CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: May 15, 2017

ITEM: Amendment to City Code, Title 9 – Amend Title 9, Chapter 6, Section 6-3 and Title 9, Chapter 10 to regulated hardware stores in the Neighborhood Commercial District – City Initiated (AO-003456-2017)

ORDINANCE: Approval of First Reading of the Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines is requesting an amendment to City Code, Title 9, Zoning, Chapter 6, Commercial, Office, and Industrial Use Regulations) to regulate SIC 5251 Hardware Stores in the Neighborhood Commercial (NC) zoning district (See Exhibit II – Proposed Ordinance). The City received a Pre-Application to use the abandoned building at 5003 EP True Parkway (formerly a Dahls grocery store) for a multi-tenant building with one potential tenant being a hardware store. Through discussions among staff and the City Council Subcommittee is has been agreed to amend city code to accommodate the proposed use, with performance standards.

Plan and Zoning Commission Action:

Vote: 4-0 Approval, Commissioners Brown, Crowley, and Erickson absent
Date: May 8, 2017
Motion: Approve 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: April 27,2017*
- Staff Review and Comment
- Noticing Information
- Staff Recommendation and Conditions of Approval

RECOMMENDATION: Based upon the preceding review the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code to regulate hardware stores in the Neighborhood Commercial zoning district, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	May 3, 2017
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 17, 2017		
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: May 8, 2017

Item: Amendment to City Code, Title 9 – Amend Title 9, Chapter 6, Section 6-3 and Title 9, Chapter 10 to regulated hardware stores in the Neighborhood Commercial District – City Initiated (AO-003456-2017)

Request Action: Approval of an amendment to the City Code

Case Advisor: Kara Tragesser, AICP

Applicant's Request: The City of West Des Moines is requesting an amendment to City Code, Title 9, Zoning, Chapter 6, Commercial, Office, and Industrial Use Regulations) to regulate SIC 5251 Hardware Stores in the Neighborhood Commercial (NC) zoning district (See Attachment A, Exhibit A – Proposed Ordinance). The City received a Pre-Application to use the abandoned building at 5003 EP True Parkway (formerly a Dahls grocery store) for a multi-tenant building with one potential tenant being a hardware store. Through discussions among staff and the City Council Subcommittee is has been agreed to amend city code to accommodate the proposed use, with performance standards.

City Council Subcommittee: This item was discussed at the April 27, 2017, Special Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance with limits on the size of the store and regulations to address outdoor display and outdoor storage.

Staff Review and Comment: There are no outstanding issues. A pre-application has been received proposing to divide the former Dahl's grocery store at 5003 EP True Parkway into a multi-tenant space to include a hardware store. The zoning of the property is Neighborhood Commercial and current code does not allow hardware stores in Neighborhood Commercial. Staff concerns were with the size of the store (not comfortable with a home improvement store size or character in the NC district), outdoor display and outdoor storage of merchandise or bulk materials. Staff recognizes that smaller traditional hardware stores could be beneficial to the neighborhoods surrounding the NC districts.

Size: To address the concerns of size of a traditional hardware store, Staff researched Ace, True Value, and local name hardware stores in the Des Moines area. The stores ranged from 1,100 sq. ft. to 17,000 sq. ft., staff felt that a store of 15,000 sq. ft. would accommodate the brands of hardware stores in a NC district. Staff proposes that hardware stores under SIC 5251 equal to or less than 15,000 sq. ft. be allowed by permitted conditional permit in the NC zoning district. The permitted conditional use permit will allow staff to evaluate parking needs, placement of outdoor storage and display, and other potential impacts of the hardware store on the parcel or adjacent parcels.

Outdoor display and storage: Under current code, outdoor display is allowed in the NC district if approved as part of a site plan. There are no further standards discussed in the ordinance and allowances have been recommended by staff based on type of merchandise (third party vendors versus tenant merchandise), location, and enclosures.

Noticing Information: On May 3, 2017, notice of the May 8, 2017, Plan and Zoning Commission and May 15, 2017, City Council public hearings for this project 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

ATTACHMENT A

RESOLUTION NO. PZC-17-053

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE 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 REGULATE SIC 5251 HARDWARE STORES AND TO AMEND TITLE 9, CHAPTER 10, PERFORMANCE STANDARDS TO REGULATE OUTDOOR DISPLAY AND STORAGE IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

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 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 regulate SIC 5251 Hardware Stores and to amend Title 9 (Zoning), Chapter 10 (Performance Standards) to regulate outdoor display and storage in the Neighborhood Commercial District;

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 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-003456-2017) 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 May 8, 2017.

Chris Costa

Chris Costa, Vice Chairperson
Plan and Zoning Commission

ATTEST:

Michelle Riesenberg

Recording Secretary

S:___Development Projects\Ordinance Amendments\Hardware Stores\AO-003456-2017_Sr_Hardware Stores in Neighborhood Commercial_PC_05-08-2017.doc

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 May 8, 2017, by the following vote:

AYES: Andersen, Costa, Hatfield, Sachnoorth
NAYS:
ABSTENTIONS:
ABSENT: Braun, Crowley, Erickson

ATTEST:

Michelle Kiesenberg
Recording Secretary

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.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE, AND INDUSTRIAL ZONING DISTRICT) AND CHAPTER 10 (PERFORMANCE STANDARDS), TO ESTABLISH STANDARDS AND REGULATIONS RELATED TO HARDWARE STORES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

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

Section 1. Amendment. Title 9: Zoning, Chapter 10: Performance Standards, Section 4, Specific Use Regulations, Subsection G-5, is hereby amended by adding the following language in bold italic lettering:

5. Neighborhood Commercial Districts:

a. Buildings in the neighborhood commercial district shall be limited to a height of one story and shall have a residential style roof design (e.g., mansard, pitched, gabled, etc.), **unless otherwise approved by City Council.**

b. All uses within a neighborhood commercial district shall be specifically designed and operated to be compatible with the adjacent residential uses. Specifically, limitations on design and operation of uses shall include architectural and building mass, hours of operation, delivery hours, noise and lighting controls, signage and traffic considerations and shall be reviewed during the site plan or permitted conditional use permit (Pc) review process.

c. **Unless otherwise authorized by the City, outdoor display of merchandise may occupy an area equal to or less than an amount of square feet that is 20 percent of the gross square feet of the tenant space in the principal building. This display area may occupy an area located in adjacent to the tenant space, without encroaching into any sidewalk (a four foot wide sidewalk must be maintained) or parking area.**

d. **Unless otherwise authorized by the City, outdoor storage of larger or bulk merchandise may occupy and area equal to no more than ten percent of the gross square foot of the tenant space in the principal building. All outdoor storage is expected to be surrounded with an opaque enclosure up to eight feet tall; no material can exceed the height of the enclosure. This area shall not be located within required front yard, parking areas or required open space.**

Section 2. Amendment. Title 9: Zoning, Chapter 6: Commercial, Office and Industrial District, Section 6, Commercial, Office, and Industrial Use Regulations, Subsection C. Table 6.1 is hereby amended by adding text in bold lettering and deleting text in strikethrough, highlighted lettering.

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
52 Building materials, hardware, garden supply and mobile home dealers															
521(a) Lumber and other building material dealers (no outside storage in BP, VJLI, and VJC zones)						P		P	P	P	P	P			
521(b) Showrooms/display rooms and associated offices (sales displays only, no distribution or warehousing of materials and no outside storage)						P	P	P	P	P	P	P			
523 Paint, glass and wallpaper stores	P	P				P	P	P							
5251 Hardware stores	P	P				~~P~~	~~P~~	P			P	P			
5251 Hardware Stores 15,000 sq. ft. or less	**P**	**P**	**Pc**			**P**	**P**	**P**			**P**	**P**			
526 Retail nurseries and garden stores	Pc	Pc	Pc			Pc		P			P	P			Pc
527 Mobile home dealers															

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. Effesctive 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 _____, 2017, and approved this ___ day of _____, 2017.

_____
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 _____, 2017, and was published in the Des Moines Register on _____, 2017.

_____
Ryan T. Jacobson
City Clerk