housing options ranging ***in unit size, building size and design and dwelling type***, ~~from including detached homes, bi-attached~~ ***attached and detached*** townhomes, ***rowhomes*** 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 (***RM-10***) district shall apply to any development proposal within ~~these~~ ***this*** parcels, unless noted otherwise in this ordinance. Only residential uses shall be allowed within ~~these~~ ***this*** parcels.

Number of Dwellings: A maximum of ~~eleven (11)~~ ***ten (10)*** dwelling units per acre, or 494 ***no more than 400*** total dwellings shall be allowed within the ~~45.6~~ ***42.1*** acres ~~consisting~~

comprised of Parcels A, C and D collectively. No additional residential dwellings shall be allowed regardless **of** 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~~. **The number of dwellings the area is to be reduced by shall be calculated as the number of acres the area is reduced from 42.1 multiplied by 10 (DU/acre) with that number than subtracted from the 400 allowed units.**

- B. Parcel B: The **primary** 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, **as well as** ~~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~~ **walkways** physically separated from vehicle use areas. All buildings within this area shall be visually cohesive through design, materials and colors and, **as much as possible**, shall be integrated with the natural topography of the parcel.

Parcel B shall consist of no more than 21.6 acres.

1. 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)~~ **Support Commercial (SC)** district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.
 - a. **All permitted (P) and permitted conditional (Pc) uses allowed within the Support Commercial (SC) zoning district may be allowed with the approval of the appropriate review body unless otherwise noted in this ordinance.**
 - b. **The following permitted (P) and permitted conditional uses (Pc) shall have the following allowance:**
 - (1) **Outdoor patios associated with SIC 58 – Eating and Drinking Places uses and pedestrian plazas and gathering areas within Parcel B unassociated with a bar or restaurant shall be exempt from application of regulations provided in city code 9-10-4.A.18: Outdoor Activity Areas and Operable Store Fronts.**
 - c. **The following permitted (P) and permitted conditional uses (Pc) shall be prohibited within Parcel B:**
 - (1) **SIC 01 Agricultural Production - Crops**
 - (2) **SIC 0783 Ornamental Shrub and Tree Services**
 - (3) **SIC 47 Transportation Services**
 - (4) **SIC 48 Communications**
 - (5) **SIC 4925 Mixed, Manufactured or liquefied Petroleum gas production and/or distribution**
 - (6) **SIC 55 Automotive Dealer and Service Stations**
 - (7) **SIC 572 Household appliance stores**
 - (8) **SIC 5999 Misc. Retail Stores, Not Elsewhere Classified – Engine and Motor Equipment and Supply Stores**
 - (9) **SIC 70 Hotels, Rooming Houses, Camps, and Other Lodging Places**
 - (10) **SIC 726 Funeral Service**
 - (11) **SIC 7299-03 Dating and Escort Services**
 - (12) **SIC 75 Automotive Repair, Services, and Parking**

- (13) SIC 7699 Repair Shops and Related Services, Not Elsewhere Classified, except Lock & Key Services are permitted**
- (14) SIC 79 Amusement and Recreational Services – Event venue 5,000 sq. ft. or less**
- (15) SIC 92 Justice, Public Order, and Safety**

2. Number of Dwellings: A maximum of 60 total dwellings shall be allowed within Parcel B. Said dwellings shall be located above non-residential uses in a vertical mixed-use building. Free-standing residential only buildings shall not be allowed. No additional residential dwellings shall be allowed regardless of if the acreage of Parcel B is increased.

3. Building Setbacks:

- a. Adjacent to S. 81st Street, S. 88th Street and Booneville Road: a minimum of one hundred feet (100') from the ultimate right-of-way line shall be provided if vehicle drives or parking, including drive-through lanes are located between the building and the ultimate right of way line. If the building is situated such that there is no intervening vehicle drives or parking, including drive-through lanes between the ultimate right-of-way line and the building and the building is designed with a pedestrian friendly facade (e.g., entry doors, glass fronts, plaza areas, patios, etc.), and does not present as the back of the building, the minimum building setback may be reduced to a minimum of thirty feet (30').**
- b. Along the north property boundary directly adjacent to the existing power lines, buildings shall be setback a minimum of thirty feet (30').**
- c. Along the boundary between Parcels B and D, the minimum building setback shall be ten feet (10') or as otherwise required to meet Building and Fire code separation requirements.**

4. Parking Ratios:

- a. Restaurants: Ten (10) parking spaces per one thousand (1,000) square feet of building gross floor area. Restaurants with a drive through shall follow City Code requirements for vehicle queuing.**
- b. Office and Retail: Three (3) spaces per one thousand (1,000) square feet of retail and office building gross floor area.**
- c. All other uses not defined herein shall follow city code.**
- d. At the discretion of the Development Services Director, a less stringent parking calculation may be used provided the applicant can demonstrate a parking rate less than the above is sufficient due to the type of potential use, shared uses or off-peak uses.**
- e. If the property is subdivided into two (2) or more lots and/or shared parking is intended, a shared parking agreement shall be executed in conjunction with the approval of the subdivision plat.**

5. Parking Setbacks:

- a. Parking and vehicle use areas should be located behind the building pads and in areas out of visibility from adjacent roadways whenever possible. Adequate screening of views from adjacent roads and adjoining properties outside of Parcel B of any surface parking, vehicle drive, drive-through lanes or loading areas shall be appropriately mitigated.**

- b. Off-street parking areas and drive aisles shall be setback from the perimeter boundaries of Parcel B as follows:**
- (1.) Along S. 81st Street, S. 88th Street, and Booneville Road – Minimum of thirty feet (30')**
 - (2.) Along Parcels C and D (north Parcel B boundary) - Minimum of thirty feet (30')**
 - (3.) Along common property lines within Parcel B – Minimum of five feet (5') or as necessary to provide for parking lot screening, unless a common parking field is used, then the no setback shall be required.**
- 6. Construction Phasing: Two (2) access drives, acceptable to the City's Fire Marshal, shall be available for each building. Unless otherwise allowed by the Fire Marshal, prior to issuance of any occupancy permits, including temporary occupancy permits, drive connections as shown on the PUD Sketch Plan shall exist as follows:**
- a. For buildings B-1 and B-2: access drives #1 and #2**
 - b. For building B-3: access drives #2 and #3**
 - c. For buildings B-4 through B-7: access drives #3 and #4**

~~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 CD: 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 area to provide park land for the larger area. *The parcel may only be developed as a park and shall include uses typical of a city park. Bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Agricultural/Open Space (OS) district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance, city code or specifically allowed by the City Council.***
- D. Parcel D: The intent of this parcel is to provide additional open areas and park space for the area. Unless otherwise agreed by the city to take over ownership, this parcel shall remain under private ownership and all costs for implementation of improvements and on-going maintenance shall be the responsibility of the property owner. All bulk regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for the Agricultural/Open Space (OS) district shall apply to any development proposal within this parcel, unless noted otherwise in this ordinance.**

SECTION 3. AMENDMENT. Ordinance #2494, pertaining to the Village at Sugar Creek Planned Unit Development (PUD), Section 134-08, *Architecture*, is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics.

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.

On file with the city are conceptual architectural illustrations of the building style and material options to be implemented. 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.~~ ***Unit design should incorporate elements such as balconies and patios to reinforce the connection between the residents and the activities within the development. A minimum of eighty percent (80%) of the multi-family units within the development must provide a balcony or porch/patio with a minimum usable area of forty (40) square feet and a minimum usable dimension of five feet (5') deep in either direction. In lieu of an outdoor living area for individual units, area(s) of***

common defined and enhanced outdoor living space can be provided in a size as determined by the city.

SECTION 4. AMENDMENT. Ordinance #2494, pertaining to the Village at Sugar Creek Planned Unit Development (PUD), Section 134-11, *Vehicle Trip Allocations*, is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics.

A Traffic Impact Study (study) dated ~~August 27, 2021,~~ **June 29, 2022**, 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)~~ **1,006 P.M. peak hour trips; 693 A.M. peak hour trips; and 12,096 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 5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 7. 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 8. OTHER REMEDIES. In addition to the provisions set out in Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2022 and approved this _____ day of _____, 2022.

Russ Trimble, Mayor

ATTEST:

Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2022, and was published in the Des Moines Register on _____, 2022.

Exhibit A: PUD Sketch Plan

