

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: August 8, 2018

Item: Club Pilates, 140 Jordan Creek Parkway – Land use review to allow SIC 7991, Physical Fitness Facilities within a tenant space – Bridgewood Square, LLC – PC-003983-2018

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Brian S. Portz, AICP *BP*

Applicant Request: The applicant, Bridgewood Square, LLC, is requesting approval of a Permitted Conditional Use Permit (PC) to allow SIC 7991, Physical Fitness Facilities within a tenant space in the building at 140 Jordan Creek Parkway. The business, Club Pilates, an indoor pilates and fitness studio, will be located within an approximately 1,533 square foot tenant space in one of the buildings currently under construction at the Bridgewood Square development at the northwest corner of Bridgewood Boulevard and Jordan Creek Parkway. The hours of operation of Club Pilates will be 6:00 AM to 9:00 PM Monday thru Friday and 8:00 AM to 2:00 PM Saturday and Sunday.

History: The property was annexed into the City in December of 1997 as a part of the Bridgewood Annexation. The property is platted as Lot 33 of Bridgewood Plat 1 and is included as Parcel M in the Bridgewood PUD. In May of 2015, the property was included in the Jordan West Area Development Plan and designated at that time as Support Commercial on the Comprehensive Plan land use map. A grading plan was approved for the property in August of 2015. In May of 2017, a specific plan ordinance was approved for this development that outlined the development regulations for each lot within Bridgewood PUD parcel M. Also, in May of 2017, a preliminary plat was approved for the site dividing the property into 3 lots. The site plan approval to construct the building in question was approved in July of 2017.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on July 23, 2018, as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key points of interest:

- **Building Tenant Mix:** The proposed Club Pilates will be located in the center of the building at 140 Jordan Creek Parkway (the south building). Club Pilates is the second confirmed tenant within the two buildings under construction at Bridgewood Square (140 and 160 Jordan Creek Parkway). A Permitted Conditional Use was approved by the Board of Adjustment to allow another fitness facility (CycleBar) in the north building on the Bridgewood Square property. At full buildout the property owner envisions restaurants and service/specialty retail tenants for these two buildings.
- **Parking:** The proposed Club Pilates will be located within a multi-tenant building with shared parking in front of and behind the buildings. There are a total of 327 parking spaces on this site. According to City Code, for SIC 7991, Physical Fitness Facilities, 1 parking space per 150 square foot of gross floor area is required. Therefore, for this 1,533 square foot tenant space, 11 parking spaces are required.

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

Findings: The following findings have been made on the proposed permitted conditional use:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan. *The proposed use of one of the tenant spaces for physical fitness facility is consistent with the Support Commercial land use designation as shown on the Comprehensive Plan land use map for this property. Also, the proposed project is consistent with all of the goals and policies of the Comprehensive Plan.*
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance. *The proposed use will use a tenant space within one of the buildings currently under construction. The use will be completely contained within the building. There won't be any adverse impacts on surrounding property in the area.*
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community. *The use will be contained entirely within the building. Staff is recommending a condition of approval that no amplified music be heard outside of the applicant's tenant space to help protect the health, welfare, and safety of the community.*
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development. *Existing public infrastructure is adequate to serve the proposed use.*
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements. *This review of the use of the property for an physical fitness facility complies with all City Code requirements in that a proposed SIC 7991, Physical Fitness Facility, can be considered in a Support Commercial district with the review of a Permitted Conditional Use.*
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project. *The Zoning Code and Comprehensive Plan designate this property as Support Commercial, which allows physical fitness facilities with the issuance of a Permitted Conditional Use.*

Noticing Information: On July 27, 2018, notice of the August 8, 2018 Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on July 23, 2018.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and findings, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow SIC 7991, Physical Fitness Facility, subject to meeting all City Code requirements and the following:

1. No amplified sound shall be heard outside of the Club Pilates tenant space.

Property Owner: Bridgewood Square, LLC
Attn: David Hansen
9500 University Avenue, Suite 2112
West Des Moines, IA 50266
dhansen@signatureres.com

Applicant: Signature Real Estate Services
Attn: Andy Hodges
9500 University Avenue, Suite 2112
West Des Moines, IA 50266
ahodges@signatureres.com

Attachments:

Attachment A	-	Permitted Conditional Use Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Site Plan
Attachment D	-	Applicant's Response to Findings

Prepared by: B. Portz, Development Services PO Box 65320 West Des Moines 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

RESOLUTION – 2018–12

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES,
APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-003983-2018) TO ALLOW SIC 7991,
PHYSICAL FITNESS FACILITY IN A TENANT SPACE AT 140 JORDAN CREEK PARKWAY**

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Bridgewood Square, LLC, has requested approval of a Permitted Conditional Use Permit (PC-003983-2018) for that property located at 140 Jordan Creek Parkway and legally described below to allow SIC 7991, Physical Fitness Facility;

Legal Description of Property

**LOT 33, BRIDGEWOOD PLAT 1, AN OFFICIAL PLAT IN THE
CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.**

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, August 8, 2018, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for Club Pilates (PC-003983-2018);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, stated in the staff report, dated August 8, 2018, or as amended orally at the City Council meeting of August 8, 2018, are adopted.

SECTION 2. Permitted Conditional Use Permit for Club Pilates (PC-003983-2018) to allow SIC 7991, Physical Fitness Facility is approved, subject to compliance with all the conditions in the staff report, dated August 8, 2018, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on August 8, 2018.

Thomas M. Cunningham, Chairperson

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustments of the City of West Des Moines, Iowa, at a regular meeting held on August 8, 2018, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

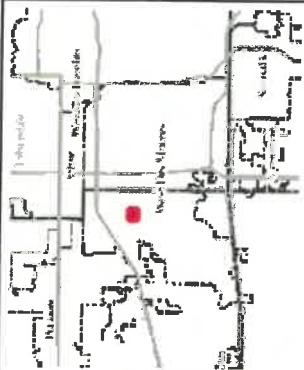
ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

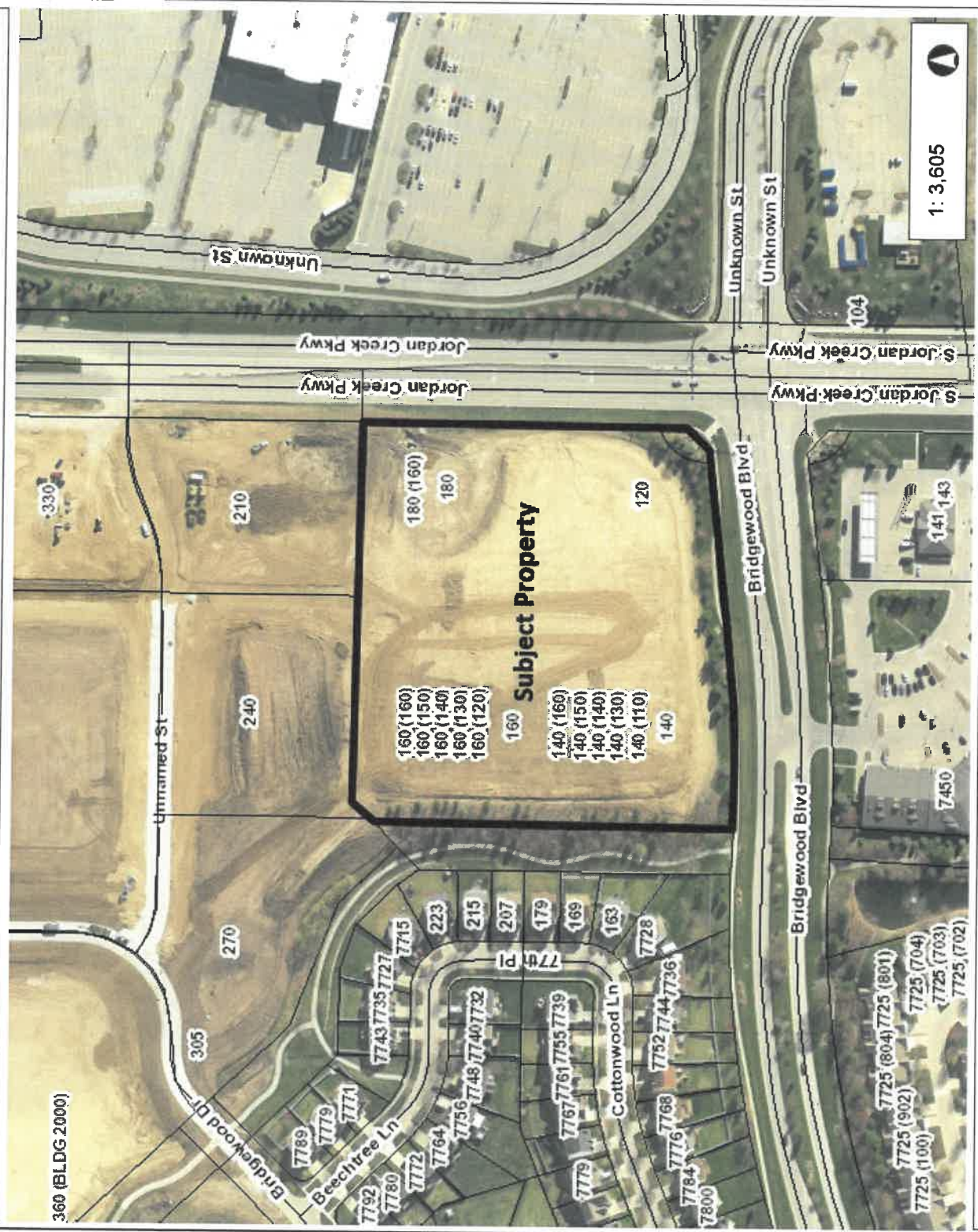
1. No amplified sound shall be heard outside of the Club Pilates tenant space.



Legend

- Addresses
- Corporate Limits
- Parcels

Bridgewood Square



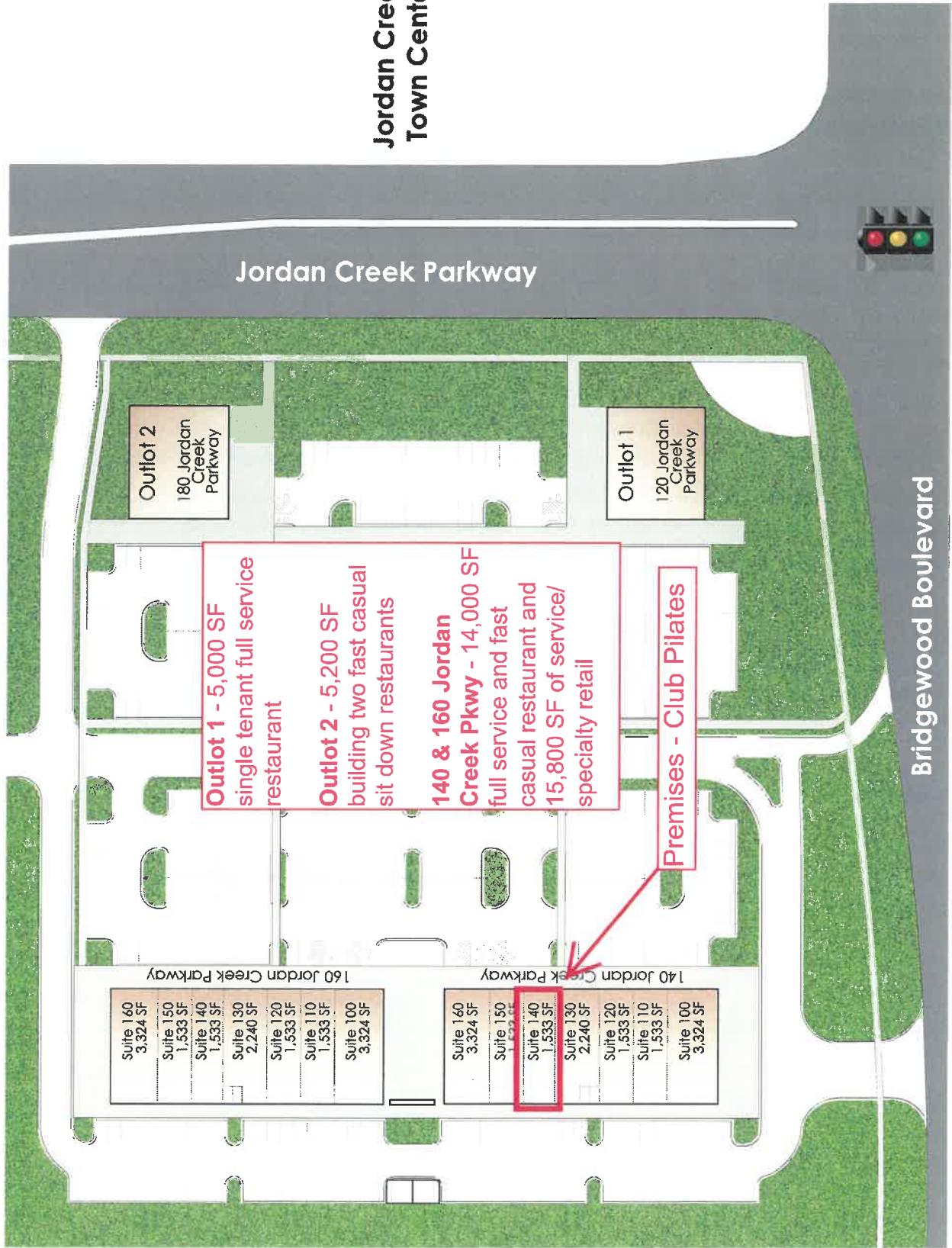
1: 3,605



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



Bridgewood Square



Jordan Creek
Town Center

Jordan Creek Parkway



Bridgewood Boulevard





Club
Pilates
Premises

Permitted Conditional Use Permit Findings

Permitted Conditional use permits (Pc) may only be granted if all of the following findings are made; or if conditions and limitations, as the board of adjustment deems necessary, are imposed to allow it to make said findings. It shall be the responsibility of the applicant to prove to the satisfaction of the board of adjustment that the following findings can be made:

- (1) That the proposed use is consistent with the West Des Moines comprehensive plan and any applicable subarea plan. The proposed use of one of the tenant spaces for physical fitness facility is consistent with the Support Commercial land use designation as shown on the Comprehensive Plan land use map for this property. Also, after review the proposed project seems to be consistent with all of the goals and policies of the Comprehensive Plan.
- (2) That the proposed use does assure compatibility of property uses within the zone and general area. The proposed use will use a tenant space within one of the buildings currently under construction and will be completely contained within the building. No adverse impacts to surrounding property in the area. A similar use (CycleBar) has already been approved for the same project.
- (3) That all applicable standards and conditions have been imposed which protect the public health, safety and welfare. The use will contained entirely within the building.
- (4) That there is adequate on site and off site public infrastructure to support the proposed development use. No adverse impact – existing public infrastructure is adequate to serve the proposed use.
- (5) That the proposed use has met all the requirements contained in this code. A proposed SIC 7991, Physical Fitness Facility, can be considered in a Support Commerical district within the review of a Permitted Conditional Use – a similiary type use (CycleBar) has already been approved.
- (6) That the proposed use be in keeping with the scale and nature of the surrounding neighborhood. Zoning code and Comp. Plan designate this property as Support Commercial, which allows physical fitness facilities with the issuance of a Permitted Conditional Use.

Include a cover letter addressing to the best of your ability the findings above.