NO CHANGES FROM PREVIOUS

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 9, 2015

ITEM: Ordinance Amendment – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office, and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to allow SIC 7212: Garment Pressing and Agents for Laundries and Dry Cleaners as a Permitted Use in all non-residential zoning districts; and Amend Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A, to add language to City Code identifying specific regulations and requirements for Dry Cleaners with limited equipment operating under SIC 7212 – City Initiated
AO-002571-2014

ORDINANCE: Approval of Second Reading, Waiver Third and Adopt Ordinance in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Development Services is requesting an amendment to the City Code, Title 9, *Zoning*, Chapter 6, *Commercial, Office, and Industrial Zoning District*, Section 6, *Commercial, Office, and Industrial Use Regulations*, Subsection C, Table 6.1, *Use Matrix* to allow SIC 7212 – 'Garment Pressing and Agents of Laundries and Dry Cleaners' as a Permitted use in all non-residential zoning districts. This request stems from an inquiry of a business owner that wished to move his dry cleaning business to a tenant space within the Governor's Square development. Governor's Square is zoned Regional Commercial. Upon discussing the intended business with the owner it was identified that his operation included the use of one piece of cleaning equipment in addition to garment pressing equipment. Traditionally, dry cleaners in commercial areas have operated as drop-off/pick-up sites with pressing operations, but no cleaning activities beyond typical washer and dryer equipment. The actual dry cleaning of garments falls under SIC 7216 – 'Dry Cleaning Plants, Except Rug Cleaning'. Through further discussions with the applicant, it was identified, although unknown to the Planning Department, the business owner had previously operated an identical operation, with the cleaning equipment, in a tenant space within Normandy Plaza. Normandy Plaza is a multi-tenant commercial strip center, zoned Community Commercial, with residential uses located immediately to the north and east. Staff is unaware of any complaints ever being filed against the dry cleaning operation for either noise or smells. Therefore, based on the lack of complaints, it is assumed that dry cleaning operations with limited cleaning activities are generally unobtrusive to neighboring properties and tenants. Staff presented this information to the Development and Planning City Council Subcommittee at the December 4, 2014 meeting. It was determined that SIC 7216 – 'Dry Cleaning Plants' is intended for those businesses that perform the dry cleaning of the garments dropped-off to multiple businesses and are therefore much larger in size with multiple pieces of cleaning equipment. Based on the lack of complaints, assurances of limitations being placed on operations, and provision that necessary regulations be placed to ensure safety of the operations, the Subcommittee was supportive of making SIC 7212 with limited dry cleaning equipment a Permitted Use in all non-residential zoning districts. The Chief Plans Examiner with the Building Division, Fire Marshal, and planning staff met to identify necessary regulations to aid in limiting the operations and ensuring safety to adjacent properties and tenants. The following regulations are recommended:

- Maximum of one (1) solvent based cleaning machine shall be located on the premises;
- Class I and II solvents shall be allowed. No class III solvents for the cleaning operation shall be allowed;
- The maximum amount of solvent present on site at a given time shall not exceed one (1) drum or 55 gallons;
- Establishment and operation shall comply with all City of West Des Moines adopted Fire and Building Code regulations, including addendums;
- A minimum 1-hour fire wall shall be exist between tenant spaces, including ceiling and floors;
- A Fire Marshal approved solvent containment basin and accompanying storage container shall be utilized;
- Fire Marshal must approve of solvent transfer operations, including fill location;

Staff proposes an amendment to Title 9, *Zoning*, Chapter 10, *Performance Standards*, Section 4A to add these regulations for dry cleaners operating under SIC 7212 with limited equipment.

Previous City Council Action:
Vote: 5-0 approval
Date: January 26, 2015
Motion: Approval of the first reading of the amendment to the Title 9, *Zoning*, Chapters 6 and 10.

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 the second reading, waive the third reading and adopt the ordinance amendment to Title 9, Zoning Code, Chapter 6 and Chapter 10 in final form, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Lynne Twedt

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	January 9, 2015
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	December 4, 2014		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Ordinance

EXHIBIT I

Prepared by: LTwedt, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 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.

AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), SECTION 6 (COMMERCIAL, OFFICE, AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO AMEND SIC 7212, 'GARMENT PRESSING AND AGENTS FOR LAUNDRIES AND DRY CLEANERS' TO ALLOW CLEANERS WITH LIMITED EQUIPMENT IN ALL NON-RESIDENTIAL ZONING DISTRICTS; AND AMEND TITLE 9 (ZONING), CHAPTER 10 (PERFORMANCE STANDARDS), SECTION 4 (SPECIFIC USE REGULATIONS), SUBSECTION 'A' TO ADD LANGUAGE TO CITY CODE IDENTIFYING SPECIFIC REGULATIONS AND REQUIREMENTS FOR DRY CLEANERS WITH LIMITED EQUIPMENT OPERATING UNDER SIC 7212.

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

Section 1. Amendment. Title 9: *Zoning*, Chapter 6: *Commercial, Office, and Industrial Zoning District*, Section 6: *Commercial, Office and Industrial Use Regulations*, Subsection C, Table 6.1: *Use Matrix* is hereby amended by adding the following bolded and highlighted text:

SIC Codes	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
7212 Garment Pressing and Agents for Laundries and Dry Cleaners **in accordance with 9-10-4A-13**	P	P	P	P	P	P	P	P	**P**	**P**	**P**	**P**	**P**	**P**	

Section 2. Amendment. Title 9: *Zoning*, Chapter 10: *Performance Standards*, Section 4: *Specific Use Regulations*, Subsection *'A'* is hereby amended by adding a #13 and the following bolded and highlighting text:

13. **Dry Cleaners: In those districts in which SIC 7212 is allowed, when said operation includes dry cleaning equipment the following standards shall apply:**

   a. **Maximum of one (1) solvent based cleaning machine shall be located on the premises;**

   b. **Class I and II solvents shall be allowed. No class III solvents for the cleaning operation shall be allowed;**

   c. **The maximum amount of solvent present on site at a given time shall not exceed one (1) drum (maximum 55 gallons);**

   d. **Establishment and operation shall comply with all City of West Des Moines adopted Fire and Building Code regulations, including addendums;**

   e. **A minimum 1-hour fire wall shall be exist between tenant spaces, including ceiling and floors;**

   f. **A Fire Marshal approved solvent containment basin and accompanying storage container shall be utilized;**

   g. **Fire Marshal must approve of solvent transfer operations, including fill location;**

   Upon approval of the initial operation, any changes to equipment, type of solvent used, or solvent transfer or fill operations will require the review and approval of the Building Division and Fire Marshal. At the discretion of the Chief Building Official and/or Fire Marshal, additional measures to ensure safety and eliminate potential impacts on adjacent tenants/businesses/properties may be required and shall be adhered to.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provision 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 Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 6. Other Remedies. In addition to the provisions set out in 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 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 and approved by the City Council on the 9th day of February, 2015.

_____

Steven K. Gaer, Mayor

ATTEST:

_____

Ryan T Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on February 9, 2015, and was published in the Des Moines Register on _____, 2015.

_____
Ryan T. Jacobson, City Clerk