CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: September 28, 2022

ITEM: Dave & Buster's,190 S. Jordan Creek Parkway – Amend Condition of Approval – GGP Jordan Creek L.L.C. – SP-005468-2022

Resolution: Approval of Amendment to a Condition of Approval

Background: The proposed Dave & Buster's entertainment facility is to be located at 190 S. Jordan Creek Parkway on the east side of the lake within the Jordan Creek Town Center site. On March 7, 2022, allowance to initiate the implementation for footings and foundations and private utilities was approved by the City Council with applicable conditions of approval requiring a subsequent site plan approval for construction of the building itself and the implementation of landscaping and other associated site improvements. On July 5, 2022, the City Council approved the Dave & Buster's full Site Plan allowing the construction of an approximately 22,000 square foot building with a condition of approval requiring that the associated final plat for the subject property be approved and recorded prior to a full building permit being issued for above ground construction.

To avoid impeding the progress of building construction in case the final plat approval and recordation is delayed for any reason, the applicant is asking to amend the July 5, 2022, condition of approval to require that the final plat be approved and recorded prior to issuance of any certificate of occupancy of the Dave & Buster's building. The condition is recommended to be amended to the following:

1. The applicant and property owner acknowledging that no occupancy permit for the Dave & Buster's building shall be issued until the associated final plat for the subject property is approved by the City Council and recorded with the Dallas County Recorder.

Recommendation: Approve the proposed change to the Condition of Approval.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	September 28, 2022

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☐ Agenda Acceptance

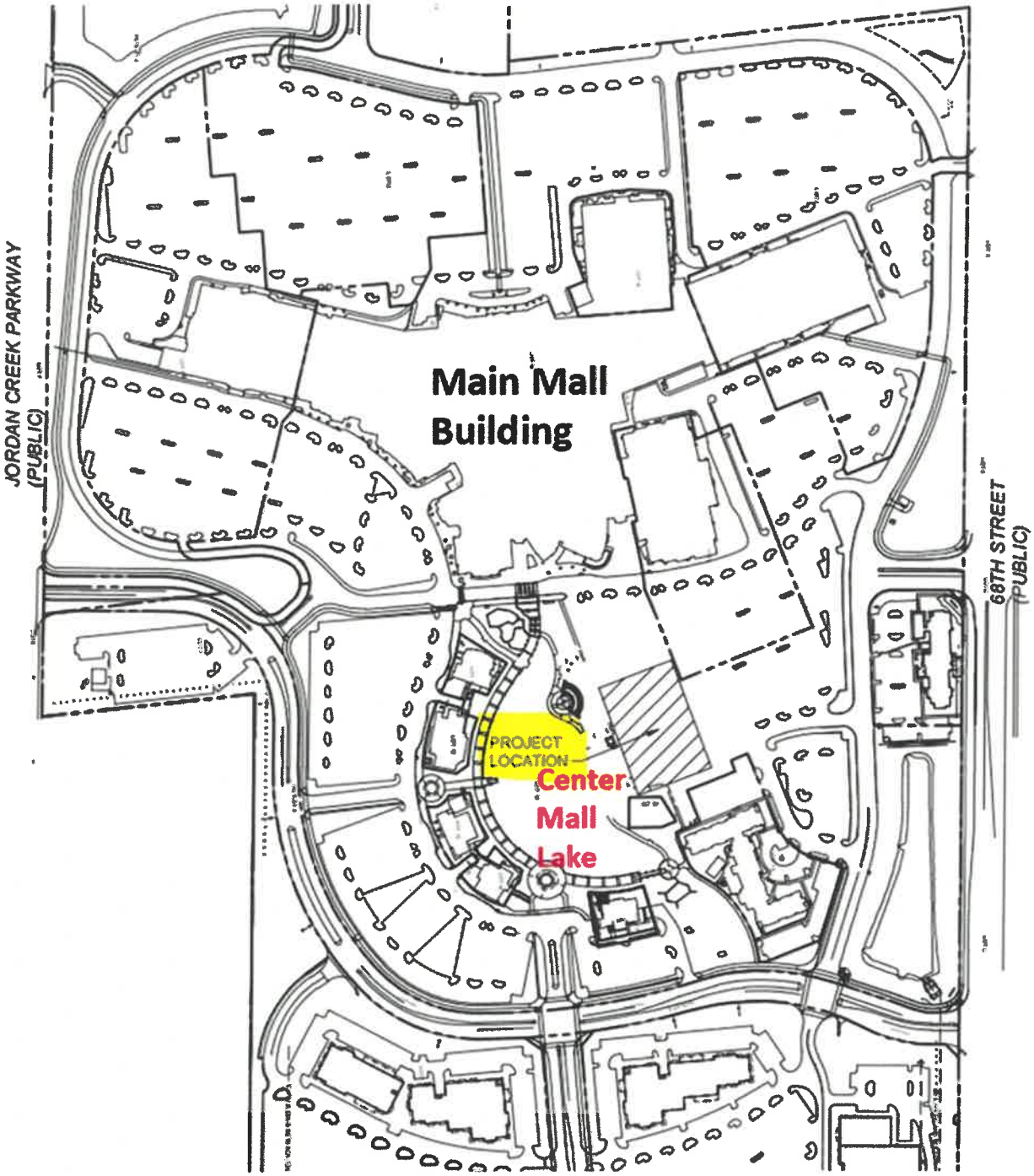
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	N/A
Date(s) of Mailed Notices	N/A

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	N/A			
Recommendation	Yes ☐	No ☐	Split ☐	No Discussion ☒

Location Map



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

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES APPROVING THE REVISED CONDITION OF APPROVAL OF THE DAVE AND BUSTER'S SITE PLAN

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Dave & Buster's, and property owner, GGP Jordan Creek L.L.C. (aka Jordan Creek Town Center), request approval to revise a condition of approval placed with the July 5, 2022, approval of the Dave & Buster's Site Plan for that property located at 190 S. Jordan Creek Parkway and legally described in attached Exhibit "B". The revision will change the condition from requiring the associated Final Plat for the subject property be approved by the City Council and recorded with the County prior to issuance of a building permit for above ground construction to requiring the approval of the Final Plat and recordation with the County prior to issuance of any occupancy permit for Dave & Buster's; and

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted, which are made a part of this record and herein incorporated by reference; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the request to revise a condition of approval for the Dave & Buster's Site Plan (SP-005468-2022) placed by the City Council on July 5, 2022.

NOW THEREFORE, the revised condition of approval for the Dave & Buster's Site Plan as shown in Exhibit A is hereby adopted.

PASSED AND ADOPTED on September 28, 2022.

Russ Trimble, Mayor

ATTEST

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on September 28, 2022, by the indicated vote.

Exhibit A: Revised Condition of Approval

1. The applicant and property owner acknowledging that no occupancy permit for the Dave & Buster's building shall be issued until the associated final plat for the subject property is approved by the City Council and recorded with the Dallas County Recorder.

Exhibit B: Property Legal Description

THAT PART OF LOT 18 IN JORDAN CREEK TOWN CENTER REPLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 5 JORDAN CREEK TOWN CENTER REPLAT 1;
THENCE SOUTH 82°51'58" WEST, A DISTANCE OF 468.86 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 22°00'00" WEST, A DISTANCE OF 214.98 FEET;
THENCE SOUTH 68°00'00" WEST, A DISTANCE OF 162.00 FEET;
THENCE SOUTH 22°00'00" EAST, A DISTANCE OF 261.78 FEET;
THENCE NORTH 68°00'00" EAST, A DISTANCE OF 55.50 FEET;
THENCE NORTH 22°00'00" WEST, A DISTANCE OF 46.80 FEET;
THENCE NORTH 68°00'00" EAST, A DISTANCE OF 106.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 37,424 SQ. FT. (0.859 ACRES) MORE OR LESS.