CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: March 18, 2024

ITEM: Midtown Redevelopment, 1221, 1245, and 1261 8th Street – Amend Comprehensive Plan Land Use Map and Amend the Midtown Redevelopment Planned Unit Development Ordinance to designate and regulate Multi-Use Medium land use for the development parcel(s) for Midtown Redevelopment PUD – Keystone Phase II, LLC – CPA-006322-2024 and ZC-006295-2023

ORDINANCE: Approval of Second Reading, Waive Third Reading and Adopt Amendment to Planned Unit Development Ordinance

Background: Nick Wittkop with Larsen Engineering, Inc., on behalf of the applicant and property owner, Joseph Cordaro, Keystone Phase II, LLC and Series 8 of JCG Holdings LLC, requests approval of a Comprehensive Plan Land Use Map Amendment and Planned Unit Development Amendment request on that ground located at 1221, 1245, and 1261 8th Street. The changes are in response to a request to eliminate the required commercial component within the originally planned mixed-use buildings (see Proposed Changes bullet below).

Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for the approximately 5 acres to change from Support Commercial (SC) to Multi Use Medium (MUM) land use; and
- Amend the Midtown Redevelopment Planned Unit Development (PUD) which includes the following modifications:
    - Change Parcels A & B from Mixed Use buildings to recognize the entire PUD area to be considered a Mixed-Use Development; and
    - Change the maximum number of dwelling units within the PUD from eight-three (83) units to ninety-four (94) units; and
    - Reduce the square feet of Commercial (Office/Retail) Uses, except Restaurant from twenty-five thousand (25,000) to seven thousand (7,000); and
    - Reduce the allowable square feet of Restaurant Use from ten thousand two hundred (10,200) to six thousand eight hundred (6,800).

Acreage discrepancy between the proposed Comprehensive Plan Land Use Amendment and Zoning Change is due to the manner in which the districts are mapped and assigned. The land use designation extends to the centerline of adjacent roads, while the zoning designation is confined to the property lines. In this case resulting in an approximate 0.72 acre discrepancy between the comprehensive plan amendment and the zoning acreages.

Staff Review & Comment:

- *Financial Impact:* On May 2, 2022, the City Council approved a development agreement with Keystone Phase II, LLC and Series 7 of JGC Holdings, LLC to provide a 5-year, 100% property tax rebate utilizing tax increment financing (TIF) in the maximum capped amount of $943,405. The phase II building and site has a minimum assessment agreement in the amount of $6,885,000 that will be maintained for at least 10 years.

- *History*: The property was platted as a part of Colby's Factory Addition in 1946. It was replatted in 1971 and again in 1985. The larger office building was built in 1973. The southernmost restaurant building was constructed in 1970. The City Council approved the 8th Street Midtown Redevelopment PUD in November of 2019 and approved of the Site Development Plan in 2020. A permit for construction of the first building within the PUD on Parcel A was issued on May 28, 2021.

- *Proposed Changes:* The applicant has requested that the Midtown Redevelopment PUD be amended to reduce the commercial (office/retail) and restaurant space within Parcel B to allow the second building within the development to be entirely residential, taking the entire PUD up to 94 residential units. The PUD originally required that Parcels A and B be developed as mixed-use buildings, with commercial space required on the first floor with residential above. The PUD also required that the entire PUD not exceed 83 residential units total within the overall development.

  To address the applicant request to eliminate commercial in the second building, the PUD needs to be modified to allow Parcel B to have residential use on the first floor of the building, to reduce the overall square foot area for commercial uses within the development, and to increase the maximum number of allowable residential units within the development to allow the second building to be entirely residential.

  With the increase in residential units for the PUD, it was found that the overall development would exceed the maximum density allowed (18 dwelling units) under the previous comprehensive plan land use classification. With the adoption of the new Comprehensive Plan, the Integrated Use place type allows for mixed-use development (both horizontal &/or vertical) and for residential density up to 22 units per acre when in the Multi-Use Medium land use classification. Therefore, the applicant has asked for the PUD amendment and also a land use amendment to accommodate the requested elimination of commercial and increase in residential density. The following amendments are being requested:

  - Amend the Comprehensive Plan land use for the entire PUD area from Support Commercial to Multi-Use Medium; and
  - Modify the PUD to change Parcels A & B from individual vertical Mixed-Use buildings to allowing the entire PUD area to be considered a horizontal Mixed-Use Development, therefore allowing parcel B to be entirely residential; and
  - Modify PUD Section 7 to change the maximum number of dwelling units within the PUD from eight-three (83) units to ninety-four (94) units; and
  - Modify PUD Section 7 to change the maximum allowable square feet of Commercial (Office/Retail) Uses, except Restaurant from twenty-five thousand (25,000) to seven thousand (7,000); and
  - Modify PUD Section 7 to change the maximum allowable square feet of Restaurant Use from ten thousand two hundred (10,200) to six thousand eight hundred (6,800).

- *Traffic Analysis Findings:* A traffic reanalysis was completed on January 29, 2024. The proposed development is expected to generate less traffic than originally planned for the site. 8th Street was recently reconstructed by the City in accordance with previous traffic study recommendations. Therefore, the existing roadway network will function adequately to support the proposed development.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date:	February 26, 2024
Vote:	7-0 for approval
Recommendation:	Approve the Comprehensive Plan Land Use Map Amendment and Rezoning Request

City Council Comprehensive Plan Amendment:

Date:	March 4, 2024
Vote:	5-0 for approval

City Council Rezoning First Reading:

Date:	March 4, 2024
Vote:	5-0 for approval

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

Lead Staff Member: Karen Marren

Approval Meeting Dates:

Planning and Zoning Commission	February 26, 2024
City Council: First Reading	March 4, 2024
City Council: Second Reading, Waive Third and Adopt	March 18, 2024

Staff Report Reviews:

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

Publications (if applicable)

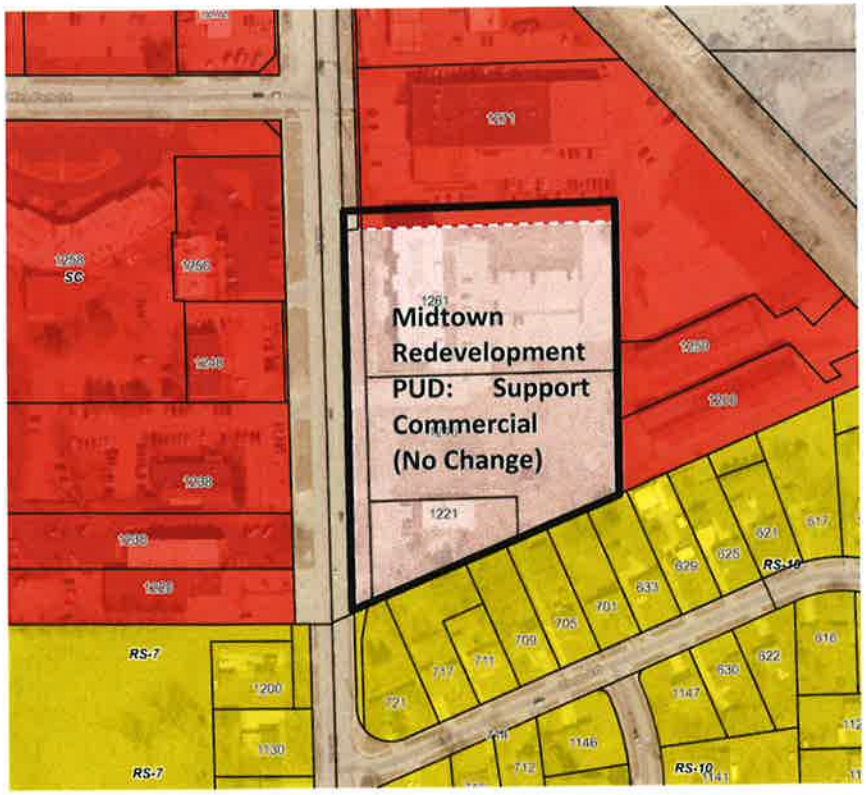
Published In:	Des Moines Register Community Section
Date(s) Published	2/16/24
Date(s) of Mailed Notices	2/13/24

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	2/5/24			
Recommendation	Yes ☐	No ☐	Split ☐	No Discussion ☒

Location Map

Zoning Map



A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-24-007

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Joe Cordaro, Keystone Phase II, LLC and Series 8 of JCG Holdings LLC, requests approval for a Comprehensive Plan Land Use Map Amendment to change the land use designation on the Planned Unit Development parcels as shown on the Planned Unit Development Comprehensive Plan Land Use Map Change Illustration included in the staff report as follows:

- PUD Parcels A, B & C from Support Commercial (SC) to Multi-Use Medium (MUM)

WHEREAS, the comprehensive plan amendment complies with the applicable provisions of Iowa Code Chapter 414 and City Code.

NOW, THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPA-006322-2024) 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 February 26, 2024.

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 February 26, 2024, by the following vote:

AYES: Conlin, Costa, Crowley, Davis, Hatfield, McCoy, Shaw

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:
Recording Secretary

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-24-008

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant and property owner, Joe Cordaro, Keystone Phase II, LLC and Series 8 of JCG Holdings LLC, requests approval of an amendment to the Midtown Redevelopment Planned Unit Development (PUD) for the Planned Unit Development parcels as shown on the Planned Unit Development Sketch Plan attached to the ordinance included in the staff report as follows:

- Change Parcels A & B from requiring Mixed Use buildings to allow the entire PUD area to be considered a Mixed-Use Development.
- Change the maximum number of dwelling units allowed within the PUD from eight-three (83) units to ninety-four (94) units; and
- Change the maximum allowable square feet of Commercial (Office/Retail) Uses, except Restaurant from twenty-five thousand (25,000) to seven thousand (7,000); and
- Change the maximum allowable square feet of Restaurant Use from ten thousand two hundred (10,200) to six thousand eight hundred (6,800).

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, (ZC-006295-2023) 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 February 26, 2024.

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 February 26, 2024, by the following vote:

AYES: Conlin, Costa, Crowley, Davis, Hatfield, McCoy, Shaw

NAYS:

ABSTENTIONS:

ABSENT:

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 Municipa Code, the applicant and property owner, Joe Cordaro, Keystone Phase II, LLC and Series 8 c JCG Holdings LLC, requests approval of a Comprehensive Plan Land Use Map Amendment t change the land use designation from Support Commercial (SC) to Multi-Use Medium (MUM) o the ground legally described in attached Exhibit "B" and as indicated on the attache Comprehensive Plan Land Use Map Change Illustration; and

WHEREAS, studies and investigations were made, and staff reports, and recommendation were submitted which is made a part of this record and herein incorporated by reference; and

WHEREAS, the Comprehensive Plan Land Use Map Amendment complies with applicabl provisions of Iowa Code Chapter 414 and City Code; and

WHEREAS, on February 26, 2024, the Planning and Zoning Commission did recommend t the City Council, by a 7-0 vote, for approval of the Comprehensive Plan Land Use Ma Amendment; and

WHEREAS, on this day this City Council held a duly noticed Public Hearing to consider th application for Comprehensive Plan Land Use Map Amendment.

NOW, THEREFORE, The City Council hereby approves the Comprehensive Plan Land Us Map Amendment (CPA-006322-2024) as shown on attached Comprehensive Plan Land Use Ma Change Illustration, subject to compliance with all the conditions in the staff report, dated Marc 4th, 2024, including conditions added at the meeting, and attached hereto as Exhibit . Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as we as any other remedy which is available to the City.

PASSED AND ADOPTED by the City Council on March 4th, 2024

Russ Trimble, Mayor

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
HUDSON	✓			
LOOTS	✓			
HARDMAN	✓			
MCKINNEY	✓			
MOTION BY	Hudson			
SECOND BY:	Hardman			
ROLL CALL #	24-080			

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 March 4th, 2024, by the indicated vote.

Exhibit A: Conditions of Approval

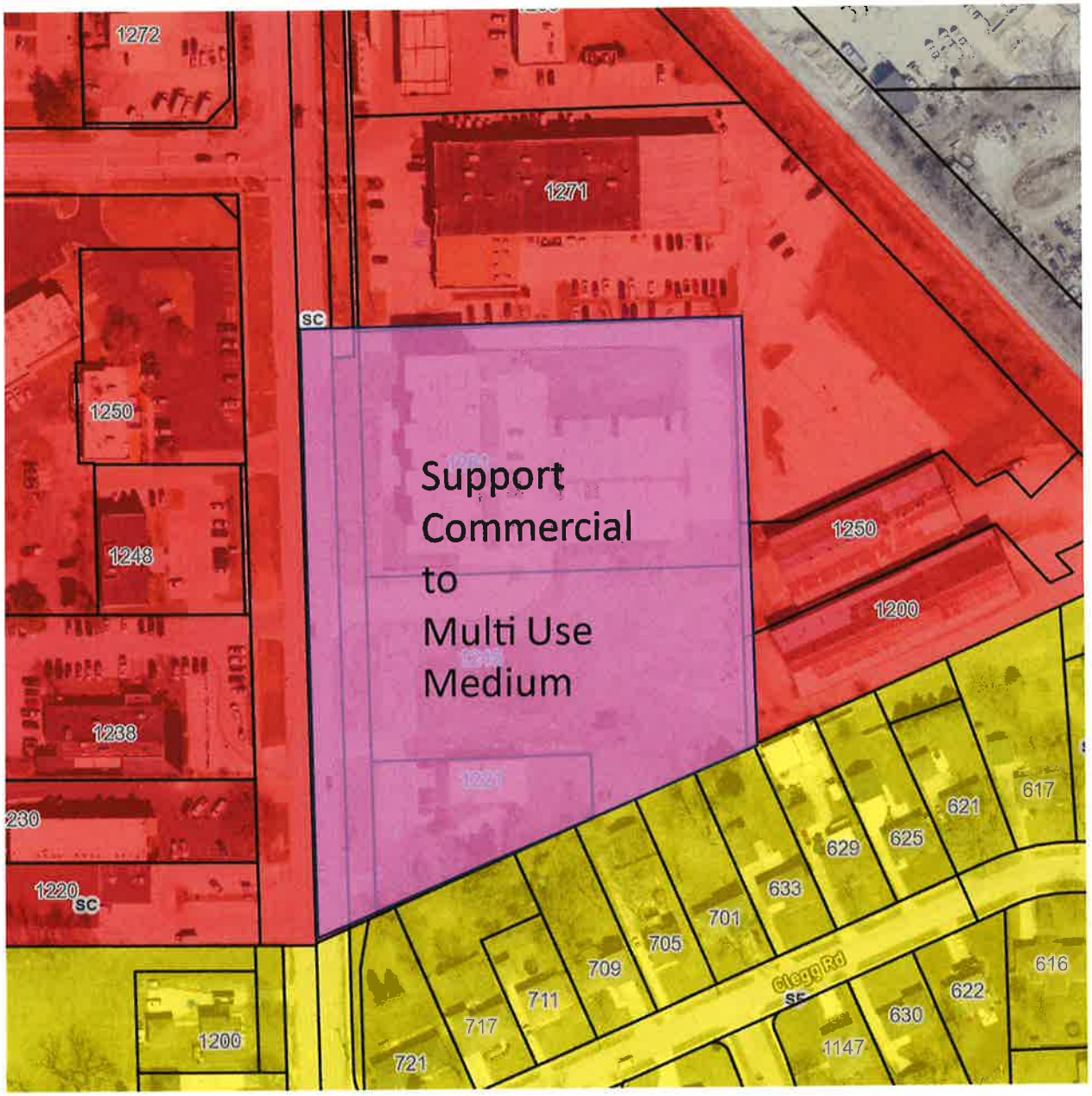
1. None

Exhibit B: Legal Description

BEING ALL THAT PART OF LOTS 8 AND 9 AND PART OF THE SOUTH 25 FEET OF LOT 10, ALL IN COLBY'S FACTORY ADDITION, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°08'09" WEST, ALONG THE WEST LINE OF SAID LOTS 8 AND 9, DISTANCE OF 563.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 01°08'09" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 378.12 FEET; THENCE SOUTH 00°50'53" EAST, A DISTANCE OF 424.70 FEET; THENCE SOUTH 66°24'18" WEST, A DISTANCE OF 430.65 FEET TO THE POINT OF BEGINNING, CONTAINING 4.63 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Comprehensive Plan Land Use Map Change Illustration


Support
Commercial
to
Multi Use
Medium
1272
1271
1250
1248
1238
1220
SC
1200
1250
1200
617
621
625
629
633
701
705
709
711
717
721
616
622
630
1147
Clegg Rd

Prepared by: K.Marren, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

ORDINANCE #

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2024, AND ORDINANCES PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) #122, DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT. Ordinance #2387 pertaining to the Midtown Redevelopment Planned Unit Development (PUD) Ordinance, is hereby amended by deleting the highlighted strike-through text and adding the text in bold italics:

Legal Description

BEING ALL THAT PART OF LOTS 8 AND 9 AND PART OF THE SOUTH 25 FEET OF LOT 10, ALL IN COLBY'S FACTORY ADDITION, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTH 01°08'09" WEST, ALONG THE WEST LINE OF SAID LOTS 8 AND 9, DISTANCE OF 563.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 01°08'09" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 88°45'42" EAST, A DISTANCE OF 378.12 FEET; THENCE SOUTH 00°50'53" EAST, A DISTANCE OF 424.70 FEET; THENCE SOUTH 66°24'18" WEST, A DISTANCE OF 430.65 FEET TO THE POINT OF BEGINNING, CONTAINING 4.63 ACRES, MORE OR LESS, AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SECTION 2. SKETCH PLAN: Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan Document for the Midtown Redevelopment PUD marked Exhibit "A". The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the Parcels for the purpose of easier reference for the applicable regulations of this Ordinance. Where the PUD sketch plan and PUD language conflict, the language shall prevail.

SECTION 3. DEVELOPMENT INTENT: The Midtown Redevelopment PUD intends to provide a framework for development standards reflective of the realities and constraints of redevelopment

and to establish design standards for infill construction that are appropriate for the neighborhood. The Midtown Redevelopment PUD is located within the 8th Street corridor, an area predominantly developed in the 1970's. The corridor is prime for redevelopment due to the existing compact development pattern, proximity to transit opportunities and interstate access and the favorable central location within the metro area. It is the goal of the developer to create a pedestrian friendly, mixed-use development that expands the commercial opportunities for the corridor and enhances the area by including residential uses that provide a population to support the area businesses and additional choices in housing style, size and affordability for the neighborhood.

SECTION 4. REQUIRED PLANS:

A. Preliminary Plat/Final Plat: Prior to or in conjunction with development of any portion of the property covered by this PUD, said area shall be replatted in accordance with the City's Subdivision Ordinance to delineate the ground associated with each building, unless a Lot-Tie Agreement is executed which permanently ties the properties together into one (1) parcel. If lot-tied, no building may be sold separately from another until the property is replatted through the City's Subdivision process.

B. Site Plan Development Applications: Site plans for buildings within the Midtown Redevelopment PUD must meet the intent of the PUD. With the exception of grading done under a City approved grading Permit, prior to development of the respective PUD or platted parcel, site plans for development shall be submitted to the City for review through the development review process and approval by the appropriate approval body.

SECTION 5. CONDITIONS: Whereas, Title 9, Chapter 9, Planned Unit Development District of the City Code, establishes certain regulations and guidelines pertaining to accompanying information required on plat and site plan documents. In addition, the following conditions, restrictions, and regulations are adopted as part of this approval:

A. General Conditions: In addition to the PUD Sketch Plan Map, the following general development criteria shall be integrated into and made a part of this planned unit development.

1. General Conformance to Subdivision Ordinance: All subdivisions, public and private streets and 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/or established City policies pertaining thereto, unless otherwise stated within this Ordinance.

2. General Conformance to Zoning Ordinance: Unless otherwise specified herein, the development of the Midtown Redevelopment PUD shall comply with the provisions of the Title 9, "Zoning", of the city code or any other applicable codes.

3. Flood Hazard: In all areas within a Base Flood (100 Year), or adjoining drainage ways, and detention ponding areas involving potential flood hazards, all buildings proposed to be located in a flood hazard area must be elevated and designed in accordance with the American Society of Civil Engineers publication ASCE 24 and no building shall be erected which has a minimum opening elevation (including top of window well) less than one foot (1') above the determined level of the Base Flood. In areas where historical high-water levels are above the Flood Insurance Rate Map (FIRM) Base Flood Elevation or special conditions exist, the City may require a Design Flood Elevation be calculated and used as the Base Flood Elevation for determination of elevation requirements. Buildings shall

only be permitted within twenty-five feet (25') of any easement or property boundary of a major drainageway, storm water detention basin or pond if said location is approved as part of the development entitlement by the city council and said building is structurally designed accordingly.

4. Developer Responsibilities: The Developer, their successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development, as required by this Ordinance and approved site plans and the cost of all streets, storm sewers, sanitary sewers, drainageway improvements, detention basins, water mains, buffers and other improvements as required for rights-of-way or public easements within the Midtown Redevelopment PUD, unless otherwise approved by the City Council.

5. Public Street Improvements and Right-Of-Way Dedication: At time of subdivision platting of ground within the PUD or in conjunction with site development, whichever occurs first, the subdivider/developer shall be responsible for construction and/or installation of all required public and private infrastructure improvements necessary to support development in a manner that will assure that the infrastructure functions at an acceptable level of service and in accordance with all city ordinances.

6. Sanitary Sewer: Any proposed change in approved land use densities (commercial or residential) for the PUD will require an analysis of the downstream sanitary sewer capacity to assure that adequate capacity is available for the proposed change in approved land use densities.

7. Fire Access:
   a. All access drives, internal drive aisles and parking lots shall permit the travel of the Fire Department's largest vehicle, including adequate accommodation of the vehicle's turning needs. Approval of unique design solutions to accommodate fire access may be granted by the City Council if the solutions proposed are acceptable to and recommended for approval by the West Des Moines Fire Department.
   b. At the discretion of the City's Fire Marshal, "No Parking Fire Lane" areas may be established as necessary to ensure efficient movement and access of the fire trucks. The developer shall be responsible for the procurement and erection of approved fire lane signage.
   c. A minimum of fourteen feet (14') of vertical clearance over the travel portion of all vehicle travel ways shall be maintained at all times.
   d. The property owner or its designee shall be responsible for enforcement of no parking lanes and maintaining adequate clearance of structures and vegetation along and above all vehicle travel ways, regardless if public or private.
   e. Adequate fire accesses as determined by the City's Fire Marshal shall be provided at all times to those areas under construction.

8. Street Lighting: The Developer shall be responsible for all costs associated with the installation of public street lights within or adjacent to any area proposed to be platted or developed.

9. Mailboxes: The Developer shall be responsible for installation of any required Cluster Box Units (CBUs) as per the local U.S. Postal Service Post Office.

10. Parking Interconnect: In the future, a connection to the adjacent property to the east may be necessary to enhance parking and/or circulation within the area. At such time that the City deems necessary, the property owner(s) of ground within the PUD shall construct a twenty-four foot (24') wide drive connection to the east property line, in a location agreeable to both properties and the City.

SECTION 6. REQUIREMENTS: Unless provided otherwise in this ordinance, all general use regulations, performance standards and provisions set forth in title 9, "Zoning", of the city code for the Support Commercial (SC) Zoning District shall apply to any development within the Midtown Redevelopment Planned Unit Development. Lots less than the minimum size required for the Support Commercial zoning district may be considered acceptable if approved by the city council as part of a master PUD development plan. To the extent that the provisions of this section conflict with or are more restrictive than similar provisions provided elsewhere in the West Des Moines zoning ordinance, the provisions of this section shall control. The following land use design criteria, development standards, and landscaping regulations shall apply to parcels within the Midtown Redevelopment Planned Unit Development:

A. Parcel A and B: Parcels A and B are intended to be developed as ***a*** mixed-use ~~buildings~~ ***development*** with commercial uses and multi-family residential dwellings.

1. Permitted Uses: All permitted (P) and permitted conditional (PC) uses within the Support Commercial (SC) district shall be allowed with the approval of the appropriate review and approval body, except the following, which shall be prohibited:

Prohibited Uses

Division	SIC Code	Use
A	0783	Ornamental Shrub and Tree Services
E	45-49	Transportation, Communication And Public Utilities
F	55	Automotive Dealer and Service Stations
F	5999	Engine and Motor Equipment and Supply Stores
I	70	Hotels, Rooming Houses, Camps, and Other Lodging Places
I	726	Funeral Service
I	75	Automotive Repair, Services, and Parking
I	7699	Recreational Vehicle Repair Services
I	7699	Agricultural Equipment Repair Services
I	7699	Misc. Automotive Repair Services
I	79	Amusement and Recreational Services

2. Building Setbacks: For the purposes of this section, the west property line (8th Street) is considered the front yard, the eastern boundary of Parcels A and B is considered the rear yard and the north and south boundaries of Parcels A and B are considered the side yards.

   a. Primary and Accessory Buildings or Structures: Buildings or structures shall comply with a minimum forty-five foot (45') front yard setback as measured from the ultimate right-of-way for 8th Street; a minimum fifty foot (50') rear yard setback and a minimum fifty foot (50') side yard setback unless it abuts a like zoning district. In situations of an abutting Support Commercial property, a zero foot (0') side yard setback shall be required. Setbacks are measured to the closest structural element including egress window wells, roof overhangs, bay windows, chimney bump-outs, etc. Trash and generator enclosures shall not be located in a front yard and shall be allowed to be located as close as five feet to a rear or side property line, unless shared between parcels A and B, in which case there shall be no side yard setback requirement.

   b. Open Patios: At grade, open-air patios that are defined by railings, planters or walls shall comply with a minimum five foot (5') front yard setback as measured from the ultimate right-of-way line for 8th Street and a minimum five foot (5') rear and side yard setback.

3. Building Height: Buildings within Parcels A and B shall not exceed a maximum building height of fifty-five feet (55') as measured from the average grade along the foundation of the buildings.

B. Parcel C: Parcel C consists of an existing building***, included in the mixed-use development,*** not to exceed 3,000 square feet.

1. Permitted Uses: All permitted (P) and permitted conditional (PC) uses within the Support Commercial (SC) district shall be allowed with the approval of the appropriate review and approval body, except the following, which shall be prohibited:

Prohibited Uses

Division	SIC Code	Use
A	0783	Ornamental Shrub and Tree Services
E	45-49	Transportation, Communication And Public Utilities
F	55	Automotive Dealer and Service Stations
F	5999	Engine and Motor Equipment and Supply Stores
I	70	Hotels, Rooming Houses, Camps, and Other Lodging Places
I	726	Funeral Service
I	75	Automotive Repair, Services, and Parking
I	7699	Recreational Vehicle Repair Services

I	7699	Agricultural Equipment Repair Services
I	7699	Misc. Auto-motive Repair Services
I	79	Amusement and Recreational Services

2. Building Setbacks: For the purposes of this section, the western property line (8th Street) is considered the front yard and shall comply with a minimum thirty-five foot (35') front yard setback as measured from the ultimate right-of-way for 8th Street. The eastern area of the parcel is considered the rear yard and shall comply with a minimum fifty-foot (50') setback. A minimum fifteen-foot (15') setback shall be provided from the north property line and a minimum forty-five foot (45') setback shall be provided from the south property line. Trash and generator enclosures shall not be located in a front yard and shall be allowed to be located as close as five feet to the east or north property lines and no closer than thirty feet (30') to the south property line.

SECTION 7: DENSITY:

A. Residential Uses: There shall be no maximum density restriction on any PUD parcel; however, the collective total number of dwellings allowed within all parcels included in the Midtown Redevelopment PUD shall not exceed ~~eighty-three (83)~~ ***ninety-four (94)*** dwelling units. Dwelling units may not be located on the 1st floor of any building located within parcel A. Dwelling units shall be allowed on the first floor of a building in parcel B~~; however, they shall be restricted to the southeast corner of the building. No residential dwellings shall be allowed on the first floor along the west (8th Street) or north walls of the building; these areas must contain viable commercial space.~~

B. Commercial (Office/Retail) Uses, except Restaurants: The collective total commercial square footage between all buildings within the Midtown Redevelopment PUD shall not exceed ~~twenty-five thousand (25,000)~~ ***seven thousand (7,000)*** square feet. Unless otherwise provided in this PUD, at a minimum, the first floor of the building on both parcels A shall consist of only commercial uses.

C. Restaurant Uses: Of the collective commercial square footage, restaurants within Parcels A and B shall not exceed ~~ten thousand two hundred (10,200)~~ ***six thousand eight hundred (6,800)*** square feet.

SECTION 8: PARKING:

A. Parking Ratios: The parking rates indicated below shall be utilized for typical commercial uses, restaurants, and multi-family residential dwellings. A 30% reduction to the minimum number of parking stalls required as provided in title 9, chapter 15 of the city code shall be allowed for all other uses within the development.

1. Commercial (office/retail) uses, excluding restaurants: minimum of 2.25 parking space per one thousand (1,000) square feet of gross floor area.
2. Sit down restaurants and drinking establishments: minimum of thirteen (13) parking spaces per one thousand (1,000) square feet of gross floor area.

3. Residential dwelling units:
   a. Units with up to 2 bedrooms: minimum of 0.525 parking space per unit.
   b. Units with 3 bedrooms or more: minimum of 0.6 parking space per unit.

4. With the approval of the city council and the execution of an appropriate cross parking agreement, required spaces for one parcel may be located on a different parcel. If shared parking is utilized, the total parking spaces provided within the PUD must meet the minimum number of parking stalls required as outlined for all uses within the PUD.

B. Off Street Parking & Loading Areas: All off-street parking and loading/service areas shall comply with title 9, chapter 15 of the city code.

1. All off street parking and loading areas shall be sited and landscaped to screen their visibility from 8th Street, including associated sidewalk and adjoining single-family dwellings/lots sharing the south perimeter PUD boundary line. Parking areas shall be screened year-round to a minimum height of three feet (3'). No screening is required along the eastern PUD boundary line.

2. Parking stall measurements and drive aisle widths shall conform to title 9, chapter 15 of the city code.

3. It is desired that all off street parking areas be aesthetically improved to reduce obtrusive characteristics that are inherent to their function. Landscape islands and/or pods shall be implemented in all new parking areas in accordance with title 9, chapter 19 of the city code, except that parking rows immediately adjacent a building face shall only be required to implement terminal islands at the end of a parking row and shall not be required to provide intermediate islands within the linear row of parking. The existing parking area on parcel C shall not be required to be brought into compliance with city code until such time that the site is redeveloped, or the parking is reconstructed. Any additions to the existing parking in parcel C shall be designed and landscaped in accordance with city code

C. Off Street Parking Lot Setbacks: Parking shall be in conformance with title 9, chapter 15 of the city code, except as follows:

1. Parking Setback from 8th Street: With the exception of parcel C, parking shall be setback a minimum of one-hundred feet (100') from the ultimate street right-of-way for 8th Street. The setback of the existing parking field within parcel C to the ultimate right-of-way line for 8th Street shall be considered acceptable as is; however, no modification to the parking field shall be allowed which would reduce the setback to less than it is at the time of adoption of this PUD. Should parcel C be redeveloped, a minimum forty-foot (40') setback shall be provided from the ultimate right-of-way line of 8th Street.

2. Parking Setback from the South PUD Boundary: With the exception of parcel C, parking shall be setback a minimum of fifteen feet (15') from the south perimeter boundary line of the PUD. The setback of the existing parking field within parcel C to the south boundary line shall be considered acceptable as is; however, no modification to the parking field shall be allowed which would reduce the setback to less than it is at the time of adoption of this PUD. If the existing building on Parcel C is ever demolished, the pursuant development shall provide a minimum fifteen-foot (15') side yard setback from the southern boundary line.

3. Parking Setback from the East and North PUD Boundary: No setback shall be required from either the east or north boundary line of the PUD; however, parking along the north shall not have direct access to the east-west access drive. The appropriate barriers to prohibit direct access to the access drive shall be installed to force vehicles to go south and connect to the access drive at a defined point.

SECTION 9: ARCHITECTURE: The intent is to create building façades throughout this development that are articulated to provide visual interest to pedestrians and to establish a unique identity for the development. The architectural design of any building within this development shall be acceptable to the City. The architecture shall attempt to express a creative presentation by careful attention to exterior building materials and details, use of fenestration, and change in building mass within the plane and roof design to lessen the plainness of appearance which can be characteristic of large commercial and multi-family buildings. Building design, materials, trim, detailing, and colors shall provide continuity to unite all structures within the development into one project concept. All sides to each building shall receive high quality materials, finishes, and details (360° architectural treatment). There are no "backs" to a building. Materials should be durable, economically maintained and of a quality that will maintain their appearance over a prolonged time.

On file with the City are conceptual architectural illustrations of the general building style, colors and materials. Once site plan approval is gained on a particular building design, any alteration in design, materials or colors, must be reviewed and approved by the City's Development Services Department prior to changes being implemented.

A. All buildings within this development shall accommodate or incorporate the following design approaches:

1. Corporate architecture shall be prohibited. Limited use of architectural elements characteristic of prototypical architecture may be allowed at the discretion of the Director of Development Services or the appropriate reviewing and approval body. Implementation of these architectural elements shall be minimized and whenever possible modified to give a unique image to the establishment. No standard corporate building design without modifications shall be implemented.
2. Buildings shall be organized to create a logical and identifiable relationship with the site and other buildings, open spaces, and pedestrian circulation paths.
3. The use of building articulation and materials which break up the building mass into modules that respect a pedestrian scale and reflects proportions similar to other buildings within the area.
4. The building's design should meet context and site objectives such as providing gateways, creating visual and physical linkages and framing or terminating views.
5. Variation in building height, mass and roof forms shall be provided to create interest while still maintaining an overall building continuity. Roofs should not be designed as attention-getting devices related to the reinforcement of signage or as an identifiable corporate image.
6. Projections above the roof shall have the appearance of a three-dimensional element.
7. Entrances into buildings should be easily identified through the use of building design and detailing. Projected or recessed entryways, change in rooflines, addition of awnings or changes in building material are examples that can create this effect.
8. Shifts in building planes/facades and variation in exterior materials shall be incorporated to minimize long expanses of wall. Long blank walls shall be prohibited.

9. Variation in materials, material modules, expressed joints, textures, colors and details should be used to break up the mass of the buildings. Materials should change with the change in building planes.
10. Trim and structural elements such as posts or columns shall be sized to the scale of the building.
11. Whenever possible, ground floor commercial tenant areas should provide the maximum possible glazing toward sidewalks to provide pedestrians with visual interest. Use of reflective glass or mirrored glass is discouraged. Efforts should be made to use clear glass on storefronts, windows and doors to promote the linkage of the interior and exterior of buildings.
12. Architectural design for multi-family units shall include:

    a. Unit design should incorporate elements such as balconies and roof decks to reinforce the connection between the residents and the activities within the development. A minimum of eighty percent (80%) of the multi-family units within the development must provide a balcony or porch with a minimum usable area of forty (40) square feet and a minimum usable dimension of five feet (5') deep in either direction. In lieu of outdoor living area for individual units, area(s) of common defined and enhanced outdoor living space can be provided.

    b. Should covered parking be pursued, the architectural details of detached garages should incorporate the materials and treatments of the dwelling, such as windows, doors, trim and materials on all sides of the garage. For parking incorporated within the primary building, the design should place the garage doors on a non-street side façade and use screening or design elements to minimize the dominance of garage doors on the facade.

13. Natural, durable materials such as brick and stone shall be used as the major elements of the façade cladding (40% or greater), primarily on the lower stories of the building. Use of vinyl materials is prohibited.

    a. Buildings may incorporate the following materials in addition to the materials noted above: architectural concrete masonry units (CMU) and architectural metal or composite panels (acceptable to the City.) All composite panel or metal cladding must have concealed fasteners. All exposed edges must have a fully finished edge or be terminated with trim. Trim for the panels should be finished with the same color as the panel. CMUs shall have integrated color rather than surface applied paint/staining and should generally have texture for interest; smooth CMU may be used in conjunction with texture for accent purposes. The use of EIFS or synthetic stucco shall be used in limited quantities and primarily as an accent or trim material; located only on the upper portions of the facades. EIFS or synthetic stucco may not comprise more that 20% of the cladding material.

SECTION 10. <u>LANDSCAPING</u>: Landscaping must be provided in accordance with City Code unless otherwise modified within this ordinance. Details regarding specific varieties, exact quantities, and the minimum size at time of planting shall be provided and approved as part of the site plan submittal and shall meet the general guidelines in respect to the minimum plant sizes traditionally applied to development within the City. The minimum vegetation quantities specified within this ordinance will need to be provided. The provision of additional vegetation above the minimum amount required may be necessary to fulfill the intent (i.e., visual mitigation/screening) of the required landscaping.

Once site plan approval is gained on a particular parcel, any alteration to that shown on the approved site plan must be reviewed and approved by the City's Development Services Department prior to the changes being implemented.

A. Open/Green Space: Due to the nature of the intended redevelopment in respect to existing development patterns, uses, and densities, the amount and locations of open space and green space/vegetation within the redevelopment area will vary. As a general rule, the maximum amount of "green" (open lawn areas and vegetation) should be provided within a site. To allow the most flexibility in planning, collectively, the development shall attempt to provide a minimum of twenty five percent (25%) open space across the PUD area; however, no less than fifteen percent (15%) open space or more than eighty five percent (85%) impervious surface will be allowed within any one PUD parcel. Plaza and streetscape areas along with any areas associated with outdoor pedestrian use may be counted toward fulfilling the minimum open space requirement. Plazas and outdoor pedestrian use areas to be counted toward fulfilling minimum open space requirements may be paved (impervious) as long as the paving is part of a planned hardscape and landscape enhancement of the plaza or pedestrian area.

B. Streetscaping: A landscaped edge with pedestrian elements or "streetscape" shall be provided along 8th Street. The streetscape is intended to provide desired green to the City, reinforce a district identity, provide visual screening of parking and other negative site elements, bring human scale to adjoining buildings and provide traffic calming benefits. The streetscape shall include vegetation and pedestrian furniture fixtures. Incorporation of art or other development defining elements are encouraged but may not be used to promote the identity of the development or a tenant within the development. Pedestrian elements such as patios and walkways may encroach into the streetscape area; however, no buildings or off-street parking may encroach.

SECTION 11. BUFFERING AND TRANSITIONING: Buffering and density transition methods shall be required as set forth in Title 9, Chapter 19, Section 8E and Title 9, Chapter 5, Section 7C of city code, except along the south boundary of parcel C until such time that parcel C is redeveloped. Until redevelopment occurs, no structure or paved area may be located closer than currently exists at the time of adoption of this PUD. As possible, landscape vegetation or a solid six-foot (6') fence should be located along the south boundary line to delineate the line between the development and the existing single-family lots.

SECTION 12. SIGNAGE REGULATION: Signage restrictions shall be imposed to limit and reduce the negative impacts of sign clutter. Signage within each PUD parcel shall comply with all provisions of Title 9, Chapter 18. For mixed use buildings, the commercial portions of the building shall comply with support commercial (SC) regulations. Multi-family portions of mixed-use buildings shall comply with the multi-family sign regulations for the high-density district as found in Title 9, Chapter 18 on the City Code.

SECTION 13. STORM WATER MANAGEMENT: Specific Storm Water Management Plans will be required with the development of each parcel, demonstrating compliance with the approved Midtown Redevelopment PUD Master Storm Water Management Plan, on file with the city. The Developer will have said specific Storm Water Management Plans prepared by a Professional Engineer licensed in the State of Iowa, in conjunction with the submittal of a specific development proposals for a parcel within the PUD. All specific Storm Water Management Plans shall comply with the City's current design standards for storm water management. The method of storm water

management and the storm water conveyance system shall be determined prior to City approval of any development within any portion of the property within the Midtown Redevelopment PUD.

At time of platting or development, ownership and responsibility for all storm water detention areas and private storm water detention outlet structures will need to be established.

SECTION 14. TRAFFIC STUDY: A Traffic Impact Study (Traffic Report) dated May 6, 2019, has been prepared by the City of West Des Moines for the Midtown Redevelopment development. The Traffic Report caps the traffic generated from all ground within this PUD at 1,839 average daily trips, with 130 AM peak hour trips and 175 PM peak hour trips. The Traffic Report also outlines the ultimate paving requirements for the major road ways in the vicinity of the Midtown Redevelopment development. Prior to, or in conjunction with site plan submittal of any parcel, or portion of a parcel, the Developer shall have the traffic report reviewed by the City's traffic consultant to ensure that the provisions and assumptions of the original traffic report are still valid and applicable.

SECTION 15. REPEALER: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 16. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase or part of the 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 17. VIOLATIONS AND PENALTIES: Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 18. OTHER REMEDIES: In addition to the provisions set out in the 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 19. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this 18th day of March, 2024.

_____
Russ Trimble, Mayor

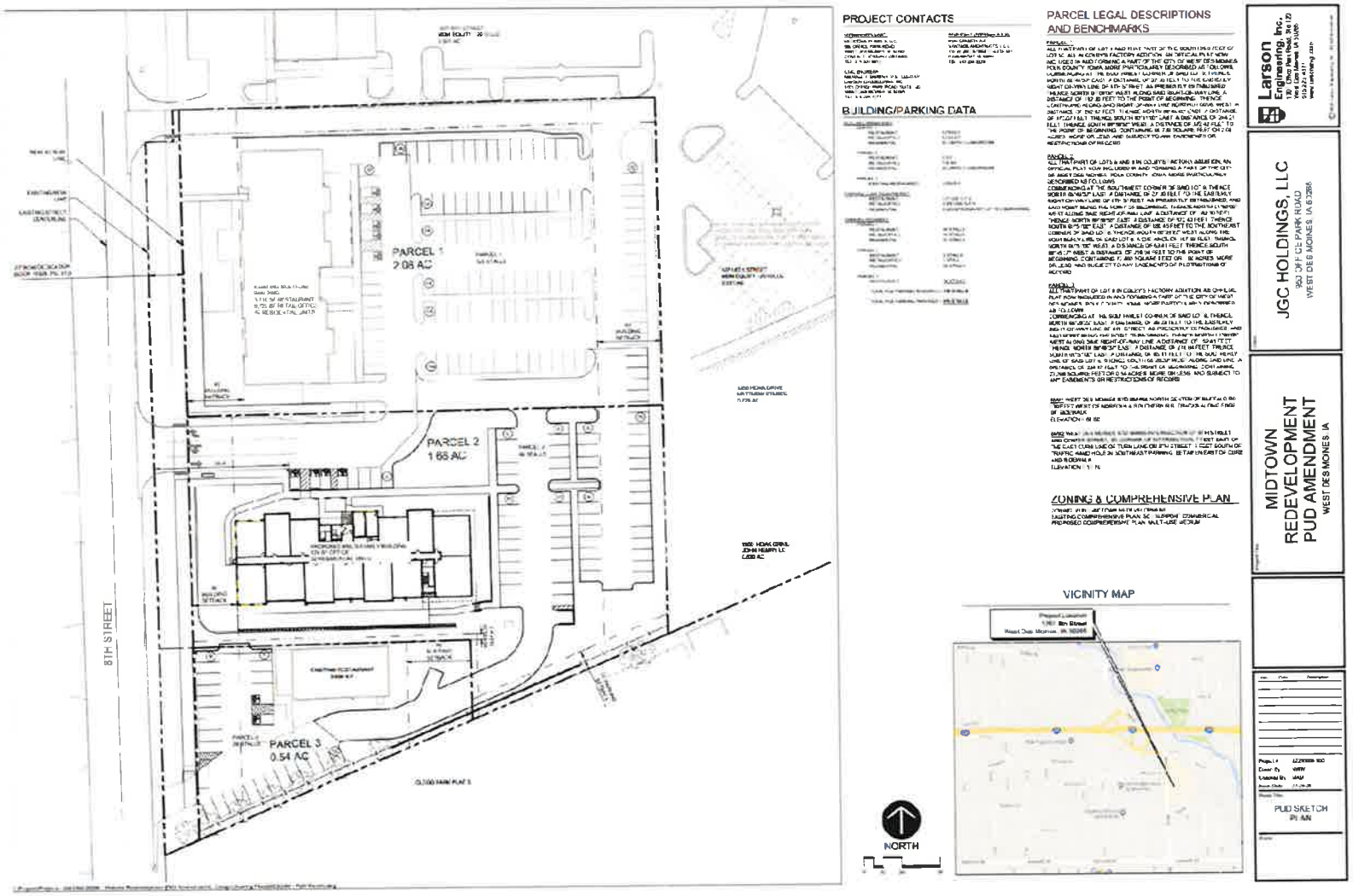
ATTEST:

_____
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the __ day of _____ 2024.

_____
Ryan T. Jacobson, City Clerk

Exhibit A: PUD Sketch Plan



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