# CITY OF WEST DES MOINES
# STAFF REPORT COMMUNICATION

**Meeting Date:** September 13, 2022

**ITEM:** Comprehensive Plan Land Use Map – Provide direction to staff which land use classification(s) to apply – Wittern SE Property – CPA-005746-2022

**ACTION:** Provide Staff Direction and Recommend Appropriate Land Use Designation(s) to Apply

*Information below the double line below is as presented in the September 12, 2022, Planning and Zoning Commission staff report. The information provided above the double line summarizes the Planning and Zoning Commission's action and staff's response to the Commission's direction.*

See maps starting on page 3 of this report.

| | Property Owner's Request | Planning & Zoning Recommendation |
|---|---|---|
| # of acres | 125 | 125 |
| Land Use Desired | Multi-Use High (MUH) (dark purple) | Multi-Use High (MUH) (dark purple) |
| Reason | Allow for a 6-story hotel & 'level the playing field' in ability to market for same land use as others | As per the property owner's reason |
| Map | B | B |

Staff disagrees for the following reasons:

- Approximately 300 acres of Multi Use High is located approximately ½ mile to the east and provides more than enough MUH. Additionally, enough MUH acres have already been identified within the Undeveloped Map area. Current developed area of city estimated to have approximately 600 acres of MUH: Undeveloped map already identifies 750 acres without the addition of any in this situation.
- Counter to land use placement criteria which provides Multi Use High shall not be located adjacent to Detached Residential.
- An argument of 'ability to market same as others' is not a reasonable basis to assign the highest land use designation. The nature of land use and zoning is to intentionally identify areas for specific uses based on the conditions and needs of the community – not all areas can, or should, be used for the same land use(s).
- With residential indicated to the north and east, and environmental elements suggesting smaller building footprints, staff believes Mixed Residential on the eastern 45-acres is appropriate.
- The indicated 6-story hotel, if located at the southwest corner of SE 22nd Street and SE Army Post Road would be at a non-interchange location. Given other commercial opportunities along IA-5 situated at either the interchange of SE 35th Street or Veterans Parkway, staff believe it is more likely that a 6-story hotel would desire those locations over a non-interchange roadway. However, a 5-story or less hotel would still be allowed in the Multi Use Medium Land Use Designation as recommended by staff.
- Of the 28,000 buildings that have been constructed in the developed area of the city, only 134

buildings or 0.48% necessitate MUH land use due to square footage or height not otherwise mitigated

- Developed area of city estimated to have approximately 3,046 acres of MUM – 68.46% of all non-residential development that has occurred.

Staff recommends Map C assigning 255 acres of Multi Use Medium (MUM – medium purple) and 45 acres of Mixed Residential (MR - orange) within this area:

If allowed as Multi Use High, the pocket of Multi Use Medium on the south side of IA-5 sandwiched between the MUH being granted on the Wittern property and the interchange should be changed to MUH as well. An alternative that could be considered is the changing of the MUH identified at the SW corner of the IA-5 and Veterans interchange could be changed to MUM. The interchange is anticipated to serve the motoring public more-so than the adjacent residential and therefore MUH was placed on both sides of the interchange. However, per the criteria that provides MUH should be located on one side of a roadway, staff would be supportive of changing the MUH at the SW corner of the interchange to Multi Use Medium and have no MUH on the south side of IA-5).

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**Background:** The currently adopted Comprehensive Plan Land Use Map has 24 land use classifications and associated colors. The proposed new land use map has the following land use classifications and colors:

| | |
|---|---|
| Open Space (OS) | Green |
| Detached Residential (DR) | Yellow |
| Mixed Residential (MR) | Orange |
| Multi Use Low (MUL) | Light Purple |
| Multi Use Medium | Medium Purple |
| Multi Use High (MUH) | Dark Purple |
| Industrial Low (IL) | Light Grey |
| Industrial High (IH) | Dark Grey |

All properties within West Des Moines' Comprehensive Plan planning area will ultimately have the new classifications ("colors") applied. However, at this time, these new colors are only being applied to the 'undeveloped areas' as indicated on the map on page 81 of the main document. For the next few months, the currently adopted Comprehensive Plan's land use designations and colors will remain on the 'developed areas' of the city as indicated on page 79. It is staff's intention over the next few months to continue to evaluate every developed parcel to determine which of the new land use designations best represents the built environment for a parcel. It is not anticipated that any developed property will undergo a change in zoning unless appropriate to bring the property into conformance with zoning. A table that identifies which 'old' Comprehensive Plan Land Use classifications are encompassed in each of the 'new' land use classifications is included in this report. This table assists in determining the appropriate new classification to apply.

As a result of outreach to explain to developers and landowners the new land use map approach, Staff became aware of five situations in which the property owner and staff disagreed on the land use to be assigned to their respective property. Knowing of this disagreement, the meeting to consider adoption of the overall Comprehensive Plan Update was set up with each of these areas to be discussed independently after consideration for adoption of the overall "undeveloped area" land use map. Contained in the staff report for each of these areas is information on the current land use, which new

classifications would be equal to what is assigned today, staff's recommendation and rationale for such, and, if applicable, background on discussions had with the property owner(s). In light of the suggestion at the August 29th Planning and Zoning Commission meeting that the property owners did not want the overall Undeveloped Area Land Use Area Map adopted with a change in land use from what they currently have and/or desired for their property, staff has removed any land use designation from the respective properties. This will allow a recommendation on adoption of the overall "Undeveloped" Land Use Area Map first and then the Commission and subsequently Council determining what they believe is appropriate for land uses in each of the five situations. With this approach, there is no approval or denial of an "amendment" action but rather an approval motion providing direction to staff as to what land use classification or 'color' to apply in each situation. Based on these motions, the overall map will subsequently be updated to reflect the Council's direction.

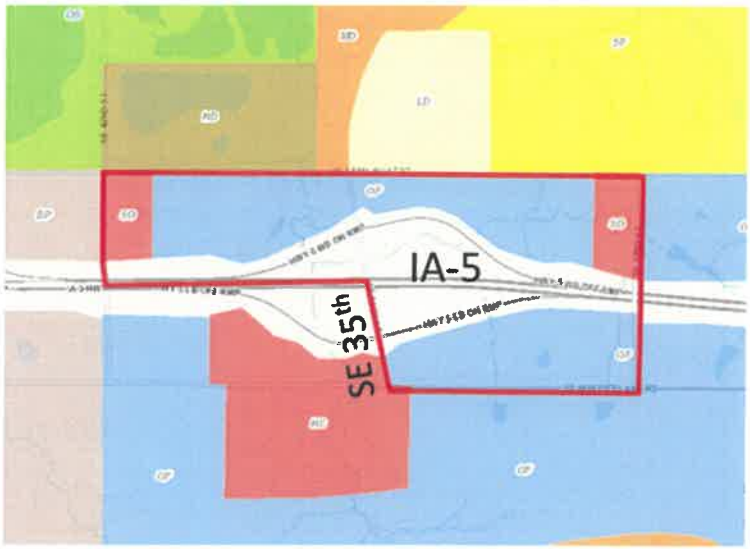
In developing the proposed new land use map, staff considered several factors in determining the best land use classification for the city's undeveloped areas. Included within this report is a list of general criteria considered in determining the assignment of land use classifications.

## Wittern SE Property

**Location:** northwest, northeast and southeast corners of the intersection of IA-5 and SE 35th Street

**Map A: Current Adopted Comprehensive Plan Land Use & Compatible New Land Use:**

| **Current** Land Use Classification(s) | Color | Approx. # of Acres |
|---|---|---|
| Office | Blue | 269 |
| Support Office | Red | 31 |
| | | |
| Compatible **New** Land Use Classification(s) | Color | Approx. # of Acres |
| Multi Use Medium | Medium Purple | 300 |
| | | |

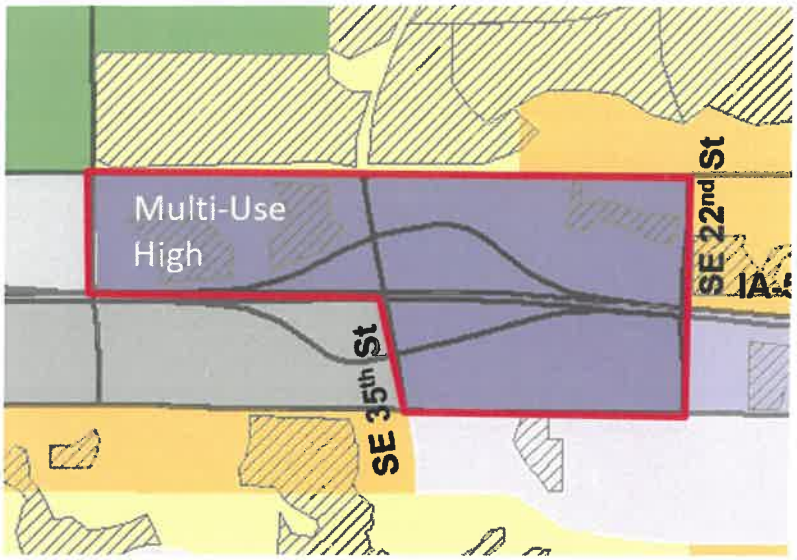


**Map B: Property Owner's Desired Land Use (reflected with New Land Use Classification):**

| **New** Land Use Classification(s) | Color | Approx. # of Acres |
|---|---|---|
| Multi Use High | Dark Purple | 300 |

Rationale:

1. Option for 6-story hotel at east end (adjacent to SE 22nd Street)
2. Necessary to 'level the playing field' in ability to market for same land use as others

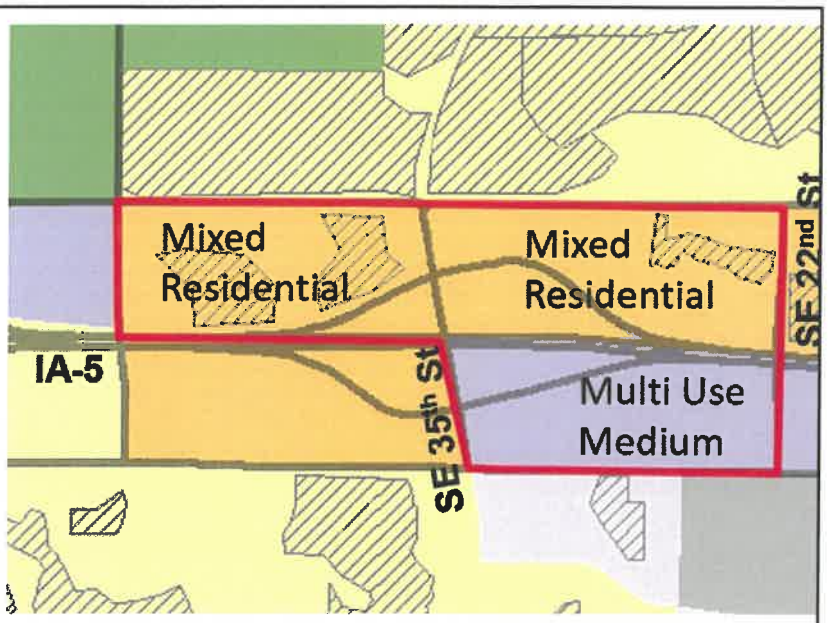



**Staff's Original (1/19/2021) Recommended New Land Use Classification Assignment:**

| Land Use Classification | Color | Approx. # of Acres |
|---|---|---|
| Mixed Residential | Orange | 200 |
| Multi Use Medium | Medium Purple | 100 |

Rationale:

1. Topography & environmental could affect site development potential
2. Compliments residential and recreational uses to the north




3. Multi Use High located at the more major interchange of Veterans Parkway and IA-5 serves residential to the north and motoring public.
4. South Multi Use Medium supports residential on south side of IA-5

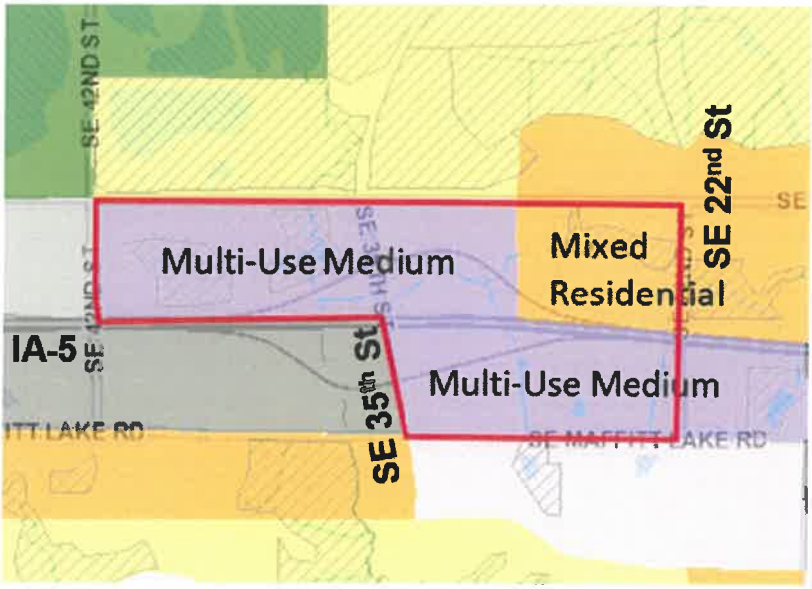
Staff met with the applicant to discuss this area. The applicant discussed master planning concepts that they had developed including an office park and possible relocation of their manufacturing operation from its current location to the southeast corner of SE 42nd Street and IA-5. Around this same time, the South Branch development (northwest corner of SE 42nd Street and IA-5) was being discussed and an inquiry to again locate an implement dealer on the Speck ground occurred (west end of the southwest corner of SE 42nd and IA-5). In light of these aspects, staff modified the larger area from the primarily residential land use staff had initially intended for this area to that illustrated in Map C.

Staff did not support the assignment of Multi Use High as it has already been identified approximately ½ mile east at the primary intersection of IA-5 and Veterans Pkwy which will be the most accessible location. Multi Use High is intended as the core of larger urban area or auto-oriented service area with access from interstate or highway road classes

Staff did not support the placement of Multi Use High for purposes of a speculative 6-story hotel as the location is not adjacent to an interchange – a hotel traditionally will seek a location near a highway interchange or other tourist draw. Additionally, the argument that the applicant needs to be able to market the property the same as others is counter to the purpose of land use planning and zoning. Variety of land uses, and the location of such is the basis of zoning and how the city currently develops with some areas as commercial and others as primarily residential. The level of commercial also varies within the city with some areas at a smaller neighborhood scale and others such as the more intense and active commercial within and adjacent to the Jordan Creek Town Center. If the entire city were designated the same land use or zoning for purposes of marketing the ground for sale, one would not be able to determine what their next-door neighbor might be when making a decision about their neighborhood and what they desire to live close to.

**Map C: Staff's Modified (02/23/2021) Recommended New Land Use Classification Assignment:**

| Land Use Classification | Color | Approx. # of Acres |
|---|---|---|
| Mixed Residential | Orange | 45 |
| Multi Use Medium | Medium Purple | 255 |




Rationale:

1. The indicated hotel, if located at the southwest corner of SE 22nd Street and SE Army Post Road would be at a non-interchange location. Given other commercial opportunities along IA-5 situated at either the interchange of SE 35th Street or Veterans Parkway, staff believe it is more likely that the hotel would desire those locations over a non-interchange roadway.
2. With residential indicated to the north and east, and environmental elements suggesting smaller building footprints, staff believes Mixed Residential on the eastern 45-acres is appropriate.

To aid the Commission and Council, the following motion options are available:

**Motion to**

(1) Assign Land Use Classifications for the subject area consistent to currently adopted land use plan for 300-acres to Multi Use Medium as depicted in Map A illustration below; or

(2) Assign Land Use Classifications as desired by applicant to assign 300-acres as Multi Use High as depicted in Map B illustration below; or

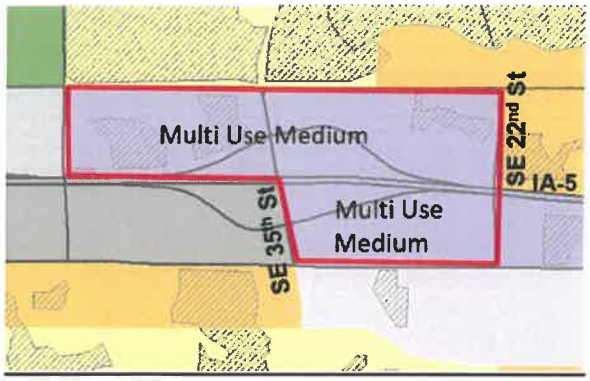
(3) Assign Land Use Classifications as presented in Staff's Modified (02/23/2021) Recommended New Land Use Classification to assign 255-acres as Multi Use Medium and 45-acres as Mixed Residential as depicted in Map C illustration below; or

(4) Assign Land Use Classifications as follows: (*Commission and Council providing directions on what land uses to apply to each area indicated in Map D*).

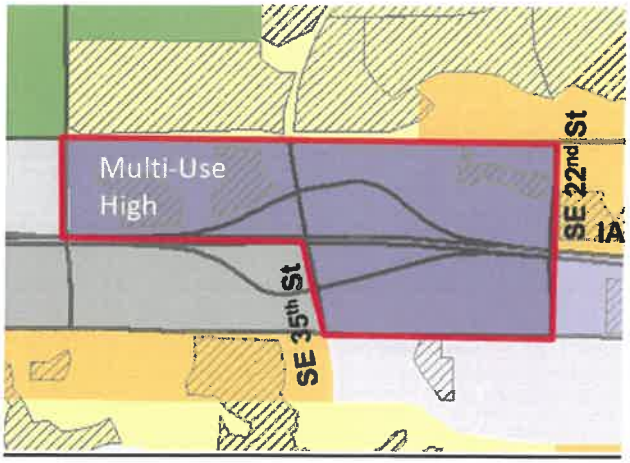
- area #1 of Map D as _____ land use
- area #2 of Map D as _____ land use
- area #3 of Map D as _____ land use
- area #4 of Map D as _____ land use

**Motion Illustrations:**

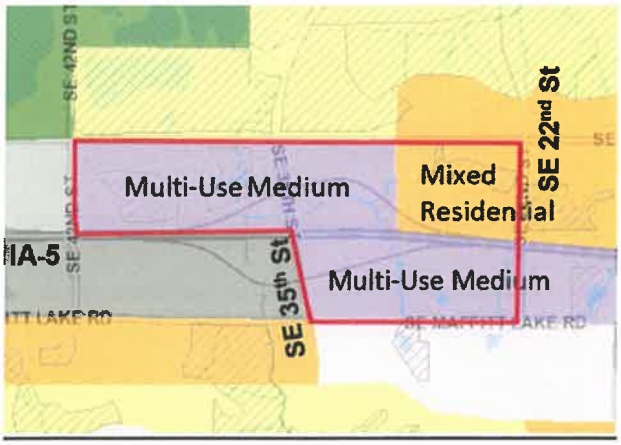
**Map A: Match to current land use by assigning entire area to Multi Use Medium Land Use**



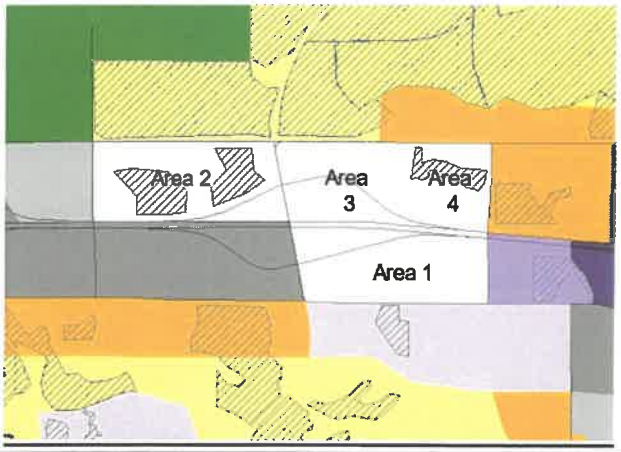

**Map B: Desired by Applicant assigning 300-acres as Multi Use High Land Use**



**Map C: Staff Proposed to assign 255-acres as Multi Use Medium and 45-acres as Mixed Residential**




**Map D: Commission/Council directed land use assignment *(provide land use assignment for each defined parcel)***




**Lead Staff Member: Karen Marren**

**Approval Meeting Dates:**

| | |
|---|---|
| Planning and Zoning Commission | August 29, 2022 & September 12, 2022 |
| City Council | September 13, 2022 (Deferred)<br>October 17, 2022 |

**Staff Report Reviews:**

| | | |
|---|---|---|
| Planning & 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 | P&Z: 8/19/2022 & 9/2/2022<br>CC: 8/26/2022 & 9/2/2022 & 9/30/2022 |
| Date(s) of Mailed Notices | N/A |

**Council Subcommittee Review (if applicable)**

| | |
|---|---|
| Subcommittee | Development & Planning |
| Date Reviewed | N/A |
| Recommendation | ☐ Yes ☐ No ☐ Split |

| NEW Proposed Land Use | Current Adopted Land Use |
|---|---|
| **Open Space** | Open Space<br>Parks & Greenway |
| **Detached Residential** | Low Density Residential<br>Single Family Residential<br>Manufactured Homes (standard lot) |
| **Mixed Residential (Caps at 14du/ac)** | Single Family Residential<br>Manufactured Homes (park & standard SF lot)<br>Medium Density Residential<br>High Density Residential (up to 14 du/ac) |
| **Multi Use Low (Caps at 14du/ac)** | Single Family Residential<br>Manufactured Homes (park & standard SF lot)<br>Medium Density Residential<br>High Density Residential (up to 14 du/ac)<br>Neighborhood Commercial<br>Convenience Commercial<br>Valley Junction Commercial<br>Historic Business District<br>Office<br>Light Industrial<br>Mixed Use |
| **Multi Use Medium (Caps at 22du/ac)** | Medium Density Residential<br>High Density Residential<br>Neighborhood Commercial<br>Convenience Commercial<br>Community Commercial<br>Support Commercial<br>Support Office<br>Highway Commercial<br>Office<br>Light Industrial<br>Mixed Use |
| **Multi Use High (Minimum 18du/ac)** | High Density Residential (min. 18 du/ac)<br>Regional Commercial<br>Town Center Commercial<br>Office<br>Light Industrial<br>Mixed Use |
| **Industrial Low** | Office<br>Light Industrial<br>Warehouse Retail<br>Business Park |
| **Industrial High** | General Industrial |

## Land Use Assignment Considerations/Criteria

Though certainly not the only possible future, the arrangement of land uses within the undeveloped areas reflects the goals and strategies provided in the plan, basic rules of good planning, and the best understanding of existing environmental conditions and future conditions as related to roads and utility infrastructure.

a. Land Context: (Environmentally Sensitive Areas)
   i. Steep slopes (smaller footprint building types can be accommodated on steeper slopes)
   ii. Drainage and Flood Hazard
   iii. Tree canopy
b. Streets as boundaries between different intensity land use classifications
c. Street classification and access consideration for higher intensity classifications
d. Walkability (½ and ¼ mile buffer areas) from non-residential land uses
e. Community Facilities/Schools should be surrounded by residential
f. Detached Residential (DR) should have nearby access to parks and open spaces, as well as nearby neighborhood scale retail and services.
g. Mixed Residential (MR) land use areas are an appropriate transition use between the detached residential land use and non-residential use designations.
h. Mixed Residential (MR) land use will be adjacent to or surrounding areas of multi-use to provide the roof tops needed to support retail, service and office uses and provide walkability from the residential neighborhoods to daily needs and support services.
i. The Multi Use Low (MUL) land use classification is used to either provide areas for commercial nodes surrounded by residential land use areas or as a transition from higher intensity multi-use areas to residential neighborhoods.
j. Multi Use Low (MUL) land uses should be located for necessary auto access off of collectors and local streets.
k. Multi Use Medium (MUM) land use will provide larger commercial corridors or activity areas surrounded by residential land use areas or as a transition from higher intense classifications.
l. The Multi Use Medium (MUM) classification is typically used as a transition between high intensity multi use and low intensity multi use areas or residential classifications. And would typically be buffered to any surrounding detached residential land use.
m. Multi Use High (MUH) land use should be provided as either the core of a larger/urban scale activity center that draws from the broader region or as an auto oriented service and retail node located at an interchange for interstate and highway road classifications.
n. Multi Use High (MUH) land use shall be located with service from highways and major arterials.
o. Multi Use High (MUH) shall be located on one side of an interstate or highway rather than straddling major roadways to allow for interior walkability.
p. Multi Use High (MUH) and Industrial High (IH) should not be adjacent to Single Family Detached.
q. Due to the potential for truck traffic, Industrial Low (IL) land use areas are auto oriented and should be located along collector or higher classification of roadways.
r. With large amounts of truck traffic Industrial High (IH) land use areas are auto oriented and should be located along major collector or arterial roadways.

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION**
**NO. PZC-22-081**

**WHEREAS,** pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the Planning and Zoning Commission approves the recommendation of the assignment of land uses consistent with **Map B** as depicted on the motion illustration included in the staff report and/or detailed in the motion for property generally located at the northwest, northeast and southeast corners of the intersection of IA-5 and SE 35th Street; 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 the City Council approve the assignment of land uses for the Comprehensive Plan and Land Use Map as provided above, (CPA-005746-2022) 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 September 12, 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 September 12, 2022, by the following vote:

AYES: Costa, Crowley, Davis, Drake, Hatfield, Shaw

NAYS:

ABSTENTIONS:

ABSENT: Conlin

ATTEST:

Recording Secretary

Prepared by: Karen Marren, 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, Development Services staff request direction on the assignment of land use classifications for property generally located at the northwest, northeast and southeast corners of the intersection of IA-5 and SE 35th Street; 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,** on September 12, 2022, the Planning and Zoning Commission did recommend to the City Council, by a 6 - 0 vote, approval of the assignment of land use(s) as depicted in motion map B included in the staff report; and

**WHEREAS,** on this day this City Council held a duly noticed Public Hearing to consider the assignment of land use classifications to the subject property; and

**WHEREAS,** the City Council directs the assignment of land use classification(s) consistent with map _____ as depicted on the illustration included in the staff report and/or detailed in the motion (CPA-005746-2022); and

**WHEREAS,** the Comprehensive Plan Land Use Map complies with applicable provisions of Iowa Code Chapter 414 and City Code.

**NOW, THEREFORE,** The City Council hereby approves the assignment of land use classifications consistent with Map ____ as depicted on the illustration included in the staff report and/or detailed in the motion (CPA-005746-2022), subject to compliance with all the conditions in the staff report, dated October 17, 2022, 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.

The City Council directs staff to update the 2022 adopted Comprehensive Plan Land Use Map to reflect the direction provided regarding the assignment of land use classifications.

**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**
**None**