


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

**Meeting Date:** September 23, 2019

**Item:** Amendment to City Code, Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), to modify certain regulations as they pertain to physical fitness facilities. – City Initiated – AO-004483-2019

**Request Action:** Recommend Approval of Amendments to City Code

**Case Advisor:** J. Bradley Munford 

**Applicant's Request:** Staff is requesting an amendment to the following sections within Title 9 (Zoning) of City Code to modify certain regulations as they pertain to physical fitness facilities: (See Exhibit A, Proposed Ordinance)

- Title 9 Zoning
  - Chapter 6 *Commercial, Office And Industrial Zoning District*
    - Section 5 *Use Codes, Subsection C, Table 6.1- Use Matrix, Division I*

**History:** The City received a request from a physical fitness facility to open on property that was zoned Convenience Commercial District (CVC). Physical Fitness Facilities are not an allowed use in CVC. The proposed establishment would be a smaller boutique type gym that focuses on 1-on-1 personal training and small group classes (approx. 6-10 students).

**City Council Subcommittee:** Staff presented information about the trending operational aspects that are occurring in the gym and physical fitness industry to the Development and Planning City Council Subcommittee for guidance on August 19, 2018. Staff pointed out that Physical Fitness Facilities were omitted from CVC as the district was intended to provide small commercial needs to nearby neighborhoods. The number of patrons of larger gyms such as Lifetime Fitness, Prairie Life Fitness, YMCA etc. during peak hours brings high traffic and parking demands that can adversely affect surrounding neighborhoods. Smaller boutique-style gyms such as Curves along with small group and personal training do not come with the operational impacts (high traffic and parking) of the larger gyms. The Subcommittee was supportive of the request to modify the City code to allow boutique-style gyms under 5,000 square feet in Convenience Commercial District (CVC). With the creation of the smaller category for these types of facilities, it was also included as appropriate to other non-residential zoning districts.

**Staff Review and Comment:** There are no outstanding issues.

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

**Noticing Information:** On September 18, 2019 notice of the September 23, 2019, Plan and Zoning Commission and the October 7, 2019 City Council public hearing 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

RESOLUTION NO. PZC-19-067

**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 2019 BY AMENDING TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), TO MODIFY CERTAIN REGULATIONS AS THEY PERTAIN TO PHYSICAL FITNESS FACILITIES.**

**WHEREAS**, pursuant to the provisions of Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 5 (Use Codes), Subsection C, Table 6.1(Use Matrix) to modify certain regulations as they pertain to physical fitness facilities; and

**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; and

**WHEREAS**, this Commission held a duly-noticed hearing on September 23, 2019 to consider the application for an amendment to ordinance; and

**WHEREAS**, this Commission did consider the request 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 September 23, 2019 or as amended orally at the September 23, 2019 Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-004483-2019) is recommended to the City Council for approval.

PASSED AND ADOPTED on September 23, 2019.

\_\_\_\_\_  
Erica Andersen, 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 September 23, 2019, by the following vote:

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

ATTEST:

\_\_\_\_\_  
Recording Secretary

Prepared by: J.B. Munford, 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, 2019, BY AMENDING TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), SECTION 5 (USE CODES), SUBSECTION C, TABLE 6.1, TO MODIFY CERTAIN REGULATIONS AS THEY PERTAIN TO PHYSICAL FITNESS FACILITIES.**

**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 5 (*Use Codes*), Subsection C, Table 6.1 (*Use Matrix*) is hereby amended by deleting the text in strikethrough lettering and adding the text in bold italicized lettering:

| SIC CODES   | RC           | CMC          | NC            | CVC       | SC            | VJC           | VJHB          | WR            | BP            | VJLI         | LI           | GI           | OF           | PCP          | OS |
|---|--------------|--------------|---------------|-----------|---------------|---------------|---------------|---------------|---------------|--------------|--------------|--------------|--------------|--------------|----|
| <del>7991 Physical fitness facilities</del>                     | <del>P</del> | <del>P</del> | <del>Pc</del> | -         | <del>Pc</del> | <del>Pc</del> | <del>Pc</del> | <del>Pc</del> | <del>Pc</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | -  |
| <b>7991 Physical fitness facilities</b>                         |              |              |               |           |               |               |               |               |               |              |              |              |              |              |    |
| <b>- Physical fitness facilities 5,000 sq. ft. or less</b>      | <b>P</b>     | <b>P</b>     | <b>P</b>      | <b>P</b>  | <b>P</b>      | <b>P</b>      | <b>P</b>      | <b>P</b>      | <b>P</b>      | <b>P</b>     | <b>P</b>     | <b>P</b>     | <b>P</b>     | <b>P</b>     |    |
| <b>- Physical fitness facilities greater than 5,000 sq. ft.</b> | <b>P</b>     | <b>P</b>     | <b>Pc</b>     | <b>Pc</b> | <b>Pc</b>     | <b>Pc</b>     | <b>Pc</b>     | <b>Pc</b>     | <b>Pc</b>     | <b>P</b>     | <b>P</b>     | <b>P</b>     | <b>P</b>     | <b>P</b>     |    |

**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 Title 1, Chapter 4, Sections 1 & 2 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, adoption, and publication as required 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