NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: December 18, 2023

ITEM: Three Fountains Commercial, Southeast corner of 50th Street and University Avenue - Amend the Three Fountains Commercial Planned Unit Development Ordinance to reduce the setback requirement for accessory structures – Shoppes at Three Fountains, LLC – ZC-006256-2023

ORDINANCE: Approval of Second Reading, Waiver of Third Reading and Adoption of Amendment to Planned Unit Development Ordinance

Background: Alex Park with Kimley Horn, on behalf of the applicant, Chick-fil-A, Inc. requests approval of a Rezoning request to amend the Three Fountains Commercial Planned Unit Development (PUD), governing development of that ground generally located at the southeast corner of 50th Street and University Avenue. The applicant would like to amend the PUD Ordinance to reduce the required setback for accessory structures along University Avenue from 100' to 75' to accommodate improvements proposed for the Chick-fil-A drive through lanes to provide for better circulation. To accommodate the improvements, the existing trash enclosure structure needs to be moved closer to University Avenue than is currently allowed.

Staff Review & Comment:

- *Financial Impact:* There will be no financial impact to the City with the proposed amendment.
- *Change to the Originally Intended Development:* The current PUD Ordinance has a setback requirement of 100' from University Avenue for accessory buildings and structures while the setback for principal structures is only 50' along University Avenue. The setback requirement for principal structures along University Avenue was changed in 2021 to accommodate new types of development not contemplated when this site was originally developed. In the time since the property was developed in the mid to late 1990's, different principal uses have been added to the site including a Scooter's Coffee drive-thru kiosk and a Chick-fil-A restaurant with an extremely busy drive-thru.

  Chick-fil-A is proposing to improve their drive-thru lanes on this site by adding a second drive-thru lane around the building and adding a longer queuing area within the larger parking lot to the west to help alleviate congestion in the area caused by the drive-thru. This improvement to the site necessitates the need to move the existing trash enclosure further to the north, encroaching into the 100' setback for accessory structures. Chick-fil-A is seeking to reduce the accessory structure setback to 75' to accommodate this move. The reduction would be applicable to all lots within the PUD.
- *History*: The Three Fountains Commercial PUD was originally adopted in November of 1994. In 1998, the original ordinance was repealed entirely and replaced with the current PUD language. The PUD was also amended in 1999, which included revisions to the allowed monument signs on the site, including number, size, height and spacing between the signs. In 2014, an amendment was approved to allow drive-thru uses and modification

of the allowed wall signage according to the current sign code requirements. In October of 2021, the PUD was also amended to reduce the principal structure setback along University Avenue from 120' to 50'. This was done to allow a Scooters Coffee drive thru building to be constructed within the existing parking lot in front of Barnes & Noble.

- *Traffic Analysis Findings:* No traffic analysis was necessary for the proposed amendment.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date:	November 27, 2023
Vote:	4-0 for approval, with Commissioners McCoy and Conlin absent and Commissioner Davis abstaining
Recommendation:	Approval of the PUD Amendment

City Council First Reading:

Date:	December 4, 2023
Vote:	5-0 for approval

Recommendation: Approve the Rezoning request to amend the Three Fountains Commercial 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	November 27, 2023
City Council: First Reading	December 4, 2023
City Council: Second Reading, Waive Third & Adopt	December 18, 2023

Staff Report Reviews:

Planning & Zoning Commission	☒ Development Coordinator (or) ☒ Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☒ Agenda Acceptance

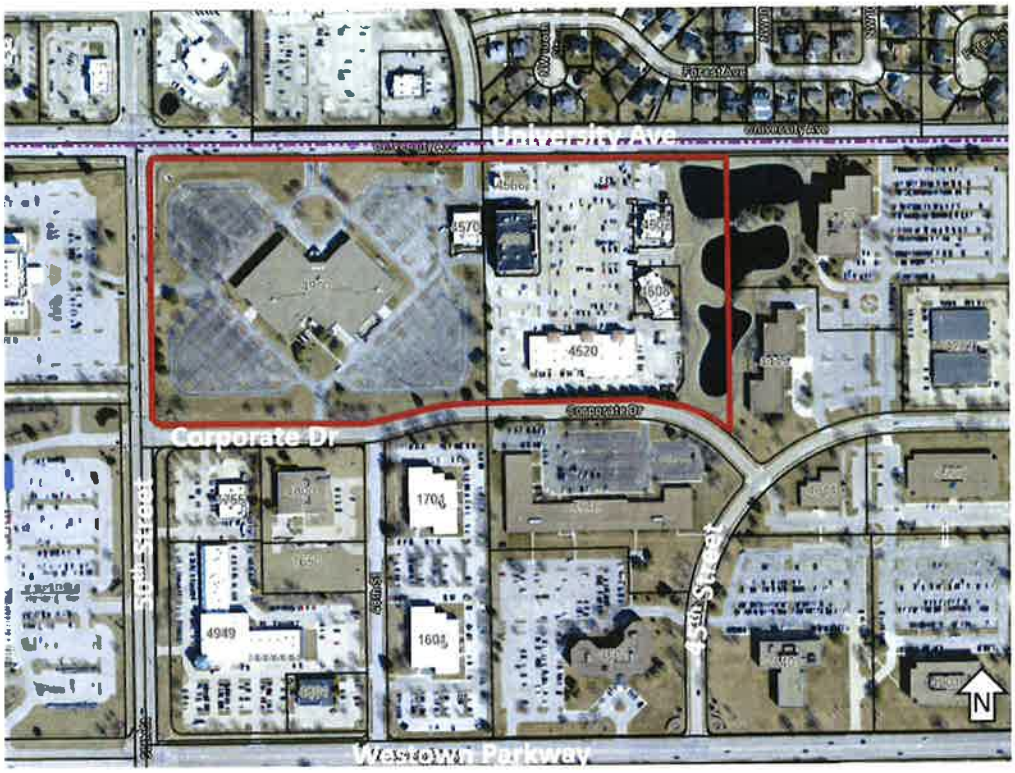
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	11/17/23
Date(s) of Mailed Notices	11/14/23

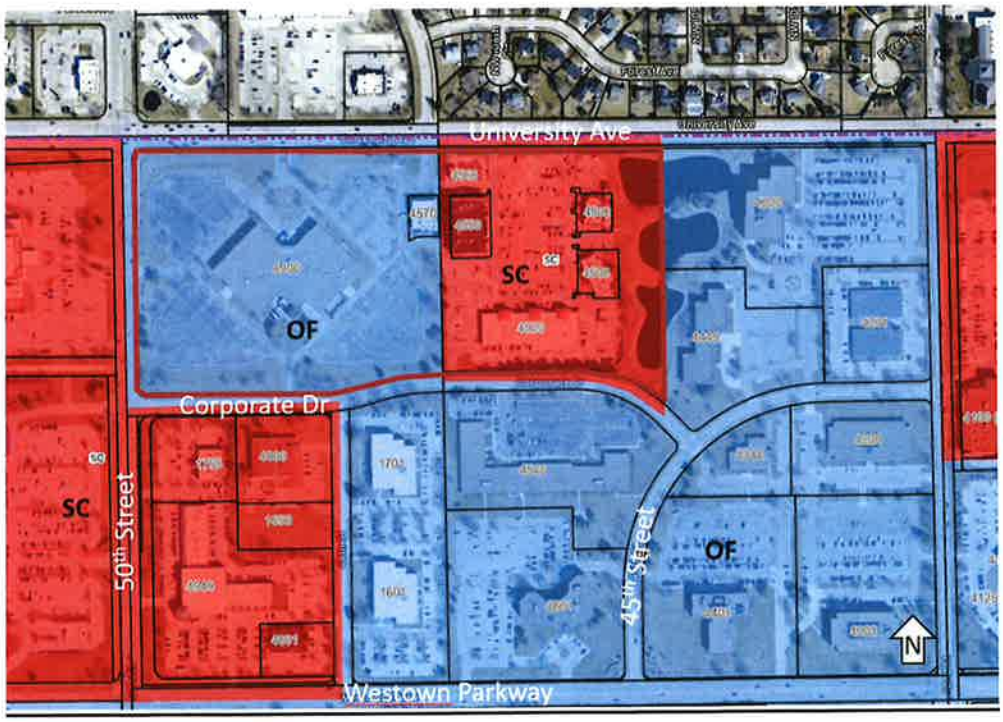
Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	Scheduled for 12/4/23
Recommendation	☐ Yes ☐ No ☐ Split

Location Map



Current Land Use Map



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-23-059

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Chick-fil-A, Inc. requests approval to amend the Three Fountains Commercial Planned Unit Development (PUD) Ordinance to reduce the setback requirement from University Avenue for accessory structures on property as legally defined in the Planned Unit Development Ordinance and indicated on the Location Map, both of which are included in the staff report; and

WHEREAS, the rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan 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 Three Fountains Commercial Planned Unit Development (PUD) Ordinance (ZC-006256-2023), 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 November 27, 2023.

Tina Shaw, Vice 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 November 27, 2023, by the following vote:

AYES: Costa, Crowley, Hatfield, Shaw

NAYS:

ABSTENTIONS: Davis

ABSENT: Conlin, McCoy

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 #1106, #1296, #1372, #2070 AND #2492 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 **#1106, #1296, #1372, #2070 AND #2492**, pertaining to the Three Fountains Commercial Planned Unit Development (PUD), Section 040-03, *Conditions*, Subsection B, *Land Use Design Criteria*, Subsection 6, *Building Setback Requirements*, is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics. All other items in current adopted code but not reflected below shall remain as is:

B. Land Use Design Criteria: In addition to the general conditions as stated in subsection A above, the following land use design criteria shall apply to the legally described property herein.

6. Building Setback Requirements: A minimum separation distance of forty feet (40') between primary buildings, regardless of the property line location shall be reflected on all site plans submitted for consideration by the planning and zoning commission and city council. Principal and accessory buildings and structures shall be setback a minimum of fifty feet (50') from the east property line and the ultimate right-of-way line of adjoining roadways, except that accessory buildings or structures serving a principal building or use within the site shall be setback a minimum of ~~one hundred feet (100')~~ ***seventy-five feet (75')*** from the University Avenue ultimate right-of-way line.

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 December 18, 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.