CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 16, 2015

ITEM: Paradise Pointe, Northeast corner of Mills Civic Parkway and S68th Street – Amend the Specific Plan Ordinance to increase the number of restaurant uses and square footage allowed within the development – Jordan Creek Investments, LLC - ZCSP-002867-2015

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Jordan Creek Investments, LLC, has submitted an application for approval of a Rezoning Request to amend the existing Paradise Pointe Specific Plan to modify the land use regulations specified in the ordinance. More specifically, the applicant is seeking to have the option to allow three (3) additional sit down restaurants (without a drive-through), up to an additional 5,250 square feet within the development. The current ordinance allows for a total of three (3) sit down restaurants (no drive-through), with a maximum of 13,000 square feet of gross floor area and three fast-food restaurants or coffee shops with a drive-through, with a maximum of 16,000 square feet. With the proposed amendment, the Paradise Pointe development would be permitted six (6) sit down restaurants with a maximum of 18,250 square feet of restaurant space, plus up to three fast-food restaurants with drive-through up to 16,000 square feet. The limitations included in the original ordinance were placed by the developer at the time.

Plan and Zoning Commission Action:
Vote: 7-0 approval
Date: November 9, 2015
Motion: Adopt a resolution recommending the City Council approve the amendment to the Paradise Pointe Specific Plan Ordinance.

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee - *Development & Planning: November 5, 2015*
- Staff Review and Comments
  -New Development
  -Traffic
- Comprehensive Plan Consistency
- Town Center Overlay District Consistency
- Staff Recommendations and Conditions of Approval
- Noticing Information
- Property Owner/Applicant Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the Rezoning Request to amend the Paradise Pointe Specific Plan land use regulations related to restaurants within the development, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section	
Date(s) Published	October 30, 2015	
Letter sent to surrounding property owners		10/27/2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 5, 2015		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication

Attachment A - Commission Resolution

Exhibit A - Conditions of Approval

Attachment B - Location Map

Attachment C - Proposed Amendment

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: November 9, 2015

Item: Paradise Pointe, Northeast corner of Mills Civic Parkway and S68th Street – Amend the Specific Plan Ordinance to increase the number of restaurant uses and square footage allowed within the development – Jordan Creek Investments, LLC - ZCSP-002867-2015

Requested Action: Approval of Specific Plan Ordinance Amendment

Case Advisor: Brian Portz, Planner BP

Applicant's Request: The applicant, Jordan Creek Investments, LLC, has submitted an application for approval of Rezoning Request to amend the existing Paradise Pointe Specific Plan to modify the land use regulations specified in the ordinance. More specifically, the applicant is seeking to have the option to allow three (3) additional sit down restaurants (without a drive-through), up to an additional 5,250 square feet within the development. The current ordinance allows for a total of three (3) sit down restaurants (no drive-through), with a maximum of 13,000 square feet of gross floor area and three fast-food restaurants or coffee shops with a drive-through, with a maximum of 16,000 square feet. With the proposed amendment, the Paradise Pointe development would be permitted six (6) sit down restaurants with a maximum of 18,250 square feet of restaurant space, plus up to three fast-food restaurants with drive-through up to 16,000 square feet. The limitations included in the original ordinance were placed by the developer at the time.

History: The Paradise Pointe Specific Plan was approved by the City Council on July 16, 2007. The original Ordinance allowed for a total of three (3) drive-throughs, however, only one (1) could be associated with a fast food restaurant. In May of 2011, an amendment to the Specific Plan Ordinance was approved that allowed up to two (2) restaurants with drive-through and up to a maximum of 8,000 square feet of gross floor area. Chick-fil-A and Panda Express were constructed upon approval to allow a second fast-food restaurant drive-through. In May of 2014, another amendment was approved to allow all three of the permitted drive-throughs to be associated with restaurants or coffee shops and increasing the maximum collective square footage of the establishments to 16,000 square feet of gross floor area. Also, on October 10th of this year, the City Council approved an amendment to allow the use of blade or projecting signs within the development.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee at the November 5, 2015 meeting. The item was presented as an informational item only and there was no discussion.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would note the following items of interest:

- *New Development*: In addition to the existing Chick-fil-A and Panda Express restaurants on the Paradise Pointe property, three sit down restaurants (without drive-throughs), Firebirds Wood Fire Grill, Pita Pit and Firehouse Subs will be locating in the multi-tenant building currently under construction along S68th Street, and Chipotle is locating in a tenant bay within the old Mimi's Restaurant building. The applicant wishes to have the option to allow additional restaurants within the building currently under construction on Lots 2 & 3 (the Firebirds Wood Fire Grill building) and also in a future building proposed on Lot 7, north of Panda Express.
- *Traffic:* The traffic allocated for the original Paradise Pointe is sufficient to accommodate the implementation of additional restaurants. A traffic analysis completed in conjunction with this amendment request indicated that there are no noticeable impacts to the public street system as a result of adding additional restaurants to the site.

Comprehensive Plan Consistency: The proposed Specific Plan amendment has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed amendment is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Town Center Overlay District Consistency: The proposed amendment has been reviewed for consistency with the proposed Town Center Overlay District Guidelines. Based upon that review, a finding has been made that the proposed Specific Plan amendment is consistent with the Town Center Overlay District Guidelines in that the Specific Plan amendment is consistent with the overall objective and intents of the Town Center Overlay District Guidelines.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Rezoning Request to amend the Paradise Pointe Specific Plan to amend land use regulations related to restaurants within the development, subject to the applicant meeting all City Code requirements.

Noticing Information: On October 30, 2015, notice for the November 9, 2015, Plan and Zoning Commission and November 16, 2015, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on October 27, 2015.

Property Owner/Applicant:

Jordan Creek Investments, LLC
2540 73rd Street
Urbandale, IA 50322
515-440-1111
James Rizzuti
Jamesrizzuti@gmail.com

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Proposed Amendment

RESOLUTION NO. PZC-15-086

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING REQUEST (ZCSP-002867-2015) FOR THE PURPOSE OF AMENDING THE PARADISE POINTE SPECIFIC PLAN TO AMEND LAND USE REGULATIONS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Jordan Creek Investments, LLC, has requested approval for an Amendment to the Paradise Pointe Specific Plan (ZCSP-002867-2015) for that approximately 26.5 acre site located at the northeast corner of Mills Civic Parkway and S68th Street for the purpose of amending the land use regulations specified within the ordinance to increase the number and total square footage of restaurant establishments allowed within the development;

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

WHEREAS, on November 9, 2015 this Commission held a duly-noticed hearing to consider the application for a Rezoning Request (ZCSP-002867-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated November 9, 2015, or as amended orally at the Plan and Zoning Commission hearing of November 9, 2015, are adopted.

SECTION 2. REZONING REQUEST (ZCSP-002867-2015) to amend the Paradise Pointe Specific Plan to amend the land use regulations specified within the ordinance to allow additional restaurant uses is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated November 9, 2015, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on November 9, 2015.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:
Michelle Riesenberg
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on November 9, 2015, by the following vote:

AYES: Costa, Crowley, Andersen, Brown, Erickson, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT:

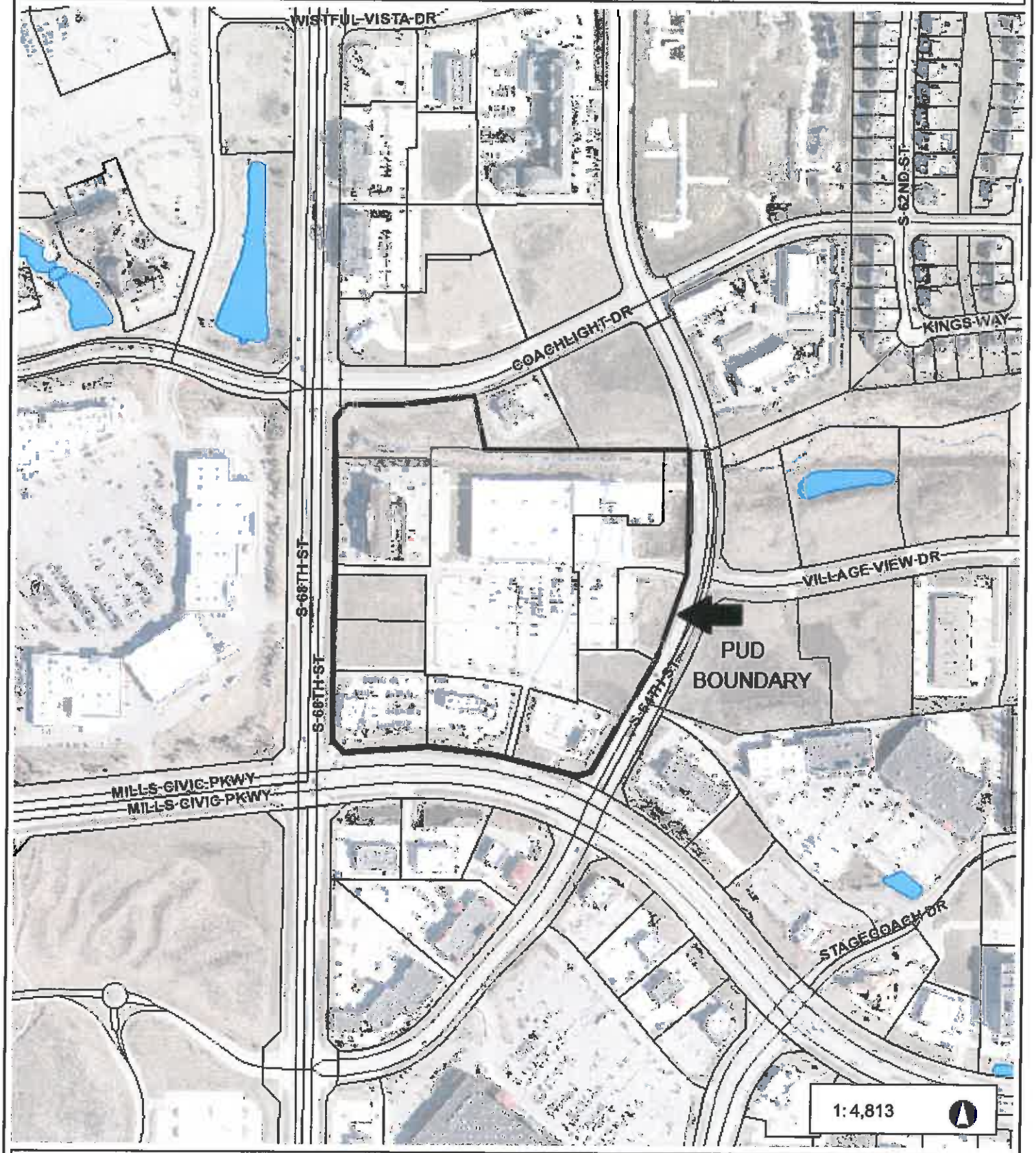
ATTEST:
Michelle Riesenberg
Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

1. No conditions of approval

ATTACHMENT B

Paradise Pointe Specific Plan Amendment



802.2 0 401.08 802.2 Feet

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© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Prepared by: B. Portz, Development Services, PO Box 65320, W.D.M., IA 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 NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, AND ORDINANCE #1765, 1921, 2032, and 2116, PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT. Ordinance #1765, 1921, 2032, and 2116 pertaining to the **Paradise Pointe Specific Plan**, complete ordinance; is hereby amended by deleting all references to 'Development Planning and Inspection Manager' and replacing with 'Director of Development Services'.

SECTION 2. AMENDMENT. Ordinance #1765, 1921, 2032, and 2116 pertaining to the **Paradise Pointe Specific Plan**, Section 5: *Requirements*; Subsection A: *Land Use*; Subsection 1c is hereby amended by deleting the following highlighted text and adding the following bolded italicized text:

c) The following size and use limitations shall apply to allowed uses:

SIC 4783	Packing and Crating: Intended for establishments which provide mail and package drop-off services to the general public and businesses on a small scale; therefore, shall not exceed 3000 square feet g.f.a. of occupancy space.
SIC 531 & 541	Box Department & Grocery Stores: Maximum of 128,000 square feet gross sales floor area shall be allowed.
SIC 5812	Sit-down Eating Places – No drive thrus. Maximum of ~~13,000~~ ***18,250*** square feet g.f.a. total; may be divided among multiple establishments with a maximum of ~~three (3)~~ ***six (6)*** establishments.
SIC 5812	Eating Places with drive-thrus, including coffee shops. Maximum of sixteen (16,000) square feet g.f.a.; maximum of three (3) restaurant associated drive-thrus within the development.
SIC 60	Depository Institutions (Banks): Maximum of 9,000 square feet g.f.a.; may be divided between a maximum of two (2) establishments.

SECTION 3. 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 4. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon

conviction shall be punished as set forth in 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in 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 6. 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 the _____day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2015.

_____
Ryan T. Jacobson
City Clerk