

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 169, ZONING ORDINANCE, CITY OF WAUKEE, IOWA BY AMENDING THE ZONING FROM R-2 (ONE & TWO FAMILY RESIDENTIAL DISTRICT) TO C-1 (COMMUNITY & HIGHWAY SERVICE COMMERCIAL DISTRICT) / PD-1 (PLANNED DEVELOPMENT OVERLAY) AND AMENDING THE EXISTING PD-1 (PLANNED DEVLEOPMENT OVERLAY DISTRICT) [WAUKEE TOWNE CENTER]**

BE IT ORDAINED by the Council of the City of Waukee:

Section 1. Section 160.02 of Chapter 169, Waukee Municipal Code, Zoning Ordinance of the City, adopting the Official Zoning Map, is hereby amended by amending the following real estate (Property) from R-2 (One & Two Family Residential District) to C-1 (Community & Highway Service Commercial District) / PD-1 (Planned Development Overlay) for property legally described as follows:

PARCEL 22-124 OF LOT 5, WESTGATE PLAT 2, CITY OF WAUKEE, DALLAS COUNTY, IOWA.

Section 2. Section 160.02 of Chapter 169, Waukee Municipal Code, Zoning Ordinance of the City, adopting the Official Zoning Map, is hereby amended by amending the PD-1 [Planned Development Overlay District] on property legally described as follows:

PARCEL 'BB' OF THE E1/2 NE1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., AN OFFICIAL PARCEL RECORDED IN BOOK 2012, PAGE 22929 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WAUKEE, DALLAS COUNTY, IOWA EXCEPT WAUKEE TOWNE CENTER PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2020, PAGE 27825 AT THE DALLAS COUNTY RECORDER'S OFFICE AND FURTHER EXCEPTING THE WARRANTY DEED AND ACQUISITION PLAT RECORDED IN BOOK 2017, PAGE 23499 AT THE DALLAS COUNTY RECORDER'S OFFICE, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID PARCEL 'BB'; THENCE N00°00'05"E, 2109.31 FEET ALONG THE WEST LINE OF SAID PARCEL 'BB', SAID WEST LINE ALSO COINCIDES WITH THE EAST LINE OF WESTGATE PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 850, PAGE 908 AT THE DALLAS COUNTY RECORDER'S OFFICE, TO THE NE CORNER OF LOT 12 OF SAID WESTGATE PLAT 2, SAID NE CORNER ALSO BEING ON THE SOUTH LINE OF LOT 'A' OF SAID WAUKEE TOWNE CENTER PLAT 1 AND THE SOUTH RIGHT-OF-WAY LINE OF SE LAUREL STREET AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S61°10'57"E, AN ARC LENGTH OF 27.49 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE, TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 363.00 FEET AND A CHORD BEARING S59°59'20"E, AN ARC LENGTH OF 384.99 FEET ALONG SAID SOUTH LINE AND SAID

SOUTH RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE N89°37'39"E, 206.67 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 303.00 FEET AND CHORD BEARING S45°13'32"E, AN ARC LENGTH OF 477.50 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE S00°04'43"E, 393.79 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE S89°44'09"E, 341.67 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NE CORNER OF OUTLOT 'X' OF SAID WAUKEE TOWNE CENTER PLAT 1; THENCE S44°54'27"E, 49.65 FEET THE EAST LINE OF SAID OUTLOT 'X' AND SAID SOUTH RIGHT-OF-WAY LINE TO THE SE CORNER OF SAID OUTLOT 'X', SAID SE CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SE ALICES ROAD AS ESTABLISHED IN SAID WARRANTY DEED AND ACQUISITION PLAT RECORDED IN BOOK 2017, PAGE 23499 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S00°04'43"E, 1054.37 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1001.00 FEET AND A CHORD BEARING S01°54'08"E, AN ARC LENGTH OF 63.71 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE S03°43'32"E, 62.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF SAID PARCEL 'BB', SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF SAID E1/2 NE1/4 OF SECTION 34; THENCE S89°56'09"W, 1237.39 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 48.03 ACRES MORE OR LESS.

Section 3. Planned Development Agreement. Attached hereto as Exhibit A is the Planned Development Agreement which shall define the minimum standards and requirements of the PD-1 [Planned Development Overlay District] pertaining to the above legally described property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. If any section, provision 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 section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be in effect upon its final passage, approval and publication as provided by law.

Passed by the Council this \_\_\_\_ day of \_\_\_\_\_, 2022, and approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Courtney Clarke, Mayor

Attest:

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Rebecca D. Schuett, City Clerk



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  - Exhibit F – Conceptual Development Plan
  - Exhibit G – Final Plat
  - Exhibit H – Parcel 22-124 Plat of Survey
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## **Exhibit B | WAUKEE TOWNE CENTER - PLANNED DEVELOPMENT**

Waukee, Iowa

Planned Development Overlay District (PD)

### **Item 1 Purpose and Scope of District**

- A. The subject property is located west of SE Alice's Road and south of Hickman Road
- B. The proposed underlying zoning of the Property is C-1 (Community & Highway Service Commercial District). Due to the nature of the overall development as depicted in attached Exhibit F, a Planned Development Overlay (PD-1) is proposed which will address the unique aspects of the development related to use, site design, architectural design and other regulations and restrictions.

### **Item 2 Location, Size, Legal Description**

- A. See Attached: Exhibit C – Vicinity Map  
Exhibit D – Property Legal Description  
Exhibit G – Final Plat  
Exhibit H – Parcel 22-124 Plat of Survey
- B. The proposed development is comprised of approximately 48-acres generally located at the southwest corner of the intersection of SE Alice's Road and Hickman Road. The property is all located in Waukee, Dallas County IA.

### **Item 3 Conceptual Development Plan**

- A. See Attached: Exhibit E – Rezoning Map  
Exhibit F – Conceptual Development Plan  
Exhibit I – Sign Exhibit
- B. Exhibit F represents a conceptual development plan showing proposed construction of a 300,000+ square foot commercial/retail center with associated parking and several parcels for future commercial/retail development.
- C. Exhibit I represents monument sign locations for the overall Waukee Towne Center development and for tenants of the development to have signage within the sign. Monument signs shown within the Sign Exhibit shall be limited to the regulations set forth in Item 10 below.

#### **Item 4 Uses of Property**

- A. Permitted Uses shall be consistent with those permitted within the C-1 (Community & Highway Service Commercial District) as defined within the Waukee Zoning Ordinance with the following additions:
  - 1. Additions: In addition to the principal permitted uses as defined within the C-1 (Community & Highway Service Commercial District) regulations, the following uses shall be permitted:
    - a. An amenity/lifestyle center shall be permitted that may include features such as an amphitheater, ice skating rink, playground, artwork, etc.
  - 2. Restrictions: No principal or accessory commercial use shall be permitted on Parcel 22-124 as identified in Exhibit H. Use of Parcel 22-124 shall be limited to a monument sign consistent with the provisions included within Item 10 of this document.

#### **Item 5 General Site Planning and Circulation, Building Design Standards, including height, materials, sections and other information required to describe the project**

- A. General Site Planning and Circulation Standards shall be consistent with the standards as defined within the Site and Building Development Standards Ordinance approved and adopted by the City of Waukee with the following clarifications.
  - 1. Loading docks shall generally be located at the rear of the building and not facing SE Laurel Street or SE Alice's Road. In all cases, loading docks shall be effectively screened by the use of walls, berming/landscaping or a combination of both.
  - 2. When the site allows for it, drive-thrus associated with principle permitted uses shall be located to the rear of buildings and screened from view of public streets. Where it is determined that a drive-thru on the rear of a building is not feasible, appropriate screening such as fencing, berming and/or landscaping shall be used to limit the views of drive-thru lanes and menu boards from view of public streets.

#### **Item 6 Bulk Regulations – Including Density Regulations, Setbacks, Maximum Heights, and other design standards specific to the Project**

- A. Bulk Regulations shall be consistent with the requirements as defined within the C-1 (Community & Highway Service Commercial District) as defined within the Waukee Zoning Ordinance with the following exceptions.

1. A minimum of a 100-foot rear yard setback shall be required on Lot 8 and Outlot Z, as identified in Exhibit G, when adjoining property zoned for residential uses.

#### **Item 7 Open Space, Landscape and Buffer Regulations**

- A. Open Space, Landscaping and Buffer Regulations shall be consistent with the requirements as defined within the C-1 (Community & Highway Service Commercial District) regulations and the Landscape and Open Space Ordinance approved and adopted by the City of Waukee with the following clarifications.
  1. Minimum open space shall be calculated over each individual lot, except for Lot 8 and Outlot Z as identified on Exhibit G. On Lot 8 and Outlot Z open space shall be calculated over the entirety between the two lots.
  2. A 30-foot wide landscape buffer shall be required along all portions of Lot 8 and Outlot Z, as identified on Exhibit G, that abut an "R" (Residential) zoning district.

#### **Item 8 Parking and Loading**

- A. Parking and Loading Regulations shall be consistent with the requirements as defined within the C-1 (Community & Highway Service Commercial District) regulations and the Parking and Loading Ordinance approved and adopted by the City of Waukee with the following clarifications.
  1. Minimum parking requirements shall be calculated over the entire development of Lot 8 and Outlot Z, as identified in Exhibit G, rather than for each individual parcel or lot as long as there are cross parking and access agreements in place.
  2. Minimum parking requirements for each lots on Lot 1 – 7, as identified in Exhibit G.
  3. Outdoor seating areas for restaurants located within Lot 8 or Outlot Z, as identified in Exhibit G, shall be provided at a rate of 5 parking spaces per 1,000 square feet of outdoor seating area.

#### **Item 9 Architectural Standards**

- A. Architectural standards shall be consistent with the requirements as defined within the Site and Building Development Standards Ordinance approved and adopted by the City of Waukee.

## Item 10 Signage

- A. All signage within the development shall comply with the sign ordinance requirements as established within the Waukee Municipal Code approved and adopted by the City of Waukee with the following exceptions and clarifications.
  1. To accommodate tenants within the shopping center planned on Lot 8 and Outlot Z, as identified in Exhibit I, limited multi-tenant monument signage shall be allowed to advertise tenants of the shopping center with no direct street frontage of SE Alice's Road Hickman Road. Exhibit I identifies the location of these proposed sign(s):
    - a. Sign A:
      1. Maximum Height: 20 feet
      2. Maximum Width: 12 feet
      3. Maximum Sign Area: 128 square feet
      4. Minimum sign setback from front property line: 15 feet
      5. Sign A shall incorporate brick or stone into the base of the sign.
      6. Businesses directly adjacent to Sign A or those that have street frontage along SE Alice's Road shall not be allowed to advertise within Sign A.
      7. Sign A shall be placed within a lot or outlot separate from the adjoining lots and shall be owned and maintained by the owner of the property and/or the owners association for the Wakee Towne Center development.
      8. Multi-tenant monument signage shall incorporate the development name into said sign, but shall not be included in the square footage calculation.
      9. Artwork/branding of the development may be permitted on top of the sign, but shall not be included in the overall height of the sign. The maximum allowed height is 8-feet and the maximum width is 8-feet. No tenant of the development shall be permitted to place a commercial logo on the top of Sign A.

- b. Sign B:
  - 1. Maximum Height: 15 feet
  - 2. Maximum Width: 12 feet
  - 3. Maximum Sign Area: 100 square feet
  - 4. Minimum sign setback from property line: 15 feet
  - 5. Sign B shall incorporate brick or stone into the base of the sign.
  - 6. Businesses directly adjacent to Sign B or those that have street frontage along SE Alice's Road shall not be allowed to advertise within Sign B.
  - 7. Sign B shall be placed within a lot or outlot separate from the adjoining lots and shall be owned and maintained by the owner of the property and/or the owners association for the Wakee Towne Center development.
  - 8. Multi-tenant monument signage shall incorporate the development name into said sign, but shall not be included in the square footage calculation.
  - 9. Artwork/branding of the development may be permitted on top of the sign, but shall not be included within the overall height of the sign. The maximum allowed height is 8-feet and the maximum width is 8-feet. No tenant of the development shall be permitted to place a commercial logo on the top of Sign B.
  
- c. Sign D:
  - 1. Maximum Height: 15 feet
  - 2. Maximum Width: 12 feet
  - 3. Maximum Sign Area: 100 square feet
  - 4. Minimum sign setback from front property line: 15 feet
  - 5. Sign D shall incorporate brick or stone into the base of the sign.
  - 6. Businesses that have street frontage along Hickman Road or SE Alice's Road shall not be allowed to advertise within Sign D.
  - 7. Sign D shall be placed within a lot or outlot separate from the adjoining lots and shall be owned and maintained by the owner of the property and/or the owners association for the Wakee Towne Center development.

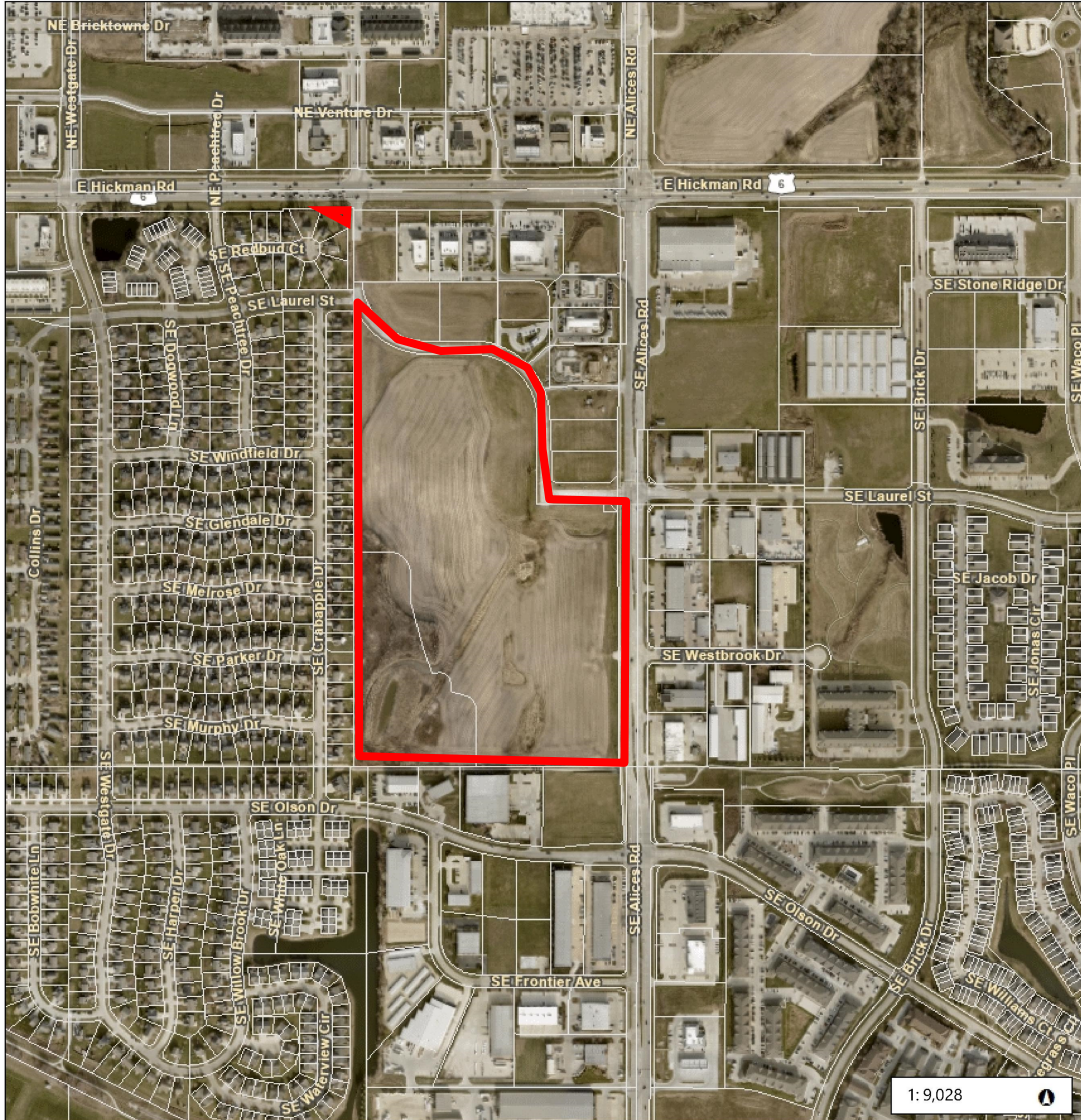
8. Multi-tenant monument signage shall incorporate the development name into said sign, but shall not be included in the square footage calculation.
  9. Artwork/branding of the development may be permitted on top of the sign, but shall not be considered in the overall height of the sign. The maximum allowed height is 8-feet and the maximum width is 8-feet. No tenant of the development shall be permitted to place a commercial logo on the top of Sign D.
2. Sign C shown on Exhibit I is a proposed entry monument feature and shall comply with the following requirements:
    - a. The base of Sign C shall be made of brick, stone, or concrete.
    - b. Individual letters shall not be taller than 2-feet in height.
    - c. The overall width of the sign area shall not exceed 45-feet.
    - d. Artwork/branding of the development may be permitted on the entry monument feature. The maximum allowed height is 18-feet and the maximum width is 12-feet of any artwork.
    - e. No tenant of the development shall be permitted to place a commercial logo within Sign C.
    - f. Minimum sign setback from the front property line shall be equal to height of the sign.

**END OF DOCUMENT**

# Exhibit C – Vicinity Map



City of Waukee



1,504.7 0 752.33 1,504.7 Feet  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
City of Waukee GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Exhibit D – Property Legal Description

PARCEL 'BB' OF THE E1/2 NE1/4 OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., AN OFFICIAL PARCEL RECORDED IN BOOK 2012, PAGE 22929 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WAUKEE, DALLAS COUNTY, IOWA EXCEPT WAUKEE TOWNE CENTER PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2020, PAGE 27825 AT THE DALLAS COUNTY RECORDER'S OFFICE AND FURTHER EXCEPTING THE WARRANTY DEED AND ACQUISITION PLAT RECORDED IN BOOK 2017, PAGE 23499 AT THE DALLAS COUNTY RECORDER'S OFFICE, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID PARCEL 'BB'; THENCE N00°00'05"E, 2109.31 FEET ALONG THE WEST LINE OF SAID PARCEL 'BB', SAID WEST LINE ALSO COINCIDES WITH THE EAST LINE OF WESTGATE PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 850, PAGE 908 AT THE DALLAS COUNTY RECORDER'S OFFICE, TO THE NE CORNER OF LOT 12 OF SAID WESTGATE PLAT 2, SAID NE CORNER ALSO BEING ON THE SOUTH LINE OF LOT 'A' OF SAID WAUKEE TOWNE CENTER PLAT 1 AND THE SOUTH RIGHT-OF-WAY LINE OF SE LAUREL STREET AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S61°10'57"E, AN ARC LENGTH OF 27.49 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE, TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 363.00 FEET AND A CHORD BEARING S59°59'20"E, AN ARC LENGTH OF 384.99 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE N89°37'39"E, 206.67 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 303.00 FEET AND CHORD BEARING S45°13'32"E, AN ARC LENGTH OF 477.50 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE S00°04'43"E, 393.79 FEET ALONG SAID SOUTH LINE AND SAID SOUTH RIGHT-OF-WAY LINE TO A POINT; THENCE S89°44'09"E, 341.67 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NE CORNER OF OUTLOT 'X' OF SAID WAUKEE TOWNE CENTER PLAT 1; THENCE S44°54'27"E, 49.65 FEET THE EAST LINE OF SAID OUTLOT 'X' AND SAID SOUTH RIGHT-OF-WAY LINE TO THE SE CORNER OF SAID OUTLOT 'X', SAID SE CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SE ALICES ROAD AS ESTABLISHED IN SAID WARRANTY DEED AND ACQUISITION PLAT RECORDED IN BOOK 2017, PAGE 23499 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S00°04'43"E, 1054.37 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1001.00 FEET AND A CHORD BEARING S01°54'08"E, AN ARC LENGTH OF 63.71 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT OF TANGENCY; THENCE S03°43'32"E, 62.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF SAID PARCEL 'BB', SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF SAID E1/2 NE1/4 OF SECTION 34; THENCE S89°56'09"W, 1237.39 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING AND CONTAINING 48.03 ACRES MORE OR LESS.

AND

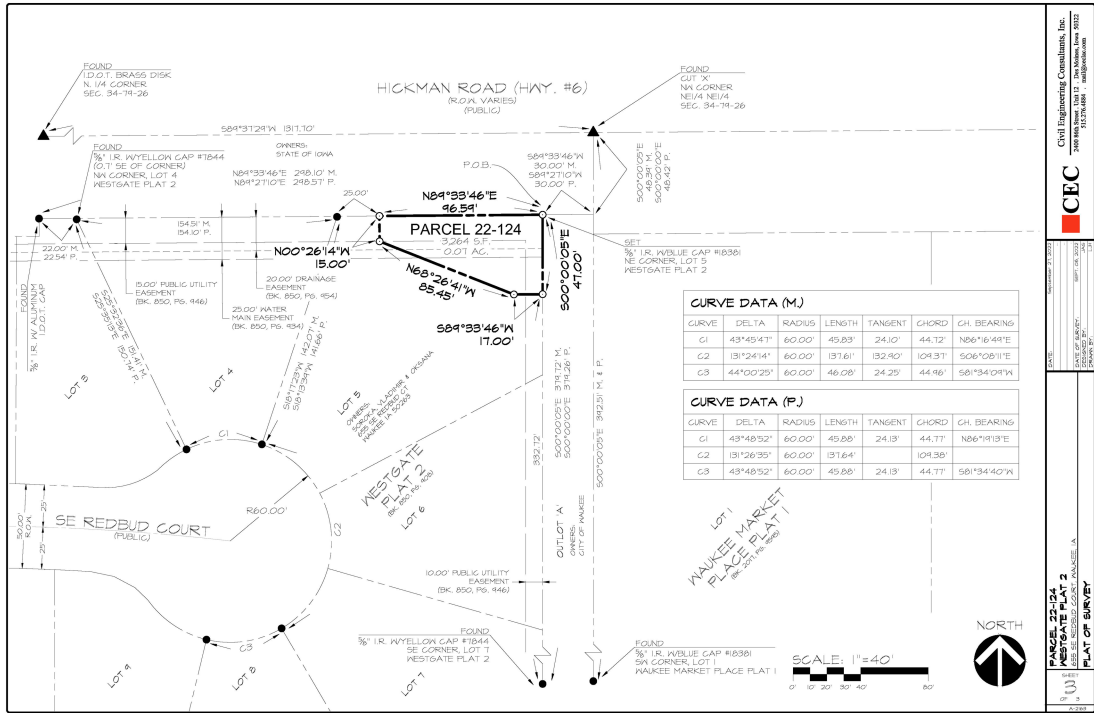
PARCEL 22-124 OF LOT 5, WESTGATE PLAT 2, CITY OF WAUKEE, DALLAS COUNTY, IOWA.







# EXHIBIT H – PARCEL 22-124 PLAT OF SURVEY

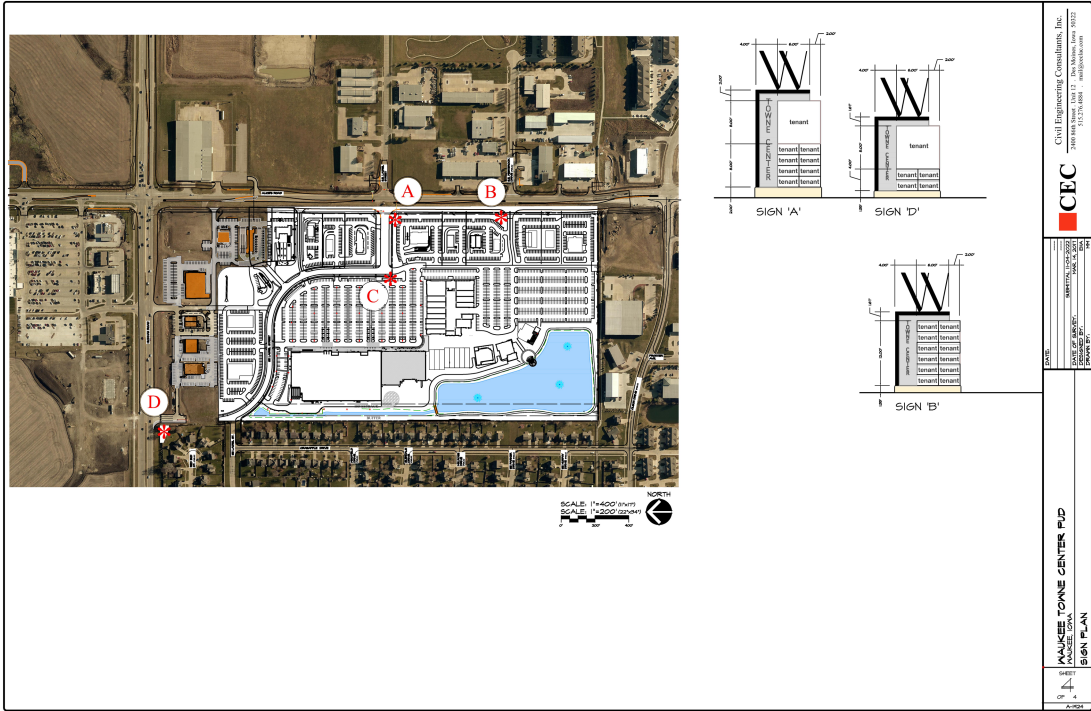


Civil Engineering Consultants, Inc.  
 2000 Wisconsin Ave., Suite 12, De Witt, Iowa 50532  
 Telephone: 515-281-1111  
 Fax: 515-281-1112  
 Website: www.cecinc.com

**CEC**

PROJECT NO. 2015-001  
 DATE: 08/11/2015  
 SHEET NO. 12 OF 12  
 PARCEL 22-124  
 SE REDBUD COURT - WISCONSIA  
 WISCONSIA  
 PLAT OF SURVEY

# Exhibit I – Sign Exhibit



K:\Projects\2024\Kajake Tone Center\Kajake Tone Center.dwg

<p>DATE: _____</p> <p>SCALE: _____</p> <p>SCALE: _____</p> <p>PROJECT NO. _____</p> <p>PROJECT NAME: _____</p> <p>PROJECT LOCATION: _____</p> <p>PROJECT DESCRIPTION: _____</p>		<p><b>CEC</b></p> <p>Civil Engineering Consultants, Inc.</p> <p>2000 W. 10th St., Suite 100, Lincoln, NE 68502</p> <p>TEL: 402-441-1111 FAX: 402-441-1112</p> <p>WWW.CEC-NE.COM</p>
<p>9 KAJAKE TONE CENTER P/D</p> <p>4 KAJAKE TONE CENTER P/D</p> <p>4 SIGN PLAN</p>		