NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 30, 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 Second Reading, Waive Third and Adopt in Final Form

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.

Previous Council Action:
Vote: 5-0 approval
Date: November 16, 2015
Motion: Approval of the First Reading of the amendment to City Code.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and adopt the amendment to the Paradise Pointe PUD Ordinance in final form, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

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 - Proposed Ordinance Amendment

EXHIBIT I

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