

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

Meeting Date: June 5, 2019

Item: Yoga 6, 140 Jordan Creek Parkway, Suite 130 – Land use review to allow SIC 7991, Physical Fitness Facilities within a tenant space – Bridgewood Square, LLC – PC-004308-2019

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 suite 130 in the multi-tenant building at 140 Jordan Creek Parkway which is located in the Bridgewood Square development at the northwest corner of Bridgewood Boulevard and Jordan Creek Parkway. The business, Yoga 6, an indoor yoga studio, will be located within an approximately 2,240 square foot tenant space in the building. The hours of operation of Yoga 6 will be 6:00 AM to 7:00 PM Monday thru Friday and 7:30 AM to 2:30 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 multi-tenant building in which Yoga 6 will be located was approved in July of 2017.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on May 6, 2019, 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 Yoga 6 will be located in suite 130 in the center of the building at 140 Jordan Creek Parkway (the south building). A Permitted Conditional Use was approved by the Board of Adjustment to allow two other fitness facilities (Club Pilates and CycleBar) in the 140 and 160 Jordan Creek Parkway buildings on the Bridgewood Square property. At full buildout the property owner envisions restaurants and service/specialty retail tenants for the remaining tenant spaces in these two buildings.
- **Parking:** The proposed Yoga 6 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 physical fitness facilities, 5 parking space per 1,000 square foot of gross floor area is required. Therefore, for this 2,240 square foot tenant space, 11 parking spaces are required. Based on the existing tenant mix, there will be ample parking on the site for the proposed use.
- **Amplified Music:** The use will be contained entirely within the building. The applicant has not indicated that they will have amplified music. Music inside the building is not seen as an issue, however, staff recommends 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 surrounding neighborhood.

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.
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.
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.
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.
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.
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.

Noticing Information: On May 18, 2019, notice of the June 5, 2019 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 May 15, 2019.

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 Yoga 6 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

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 – B04-2019-08

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004308-2019) 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-004308-2019) 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 2, BRIDGEWOOD SQUARE 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, June 5, 2019, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for Yoga 6 (PC-004308-2019);

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 June 5, 2019, or as amended orally at the Board of Adjustment meeting of June 5, 2019, are adopted.

SECTION 2. Permitted Conditional Use Permit for Yoga 6 (PC-004308-2019) to allow SIC 7991, Physical Fitness Facility is approved, subject to compliance with all the conditions in the staff report, dated June 5, 2019, 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 June 5, 2019.

Angie Pfannkuch, Chairperson
Board of Adjustment

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 June 5, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

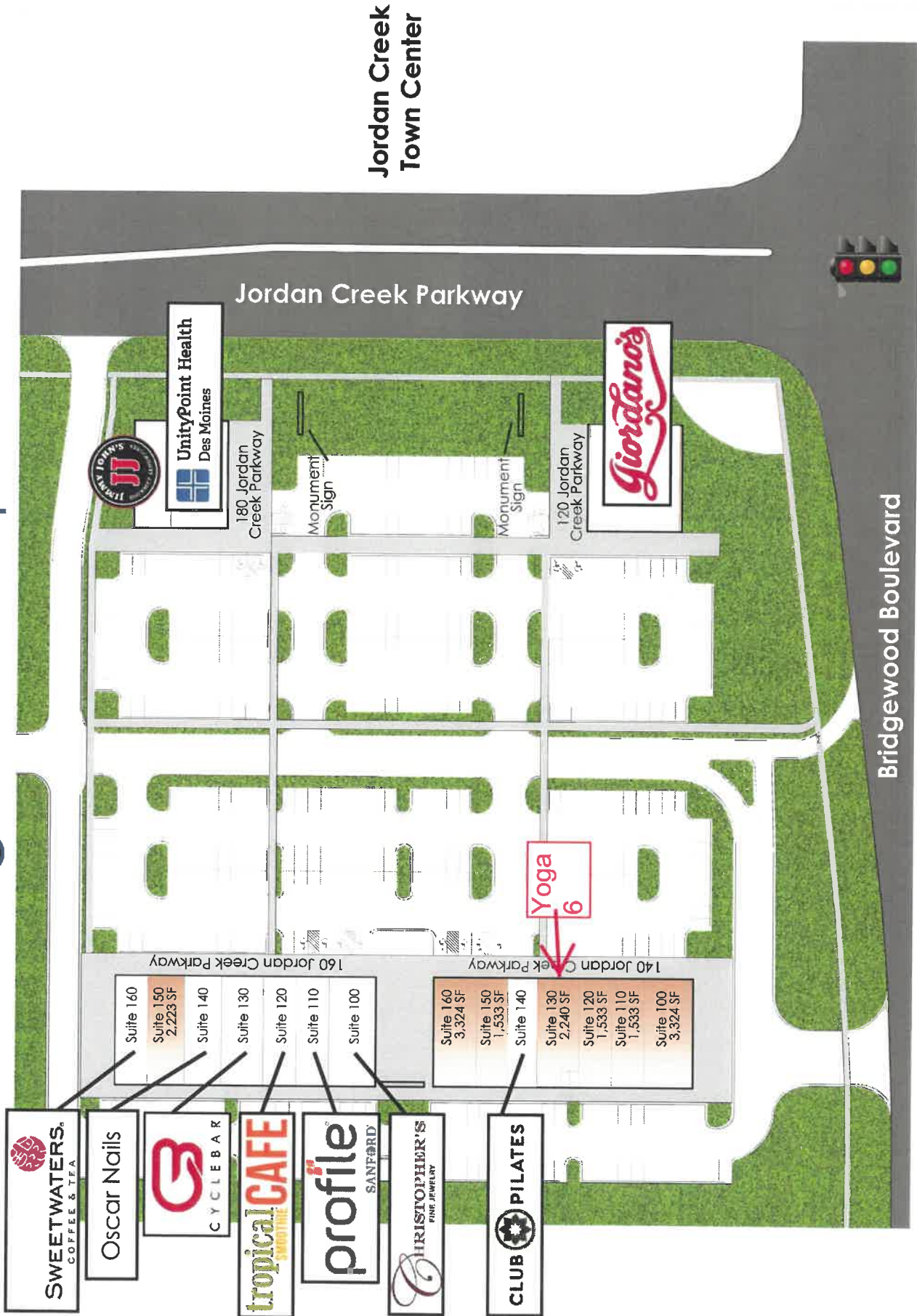
ATTEST:

Recording Secretary

**EXHIBIT A
CONDITIONS OF APPROVAL**

1. No amplified sound shall be heard outside of the Yoga 6 tenant space.

Bridgewood Square



Jordan Creek
Town Center

