CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: February 19, 2019

ITEM: Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), to modify the permitted uses and permitted conditional uses allowed in the Professional Commerce Park and Office zoning districts – City Initiated – AO-004191-2019

ORDINANCE: Approval of First Reading of Ordinance

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Development Services staff of the City of West Des Moines requests an amendment to the following noted chapters and sections of Title 9 (Zoning) to amend regulations pertaining to the permitted uses and permitted conditional uses allowed in the Professional Commerce Park and Office zoning districts.

- Title 9 (Zoning):
  - Chapter 6 (Commercial, Office and Industrial Zoning District) Section 6 (Commercial, Office, and Industrial Use Regulations)

Since it is the City's intent to no longer zone any properties in the City with the Professional Commerce Park (PCP) designation, staff looked at the land uses allowed in Professional Commerce Park to determine if those uses should be allowed in Office zoning districts as well. The matrix included with the amendment does not identify all uses allowed within the Professional Commerce Park and Office Districts, only those that are being amended from what is currently allowed. Staff has included a summary of the use matrix which indicates all uses allowed in these two districts (see attachment B).

Plan and Zoning Commission Action:
Vote: 6-0 approval, with Commissioner Drake absent.
Date: February 11, 2019
Motion: Adopt a resolution recommending the City Council approve the proposed amendment(s) to City Code.

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: February 4, 2019*
- Staff Review and Comment
  - *Heliports*
  - *Hotels with or without an event venue*
  - *Hospitals*
- 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 City Code, subject to meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	February 1, 2019	
Letter sent to surrounding property owners		NA

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	February 4, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication

Attachment A - Plan & Zoning Commission Resolution

Exhibit A - Proposed Ordinance (*Moved to Exhibit II*)

Attachment B - Currently allowed uses in PCP and OF districts

Exhibit II - Proposed Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: February 11, 2019

Item: Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), to modify the permitted uses and permitted conditional uses allowed in the Professional Commerce Park and Office zoning districts – City Initiated – AO-004191-2019

Requested Action: Recommend approval of an Amendment to City Code

Case Advisor: Brian Portz, AICP BP

Applicant's Request: City of West Des Moines requests an amendment to the following noted chapters and sections of Title 9 (Zoning) to amend regulations pertaining to the permitted uses and permitted conditional uses allowed in the Professional Commerce Park and Office zoning districts.

- Title 9 (Zoning):
  - Chapter 6 (Commercial, Office and Industrial Zoning District) Section 6 (Commercial, Office, and Industrial Use Regulations)

Since it is the City's intent to no longer zone any properties in the City with the Professional Commerce Park (PCP) designation, staff looked at the land uses allowed in Professional Commerce Park to determine if those uses should be allowed in Office zoning districts as well. The matrix included with the amendment does not identify all uses allowed within the Professional Commerce Park and Office Districts, only those that are being amended from what is currently allowed. Staff has included a summary of the use matrix which indicates all uses allowed in these two districts (see attachment B).

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee at their February 4, 2019 meeting, as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

Staff Review and Comment: Staff would summarize the following key points of interest:

- *Heliports*: Staff wanted to clarify that heliports wouldn't be allowed as a standalone use on a property but would only be permitted ancillary to a primary use, such as a hospital or large office complex, for example. Therefore, staff is recommending that the text, *"ancillary to a primary use"* was added in parenthesis to SIC 4522 Heliport/helistop. The ancillary criteria would apply in all zoning districts. A heliport without a primary building or use would be treated as an airport which would only be possible in Open Space zoned property with the approval of the Board of Adjustment.

- *Hotels with or without an event venue:* Since many Office zoning districts in the City are located adjacent to residentially zoned areas, Staff felt it was important to separate hotels/motels from residential areas. Therefore, staff is recommending that hotels/motels (whether they have an event venue or not) not be permitted in Office zones when the property shares a property line with a single family or medium density zoned or utilized property. If a hotel/motel is permitted in an Office or Professional Commerce Park designated area, any event venue within or adjacent to the hotel/motel will require a Permitted Conditional Use Permit.

- *Hospitals:* Staff is proposing to eliminate all of various types of hospital within the Hospitals SIC Code 806 and instead treat them all the same and require a Permitted Conditional Use Permit regardless if they were previously permitted or permitted as a conditional use. See the Use Matrix in the attached Ordinance Amendment for indication of the various types of hospitals previously treated individually. Staff feels that regardless of the type of hospital, the effects of a hospital on the surrounding neighborhood are generally the

same and many types raise concern by neighbors. By requiring a Permitted Conditional Use for hospitals in all districts, in addition to the site plan review, the City will have an extra review process to determine if the site is appropriate and to mitigate any possible adverse impacts by the proposed use.

Noticing Information: On February 1, 2019, notice of the February 11, 2019, Plan and Zoning Commission and February 18, 2019, 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 amendment to City Code.

ATTACHMENTS:

Attachment A – Plan & Zoning Commission Resolution
Exhibit A – Proposed Ordinance
Attachment B – Currently allowed uses in PCP and OF districts

ATTACHMENT A

RESOLUTION NO. PZC – 19 – 012

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO CITY CODE, TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), TO MODIFY THE PERMITTED USES AND PERMITTED CONDITIONAL USES ALLOWED IN THE PROFESSIONAL COMMERCE PARK AND OFFICE ZONING DISTRICTS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the City of West Des Moines requests an amendment to 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 modify the permitted uses and permitted conditional uses allowed in the Professional Commerce Park and Office 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 February 11, 2019, this Commission held a duly-noticed public hearing to 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, dated February 11, 2019, or as amended orally at the Plan and Zoning Commission hearing of February 11, 2019, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-004191-2019) 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 February 11, 2019.

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 February 11, 2019, by the following vote:

AYES: Andersen, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS:
ABSTENTIONS:
ABSENT: DRAKE

ATTEST:

Recording Secretary

SIC CODES	OF	PCP
01 Agricultural production - crop production outdoors		
011 Cash grains	P	P
076 Farm labor and management services	P	P
0781 Landscape counseling and planning	P	P
085Forestry services	P	P
15, 16, 17 Building construction, contractor and operative builders (offices only, no warehouse component)	P	P
347 Coating, engraving and allied services	P	
3843 Dental equipment and supplies, not to exceed 5,000 sq. ft. and no outdoor presence of the manufacturing activity	P	
41Local and suburban transit and interurban highway passenger transportation (except: bus terminal operations and ambulance services)	P	
4225 Self-service storage facility		
-Interior unit access with no outside storage yard	P	P
4226 Special warehousing		
-Document and office records storage		Pc
4522 Air transportation - nonscheduled		
-Heliport/helistop		Pc
46Pipelines	Pc	Pc
472 Passenger transportation arrangement	P	P
473 Freight transportation arrangement	P	P
481 Telephone communications (except: transmitting/receiving towers and/or dishes)	Pc	Pc
-Unmanned service buildings	P	P
482 Telegraph and other communications (except: transmitting and receiving towers and/or dishes)	P	P
483 Radio and television broadcasting (except: transmitting and receiving towers and/or dishes)	P	P

SIC CODES	OF	PCP
484 Cable and other pay TV services (except: transmitting/receiving towers and/or dishes)	Pc	Pc
-Unmanned service buildings	P	P
489 Communications services, not elsewhere included (except: transmitting and receiving towers and/or dishes)		
-Wall mounted antennas and/or dishes	Pc	Pc
491 Electric services	P	P
-Small wind energy conversion system	P	P
-Small solar energy system	P	P
-Large solar energy system	P	P
-Electric vehicle charging station	P	P
-Renewable energy electric vehicle charging station	P	P
4922 Natural gas transmission (except: natural gas storage and 4925)	Pc	Pc
4925 Mixed, manufactured, or liquefied petroleum gas production and/or distribution (except: production and manufacturing)	Pc	Pc
493 Combination utility services	P	P
494 Water supply	P	P
4952 Sanitary services, sewerage systems	P	P
4959 Sanitary services, not elsewhere classified	P	P
5812 Eating places, sit down eating places	Pc	Pc
-Eating places with takeout only - no drive-throughs	Pc	Pc
5962 Automatic merchandise machine operators		
- Indoor	P	P
5994 News dealers and newsstands	P	P
5999 Miscellaneous retail stores, NEC (e.g., no outdoor sales or storage)		
-Medical apparatus and supply stores		P
60Depository institutions (banks)	P	P

SIC CODES	OF	PCP
-Outdoor freestanding ATM	Pc	Pc
609 Functions closely related to banking	P	P
Professional and semiprofessional office uses, not elsewhere classified, without attendant retail, manufacturing, assembly or warehousing	P	P
61 Nondepository credit institutions	P	P
62 Security and commodity brokers, dealers, exchange and services	P	P
63 Insurance carriers	P	P
64 Insurance agents, brokers, and services	P	P
65 Real estate office	P	P
67 Holding and other investments offices	P	P
701 Hotels and motels		P
7212 Garment pressing and agents for laundries and dry cleaners	P	P
725 Shoe repair and shoeshine parlors	P	P
726 Funeral service (except: crematories)		Pc
7291 Tax services	P	P
7299 Miscellaneous personal services, not elsewhere classified		
- **02**Massage therapy establishments and steam bath services	P	P
- **04**House and babysitting services	P	P
- **06**Personal document and information services	P	P
- **10**Personal financial services	P	P
731 Advertising services	P	P
732 Consumer credit reporting and collection agencies, mercantile reporting agencies	P	P
733 Mailing, reproduction, commercial art and photography and stenographic services	P	P
736 Personnel supply services	P	P
737 Computer and data processing services	P	P

SIC CODES	OF	PCP
7381 Detectives, guard and armored car services except: guard dogs and armored car	P	P
7383 News syndicates	P	P
7389 Office related business services, not elsewhere classified (e.g., arbitration services, interior decorating, notaries public, etc.)	P	P
781 Motion picture production and allied services	P	P
782 Motion picture distribution and allied services	P	P
79Amusement and recreational services		
-Event venue 5,000 sq. ft. or less	Pc	Pc
-Event venue greater than 5,000 sq. ft.		Pc
7991 Physical fitness facilities	P	P
7997 Membership sports and recreation clubs		Pc
801 Offices and clinics of doctors of medicine	P	P
802 Offices and clinics of dentists	P	P
803 Offices and clinics of doctors of osteopathy	P	P
804 Offices and clinics of other health practitioners	P	P
805 Nursing and personal care facilities	Pc	Pc
8062 General medical and surgical hospitals		P
8063 Psychiatric hospitals		Pc
8069 Specialty hospitals		
-Substance abuse hospitals		Pc
-Chronic disease hospitals		P
-Respiratory hospital		P
-Children's hospital, eye, ear, nose and throat hospital, geriatric hospital, maternity hospital, orthopedic hospital		P
807 Medical and dental laboratories	P	P
808 Home healthcare service	P	P

SIC CODES	OF	PCP
809 Miscellaneous health and allied services, not elsewhere classified	P	P
81Legal services	P	P
821 Elementary and secondary schools	Pc	Pc
822 Colleges and universities	Pc	P
823 Libraries	Pc	Pc
824 Vocational schools	Pc	P
829 Schools and educational services, not elsewhere classified (tutoring)	Pc	P
832 Individual and family social services	P	P
833 Job training and vocational rehabilitation services	P	P
835 Child daycare services	Pc	P
839 Social services, not elsewhere classified (e.g., advocacy groups, community development groups)	P	P
84 Museums, art galleries, botanical and zoological gardens	Pc	Pc
861 Business associations	P	P
862 Professional membership organizations	P	P
863 Labor unions and similar labor organizations	P	P
864 Civic, social, and fraternal associations	P	P
865 Political organizations	P	P
866 Religious organizations	Pc	Pc
869 Membership organizations - not elsewhere classified (except: organizations with food/drink service and conference facilities)	P	P
-Organizations with food/drink services and conference facilities	Pc	Pc
87Engineering, accounting, research, management and related services (except: 8731, 8734, 8744)	P	P
8731 Commercial physical and biological research	P	P
8734 Testing laboratories (except: auto testing)	P	P
89Services, not elsewhere included		

SIC CODES	OF	PCP
-Earth science services	P	P
921 Courts	Pc	Pc
9221 Police protection	Pc	Pc
9222 Legal counsel and prosecution	P	P
9224 Fire protection	Pc	Pc
9229 Public order and safety, not elsewhere classified (e.g., emergency management offices, public safety bureaus)	P	P
93Finance, taxation and monetary policy	P	P
94Administration of human resource programs	P	P
95Administration of environmental quality housing programs	P	P
96Administration of economic programs	P	P

Prepared by: B. Portz, 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) TO MODIFY THE PERMITTED USES AND PERMITTED CONDITIONAL USES ALLOWED IN THE PROFESSIONAL COMMERCE PARK AND OFFICE ZONING DISTRICTS

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; Division E and Division I* is hereby amended by deleting the highlighted strikethrough text and adding text in bold, italicized lettering.

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
DIVISION E – TRANSPORTATION, COMMUNICATION AND PUBLIC UTILITIES															
4226 Document and office records storage								P	P	P	P	P		~~Pc~~	
4522 Heliport/helistop ***(ancillary to a primary use)***	Pc	Pc						Pc	Pc	Pc	Pc	Pc	***Pc***	Pc	Pc
DIVISION I - SERVICES															
701 Hotels and motels ***(without an event venue)***	P				P	P		P					***P[1]***	P	
701 Hotels and motels (with an event venue)	***P***				***P***	***P***		***P***					***Pc[1]***	***Pc***	
726 Funeral Service (except: crematories)	Pc	Pc			Pc	Pc	Pc	Pc					***Pc***	Pc	Pc
79 Amusement and recreational	Pc	Pc	Pc		Pc	Pc	Pc	Pc	Pc	Pc	Pc	Pc	***Pc***	Pc	

services – Event venue 5,000 sq. ft. or less															
79 Amusement and recreational services – Event venue greater than 5,000 sq. ft.	Pc							Pc	Pc		Pc	Pc	***Pc***	Pc	
7997 Membership sports and recreation clubs	Pc	Pc			Pc	Pc	Pc	Pc			Pc	Pc	***Pc***	Pc	Pc
806 Hospitals	***Pc***	***Pc***						***Pc***					***Pc***	***Pc***	***Pc***
~~8062 General medical and surgical hospitals~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	
~~8063 Psychiatric hospitals~~	~~Pc~~	~~Pc~~	-	-	-	-	-	~~Pc~~	-	-	-	-	-	~~Pc~~	-
~~8069 Specialty hospitals~~															
~~Substance abuse hospitals~~	~~Pc~~	-	-	-	-	-	-	-	-	-	-	-	-	~~Pc~~	-
~~Chronic disease hospitals~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	-
~~Respiratory hospital~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	-
~~Children's hospital, eye, ear, nose and throat hospital, geriatric hospital, maternity hospital, orthopedic hospital~~	~~P~~	~~P~~	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	-

[1] ***Except when the property shares a property line with a single family or medium density zoned or utilized property, then the use is not permitted.***

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 _____, 2019, and approved this ___ day of _____, 2019.

_____
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 _____, 2019, and was published in the Des Moines Register on _____, 2019.

_____
Ryan T. Jacobson
City Clerk