# CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: September 23, 2019

<u>Item</u>: Jordan West, Southwest corner of EP True Parkway and Jordan Creek Parkway –

Amend the Jordan West Specific Plan Ordinance by rezoning the southern portion of PUD Parcel 7 from Support Commercial (SC) to Regional Commercial (RC) to allow for construction of an indoor family entertainment venue – Ryan Companies

US, Inc. - ZCSP-004467-2019

Requested Action: Recommend Approval of Zone Change Specific Plan

Case Advisor: Brian Portz, AICP

Applicant's Request: The applicant, Ryan Companies US, Inc., is requesting approval of a Specific Plan Ordinance Amendment to designate the southern 6.4 acre portion of PUD Parcel 7 (aka Lot 7, Jordan West Plat 3) as Parcel 9 and change the underlying zoning from Support Commercial (SC) to Regional Commercial (RC) to allow for construction of an indoor family entertainment venue that will include recreational uses such as, but not limited to, a bowling alley, laser tag, and video arcade, as well as a bar and grill. The venue will be located south of Slumberland which exists at 350 Jordan Creek Parkway. The Specific Plan Ordinance amendment will only allow for this specific use within newly created PUD Parcel 9.

History: This property was originally part of the Bridgewood development and was removed in 2007. Bridgewood Plat 1, which this property was a part of, was approved in 1998. Jordan West Plat 1 was approved in June of 2007, and Jordan West Plat 2 approved in February 2008. In 2007, an Area Development Plan and Specific Plan Ordinance for the Jordan West property was approved that provided regulations for the development of offices on the property with limited retail aspects and internal private streets. On May 18, 2015, the City Council approved a Comprehensive Plan Amendment and Area Development Plan (ADP) amendment to allow for the more commercial oriented development that exists today. In June of 2015, the City Council approved the Jordan West Specific Plan Ordinance for the development of the property.

City Council Subcommittee: The intended development of this property with a family entertainment venue was presented to the Development and Planning City Council Subcommittee on August 19, 2019. Staff explained that the existing zoning of the property designated within the Jordan West Specific Plan is Support Commercial (SC), which doesn't permit the proposed use, which is considered SIC 7999, Amusement and Recreational Services, NEC. Staff presented two options to the Subcommittee to allow the use: option #1, amend City Code to allow SIC 7999 in Support Commercial districts or option #2, amend the Jordan West Specific Plan Ordinance to change the zoning of the subject property to Regional Commercial (RC) to allow the use. The Subcommittee was more comfortable with option #2, amending the Jordan West Specific Plan Ordinance to rezone the property to RC and include language to allow only this specific use on the subject property.

**<u>Staff Review and Comment</u>**: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would summarize the following:

• <u>Specific Plan Map</u>: The Jordan West Specific Plan map will be amended with this request identifying the property where the family entertainment venue will be located as Parcel 9.

<u>Comprehensive Plan Consistency</u>: 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.

<u>Town Center Overlay District Consistency</u>: 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.

<u>Noticing Information</u>: On September 18, 2019, notice for the September 23, 2019, Plan and Zoning Commission and October 7, 2019, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on September 17, 2019.

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 and the Town Center Overlay District, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to designate the southern 6.4 acre portion of PUD Parcel 7 (aka Lot 7, Jordan West Plat 3) as Parcel 9 and change the underlying zoning from Support Commercial (SC) to Regional Commercial (RC) to allow for only construction of an indoor family entertainment venue, subject to the applicant meeting all City Code requirements.

#### **Property Owner/Applicant:**

Ryan Companies US, Inc. 14001 University Avenue, Suite 300 Clive, IA 50325 Attn: Craig Thompson craig.thompson@ryancompanies.com

#### **Applicant's Representatives:**

Civil Engineering Consultants 2400 86<sup>th</sup> Street, Suite 12 Des Moines, IA 50322 Attn: Ed Arp arp@ceclac.com

#### ATTACHMENTS:

Attachment A - Plan and Zoning Commission Resolution

Exhibit A - Conditions of Approval

Attachment B - Location Map

Attachment C - Proposed Specific Plan Ordinance

Exhibit A - Specific Plan Map

### RESOLUTION NO. PZC-19-064

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 WEST SPECIFIC PLAN ORDINANCE FOR APPROXIMATELY 45.2 ACRES LOCATED ON THE SOUTHWEST CORNER OF EP TRUE PARKWAY AND JORDAN CREEK PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner and applicant, Ryan Companies US, Inc., has requested an amendment to the Jordan West Specific Plan Ordinance (ZCSP-004467-2019) to designate the southern 6.4 acres of PUD Parcel 7 (aka Lot 7, Jordan West Plat 3) as Parcel 9 and change the underlying zoning for Parcel 9 from Support Commercial (SC) to Regional Commercial (RC) to allow for construction of only an indoor family entertainment venue; 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 <u>September 23, 2019</u>, this Commission held a duly-noticed hearing to consider the application for Specific Plan Ordinance Amendment (ZCSP-004467-2019); and

**NOW, THEREFORE,** THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

<u>SECTION 1</u>. The findings, for approval, in the staff report for this meeting or as amended orally at the meeting are adopted.

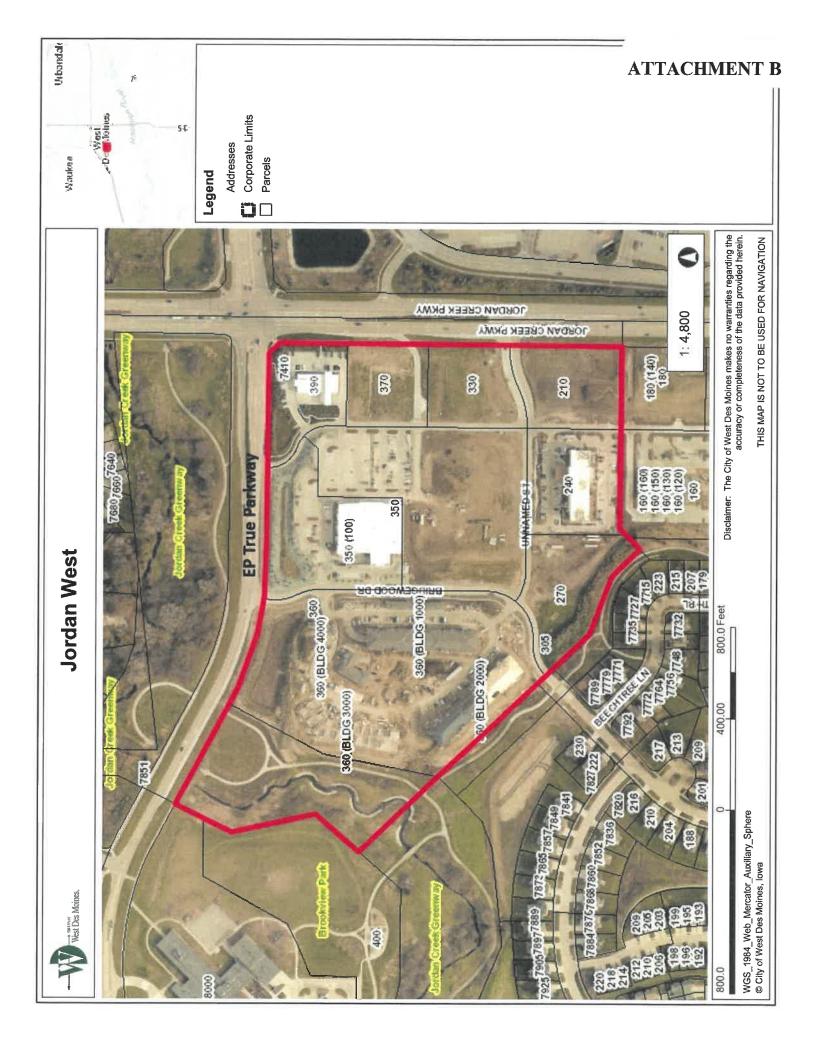
SECTION 2. The Jordan West Specific Plan Ordinance Amendment to create PUD Parcel 9 and rezone the southern 6.4 acres of current PUD Parcel 7 from Support Commercial (SC) to Regional Commercial (RC) to allow for only construction of an indoor family entertainment venue is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit A. 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 September 23, 2019.

ATTEST:	Erica Andersen, Chairperson Plan and Zoning Commission
Recording Secretary	<u> </u>
I HEREBY CERTIFY that the foregoing Commission of the City of West Des Moines, lo following vote:	resolution was duly adopted by the Plan and Zoning wa, at a regular meeting held on <u>September 23, 2019</u> , by the
AYES: NAYS: ABSTENTIONS: ABSENT:	
ATTEST:	
Recording Secretary	

Exhibit A Conditions of Approval

No conditions of approval



Prepared by: B. Portz, Development Services Dept., City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265 Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265

#### **ORDINANCE #**

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2019, AND ORDINANCE #1749 AND #2097 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 #1749 and #2097 pertaining to the Jordan West Specific Plan, complete ordinance; is hereby amended by replacing the Specific Plan Map on file with the City Clerk with Exhibit A thus creating a Parcel 9 on the southern 6.4 acres of current Parcel 7 (aka, Lot 7, Jordan West Plat 3).

**SECTION 2.** AMENDMENT: Ordinance #1749 and #2097 pertaining to the Jordan West Specific Plan, complete ordinance; is hereby amended by changing the Jordan West Specific Plan Map for the southern 6.4 acres as legally described below (newly created Parcel 9) from Support Commercial (SC) to Regional Commercial (RC) in compliance with the adopted City of West Des Moines Comprehensive Land Use Plan of West Des Moines, lowa:

#### Legal Description

LOT 7, JORDAN WEST PLAT 3, AN OFFICIAL PLAT RECORDED IN BOOK 2015, PAGE 13195 AT THE DALLAS COUNTY RECORDER'S, EXCEPTING THEREFORM PARCEL 17-132, AN OFFICIAL PARCEL RECORDED IN BOOK 2016, PAGE 25703 AT THE DALLAS COUNTY RECORDER'S OFFICE, ALL IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND CONTAINING 6.40 ACRES MORE OR LESS.

**SECTION 3.** AMENDMENT: Ordinances #1749 and #2097 pertaining to the Jordan West Specific Plan Ordinance, Section 087-04: *Requirements*; is hereby amended by deleting the following highlighted strikethrough text and adding the following bolded italicized text and re-lettering accordingly:

Unless provided otherwise in this ordinance, all general use regulations, performance standards and provisions set forth in title 9, "Zoning", of the city code for the support commercial (SC), *regional commercial (RC)* and residential medium-density (RM) districts shall apply to any development within the Jordan West specific plan area. To the extent that the provisions of this section conflict with or are more restrictive than similar provisions provided elsewhere in the West Des Moines zoning ordinance, the provisions of this section shall control. The following land use design criteria, development standards, and landscaping regulations shall apply to all parcels within the Jordan West specific plan area:

#### A. Land Use:

1. Parcels 1-7: All land uses as set forth in title 9, "Zoning", of the city code for the support commercial (SC) district as permitted and permitted conditionally shall apply in planning unit A parcels 1-7 as identified on the approved Jordan West area development specific plan map except as designated below:

a. 1. Permitted Uses: All permitted (P) uses within the support commercial (SC) district shall be allowed except those that have been prohibited by this ordinance. Also including the following The following uses shall also be permitted:

SIC 5712	Furniture stores
SIC 5731	Radio, television, consumer electronics stores
SIC 5941	Sporting goods stores and bicycle shops
SIC 5944	Jewelry stores
SIC 5999	Packing materials, boxes, padding
SIC 5999	Art, picture frames, and decoration stores
SIC 5999	Banners, flags, decals, and poster stores

- b. 2. Permitted Conditional Uses: All permitted conditional (Pc) uses within the support commercial (SC) district shall be allowed with the approval of the appropriate review body except those that have been prohibited by this ordinance.
- c. 3. Prohibited Uses: The following permitted and permitted conditional uses otherwise allowed in the support commercial (SC) district shall be prohibited:

SIC 4925 Mixed, manufactured, or liquefied petroleum gas production and/or distribution

- 2. Parcel 8: All land uses as set forth in title 9, "Zoning", of the city code for the residential medium-density (RM-12) district as permitted and permitted conditionally shall apply to parcel 8 as identified on the approved Jordan West Specific Plan sketch map:
  - a. The calculation of dwelling unit density permitted on parcel 8 shall also include in the calculation the greenway acres situated along the west side of the property. A total of fifteen (15) acres (parcel 8 acreage (10.5) + greenway acreage (4.5)) shall be used to calculate the number of dwelling units permitted on parcel 8. The permitted number of units on parcel 8 shall not exceed twelve (12) dwelling units per acre. The total number of units permitted is one hundred eighty (180) dwelling units (15 acres x 12 dwelling units per acre).
- 3. Parcel 9: All land uses as set forth in title 9, "Zoning", of the city code for the regional commercial (RC) district as permitted and permitted conditionally shall apply in parcel 9 as identified on the approved Jordan West Specific Plan sketch map, except as designated below:
  - a. Only use SIC 7999: Amusement and Recreational Services, Not Elsewhere Classified, for the development of a family-oriented entertainment venue comprised of a combination of any of the following recreational activities shall be allowed in parcel 9:
    - 1. Bowling
    - 2. Video arcade
    - 3. Laser tag
    - 4. Billiards
    - 5. Escape Rooms

A Restaurant Class 1 or 2 shall be allowed as an ancillary use in conjunction with the family entertainment venue, but at no time shall the establishment become a standalone Restaurant Class 2 or Bar/Restaurant or have a drive-through.

B. RM-12 Land Uses: All land uses as set forth in title 9, "Zoning", of the city code for the residential medium-density (RM-12) district as permitted and permitted conditionally shall apply to planning unit B

as identified on the approved Jordan West area development plan with the approval of the appropriate body.

- C. Dwelling Unit Density: The calculation of dwelling unit density permitted on parcel 8 shall also include in the calculation the greenway acres situated along the west side of the property. A total of fifteen (15) acres (parcel 8 acreage (10.5) + greenway acreage (4.5)) shall be used to calculate the number of dwelling units permitted on parcel 8. The permitted number of units on parcel 8 shall not exceed twelve (12) dwelling units per acre. The total number of units permitted is one hundred eighty (180) dwelling units (15 acres x 12 dwelling units per acre).
- **SECTION 4.** REPEALER: All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.
- **SECTION 5. 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 6.** <u>VIOLATIONS AND PENALTIES:</u> 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 7.** 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.

**EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval

**SECTION 8.** 

City Clerk

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

## SPECIFIC PLAN AMENDMENT

OF

Civil Engineering Consultants, Inc. 2400 86th Street. Unit 12 . Des Moines, Iowa 50322 515.276.4884 . mail@ceclac.com

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JORDAN MEST DES MOIN

SHEET

COVER R

WEST DES MOINES, IONA







VICINITY SKETCH

Sheet List Table	
Sheet Number	Sheet Title
1	COVER
2	DIMENSION PLAN
3	UTILITY PLAN

OWNER/DEVELOPER RYAN COMPANIES US, INC.
III EAST GRAND, SUITE 200
DES MOINES, IA 503004
515-304-8500 PHONE
ATTN: BRAD SHOENFELDER

COMPREHENSIVE PLAN EXISTING, SUPPORT COMMERCIAL & MEDIUM DENSITY RESIDENTIAL

EXISTING: JORDAN WEST SPECIFIC PLAN (INDERLYING ZONING DESIGNATION - SUPPORT COMMERCIAL 4 MEDIUM DENSITY

#### LEGAL DESCRIPTION

PARCEL 'A' OF THE SURVEY OF PARCEL 2" IN THE SE 1/4 OF SECTION II, TOWNSHIP TO NORTH, RANGE 26 WEST OF THE 5TH PM, CITY OF NEST DES HONES, AS SHOWN IN BOOK 2002, PAGE 17504 IN THE OFFICE OF THE RECORDER OF DALLAG COUNTY, IOWA, EXCEPT THAT PART OF SAID PARCEL 'A' CONVEYED TO THE CITY OF MEST DES HOINES IN DEED FILED IN BOOK 2004, PAGE 3761.

#### NOTES

NOTES

I. ONE MEEK PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL NOTIFY;
A. MEST DES MONES ENGINEER
B. RYAN COMPANIES INGINEER
C. C. CIVIL ENGINEERING CONSULTANTS, INC.
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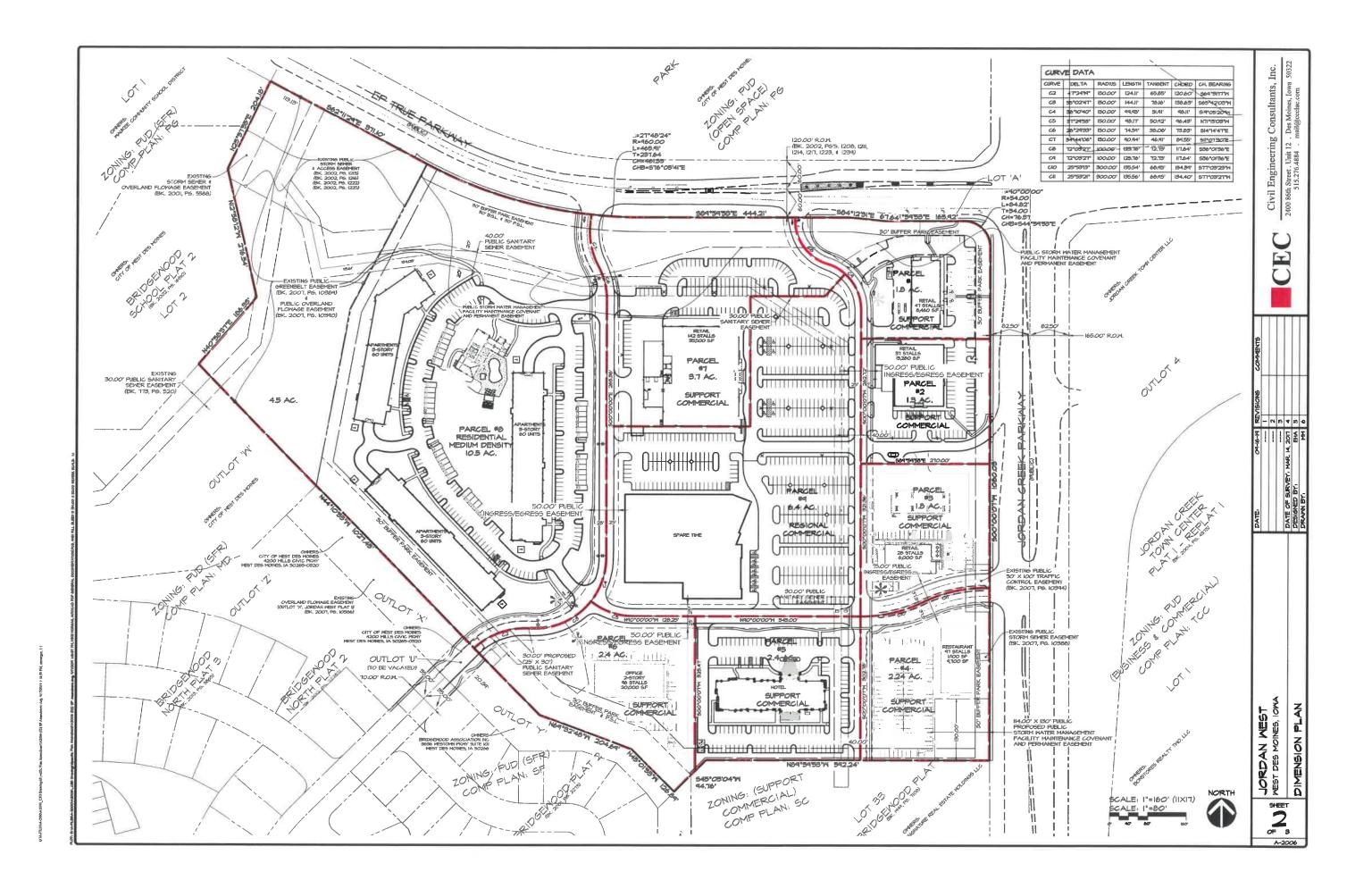
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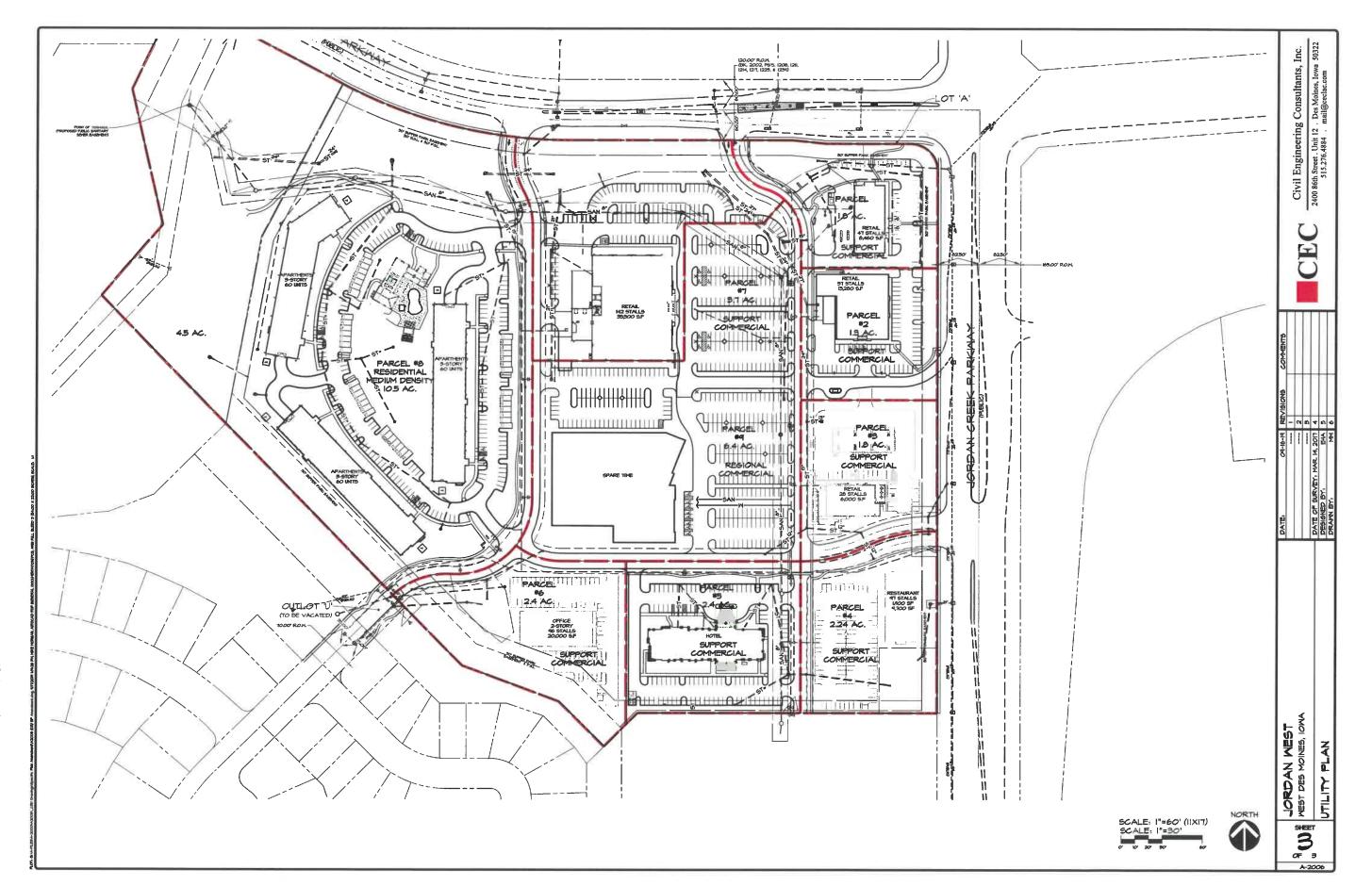
#### CERTIFICATION



I HEREBY CERTIFY THAT THE PORTION OF THIS TECHNICAL SUBHISSION DESCRIBED BELOW MAS PREPARED BY HE OR WINDER TO DRECT FERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAYS OF THE STATE OF IOMA.

SHEET





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