

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: June 28, 2021

ITEM: Galleria, 645 S. 60th Street – Amend Comprehensive Plan Land Use Map and Amend the Galleria Specific Plan Ordinance to designate and regulate Regional Commercial (RC) within Lot 1, Galleria at Jordan Creek Plat 9 – Chilipeppers, LLC – CPA-005014-2021/ZC-005015-2021

RESOLUTION: Approval of Comprehensive Plan Land Use Map Amendment and Amendment to Specific Plan Ordinance

Background: Jennifer Drake with Heart of America Group, on behalf of the applicant, Heart of America Group, and property owner, Chilipeppers, LLC, request approval of a Comprehensive Plan Land Use Map Amendment and Rezoning Request on that ground located at 645 S. 60th Street. The amendments are being requested to allow Regional Commercial uses while still allowing the existing Professional Commerce Park uses on the site.

Specifically, the following Land Use and Zoning changes are proposed with this request:

- Amend the Comprehensive Plan Land Use Map for the approximately 2.44 acre Lot 1, Galleria at Jordan Creek Plat 9 to change from Office (OF) to Regional Commercial (RC) land use; and
- Amend the Galleria Specific Plan Ordinance which includes modifications to the following PUD Parcels:
 - The north portion of Specific Plan Parcel B to change from Professional Commerce Park (PCP) to Regional Commercial (RC) zoning to allow RC uses while still allowing the existing PCP uses on the site; and
 - The north portion of Specific Plan Parcel B to modify use regulations related to allowable uses within the parcel.

Staff Review & Comment:

- **Financial Impact:** No financial impact to the City anticipated with this development.
- **History:** An overlay district site plan was approved for this site by the City Council on May 8, 2006 which was valid for two years. The entitlement to this approval has been extended each year since the original approval with the most recent extension granted on May 17, 2021 which extended the entitlement to May 17, 2022. The approved Overlay District Site Plan for the site proposes the construction of a 3-story, 37,240 sq. ft. office building including a 6,173 sq. ft. bank. Due to the inability to obtain a tenant for the proposed office building, the applicant is requesting the proposed Comprehensive Plan Amendment and Rezoning to expand the possible uses that could be developed on the site.
- **Proposed Changes:**
 - **Car Washes:** The Galleria Specific Plan Ordinance allows a maximum of one freestanding car wash establishment which is not ancillary to a larger retail establishment within *Parcels A, C, E, I, J, K, L, M* in the overall Galleria Development. This does not include the property that is the subject of this request (Parcel B). So, in order to allow this rezoning request to move forward, City staff

asked the applicant to contact property owners within the above parcels that have land available for a possible car wash to see if they would consent to allowing rezoning of the property to Regional Commercial and to include a possible car wash use for the applicant's property. The applicant obtained two consents from the three property owners that were contacted. The third property owner is Walmart. The applicant contacted Walmart with a certified letter that was received, but have not heard back from them on the request.

- *Traffic Analysis Findings:* Since the expected trip generation is not changing at this time, there is no additional loading on the major roadway network and recommendations given in previous studies for the adjacent streets remain adequate. As the site is developed in the future, the amount of traffic expected to be generated by the site will be estimated and compared to the site's trip allocation. To protect the integrity of the planned roadway network, the expected trip generation must be less than or equal to what was previously allocated.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date:

Vote:

Recommendation:

City Council Comprehensive Plan Amendment:

Date:

Vote:

City Council Rezoning First Reading:

Date:

Vote:

Recommendation: Approve the Comprehensive Plan Land Use Map Amendment and Rezoning request to amend the Galleria Specific Plan Ordinance, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	June 28, 2021
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews:

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input type="checkbox"/> Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	6/18/21
Date(s) of Mailed Notices	6/16/21

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	2/15/21
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

Location Map



**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-059**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Heart of America Group, and property owner, Chilipeppers, LLC, request approval for a Comprehensive Plan Land Use Map Amendment to change the land use designation on the Specific Plan development parcels as shown on the Comprehensive Plan Land Use Change Illustration included in the staff report as follows:

- The north portion of Specific Plan Parcel B from Office (OF) to Regional Commercial (RC)

WHEREAS, the comprehensive plan amendment complies with the applicable provisions of Iowa Code Chapter 414 and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Comprehensive Plan Land Use Map Amendment, (CPA-005014-2021) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on June 28, 2021.

Erica Andersen, Chair
Plan and Zoning Commission

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 28, 2021, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-21-060**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Heart of America Group, and property owner, Chilipeppers, LLC, request approval of an amendment to the Galleria Specific Plan (ZCSP) for the development parcels as shown on the Specific Plan Sketch Plan attached to the ordinance included in the staff report as follows:

- The north portion of Specific Plan Parcel B to change from Professional Commerce Park (PCP) to Regional Commercial (RC) zoning to allow RC uses while still allowing the existing PCP uses on the site; and
- The north portion of Specific Plan Parcel B to modify use regulations related to allowable uses within the parcel

WHEREAS, the Rezoning request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW, THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends that City Council approve the Rezoning request, (ZC-005015-2021) subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

PASSED AND ADOPTED on June 28, 2021.

Erica Andersen, Chair
Plan and Zoning Commission

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 28, 2021, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Comprehensive Plan Land Use Map Change Illustration



Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320,
West Des Moines, Iowa 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

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, AND ORDINANCES #1567, # 1920, 1925 AND # 2167 PERTAINING TO ZONE CHANGE SPECIFIC PLAN (ZCSP) DISTRICT REGULATIONS AND GUIDELINES.

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

SECTION 1. AMENDMENT: Ordinance #1567, # 1920, 1925 AND # 2167, pertaining to the **Galleria Specific Plan** Ordinance, Section 068-10, *Land Use Design Criteria*, Subsection A, *Parcels A, C, E, I, J, K, L, M*, is hereby amended by adding the text in bold italics:

A. *Parcels A, C, E, I, J, K, L, M*: The use regulations and provisions set forth in title 9 of the city code for regional commercial (RC) district as permitted (P) and permitted conditional (Pc) shall apply to any development proposal for all property within these parcels unless otherwise noted in this ordinance.

1. Land Uses: Uses within these parcels are those set forth in title 9 of the city code for regional commercial (RC) district as permitted or permitted conditionally except as modified below:

a. The following permitted (P) uses shall have the following restrictions:

(1) SIC 553 Automotive dealers and service stations - auto and home supply stores (specifically, automotive tire dealers) - maximum of one freestanding establishment which is not ancillary to a larger retail establishment within the overall Galleria Development. No outside display or storage of any kind shall be allowed.

(2) SIC 5999 Miscellaneous retail stores, not elsewhere classified - no outside display or storage of any kind shall be allowed.

b. The following permitted conditional (Pc) uses shall be permitted (P) with the following restrictions:

(1) SIC 554 Gasoline service stations, without repair and SIC 541 Convenience stores - a total of two (2) such establishments shall be allowed; however, locations of such shall be limited to one on the north side of Mills Civic Parkway and one on the south side of Mills Civic Parkway.

(2) SIC 526 Retail nurseries and garden stores - shall be limited to one freestanding establishment which is not ancillary to a larger retail establishment within the overall Galleria Development.

(3) SIC 0742 Veterinary services for animal specialties, no outdoor runs - shall be limited to as an ancillary use as part of a larger retail establishment.

(4) SIC 5999 Miscellaneous retail stores, not elsewhere classified - pet and pet supply shops - shall be limited to one freestanding establishment which is not ancillary to a larger retail establishment within the overall Galleria Development.

(5) SIC 7542 Car washes - maximum of one freestanding establishment which is not ancillary to a larger retail establishment within the overall Galleria Development, ***shall be allowed, including within Parcel B.***

SECTION 2. AMENDMENT: Ordinance #1567, # 1920, 1925 AND # 2167, pertaining to the Galleria Specific Plan Ordinance, Section 10, *Land Use Design Criteria*, Subsection B, *Parcels B and D*, is hereby amended by deleting the highlighted strike-through text and inserting the text in bold italics accordingly and re-lettering subsequent subsections as required:

~~B. Parcels B and D: The use regulations and provisions set forth in title 9 of the city code for professional commerce park (PCP) district as permitted (P) or permitted conditionally (Pc) shall apply to any development proposal for all property within these parcels as shown on the specific plan map unless otherwise noted in this ordinance.~~

1. Building B-1 Land Uses: The use regulations and provisions set forth in title 9 of the city code for regional commercial (RC) and professional commerce park (PCP) as permitted (P) or permitted conditionally (Pc) shall apply unless otherwise noted in this ordinance.

a. All permitted (P) and permitted conditional (Pc) uses allowed within the regional commercial (RC) and professional commerce park (PCP) zoning districts may be allowed with the approval of the appropriate review body unless otherwise noted in this ordinance.

b. The following permitted (P) uses shall have the following restrictions:

SIC 7542 Car washes - maximum of one freestanding establishment which is not ancillary to a larger retail establishment within the overall Galleria Development including within parcels A, C, E, I, J, K, L, M.

c. The following permitted (P) and permitted conditional uses (Pc) shall be prohibited within the northern portion of Parcel B (building B-1):

- (1) SIC 4522 Heliport/helistop.**
- (2) SIC 541 Convenience stores**
- (3) SIC 554 Gasoline service stations**
- (4) SIC 592 Liquor stores**
- (5) SIC 5932 Pawn shops**
- (6) SIC 5962 Vending Machines**
- Unattended fuel pumps
- (7) SIC 5999 Adult entertainment**
- (8) SIC 726 Funeral services – crematories**
- (9) SIC 7299-02 Massage therapy and bath houses**
- (10) SIC 7299-03 Dating and escort services**
- (11) SIC 7539 Automotive services, not elsewhere classified**
- (12) SIC 7699 Repair shops and related services, not elsewhere classified**

4.2. Building B-2 and Parcel D Land Uses: The use regulations and provisions set forth in title 9 of the city code for professional commerce park (PCP) district as permitted (P) or permitted conditionally (Pc) shall apply to any development proposal for all property within these parcels as shown on the specific plan map unless otherwise noted in this ordinance.

a. All permitted conditional (Pc) uses allowed per zoning or as otherwise modified within this ordinance may be allowed with the approval of the appropriate review body.

b. The following permitted conditional uses (Pc) shall be prohibited:

(1) SIC 4522 Heliport/helistop.

c. The following permitted conditional uses (Pc) shall be permitted (P) with the following restrictions:

(1) SIC 5812 Eating places, sit down and eating places with takeout only, no drive-through - maximum one freestanding establishment that is not ancillary to a larger use located on either of the above indicated parcels. The establishment will need to abide by the traffic limitation established for the specific parcel.

(2) SIC 7997 Membership sports and recreation clubs - use will need to abide by the traffic limitation established for the specific parcel.

23. *Parcels B and D* Setbacks: Primary and accessory building setbacks from the exterior property line of the Galleria specific plan area shall be twenty five feet (25'). If site layout is designed to meet the intent of the overlay district through the creation of a street presence, primary buildings may intermittently encroach into this setback; however, in no case shall any part of the building be located less than fifteen feet (15') from the property line. No minimum building setbacks from internal property lines or building separation distances are required except as otherwise required by building and fire code. No building shall be constructed in the buffer park.

Section 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this 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. 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 6. OTHER REMEDIES. In addition to the provisions set out in 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 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021 and approved this _____ day of _____, 2021.

Steven K. Gaer, Mayor

ATTEST:

Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2021, and was published in the Des Moines Register on _____, 2021.

Ryan T. Jacobson
City Clerk

