NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 17, 2019

ITEM: Mills Crossing, 5901 Mills Civic Parkway- Amend Mills Crossing Specific Plan to remove restriction on number of restaurants – Hurd Mills LLC - ZCSP-004261-2019

ORDINANCE: Approval of Second Reading, Waive Third Reading and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Hurd Mills LLC., is requesting an amendment to the Mills Crossing Specific Plan to remove the restriction on number of restaurants to enable the construction of a sit down restaurant with a drive-thru on Lot 2 Mill Crossing Plat 1, 5901 Mills Civic Parkway, Building 3000.

Previous Council Action:
Vote: 5-0 approval
Date: June 3, 2019
Approval of the First Reading of the Ordinance.

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, the Plan and Zoning Commission recommends the City Council approve the second reading, waive the third reading, and adopt in final form the Mills Crossing Specific Plan Ordinance amendment, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser, AICP KAT

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	May 17, 2019	
Letter sent to surrounding property owners		May 14, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 1, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Ordinance: Mills Crossing Specific Plan Amendment

EXHIBIT I

Prepared by: KTragesser, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 515-222-3620
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 515-222-3603

ORDINANCE #

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2019 AND ORDINANCES #1417, #1510, #2060, AND #2190 MILLS CROSSING PUD #55 ACCORDING TO TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, 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 #1417, #1510, #2060, and #2190 "Mills Crossing" is hereby amended by deleting the text in strikethrough and highlighted letters as illustrated below in Section 5 Requirements, Paragraph A Land Use, Subparagraph c:

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

~~SIC 5812~~	~~Sit down eating places - without drive-throughs: a maximum of three (3) establishments.~~
~~SIC 5812~~	~~Eating places with drive-throughs, including coffee shops: a maximum of two (2) drive-throughs within the development for restaurants or coffee shops.~~
SIC 541	Convenience stores with gasoline sales shall be limited to one establishment within the development. Maximum gas pump numbers and canopy size shall be in accordance with city code for the support commercial (SC) zoning district.

SECTION 2: VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Section 1 and Section 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 3: 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 4: 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 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved this ____ day of _____ 2019.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____on the ___ day of _____, 2019.

_____
Ryan T. Jacobson
City Clerk