# CITY OF WEST DES MOINES
# STAFF REPORT COMMUNICATION

**Meeting Date:** October 17, 2022

**ITEM:** PPG Paints, 1220 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 – MML1-005760-2022

**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, White Paint Building, LLC, requests approval of a Level 1 Minor Modification to Site Plan for the property located at 1220 8th Street. The City proposes to modify the parking lot due to the upcoming city-initiated reconstruction of 8th Street. Typically, Minor Modifications to Site Plan applications are approved administratively; however, because the necessary modifications 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 7, Colby's Office Park. The building on the site was constructed in 1971.
- *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 benefits of the improvements to 8th Street are a benefit to the community and will enhance safety and therefore meets the tests of the city code provision.

- *Key Development Aspects:*
  - *Parking Stall Dimensions:* Parking stall dimensions existing in the parking lot now and after re-striping of the parking lot will not meet current City Code requirements for parking stall length and stall depth. Due to the size of this existing parking lot, the stall dimensions required by Code cannot be met. Staff recommends a condition of approval that the City Council exempt the site from complying with these requirements until such time that the site is redeveloped in the future.

- *Parking Requirements:* Based on the parking requirements for this approximately 7,500 square foot warehouse and 2000 square foot office use in the building, 16 parking spaces are required. The modifications to the parking lot will result in the removal of 3 parking spaces for a total of 8 marked spaces being provided at the front of the site. It should be noted that there is room for parking at the rear of the property, but none of this area is marked for parking. Since the removal of 3 additional parking spaces at the front is needed for better site circulation and to allow truck traffic to turn around on site rather than backing out onto 8th Street, Staff recommends that the site be exempt from complying with the minimum number of parking stall requirements until such time the site is redeveloped.

- *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 due to the need for semi-trucks to be able to drive through the parking area for unloading of merchandise. Staff is comfortable with this due to the need for adequate site circulation. Additionally, 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.

- *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 for approval, 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 number of parking stalls required for this site due to the impacts on this site as a result of the reconstruction of 8th Street until such time that the site is redeveloped.
2. The City Council granting an exemption of the minimum required parking stall dimension requirements, until such time that the site is redeveloped.
3. 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-22-096**

**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, White Paint Building, LLC, request approval of the Level 1 Minor Modification to Site Plan for the property located at 1220 8th Street. The property owner proposes to modify the parking lot due to the upcoming reconstruction of 8th Street.

**WHEREAS,** the city is undertaking improvements to the adjoining roadway that affect this site's ability to comply with city code regulations until such time that the site is redeveloped.

**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 (MML1-005760-2022), 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:

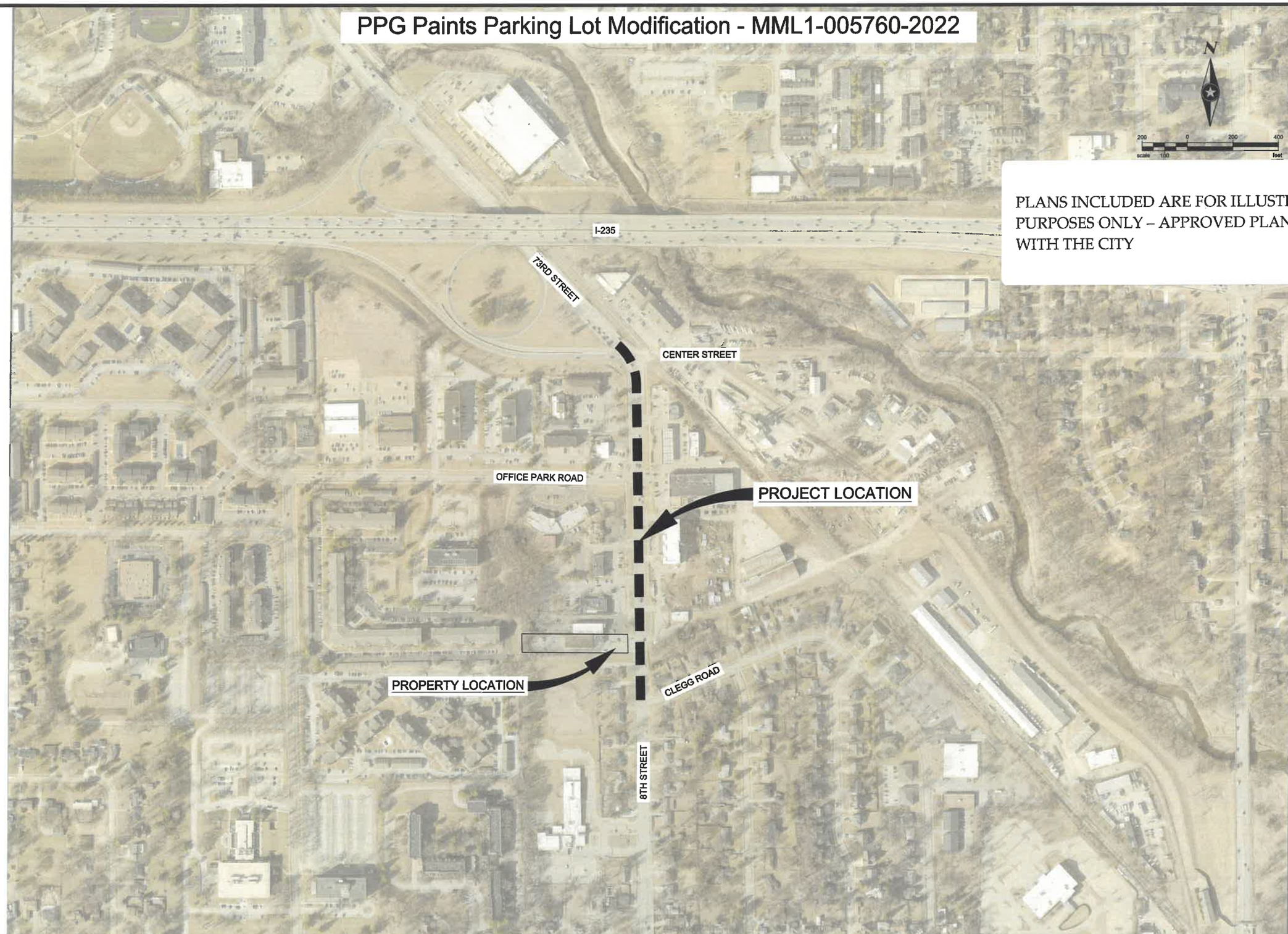
ABSTENTIONS:

ABSENT: Costa

ATTEST:

Recording Secretary

# PPG Paints Parking Lot Modification - MML1-005760-2022




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

| FILE NO. | ENGLISH | DESIGN TEAM SEH | CITY OF WEST DES MOINES | PROJECT NUMBER STBG-SWAP-8260(654)--SG-77 | SHEET NUMBER 01 |
|---|---|---|---|---|---|

Save: 9/27/2022 9:01 PM rajiersvik Plot: 9/27/2022 9:01 PM X:\UZ\WWDESM\1567365-final-design\51-drawings\10-Civil\cad\dwg\sheet\MML1 Applications.dwg

# PPG PAINTS DRIVEWAY DETAILS

N

scale 10 0 10 20 feet

| SITE AREAS | | |
|---|---|---|
| DESCRIPTION | AREA (SQ. FT.) | PERCENT OF TOTAL |
| TOTAL PROPERTY AREA | 38,376 | 100 |
| TOTAL EXISTING IMPERVIOUS AREA | 31,770 | 82.8 |
| PROPOSED NET IMPERVIOUS AREA | 486 | 1.3 |
| TOTAL PROPOSED IMPERVIOUS AREA | 32,256 | 84.1 |

| PLANTING SCHEDULE | | | |
|---|---|---|---|
| BOTANICAL NAME | COMMON NAME | SIZE | QTY |
| JUNIPERUS x PFITZERIANA 'SEA GREEN' | SEA GREEN JUNIPER | 3' HT. | 6 |

## PPG PAINTS
## 1220 8TH STREET

LEGAL DESCRIPTION:
LOT 7, COLBY'S OFFICE PARK
TOTAL AREA:
38,376 SQUARE FEET (0.88 ACRES)

PROPERTY OWNER:
STEVAN WHITE
WHITE PAINT BUILDING, LLC
5128 INGERSOLL AVE
DES MOINES, IA 50312-2030
515.223.1540

100' EXISTING SETBACK DISTANCE

17' EXISTING SETBACK DISTANCE

24 SY REMOVAL OF EXISTING PAVEMENT
54 SY PROPOSED HMA RESURFACING

16.7'
15'
5'
11'
45° (TYP.)
9' (TYP.)
17.2'
2.9'
21' (TYP.)
15' (TYP.)
25.5'

RETAIN GRASS MEDIAN

EXISTING ROW

PROTECT EXISTING SIGN

REMOVE 382 SY EXISTING SURFACING
PROPOSED 247 SY PCC PAVEMENT

57.5' EXISTING HALF R.O.W. WIDTH

115' EXISTING FULL R.O.W. WIDTH

44' EXISTING HALF R.O.W. WIDTH

88' EXISTING FULL R.O.W. WIDTH

14+00

13+00

8TH STREET

REMOVE BUSH/SHRUB. EXISTING TRANSFORMER TO BE RELOCATED BY MIDAMERICAN IN ADVANCE OF THIS WORK. COORDINATE WITH MIDIMAERICAN'S CONTRACTOR.

APPROXIMATE LOCATION OF RELOCATED TRANSFORMER WITH EVERGREEN SHRUB SCREENING. REFER TO PLANTING SCHEDULE FOR SHRUB SCREENING DETAILS.

11 EXISTING PARKING SPACES, INCLUDING 1 ACCESSIBLE PARKING STALL.
8 PROPOSED PARKING SPACES, INCLUDING 1 ACCESSIBLE PARKING STALL.

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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 02 |
|---|---|---|---|---|---|

# PPG PAINTS 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 03 |
|---|---|---|---|---|---|

Save: 9/27/2022 9:01 PM rglaeswik Plot: 9/27/2022 9:01 PM X:\UZNW\WDES\R\15673805-final-dsgn\51-drawings\10-Civil\cad\dwg\sheet\MML1 Applications.dwg

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, White Paint Building, LLC, requests approval of the PPG Paints Parking Lot Minor Modification Level 1 for that property located at 1220 8th Street and legally described in attached Exhibit 'B' for the purpose of modifying the existing parking lot; and

**WHEREAS,** the city is undertaking improvements to the adjoining roadway that affect this site's ability to comply with city code regulations until such time that the site is redeveloped.

**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 PPG Paints Parking Lot Minor Modification Level 1 (MML1-005760-2022), 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 number of parking stalls required for this site due to the impacts on this site as a result of the reconstruction of 8th Street until such time that the site is redeveloped.
2. The City Council granting an exemption of the minimum required parking stall dimension requirements, until such time that the site is redeveloped.
3. 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 7, COLBY'S OFFICE PARK, AN OFFICIAL PLAT IN THE
CITY OF WEST DES MOINES, POLK COUNTY, IOWA.