CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 17, 2019

ITEM: Jordan Creek Town Center PUD, Northwest corner of S. 68th Street and Mills Civic Parkway – Amend Jordan Creek Town Center PUD to allow SIC 7542, Car Washes, as a Permitted Conditional Use – GGP Jordan Creek, LLC – ZC-004335-2019

ORDINANCE: Approval of Rezoning Request

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Mister Car Wash, in association with the property owner, GGP Jordan Creek, LLC, has submitted an application for approval of an amendment to the Jordan Creek Town Center PUD to allow SIC 7542, Car Washes, as Permitted Conditional Use within the PUD area. The applicant proposes to construct a Mister Car Wash on the current Jordan Creek Town Center maintenance equipment storage area at the southeast corner of Bridgewood Boulevard and Jordan Creek Parkway.

Plan and Zoning Commission Action:
Vote: 5-0 approval, with Commissioner(s) Erickson and Costa absent.
Date: June 10, 2019
Motion: Adopt a resolution recommending the City Council approve the PUD amendment

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: February 4, 2019 and June 3, 2019*
- Staff Review and Comment
- Comprehensive Plan Consistency
- Findings
- Staff Recommendations and Conditions of Approval\
- Noticing Information
- Owner/Applicant/Applicant Representative 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 an amendment to the Jordan Creek Town Center PUD to allow SIC 7542, Car Washes, as a Permitted Conditional Use, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	May 31, 2019	
Letter sent to surrounding property owners		May 29, 2019

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	February 4, 2019 & June 3, 2019		
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 PUD Ordinance Amendment

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: June 10, 2019

Item: Jordan Creek Town Center PUD, Northwest corner of S. 68th Street and Mills Civic Parkway – Amend Jordan Creek Town Center PUD to allow SIC 7542, Car washes, as a Permitted Conditional Use – GGP Jordan Creek, LLC – ZC-004335-2019

Requested Action: Recommend approval of Rezoning Request

Case Advisor: Brian S. Portz, AICP BSP

Applicant's Request: The applicant, Mister Car Wash, in association with the property owner, GGP Jordan Creek, LLC, has submitted an application for approval of an amendment to the Jordan Creek Town Center PUD to allow SIC 7542, Car Washes, as Permitted Conditional Use within the PUD area. The applicant proposes to construct a Mister Car Wash on the current Jordan Creek Town Center maintenance equipment storage area at the southeast corner of Bridgewood Boulevard and Jordan Creek Parkway.

History: The Jordan Creek Town Center PUD was created in 2001 for the development of a planned regional commercial center that includes the Jordan Creek Town Center mall and several outlying buildings. The PUD was modified in 2004 to allow additional permitted uses and to permit buildings up to 75 feet in height. In 2011, the PUD was amended to allow the existing Nike "swoosh" sign located on the tower above the Bar Louie tenant space. In 2013, a PUD amendment was approved modifying the perimeter setbacks for the development, modifying open space requirements and parking requirements. And in 2014, the PUD was amended to allow projecting signs within the development. In 2018, the PUD was amended to modify architectural requirements and to allow an additional architectural tower within the north village district of the Jordan Creek Town Center for the Wahlburger's restaurant.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on February 4, 2019 to get the subcommittee's input on allowing an auto oriented use within the Jordan Creek Town Center PUD, which was originally designed to be a walkable development. The Subcommittee members indicated that they believe the walkable nature of the development has not really transpired and therefore didn't have a problem with allowing the proposed use within the PUD. The item was also presented to the Subcommittee on June 3, 2019 as an informational item only. There was no disagreement or discussion had about the request.

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.

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 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.

Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

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 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 designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the Jordan Creek Town Center PUD to allow SIC 7542, Car washes, as a Permitted Conditional Use, subject to the applicant meeting all City Code requirements.

Noticing Information: On May 31, 2019, notice for the June 10, 2019, Plan and Zoning Commission and June 17, 2019, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on May 29, 2019.

Property Owner: GGP Jordan Creek, LLC
c/o Brookfield Properties Retail
222 Merchandise Mart Plaza
P.O. Box 3487
Chicago, IL 60654

Applicant: Mister Car Wash
222 E. 5th Street
Tucson, AZ 85705
Dave Hail
(520) 907-8130

Attachments:

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

ATTACHMENT A

RESOLUTION NO. PZC-19-052

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE JORDAN CREEK TOWN CENTER PUD TO ALLOW SIC 7542, CAR WASHES, AS A PERMITTED CONDITIONAL USE

WHEREAS, pursuant to the provisions of Title 9 of the West Des Moines Municipal Code, the applicant, Mister Car Wash, in association with the property owner, GGP Jordan Creek, LLC, has requested an amendment to the Jordan Creek Town Center PUD (ZC-004335-2019) to allow SIC 7542, Car Washes, as a Permitted Conditional Use; and

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; and

WHEREAS, on June 10, 2019, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-004335-2019).

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 June 10, 2019, or as amended orally at the Plan and Zoning Commission hearing of June 10, 2019, are adopted.

SECTION 2. REZONING REQUEST (ZC-004335-2019) to allow SIC 7542, Car Washes, as a Permitted Conditional Use is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated June 10, 2019, 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 June 10, 2019.

Erica Andersen, Chairperson
Plan and Zoning Commission

ATTEST:

Michelle Rosenberg
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 June 10, 2019, by the following vote:

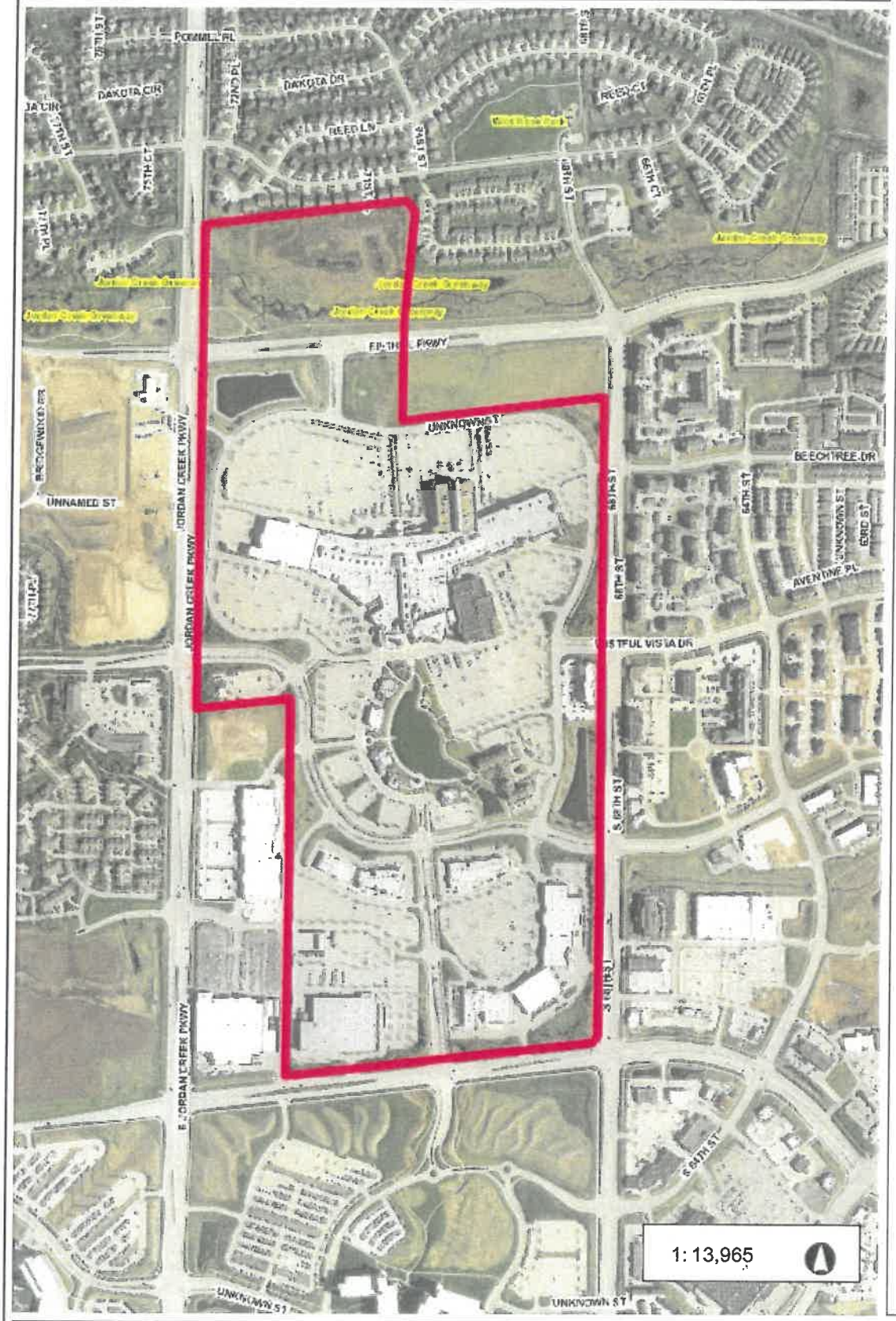
AYES: Andersen, Crowley, Drake, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: Costa, Erickson

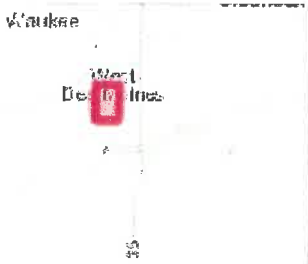
ATTEST:

Michelle Rosenberg
Recording Secretary

Exhibit A
No Conditions of Approval

ATTACHMENT B





Legend

Corporate Limits

2,327.5 0 1,163.75 2,327.5 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

© 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, 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

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #1219, #1447, #1481, #1578, #1586, #1939, #1986, #2016, #2023 AND #2291 PERTAINING TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS AND GUIDELINES, SPECIFICALLY PUD #47 JORDAN CREEK TOWN CENTER

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

SECTION 1. AMENDMENT: Amend Ordinances #1219, #1447, #1481, #1578, #1586, #1939, #1986, #2016, #2023 and #2291 pertaining to the Jordan Creek Town Center Planned Unit Development, Section 047-06: *Conditions*, Section B: *Land Use Design Criteria; Parcels 1, 2 and 3*, Subsection 3: *Parcel 3*, Subsection a: *Allowed Uses*, is hereby amended by adding the following bold, italicized text:

(2) The following uses shall be prohibited:
Automotive repair, services, and parking (SIC 75) (except as permitted as an accessory use below) ***and except that one SIC 7542, Car Wash shall be allowed within the Jordan Creek Town Center PUD with approval of a permitted conditional use.***

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

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 Title 1, Chapter 4, Section 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 _____, 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