

**CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION**

Meeting Date: October 10, 2022

ITEM: Richman Auto, 1272 8th Street – Approve Level 1 Minor Modification to Site Plan to allow modifications related to the 8th Street widening project – City of West Des Moines – MML1-005761-2022

Resolution: Approval of Level 1 Minor Modification to Site Plan

Background: Michael Lyons with Short Elliot Hendrickson, Inc., on behalf of the applicant, the City of West Des Moines with permission from the property owner, Rubby, LLC, requests approval of the Level 1 Minor Modification to Site Plan for the property located at 1272 8th Street. The City proposes to modify the parking lot due to the upcoming reconstruction of 8th Street. Typically, Minor Modifications to Site Plan applications are approved administratively; however, because the modifications necessary due to the street reconstruction will not comply with bulk regulations stated within current zoning (as detailed below), approval will need to be granted by the City Council.

Staff Review & Comment:

- **History:** The property is platted as Lot 11 of the Colby's Office Park plat. The building on the property was constructed in 1968.
- **City Code Exemption:** In the event that a City project is contrary to City zoning regulations, the City Council may grant an exemption to the zoning regulations. Section 9-3-3. D.1.g of City Code states the following:

Improvements undertaken by the City which the City Council determines serve a legitimate public purpose, but which may be contrary to or deviate from City zoning regulations shall be exempt from the requirements of the West Des Moines Code of Ordinances.

In making its determination, the City Council shall consider: whether the improvement is necessary or appropriate for the convenience, service or welfare of the general public; whether there is a feasible alternative for the improvement, considering size, location or other relevant characteristics of the improvement; the extent to which the improvement is detrimental to adjoining or affected landowners or residents.

The City Council shall weigh these and any other factors it determines relevant and grant the exemption if it determines that, on balance, the benefit of the improvement to the health, safety and welfare of the community is greater than the burden created by exempting the improvement from the Code of Ordinances.

It is staff's belief that the improvements to 8th Street are a benefit to the community and will enhance safety and therefore meets the tests of this city code provision.

- **Key Development Aspects:**
 - **Parking:** The number of parking spaces proposed will meet the minimum number of spaces required by code for the use. However, due the size of the existing parking lot and to provide adequate site circulation, parking stall locations will not meet current City Code requirements for setback from the property line: 8th Street and Office Park Road (15 foot), west property line (5 foot). The stalls along 8th Street are directly adjacent to the sidewalk, resulting in the possibility of vehicle overhang partially blocking the sidewalk. The sidewalk in this area will be installed at 6 foot wide to compensate for any vehicle overhang encroachment. Staff recommends a condition of approval that the City Council exempt the

site from these setback requirements until such time that the site is redeveloped in the future. As part of the City project, the stall markings will be installed for the spaces along 8th Street and Office Park Road. Parking stall markings along the west property line will be the owner's responsibility.

- Terminal Landscape Islands: City Code requires that terminal landscape islands with trees be located at the end of parking rows. Terminal islands will not be installed in the parking lot. Staff is comfortable with this due to the small size of this lot and the need for adequate site circulation and the fact that this area has been a parking lot for many years and to try to add terminal islands and plant trees into the very compacted soil under the parking lot would most likely result in the tree(s) dying. Staff suggests a condition of approval that the City Council defer the installation of landscape islands with trees on this site until such time that the site is redeveloped in the future.
- Non-Conforming Paving: The parking lot has areas of gravel surfacing due to fuel tank removal in 2021 that does not conform with paving standards within City Code. The area of non-conforming surfacing is not included in the scope of work for the 8th Street widening project and is the obligation of the owner to address.
- Vesting of Entitlement: Per City Code, entitlement (approval to construct or implement) shall remain in effect so long as substantial site work has progressed beyond grading and completion of structural foundations and twenty-five percent (25%) of the total building area has occurred above grade within twenty-four (24) months of the effective date of the approval, unless a greater time period is authorized at time of the original entitlement, or by approval of an extension of the original entitlement. It is the responsibility of the developer to be aware of this deadline and request an extension of the approval prior to the expiration date.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date:

Vote:

Recommendation:

Recommendation: Approve the Level 1 Minor Modification to Site Plan request, subject to the property owner meeting all City Code requirements, and the following conditions of approval:

1. The City Council granting an exemption of the minimum required parking setback requirements, until such time that the site is redeveloped.
2. The City Council granting an exemption of the requirement for terminal islands with trees, until such time that the site is redeveloped.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

| | |
|----------------------------|------------------|
| Plan and Zoning Commission | October 10, 2022 |
| City Council: | |

Staff Report Reviews:

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

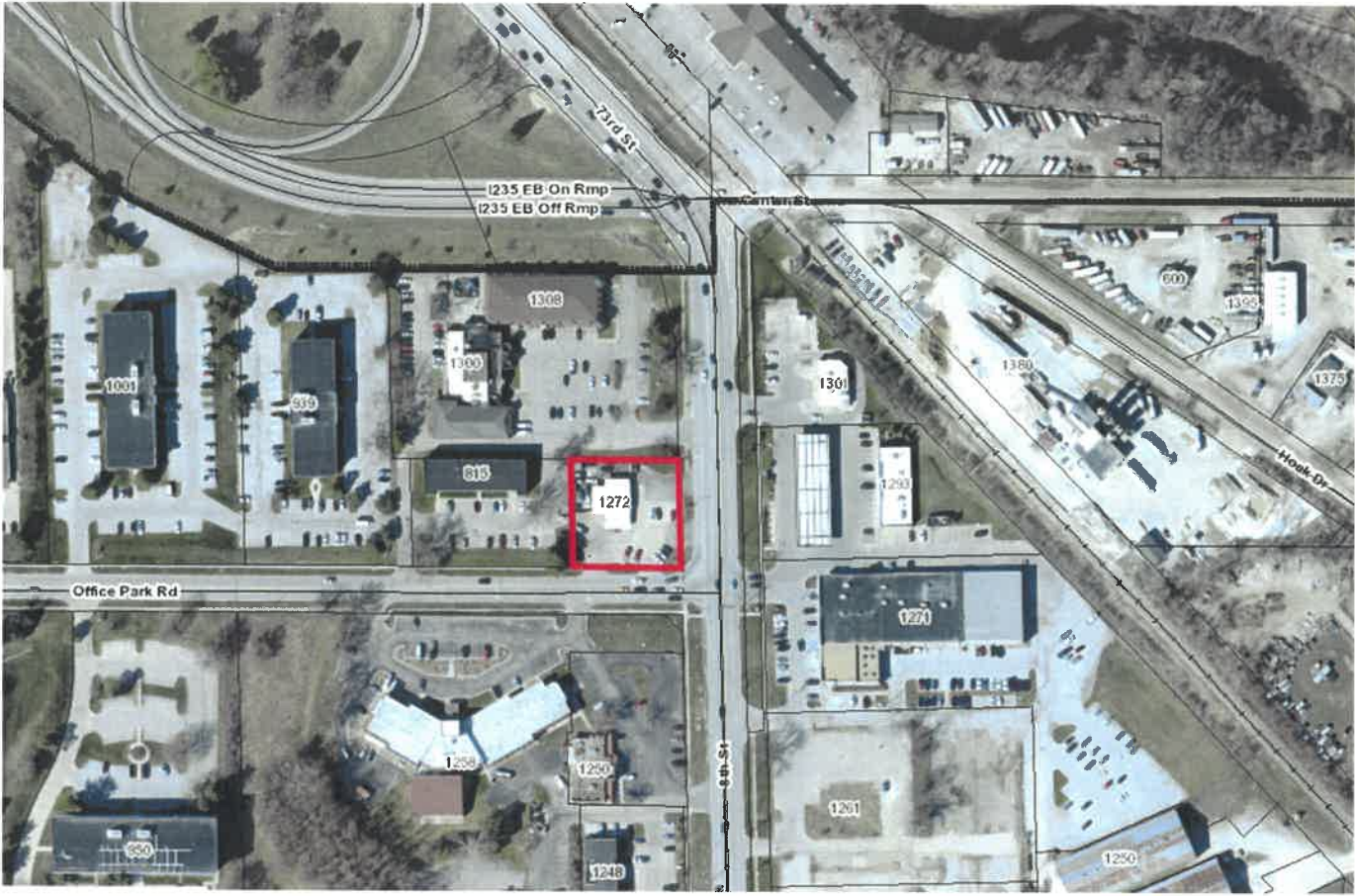
Publications (if applicable)

| | |
|---------------------------|--|
| 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 | 10/3/22 |
| Recommendation | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split |

Location Map



Richman Auto Parking Lot Modification - MML1-005761-2022



PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY - APPROVED PLANS ON FILE WITH THE CITY



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RICHMAN AUTO CURB & DRIVEWAY DETAILS

| SITE AREAS | | |
|--------------------------------|----------------|------------------|
| DESCRIPTION | AREA (SQ. FT.) | PERCENT OF TOTAL |
| TOTAL EXISTING PROPERTY AREA | 22,500 | 100 |
| TOTAL EXISTING IMPERVIOUS AREA | 20,256 | 90.0 |
| TOTAL PROPOSED PROPERTY AREA | 20,805 | 100 |
| PROPOSED NET IMPERVIOUS AREA | 367 | 1.8 |
| TOTAL PROPOSED IMPERVIOUS AREA | 19,927 | 95.8 |

27' APPROXIMATE SETBACK DISTANCE

TOTAL 280 SY REMOVAL OF EXISTING PAVEMENT
TOTAL 278 SY PROPOSED PCC PAVEMENT

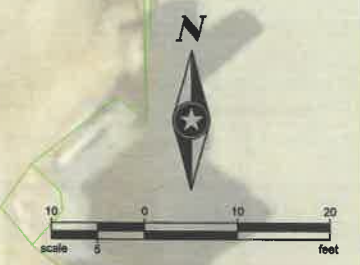
RICHMAN AUTO 1272 8TH STREET

LEGAL DESCRIPTION:
LOT 11, COLBY'S OFFICE PARK
TOTAL AREA:
22,500 SQUARE FEET (0.52 ACRES)

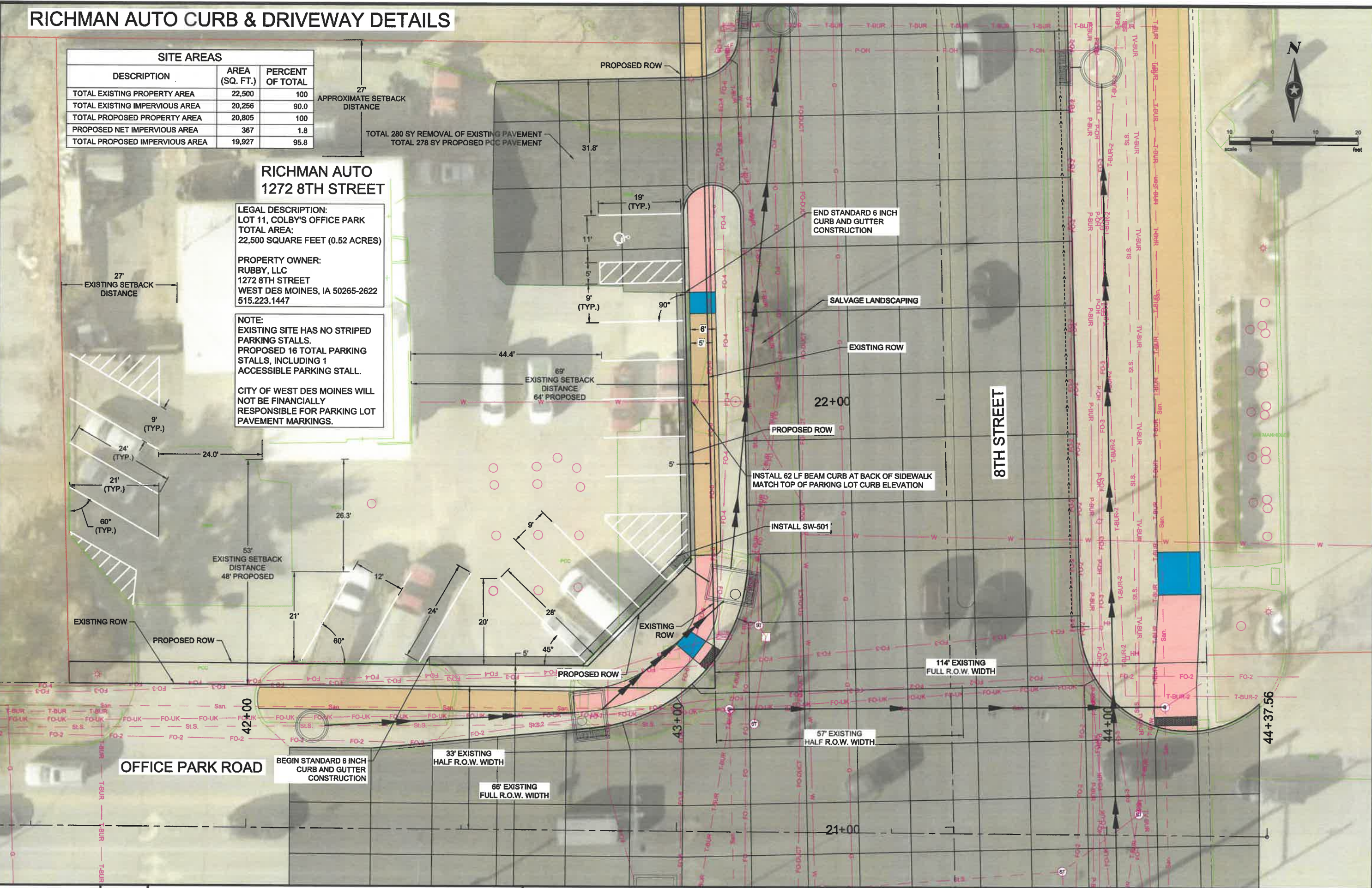
PROPERTY OWNER:
RUBBY, LLC
1272 8TH STREET
WEST DES MOINES, IA 50265-2622
515.223.1447

NOTE:
EXISTING SITE HAS NO STRIPED PARKING STALLS.
PROPOSED 16 TOTAL PARKING STALLS, INCLUDING 1 ACCESSIBLE PARKING STALL.

CITY OF WEST DES MOINES WILL NOT BE FINANCIALLY RESPONSIBLE FOR PARKING LOT PAVEMENT MARKINGS.



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**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-097**

WHEREAS, pursuant to the provisions of Title 9, Zoning of the West Des Moines Municipal Code, the City of West Des Moines with permission from the property owner, Rubby, LLC, request approval of the Level 1 Minor Modification to Site Plan for the property located at 1272 8th Street. The City proposes to modify the parking lot due to the upcoming reconstruction of 8th Street.

WHEREAS, the Minor Modification Level 1 request complies with the findings stated in the applicable provisions of the Comprehensive Plan and City Code.

WHEREAS, with the exceptions as noted in the staff report, the Minor Modification Level 1 request complies with the findings stated in the applicable provisions of Title 9.

NOW THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends the City Council approve the Level 1 Minor Modification to Site Plan (MML1-005761-2022), 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 October 10, 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 on October 10, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary