CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: November 18, 2024

ITEM: West Grand Business Park, North and south sides of Grand Avenue between S. 60th Street and S. Jordan Creek Parkway - Amend the West Grand Business Park Planned Unit Development Ordinance to adjust the stated effective date – WDM Entertainment, LLC – CPAZC-006091-2023

ORDINANCE: Approval of First Reading Amendment to Planned Unit Development Ordinance

MOTION: Suspend Rule 36 of the City Council Procedural Rules to allow Waiver of the Second and Third Readings of the Ordinance

ORDINANCE: Adopt the Ordinance in Final Form

Background: This past summer, WDM Entertainment, LLC, intended developer of PUD parcels 3, 4 and 5 within the West Grand Business Park PUD, requested an amendment to the PUD in anticipation of development of entertainment uses, including a waterpark and convention center, hotels, retail establishments, restaurants, commercial, office and multi-family housing. The developer that was proposing the amendment did not own these parcels but did have the current property owner's (W & G McKinney Farms, LC) approval to proceed with the amendment. Although the current property owner consented, they had concerns that upon City Council approval of the PUD, the changes would become effective while it was possible the developer could decide not to proceed with purchase of the property. The current owner was concerned they would be locked into the developer's intended development. The property owner consented to the City Council taking action on the proposed amendment subject to language be included in the PUD requiring the developer complete the purchase of the property before the PUD is published and thus officially approved and effective. The August 19th City Council approval of the amendment included Effective Date language that provided that sale of the property would need to occur by November 18th or the amendment would be considered voided. The developer has requested this date be changed to January 6, 2025 to allow additional time to complete the purchase of the property. The current owner agrees with changing the Effective Date provision to allow additional time to complete the sale of the property.

This PUD amendment only changes the date to which the closing of the purchase of the property must occur. The developer has been working with staff on a subsequent amendment that would change the substance of the PUD. Should the sale go through, this subsequent amendment will be presented to the Planning and Zoning Commission and City Council to align the development of the parcels purchased with the latest development concept.

The developer, WDM Entertainment, LLC, has been working with the City regarding the execution of development agreements associated with the development. The execution of the agreements is critical in providing assurances to the developer prior to proceeding with the purchase. Due to fact this PUD would become null and void if the sale does not occur by November 18th, staff is requesting that all readings of the PUD Ordinance Amendment occur at the same City Council

meeting to prevent the voiding of the PUD. The Public Hearing Notice indicated this, as will the City Council meeting agenda.

Outstanding Issues: There are no outstanding issues. Since this amendment is simply changing the Effective Date provision of the ordinance approval by City Council and no changes to any use allowances or bulk regulations for site development are being modified, this amendment was not presented to the Planning and Zoning Commission.

Due to the time sensitive nature of the request, staff is recommending that at this meeting, the Council take action on the first reading, suspend Rule 36 and waive the second and third readings and adopt the proposed amendment in final form.

Recommendation:

Ordinance: Approval of the First Reading of an Amendment to the West Grand Business Park Planned Unit Development (PUD), subject to the condition in the Effective Date and the applicant meeting all City Code requirements.

Motion: Suspend Rule 36 of the City Council Procedural Rules to allow Waiver of the Second and Third Readings of the Ordinance.

Ordinance: Adopt the Amendment to the West Grand Business Park Planned Unit Development in Final Form.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

City Council: First Reading	November 18, 2024
City Council: Second Reading, Waive Third and Adopt	November 18, 2024

Staff Report Reviews:

Planning & Zoning Commission	☐ Development Coordinator (or) ☐ Director	☐ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☒ Agenda Acceptance

Publications (if applicable)

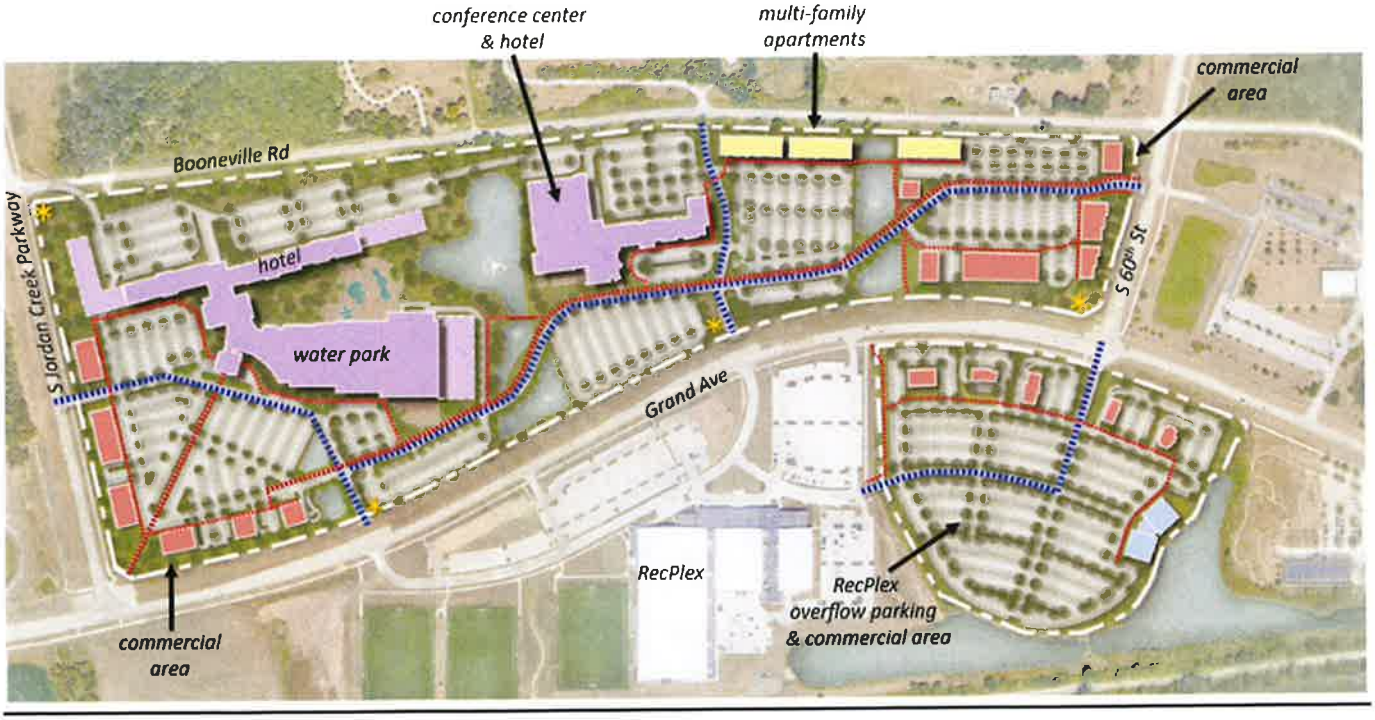
Published In:	Des Moines Register Community Section
Date(s) Published	11/7/2024
Date(s) of Mailed Notices	11/4/2024

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	Not presented			
Recommendation	Yes ☐	No ☐	Split ☐	No Discussion ☐

Location Map

Concept Plan – Parcels 3, 4 & 5



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, 2024, AND ORDINANCES #1373, #1812, #2299, #2359, #2360, #2446, #2460, #2462 AND #2626 PERTAINING TO 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. Ordinances #1373, #1812, #2299, #2359, #2360, #2446, #2460, #2462 and #2626 pertaining to the West Grand Business Park Planned Unit Development, Section 14, *Effective Date*, is hereby amended by deleting the highlighted strike-thru text and inserting the text in bold italics.

> SECTION 14: EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, that the City Clerk is directed to NOT publish the Ordinance to make it finally effective until the following has occurred: WDM Entertainment, LLC, an Iowa limited liability company, or it assignee, if any, has filed with the City Clerk a copy of a recorded Deed from W & G McKinney Farms, L.C., an Iowa limited liability company, to WDM Entertainment, LLC, or assignee, if any, regarding the property that is the subject of this Ordinance by no later than ~~November 18, 2024~~ ***January 6, 2025***. In the event such a Deed has not been timely filed with the City Clerk, City Council shall adopt a resolution stating this Ordinance shall not be deemed effective and shall be null and void.

SECTION 2. Repealer. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 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 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 from and after its passage, approval and publication as provided by law; provided, however, that the City Clerk is directed to NOT publish the Ordinance to make it finally effective until the following has occurred: WDM Entertainment, LLC, an Iowa limited liability company, or it assignee, if any, has filed with the City Clerk a copy of a recorded Deed from W & G McKinney Farms, L.C., an Iowa limited liability company, to WDM Entertainment, LLC, or assignee, if any, regarding the property that is the subject of this Ordinance by no later than January 6, 2024. In the event such a Deed has not been timely filed with the City Clerk, City Council shall adopt a resolution stating this Ordinance shall not be deemed effective and shall be null and void.

Passed and approved by the City Council on November 18, 2024.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the City Council for the City of West Des Moines, Iowa, on _____, 2024, and was published in the Des Moines Register on _____ , 2024.