CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: January 26, 2016

ITEM: Breweries - 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 revise the regulations of breweries and tap rooms that are between 5,000 sq. ft. and 10,000 sq. ft. in size and amend the approval process for breweries and tap rooms – City Initiated
AO-002956-2016

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff requests an amendment to Title 9, Zoning, Chapter 6 to revise the commercial, office, and industrial zoning use matrix to address a discrepancy in brewery size for breweries between 5,000 sq. ft. and 10,000 sq. ft. and amend the approval process for breweries and tap rooms. This amendment request is necessary to respond to a clarification request by the City's codifier.

Plan and Zoning Commission Action:
Vote: 6-0 approval, Commissioner Andersen absent
Date: January 18, 2016
Motion: Adopt a resolution recommending the City Council approve the first reading of the amendment to Title 9, Zoning

OUTSTANDING ISSUES: There are no outstanding issues.

The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- City Council Subcommittee - *Development & Planning: January 11, 2016*
- Staff Review and Comment
- Noticing Information
- Staff Recommendation and Conditions of Approval

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the first reading of the ordinance amendment to 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 revise the regulations of breweries and tap rooms that are between 5,000 sq. ft. and 10,000 sq. ft. in size and amend the approval process for breweries and tap rooms

Lead Staff Member: Kara Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register Community Section
Date(s) Published	January 8, 2016
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	January 11, 2016		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication

Attachment A - Plan & Zoning Commission Resolution

Attachment B - Proposed Ordinance (*moved to Exhibit II*)

Exhibit II - Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION

Meeting Date: January 18, 2016

Item: Breweries - 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 revise the regulations of breweries and tap rooms that are between 5,000 sq. ft. and 10,000 sq. ft. in size and amend the approval process for breweries and tap rooms – City Initiated
AO-002956-2016

Request Action: Recommend to the City Council approval of an amendment to the City Code

Case Advisor: Kara Tragesser, AICP

Applicant's Request: The City of West Des Moines requests an amendment to Title 9, Zoning, Chapter 6 to revise the commercial, office, and industrial zoning use matrix to address a discrepancy in brewery size for breweries between 5,000 sq. ft. and 10,000 sq. ft. and amend the approval process for breweries and tap rooms. This amendment request is necessary to respond to a clarification request by the City's codifier.

City Council Subcommittee: This item was discussed at the January 11, 2016, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance.

Staff Review and Comment: There are no outstanding issues.

Brewery Size between 5,000 sq. ft. and 10, 000 sq. ft.: In August 2015, the City Council approved an ordinance that allowed tap rooms and beer parlors in conjunction with breweries and allowed breweries of varying sizes with a tap room in non-industrial and non-residential zoning districts. The ordinance provided for a break down in the use matrix of sizes for a brewery of less than 5,000 sq. ft., less than 10,000 sq. ft. and greater than 10,000 sq. ft.

The same ordinance allowed tap rooms and beer parlors in conjunction with a brewery of varying sizes in non-residential districts. The ordinance provided for the break down in the use matrix of sizes or less than 5,000 sq. ft., between 5,000 sq. ft. and 10,000 sq. ft., and greater than 10,000 sq. ft.

The codifier pointed out a difference in how the brewery portion and the tap room portion of the use matrix were described by size, particularly as one had a breakdown of between 5,000 sq. ft. and less than 10,000 sq. ft. and one didn't. Staff reviewed the ordinance and determined that the breakdown in size should match; therefore staff recommends a change to the brewery portion of the use matrix in the ordinance that identifies a brewery size of "greater than 5,000 sq. ft. and less than 10,000 sq. ft."

Approval Process for Breweries and Tap Rooms: In that same ordinance, the codifier noted a difference in the approval process, Permitted or Permitted Conditional, for the entry for "brewery over 10,000 sq. ft." and the entry for "tap room in conjunction with a brewery over 10,000 sq. ft."; one was designated a Permitted (P) use and the other was designated a Permitted Conditional (Pc) use. The codifier questioned if the difference was intentional or if the entries should be the same. Staff recommends that the entries be the same to allow a brewery of over 10,000 sq. ft. in size and a tap room in conjunction with a brewer over 10,000 sq. ft. in size to be Permitted in the General Industrial zoning district.

Noticing Information: On January 8, 2016, notice of the January 18, 2016, Plan and Zoning Commission public hearing for the proposed amendment was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:
Attachment A – Proposed Resolution
Exhibit A – Proposed Ordinance

S:__Development Projects\Ordinance Amendments\Micro Breweries\Brewery Ordinance Corrections 2016\AO-002956-2016_SR_Brewery and Tap Room Revisions_01-18-2016.doc

ATTACHMENT A

RESOLUTION NO. PZC-PAC-16-005

TO 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 REVISE USE MATRIX TO ADDRESS BREWERY SIZE AND AMEND THE APPROVAL PROCESS FOR SIC 2082 BREWERIES AND SIC 5813 TAP ROOMS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) to add a definition for brewery; 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 revise use matrix to address brewery size and to amend the approval process for SIC 2082 Breweries and SIC 5813 Tap Rooms;

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;

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to the ordinance;

WHEREAS, this Commission did consider the application for an amendment to ordinance;

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

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-002956-2016) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on January 18, 2016.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

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 January 18, 2016, by the following vote:

AYES: Brown, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: Andersen

ATTEST:

Recording Secretary

S:__Development Projects\Ordinance Amendments\Micro Breweries\Brewery Ordinance Corrections 2016\AO-002956-2016_SR_Brewery and Tap Room Revisions_01-18-2016.doc

EXHIBIT II

Prepared by: K Tragesser, 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.

TO 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 REVISE USE MATRIX TO ADDRESS BREWERY SIZE AND TO AMEND THE APPROVAL PROCESS FOR SIC 2082 AND SIC 5813

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 Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) is hereby amended by adding the text in bold lettering and deleting the text in strikethrough lettering:

[continued on next page]

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
SIC 208 Beverages									Pc		Pc	P			
SIC 2082 Brewery less than 5,000 sq. ft. in conjunction with a tap room	Pc	Pc	Pc		Pc		Pc	Pc	Pc		Pc	Pc			
SIC 2082 Brewery ***greater than 5,000 sq. ft.*** and less than 10,000 sq. ft. in conjunction with a tap room	Pc	Pc			Pc			Pc	Pc		Pc	Pc			
SIC 2082 Brewery over 10,000 ***sq. ft.*** ~~of with or without a tap room~~									Pc		Pc	P			
5813 Drinking Places	Pc	Pc	Pc		Pc		Pc	Pc							
SIC 5813 Tap Room/Beer Parlor in conjunction with a brewery of less than 5,000 sq. ft.	Pc	Pc	Pc		Pc		Pc	Pc	Pc		Pc	Pc		Pc	Pc
SIC 5813 Tap Room/Beer parlor in conjunction with a brewery greater than 5,000 sq. ft. and less than 10,000 sq. ft.	Pc	Pc			Pc			Pc	Pc		Pc	Pc			
SIC 5813 Tap Room/Beer Parlor in conjunction with brewery greater than 10,000 sq. ft.									Pc		Pc	~~Pc~~ ***P***			

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision 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 Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 5. Other Remedies. In addition to the provisions set out in 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 6. 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 _____, 2016, and approved this _____ day of _____, 2016.

_____
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 _____, 2016, and was published in the Des Moines Register on _____, 2016.

_____
Ryan T. Jacobson
City Clerk