

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: September 25, 2023

**ITEM:** Wirtz Property PUD, 875 S 50<sup>th</sup> Street - Amend the Wirtz Property Planned Unit Development Ordinance to adjust minimum required lot size within PUD parcels – R2 Holdings, LLC – ZC-006171-2023

### **Resolution: Approval of Amendment to Planned Unit Development Ordinance**

**Background:** Doug Mandernach with Civil Design Advantage, on behalf of the property owner, R. Scott Schmailzl with R2 Holdings, LLC, requests approval of a Rezoning request to amend the Wirtz Property Planned Unit Development (PUD), governing development of the ground contained within the PUD. The purpose of the applicant's request is to allow the subdivision of his parcel into two lots to accommodate development of two commercial buildings on their own defined lots within the property. The property is 1.65 acres or 71,616 sf with the R2 Financial building that was recently constructed utilizing 0.83 acres or 35,981 square feet of the property, leaving just under half of the property (35,635 sf) for a second building and associated improvements. City code requires a minimum of 60,000 square foot lots for the underlying Professional Commerce Park (PCP) zoning district assigned to the parcel.

### **Staff Review & Comment:**

- *History:* The Wirtz PUD was established in 1994. The property that generated the request is located within Parcel E-2 that has underlying zoning of Professional Commerce Park (PCP). Site plan (SP-005687-2022) to allow construction of an approximately 5,315 sq. ft. office building and associated site improvements on the eastern portion of the site was approved on December 5, 2022. At that time a second building was anticipated for the western portion of the same lot.
- *Change to the Originally Intended Development:* The original intent of the Wirtz PUD has not changed. The zoning of the parcels and the development restrictions specifically called out in the PUD for each parcel is not being changed.

As indicated, the property owner has requested to allow smaller lot sizes within his PUD parcel to accommodate the development of two commercial buildings on separate lots within the property. A 60,000 square foot minimum lot size can penalize smaller commercial development as it may force the purchase of a larger lot than is needed to support the development. As noted above, the R2 Financial development was able to construct the desired size building and provide parking, open space, buffers, etc. in compliance with city code required minimums within a lot that is just under 36,000 square feet in size.

Staff is comfortable with the request to allow smaller than 60,000 sq ft lots and believes that this allowance could be applied to the remaining undeveloped parcels within the PUD. To assure that a smaller lot can still support the intended development, included in the amendment language is the caveat that when a smaller parcel is preliminary platted, it must demonstrate that all other zoning regulations can be met without waivers or variances.

- **Global Code Change:** In the last few weeks, staff has encountered two other projects in addition to this request in which it was demonstrated that what was proposed could comply with all zoning regulations for site development (setback, parking, buffers, open space, etc.) on a lot that was less than the minimum lot size required per city code for the applicable zoning district. The lot size needed could be determined in response to adherence to site development regulations stated in code rather than an arbitrary minimum lot size number. Considering WDM's high ground prices, forcing a developer to purchase more ground than is necessary adds cost and could potentially render a project financially unfeasible. It is anticipated that in the next 30-60 days, staff will bring forward a city code amendment applicable to all zoning districts across the city, except single family residential, eliminating any minimum lot size requirements. Staff is still evaluating minimum lot frontage requirements to determine what is necessary to ensure access(es) with proper driveway spacing.

**Outstanding Issues:** There are no outstanding issues.

**Planning and Zoning Commission Action:**

Date:

Vote:

Recommendation:

**City Council First Reading:**

Date:

Vote:

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

**Lead Staff Member:** Kate Devine

**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)**

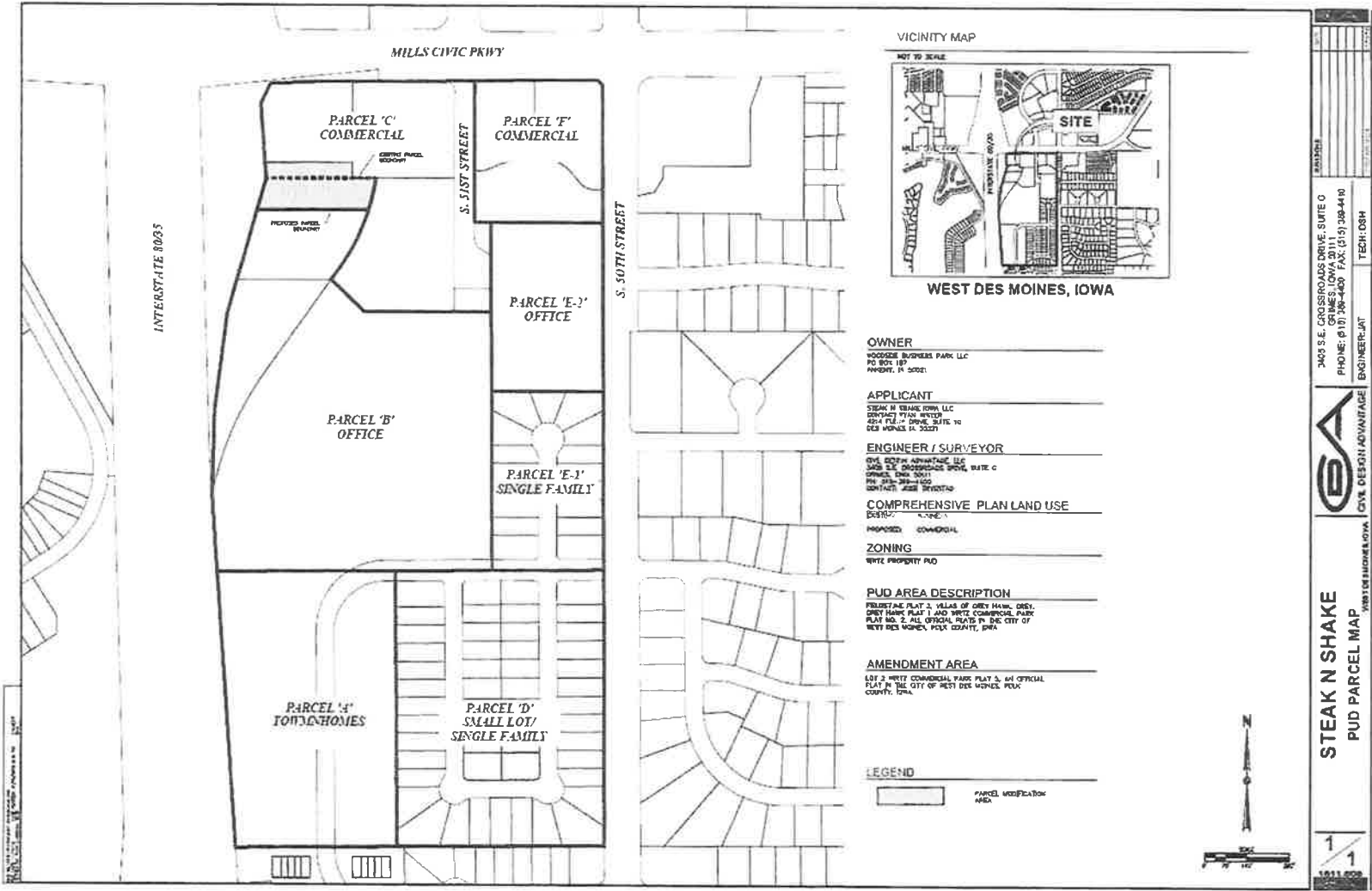
Published In:	Des Moines Register Community Section
Date(s) Published	9/18/23
Date(s) of Mailed Notices	9/14/23

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning
Date Reviewed	9/18/23
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

**Location Map**





**OWNER**  
WOODSIDE BUSINESS PARK LLC  
PO BOX 187  
WEST DES MOINES, IA 50321

**APPLICANT**  
STEAK N SHAKE IOWA, LLC  
10700 WALKER DRIVE, SUITE 100  
DES MOINES, IA 50319

**ENGINEER / SURVEYOR**  
CIVIL DESIGN ADVANTAGE LLC  
2100 S.E. CROSSROADS DRIVE, SUITE C  
DES MOINES, IOWA 50311  
PH: 515-281-1100  
CONTACT: JESS BRYANT

**COMPREHENSIVE PLAN LAND USE**  
DISTRICT: COMMERCIAL

**PROPOSED ZONING**  
COMMERCIAL

**ZONING**  
WHITE PROPERTY PUD

**PUD AREA DESCRIPTION**  
PUBLISHED PLAT 3, VILLAS OF GREY HAWK, DEED  
GREY HAWK PLAT 1 AND WHITE COMMERCIAL PARK  
PLAT NO. 2, ALL OFFICIAL PLATS BY THE CITY OF  
WEST DES MOINES, POLK COUNTY, IOWA

**AMENDMENT AREA**  
LOT 2 WHITE COMMERCIAL PARK PLAT 2, AN OFFICIAL  
PLAT BY THE CITY OF WEST DES MOINES, POLK  
COUNTY, IOWA

**LEGEND**  
[Symbol] PARCEL AND PLAT ROW  
[Symbol] H&S



**STEAK N SHAKE**  
PUD PARCEL MAP

1" = 100'

CIVIL DESIGN ADVANTAGE LLC  
2100 S.E. CROSSROADS DRIVE, SUITE C  
DES MOINES, IOWA 50311  
PHONE: (515) 306-4400 FAX: (515) 281-1100  
TECH: OSB  
ENGINEER: JAT

EXHIBIT A

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION**  
**NO. PZC-23-046**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the property owner, R. Scott Schmailzl with R2 Holdings, LLC, request approval of a Rezoning request to amend the Wirtz Property Planned Unit Development (PUD) Ordinance to allow lots smaller than the minimum city code stated size requirement on property as legally defined in the Planned Unit Development Ordinance and indicated on the Location Map; 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 Wirtz Property Planned Unit Development (PUD) Ordinance (ZC-006171-2023), 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: Kate DeVine, 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

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## ORDINANCE #

### **AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #1086, #1313, #1485, #1500, #1513, #1572 AND #2383 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 #1086, #1313, #1485, #1500, #1513, #1572 and #2383, pertaining to the Wirtz Property Planned Unit Development (PUD), Section 03, General Conditions, Subsection A, is hereby amended by adding the text in bold italics:

A. General Conditions: Now, therefore, the following conditions, restrictions, and regulations are adopted as part of this approval and the following general criteria shall be integrated into and made a part of the development criteria for the Wirtz Property PUD, to wit:

1. All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the West Des Moines subdivision ordinance and the Des Moines metropolitan design standards as adopted by the City of West Des Moines pertaining thereto, unless otherwise stated within this ordinance.

2. Any regulation, standard, provision or requirement that is not specifically addressed within this document that is regulated elsewhere in the City Code of West Des Moines, the requirements of the City Code are applicable and shall be enforced.

3. In all areas within a 100-year frequency flood hazard zone, or adjoining drainageways, and detention areas involving potential flood hazards, no building shall be erected which has a lowest floor, including basements, less than one foot (1') above the determined level of the 100-year frequency flood event or floodproofed to the same elevation in accordance with the West Des Moines floodplain ordinance, and no building shall be erected within twenty five feet (25') of any easement or property boundary of a major drainageway, stormwater detention basin or pond.

4. The developer, their successors and/or assigns, if any, shall pay all construction and engineering costs for the interior development of the planned unit development, in accordance with the current City policies at the time of development as required by this ordinance, or the subdivision ordinance of the City of West Des Moines, and the Des Moines metropolitan design standards as adopted by the City of West Des Moines, for all streets, storm sewers, sanitary

sewers, drainage improvements, detention basins, water mains, buffers and other improvements within the PUD as may be required. (Ord. 1500, 12-9-2002)

**5. For those non-residential zoned PUD Parcels, lot sizes less than the minimum city code required size shall be allowed within the PUD Parcel when the parcel is preliminary platted demonstrating each parcel is of sufficient size to accommodate all zoning regulations without requiring a waiver or variance.**

**SECTION 2. Repealer.** All ordinances or 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.