NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 11, 2018

ITEM: Amendment to City Code –Title 9 (Zoning), Chapter 14 (Accessory Structures) to amend the maximum number of fuel pumps permitted in the Community Commercial (CMC) District – Hy-Vee, Inc. (AO-003879-2018)

ORDINANCE: Approval of Second Reading, Waive the Third Reading, and adopt ordinance in Final form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Hy-Vee, Inc., applicant, requests an amendment to City Code to increase the maximum number of fuel pumps permitted from 6 to 8 in the Community Commercial (CMC) District. (See Exhibit I – Proposed Ordinance).

Previous City Council Action
Vote: 5-0 Approval
Date: May 29, 2018
Motion: Approval of the first reading of the amendment to Title 9, Zoning, Chapter 14, Accessory Structures)

RECOMMENDATION: Based upon the preceding review, Staff recommends the City Council approve the second reading, waive the third reading and adopt an amend City Code to revise the maximum number of pumps in the Community Commercial zoning district.

Lead Staff Member: Kara Tragesser, AICP KTragesser

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	May 17, 2018	
Letter sent to surrounding property owners	N/A	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 30, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Ordinance

EXHIBIT I

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 BY AMENDING TITLE 9 (ZONING), CHAPTER 14 (ACCESSORY STRUCTURES) , SECTION 9 (FUEL PUMP ISLANDS AND ISLAND CANOPIES) TO CHANGE THE MAXIMUM NUMBER OF FUEL PUMPS ALLOWED IN THE COMMUNITY COMMERCIAL ZONING DISTRICT FROM SIX TO EIGHT

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

Section 1. Amendment. Title 9 (*Zoning*), Chapter 14 (*Accessory Structures*), Section 9 (*Fuel Pumps Islands and Island Canopies*,) Subsection E is hereby amended by adding the text in bold italic lettering and deleting the shaded strikethrough text:

E. Fuel Pumps: The following table shows the maximum number of fuel pumps allowed per site by zoning district.

	RC	CMC	NC	CVC	SC	VJC	VJHB
Maximum number of fuel pumps allowed per site	12	~~6~~ ***8***	6	6	12	4	4

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 _____, 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