

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: January 15, 2018

Item: Amendment to City Code – Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations), to modify the Bulk Regulations for non-residential zoning districts – City Initiated – AO-003726-2017

Requested Action: Request approval of an amendment to the City Code

Case Advisor: Brian Portz, AICP *BP*

Applicant's Request: The business at 921 9th Street, Elite Dental, would like to add a two story addition to the rear of their building. The subject property and surrounding lots are zoned Office which by current code requires a 30' front yard setback, 35' rear yard and 10' side yard setback unless it abuts a similar zoning district, in which case the side yard setback is zero. The existing building is located at the currently required 35 foot rear yard setback line. Under current code requirements the property owner wouldn't be able to add onto the building as proposed without relief from the 35' setback requirement. The applicant submitted a variance application to request a 20 foot variance from the 35 foot setback requirement to permit their building addition to be 15 feet from the rear property line. In discussions with the applicant, staff explained that a variance would be hard for the Board of Adjustment to approve because the perceived hardship would be of the applicant's own creation due to the proposed building addition. Also, the applicant's property isn't unique compared to other office zoned properties in the area to warrant a variance. Planning staff discussed the matter noting that code allows for zero side yard setback if abutting a similar district. Under this premise, staff believed that it would be appropriate to reduce the rear yard setback when under the same conditions; however, it was felt that some distance should be maintained along the rear lot line to allow for routing of utilities and service elements. Staff suggested to the applicant that rather than a variance they instead request an amendment to City Code that would reduce the rear yard setback in these situations. The applicant submitted a letter of request asking for this amendment to reduce the rear yard requirement within the Office districts to 15 feet if adjacent to a like zoning district.

At the same time that this matter was being evaluated, staff had a pre-application meeting with a property owner that desired to split an existing building parcel within the Professional Commerce Park district to allow construction of a second office building on the property. The applicant could easily accommodate the front yard setback requirements, but was running into problems meeting minimum side or rear yard setback requirements as there is no provision for the reduction to zero abutting a like zoning district. A similar approach to the 921 9th Street problem would allow for a second building to be constructed.

Staff believes the proposed amendment to code to reduce setbacks when abutting a like zoning will be beneficial to property owners and encourage redevelopment of existing properties and infill on vacant properties.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee on January 8, 2018 as an informational item only. The Subcommittee was supportive of the proposed amendment.

Staff Review and Comment: There are no outstanding issues. Staff notes the following:

- **Building Setbacks for Parcels that abut a Like Zoning District:** Staff is recommending adding the exception to the rear yard setback for Office zoned properties to allow a 15 foot rear yard setback when a parcel abuts a like zoning district. This exception is currently allowed for all side yards and rear yards within commercial districts and for all side yards in industrial zoning districts. In addition, staff is recommending a reduction in the side yard and rear yard setbacks for Professional Commerce Park (PCP) zoned properties when a parcel abuts a like zoning district.

- **Light Industrial Bulk Requirements:** During the review of the bulk regulations for Office and PCP zoning, staff noted that the setback requirements for Light Industrial (LI) zoned properties were greater than the setback requirements for General Industrial (GI) zoned properties. This seemed contrary to standard zoning classification regulations since generally LI zoned properties are smaller and contain less intense land uses than GI zoned properties. To alleviate this, staff is recommending the minimum lot area required for a LI zoned property be reduced from 21,000 square feet to 10,000 square feet, the front yard setback be reduced from 45 feet to 30 feet, the rear yard setback be reduced from 40 feet to 35 feet and the side yard setback be reduced from 50 feet to 20 feet unless it abuts a like district in which case a zero side yard would be required.
- **Table Notes:** Staff is also proposing to delete a few notes that are referenced within Tables 7.8 and 7.9 as the superscript notations are often overlooked. In lieu of the superscript references, the tables are proposed to be modified by adding text within the table to account for the removal of the notes. These notes relate to the reduction of side and rear yard setbacks if the parcel abuts a like zoning district, which is now accommodated in the table itself.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On January 5, 2018, notice of the January 15, 2018, Plan and Zoning Commission and January 22, 2018, 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 | - | Plan and Zoning Commission Resolution |
| Exhibit A | - | Proposed Ordinance |
| Attachment B | - | Elite Dental letter |
| Attachment C | - | Substance Architecture letter |

RESOLUTION NO. PZC -18-003

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 THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9 (ZONING), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS TO MODIFY BULK REGULATIONS FOR NON-RESIDENTIAL ZONING DISTRICTS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff has requested an amendment to Title 9 (*Zoning*), Chapter 7, (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*), Table 7.8 (*Bulk Regulations for Principal and Accessory Structures in Commercial Districts*) and Table 7.9 (*Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts*) to modify bulk regulations for Commercial, Office, Professional Commerce Park, and Light Industrial zoning districts.

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, on January 15, 2018, this Commission held a duly-noticed public hearing to consider the application for an amendment to City Code;

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, dated January 15, 2018, or as amended orally at the Plan and Zoning Commission hearing of January 15, 2018, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003726-2017) is recommended to the City Council for approval, as attached or as amended in Exhibit A.

PASSED AND ADOPTED on January 15, 2018.

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 15, 2018 by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A

Prepared by B. Portz, Development Services Development, 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 BY AMENDING TITLE 9 (ZONING), CHAPTER 7 (SETBACK AND BULK DENSITY REGULATIONS), SECTION 4 (SETBACK AND BULK DENSITY REGULATIONS) TABLE 7.8 (BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN COMMERCIAL DISTRICTS) AND TABLE 7.9 (BULK REGULATIONS FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL, OFFICE AND OPEN SPACE DISTRICTS) TO MODIFY BULK REGULATIONS FOR COMMERCIAL, OFFICE, PROFESSIONAL COMMERCE PARK, AND LIGHT INDUSTRIAL ZONING DISTRICTS

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

Section 1. Amendment. Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*), is hereby modified by deleting the highlighted strikethrough text and adding the text in bold, italicized lettering.

9-7-4: SETBACK AND DENSITY REGULATIONS:

The following regulations shall apply to development within the ~~residentially zoned districts and the agricultural/open space district~~ **City. Building setbacks may need to be larger than indicated depending on applicable building and/or fire code requirements.**

Section 2. Amendment. Title 9 (*Zoning*), Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*), Table 7.8 (*Bulk Regulations for Principal and Accessory Structures in Commercial Districts*) is hereby modified by deleting the highlighted strikethrough text and adding the text in bold, italicized lettering.

**TABLE 7.8
 BULK REGULATIONS
 FOR PRINCIPAL AND ACCESSORY STRUCTURES
 IN COMMERCIAL DISTRICTS**

Required Standards	RC	CMC	NC	CVC	SC	VJC	VJHB	WR
Minimum lot area (square feet) ¹	60,000	60,000	60,000	40,000	60,000	20,000	6,250	20,000
Minimum setback (feet) ²								
- Front yard	100	100	45	45	100	35	0	50
- Rear yard	50 ²	50 ²	35 ²	35 ²	50 ²	33 ²	0	50 ²

	<i>If abuts like zoning district</i>	0	0	0	0	0	0	0	0
-	Side yard	50 ³	50 ³	35 ³	50 ³	50 ³	35 ³	0	50 ³
	<i>If abuts like zoning district</i>	0	0	0	0	0	0	0	0
	Minimum lot width (feet)	50	50	50	50	50	50	50	50
	Maximum height (feet)	36 ^{4,3}	36 ^{4,3}	30	30	36 ^{4,3}	30	36	60 ^{4,3}
	Open space (minimum percentage)	25	25	25	25	25	25	0	25

Notes:

1. Except for condominium ownership.
2. Refer to setback definitions in the zoning ordinance.
3. ~~Setback of 0 feet allowed if the property abuts a similar district.~~
- 4.3. Additional 12 feet of height allowed for each additional 10 feet of setback.

Section 3. Amendment. Title 9 (Zoning), Chapter 7 (Setback and Bulk Density Regulations), Section 4 (Setback and Bulk Density Regulations), Table 7.9 (Bulk Regulations for Principal and Accessory Structures in Industrial, Office and Open Space Districts) is hereby modified by deleting the highlighted strikethrough text and adding the text in bold, italicized lettering.

TABLE 7.9
BULK REGULATIONS
FOR PRINCIPAL AND ACCESSORY STRUCTURES IN INDUSTRIAL,
OFFICE AND OPEN SPACE DISTRICTS

Required Standards	BP	VJLI	LI	GI	OF	PCP	OS
Minimum lot area ¹	20,000 square feet	7,250 square feet	21,000 10,000 square feet	20,000 square feet	10,000 square feet	2 acres	20 acres
Minimum setback (feet)²							
- Front yard	50	15	45 30	40	30	50	50
- Rear yard	50	10 (from alleyway)	40 35	35	35	50	50
<i>If abuts like zoning district</i>			15		15	25	
- Side yard	50	0 ⁴ 10 ⁵	50 20	35 ⁴	10 ⁴	50	50
<i>If abuts like zoning district</i>		0	0	0	0	25	
<i>If abuts residential zoned or used property</i>		10 ⁵					

Minimum lot width (feet)	75	50	75	75	80	350	200
Maximum height (feet)	60 ³	15 30 ⁶⁴	60 ³	60 ³	36 ³	60 ³	60 ³
Open space required (minimum percentage)	35	20	20	20	25	35	75

Notes:

1. Except for condominium ownership.
2. Refer to setback definitions in the zoning ordinance.
3. Additional 12 feet of height allowed for each additional 10 feet of setback.
- ~~4. Setback of 0 feet allowed if abuts a similar district.~~
- ~~5. Setback of 10 feet required if abuts a residential property.~~
64. Maximum height of 30 feet allowed with a building *side yard* setback of 20 feet.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 5. Savings Clause. If any section, provision, sentences, 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, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 6. 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 7. 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 8. 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 _____, 2018, and approved this _____ day of _____, 2018.

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 _____, 2018, and was published in the Des Moines Register on _____, 2018.

Ryan T. Jacobson
City Clerk



Dear Members of West Des Moines City Council and whom it may concern,

My name is Alfred Char. I own Elite Dental Studio in West Des Moines at 921 9th Street, a high-end boutique dental lab. We employ 14 hard working employees and serve over 100 doctors in West Des Moines and the surrounding metro. Our business has been growing rapidly in the past several years, and we are interested in expanding our existing building in order to stay at our current location.

We would like to ask the City Council to initiate an amendment to the City Code to allow a reduction in setback in city office districts for rear yard setbacks. This would allow us to continue serving the wonderful West Des Moines community we have come to love.

We love being in West Des Moines, and would like to continue working at this location, as it is central to the doctors we serve. Thank you for your time and consideration. We appreciate and value your decision.

**Sincerely,
Alfred Char**

A handwritten signature in black ink, appearing to be the initials "AC" or a similar stylized name, written over a horizontal line.

substancearchitecture

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Des Moines, Iowa 50319
Phone: 515.243.4692
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10 January 2018

Brad Munford
City of West Des Moines
4200 Mills Civic Parkway
West Des Moines, IA 50265

Re: 5000 Westown Parkway, Knapp Development

Brad-

Per our previous discussions, Knapp is proposing a new building on the site at 5000 Westown Parkway. The new building will be 30,000-40,000GSF on two (2) levels. Knapp is also considering modifying the property into two (2) plats. The existing site is triangular in shape due to the I235 - I80/35 on-ramp. The existing 70,500sf building sits roughly in the center of the property.

The owner and design team have explored multiple options on the site and have begun investigating options at the north and at the south as the most viable options (see attached 17_1219 5000WP Options.PDF). The south option with all required setbacks allow for an ideal office footprint that allows for daylighting back to the core and the main exposures on the north and south facades; however, the division for the plat is not ideal because the majority of parking associated with this property would be to the north due to the triangular site. The south option is also not ideal for visual presence on the site in the owner's and design team's opinion.

The north option provides the visual presence and a better association to parking; however, with required interior lot setbacks, the maximum north-to-south footprint is under 80'-0". This makes for a long footprint east-to-west and will limit the amount of daylight to the space depending on core placement. Per the attached (17_1219 5000WP North.pdf), we are interested in exploring options (variance, amendment to the ordinance, other) that might allow a reduction in interior setbacks between buildings on an existing lot.

Per the attached, we propose approximately 75'-6" between buildings instead of the required 100'-0" per Professional Commerce Park (PCP) requirements. The proposed setback would not compromise fire-resistance rating requirements for exterior walls based on fire separation distance as 60'-0" separation would allow the exterior walls of both buildings to have a 0-hr rating with unprotected opening or an all glass façade if desired.

Please feel free to give me a call to discuss.

Sincerely,

Joshua Baker, AIA

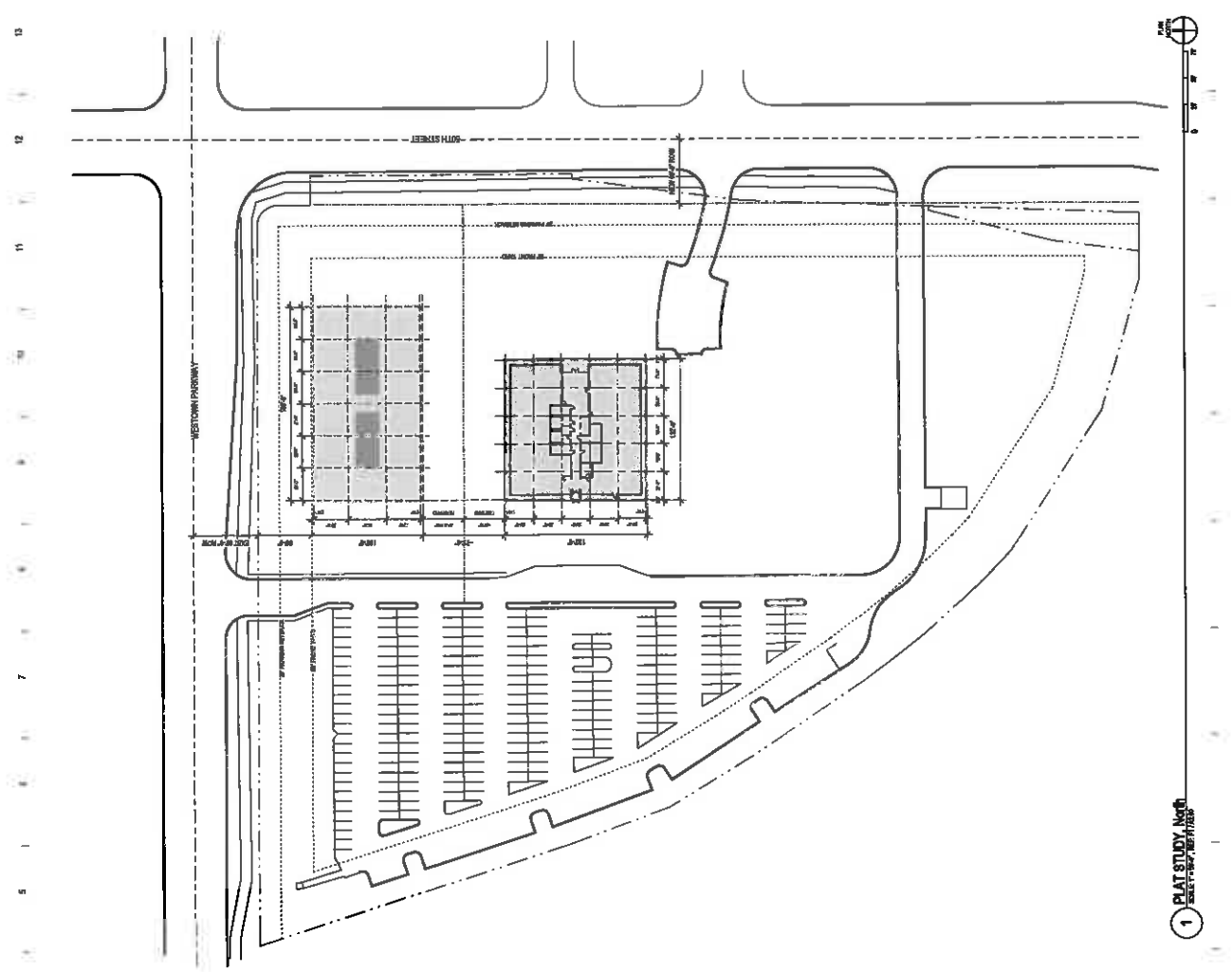
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Substance No. 001
 Date: 20 February 2011
 Project: 5000 Westown Parkway
 City: Raleigh, NC

5000 WESTOWN PARKWAY
 Preliminary - Not for Construction

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1 PLAT STUDY NORTH
 EXHIBIT A - WESTOWN PARKWAY

