

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: September 25, 2023

ITEM: Southwoods Knoll, 4855, 4865, 4875, & 4885 Mills Civic Parkway - Amend the Southwoods Knoll Planned Unit Development Ordinance to designate zoning to allow retail within PUD Parcel E - Charles I. Colby and Ruth Colby Trust No. 2 – ZC-006131-2023

Resolution: Approval of Amendment to Planned Unit Development Ordinance

Background: Applicants, Donna Paulsen and Tyler Gubbels, in cooperation with the property owner of 4885 Mills Civic Parkway, Charles I. Colby and Ruth Colby Trust No. 2, request approval of a Rezoning request to amend the Southwoods Knoll Planned Unit Development (PUD), governing development of PUD Parcel E generally located at 4855, 4865, 4875 and 4885 Mills Civic Parkway. Adjacent property owners of 4855, 4865, & 4875 Mills Civic Parkway have indicated support of the request. The applicant is specifically requesting to allow retail sales in the former bank building located at 4885 Mills Civic Parkway; however, the amendment will allow retail uses in any of the buildings within PUD Parcel E.

Staff Review & Comment:

- **Financial Impact:** There is no City funding of this project; however, there is staff time for processing of the development application and inspections during construction.
- **Change to the Originally Intended Development:** The intended development of the subject property (Parcel E as shown on the PUD Sketch) was to generally allow for office uses in this area of the property. Genesis Health Club, Koch & Carlisle Plastic Surgery & Spa and Erickson Endodontics and a now vacant bank are currently located within the PUD parcel. This amendment is proposing to designate Community Commercial (CMC) zoning, which will allow retail sales, in addition to the current Professional Commerce Park (PCP) zoning on the property. The addition of Community Commercial zoning will allow for the applicants to relocate their Valley Junction businesses, The Parlor Co Salon and Louie (gift shop) to the vacant bank building at 4885 Mills Civic Parkway. Office uses would continue to be allowed under the Professional Commerce Park (PCP) zoning. While staff is agreeable to general retail uses, Staff is proposing to limit certain CMC uses within Parcel E due to their potential negative impacts on the area. The specific prohibited uses are noted in the included ordinance amendment.
- **History:** The Southwoods Knoll PUD Ordinance was adopted in October of 1990 and has been amended numerous times since, with the most recent amendment occurring in 2013.
- **Traffic Analysis Findings:** A traffic impact analysis was conducted to evaluate the addition of retail sales in the 4885 Mills Civic Parkway building. The proposed change is estimated to generate less traffic than the former bank. There will be no significant traffic impacts to the public street system as a result of this land use change.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:
 Date: September 25, 2023
 Vote:
 Recommendation:

City Council First Reading:
 Date:
 Vote:

Recommendation: Approve the Rezoning request to amend the Southwoods Knoll Planned Unit Development (PUD), subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Planning and Zoning Commission	September 25, 2023
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	9/15/23
Date(s) of Mailed Notices	9/13/23

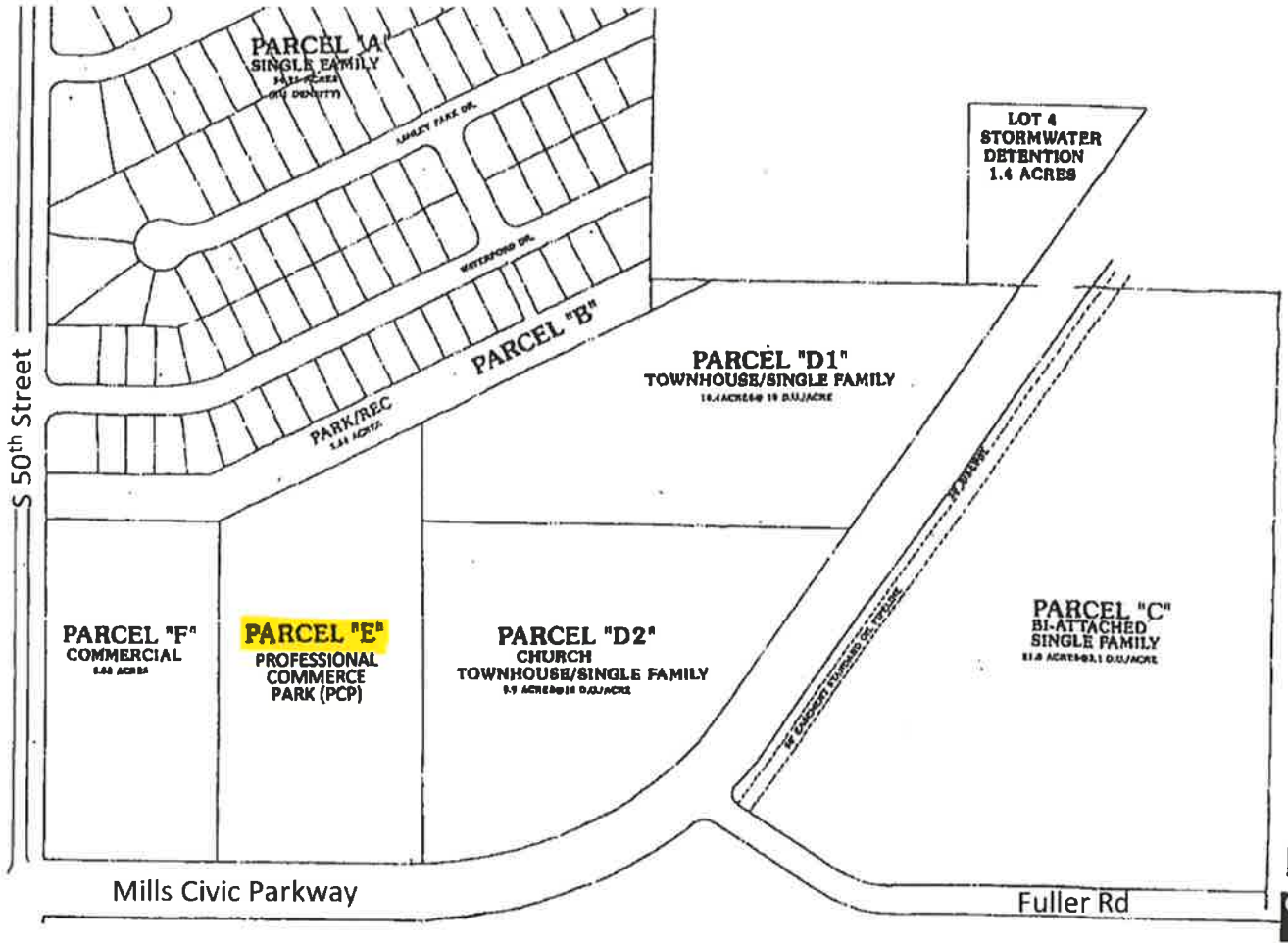
Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	8/21/23
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

Location Map



PUD Sketch



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-23-047

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicants, Donna Paulsen and Tyler Gubbels and property owner, Charles I. Colby and Ruth Colby Trust No. 2, request approval of a Rezoning request to amend the Southwoods Knoll Planned Unit Development (PUD) Ordinance to add uses within the Community Commercial (CMC) zoning district as allowed within PUD Parcel E as indicated on the Location Map included in the staff report; and

WHEREAS, the rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Pan 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 to amend the Southwoods Knoll Planned Unit Development (PUD) Ordinance (ZC-006131-2023), 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 25, 2023.

Andrew Conlin, 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 September 25, 2023, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

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

ORDINANCE

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #933, #1099, #1149, #1215, #1274, #1383, #1421, #1460, #1581, #1636, #1695, #1803, #1900 AND #1974 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD), DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. Amendment. Ordinance #933, #1099, #1149, #1215, #1274, #1383, #1421, #1460, #1581, #1636, #1695, #1803, #1900 AND #1974, pertaining to the Southwoods Knoll Planned Unit Development (PUD), Section 03, *Conditions*, Subsection B, *Land Use Design Criteria*, Subsection 6, *Parcel E*, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

6. Parcel E: All general use regulations and ~~provisions~~ ***bulk regulations*** set forth in title 9, "Zoning", of the city code for the professional commerce park district (PCP) shall apply to any development proposal for all property within parcel E as shown on the sketch plan of the Southwoods Knoll PUD, unless noted otherwise in this ordinance. ~~The following uses normally permitted in the professional commerce park district (PCP) shall be prohibited:~~ ***All land uses as set forth in title 9, "Zoning", of the City Code for the Professional Commerce Park (PCP) and Community Commercial (CMC) Districts, as permitted and permitted conditionally, shall be allowed within Parcel E, except the following which shall be prohibited:***

Distillery, regardless of size (SIC 2085).

General warehousing and storage (SIC 4225).

Heliport/helistop (SIC 4581).

Transportation Services (SIC 47).

Automotive dealers and service stations (SIC 55).

Pawnshops (SIC 5932).

Miscellaneous retail stores, NEC (SIC 5999) - Adult entertainment establishment (films, books, magazines, sexually oriented merchandise).

Hospitals (SIC 806).

Hotels (SIC 701).

Automotive repair, services, and parking (SIC 75).

Repair shops and related services, NEC (SIC 7699).

Eating ~~and drinking places, sit down eating places and take out only~~ (SIC 5812).

- **Restaurant with Drive-Thru**
- **Bar/Restaurant Class 1 or 2**
- **Bar**
- **Taproom/beer parlor in conjunction with a brewery or distillery greater than 5,000 sq. ft. and less than or equal to 10,000 sq. ft.**

Elementary and secondary schools (SIC 821).

Colleges and universities (SIC 822).

Vocational schools (SIC 824).

Child daycare services (SIC 835).

~~The following use not normally allowed in the professional commerce park district (PCP) shall be allowed:~~

~~Dry-cleaner plants (7216).~~

In addition, parcel E shall be limited to one bank.

SECTION 2. Repealer. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved by the City Council on October 16, 2023.

Russ Trimble, Mayor

ATTEST:

Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the City Council for the City of West Des Moines, Iowa, on _____, 2023, and was published in the Des Moines Register on _____, 2023.