**NO CHANGE FROM PREVIOUS READING**

# CITY OF WEST DES MOINES
# CITY COUNCIL MEETING COMMUNICATION

**Date: July 1, 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 Second Reading, Waive Third and Adopt in Final Form**

**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.

Previous Council Action:
Vote: 5-0 approval
Date: June 17, 2019
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 an amendment to the Jordan Creek Town Center PUD to allow SIC 7542, Car washes, as a Permitted Conditional Use, subject to 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 - Proposed Ordinance

**Exhibit I**

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