# CITY OF WEST DES MOINES
# STAFF REPORT COMMUNICATION

**Meeting Date:** October 17, 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 to 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: | October 10, 2022 |
| Vote: | 6-0, with Commissioner Costa absent |
| Recommendation: | Approve the Level 1 Minor Modification to Site Plan |

**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: | October 17, 2022 |

**Staff Report Reviews:**

| | | |
|---|---|---|
| Plan & Zoning Commission | ☒ Development Coordinator (or)<br>☒ Director | ☒ Legal Department |
| City Council | ☒ Director<br>☐ Appropriations/Finance | ☒ Legal Department<br>☐ 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 | ☒ Yes ☐ No ☐ Split |

# Location Map

**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: Conlin, Crowley, Davis, Drake, Hatfield, Shaw

NAYS:

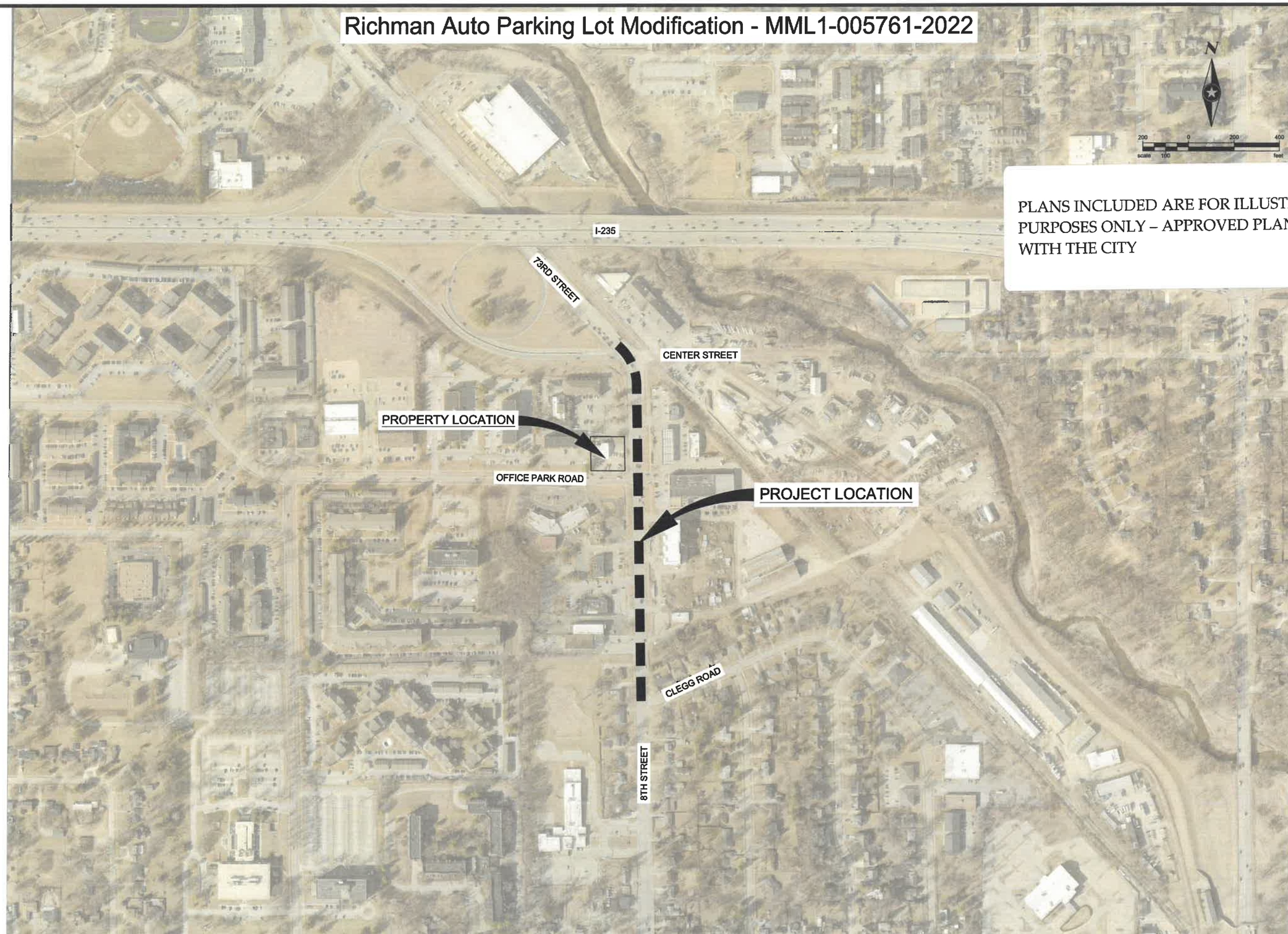
ABSTENTIONS:

ABSENT: Costa

ATTEST:

Jennifer Canaday
Recording Secretary

# 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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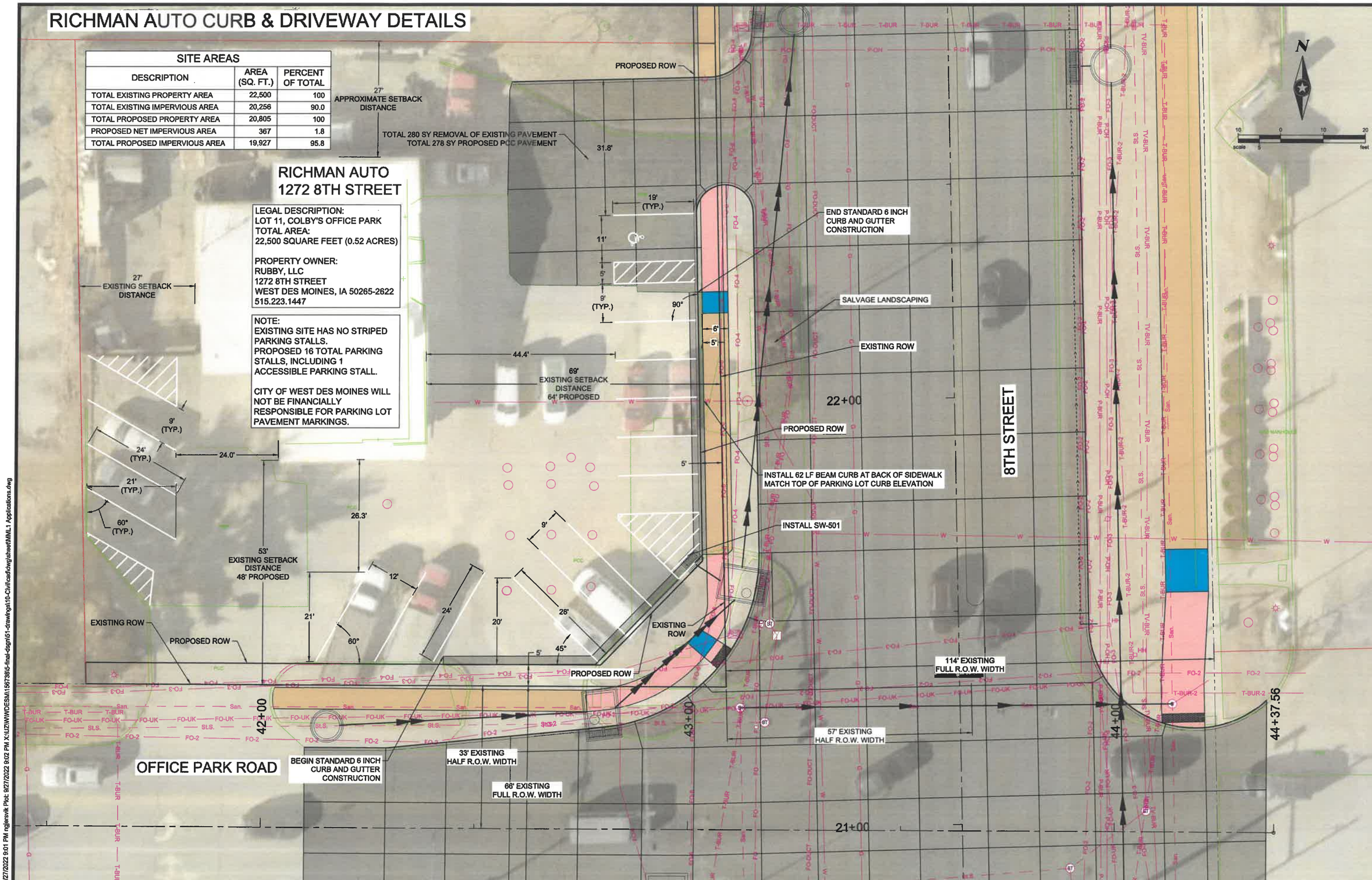
| FILE NO. | ENGLISH | DESIGN TEAM SEH | CITY OF WEST DES MOINES | PROJECT NUMBER STBG-SWAP-8260(654)--SG-77 | SHEET NUMBER 04 |
|---|---|---|---|---|---|

# 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 |




| FILE NO. | ENGLISH | DESIGN TEAM SEH | CITY OF WEST DES MOINES | PROJECT NUMBER STBG-SWAP-8260(654)--SG-77 | SHEET NUMBER 05 |
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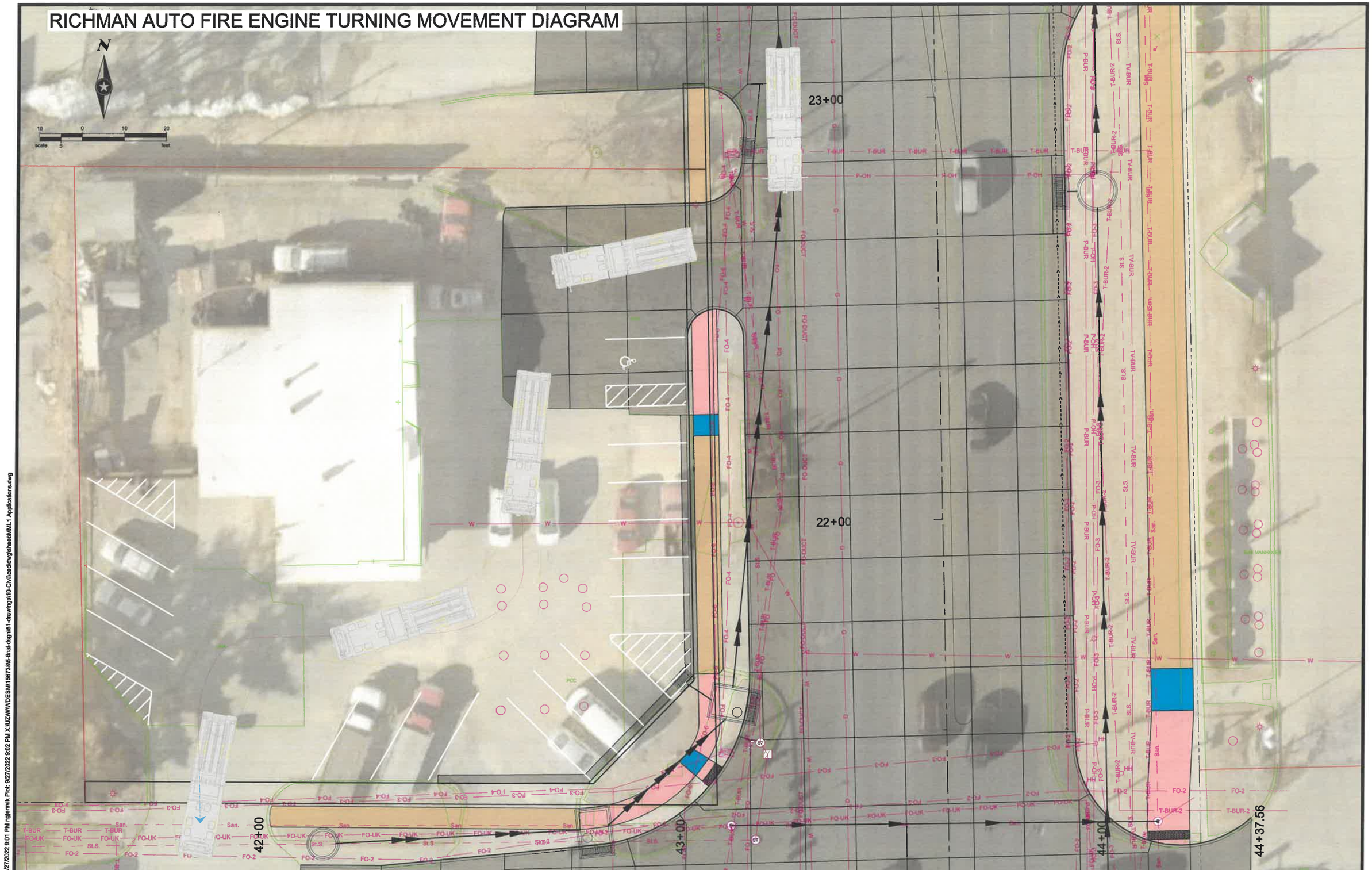
# RICHMAN AUTO FIRE ENGINE TURNING MOVEMENT DIAGRAM




| FILE NO. | ENGLISH | DESIGN TEAM SEH | CITY OF WEST DES MOINES | PROJECT NUMBER STBG-SWAP-8260(654)--SG-77 | SHEET NUMBER 06 |
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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

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING A MINOR MODIFICATION LEVEL 1 TO ALLOW MODIFICATIONS TO THE EXISTING PARKING LOT

**WHEREAS,** pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, the City of West Des Moines with permission from the property owner, Rubby, LLC, requests approval of the Richman Auto Parking Lot Minor Modification Level 1 for that property located at 1272 8th Street and legally described in attached Exhibit 'B' for the purpose of modifying the existing parking lot; 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 Minor Modification Level 1 complies with findings stated in the applicable provisions of the Comprehensive Plan and City Code; and

**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.

**WHEREAS,** on October 10, 2022, the Plan and Zoning Commission recommended to the City Council, by a 6-0 vote, for approval of the Minor Modification Level 1; and

**WHEREAS,** on this day the City Council held a duly noticed meeting to consider the application for the Minor Modification Level 1; and

**NOW, THEREFORE,** The City Council does approve the Richman Auto Parking Lot Minor Modification Level 1 (MML1-005761-2022), 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 permit, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on October 17, 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 October 17, 2022, by the following vote.

## Exhibit A: 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.

## Exhibit B: Legal Description

LOT 11, COLBY'S OFFICE PARK, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.