

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: June 27, 2022

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) to allow Beauty Shops and Barbershops in the Professional Commerce Park Zoning District – Penta Partners LLC – AO-005652-2022

RESOLUTION: Approval of Ordinance Amendment

Background: Penta Partners LLC requests an amendment to the chapters and sections identified below in Title 9 (Zoning) to allow SIC 723: Beauty Shops and SIC 724: Barbershops in the Professional Commerce Park (PCP) Zoning District.

Specifically, the following changes are proposed with this request:

- Title 9: Zoning
 - Chapter 6: *Commercial, Office and Industrial Zoning District*, Section 6: *Commercial, Office and Industrial Use Regulations*, Subsection 6C: Table 6.1 – *Use Matrix, Division I – Services* to add SIC 723 Beauty Shops and SIC 724 Barbershops as a Permitted Use in the Professional Commerce Park zoning district.

Staff Review & Comment:

- ***Ordinance Amendment Intent:*** The intent of the Ordinance Amendment is to allow Beauty Shops and Barbershops in the Professional Commerce Park zoning district.

Staff received a Tenant Improvement Permit for a 4,400 square foot tenant space in the office building located at 7300 Westown Parkway. The applicant was looking to develop an 'all-encompassing personal wellness experience' which included space for massage therapy, nonsurgical aesthetic medical services under the supervision of a licensed physician (aka MedSpa), skin care therapist (estheticians) and cosmetology, specifically hairstylists. The permit was denied as the esthetician and cosmetology services were not permitted in the zoning district in which the building is located.

With a portion of the uses being allowed in PCP and determining that the balance of the uses desired operate similarly without any different or greater impacts, staff agreed that Beauty Shops, includes estheticians (SIC 723) and Barbershops (SIC 724) would be complimentary uses and made sense to be allowed in the Professional Commerce Park (PCP) zoning district. The request was discussed with the Development & Planning Subcommittee at the June 6, 2022 meeting. The Subcommittee agreed with amending City code to add Beauty Shops and Barbershops as allowed uses.

Outstanding Issues: There are no outstanding issues.

Plan and Zoning Commission Action:

Date: June 27, 2022

Vote:

Recommendation:

Planning and Zoning Commission Discussion:

City Council First Reading:

Date:

Vote:

Recommendation: Approve the Ordinance Amendment to City Code.

Lead Staff Member: Kyra Troendle

Approval Meeting Dates:

Plan & Zoning Commission	June 27, 2022
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator/Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

Publications

Published In	Des Moines Register Community Section
Date Published	June 17, 2022

Subcommittee Review (if applicable)

Committee	Development & Planning		
Date Reviewed	June 6, 2022		
Recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Split

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION
NO. PZC-22-068**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, staff requests approval of an Ordinance Amendment to the following chapter(s) and section(s) identified below in Title 9 (Zoning) to modify regulations to allow SIC 723: Beauty Shops and SIC 724: Barbershops as allowed uses within the Professional Commerce Park (PCP) Zoning districts.

- Chapter 6: *Commercial, Office and Industrial Zoning District*, Section 6: *Commercial, Office and Industrial Use Regulations*, Subsection 6C, *Table 6.1 - Use Matrix, Division I - Services*

WHEREAS, the Ordinance Amendment request complies with the applicable provisions of Iowa Code Chapter 414, the Comprehensive Plan and City Code.

NOW THEREFORE, the Plan and Zoning Commission of the City of West Des Moines recommends the City Council approve the Ordinance Amendment (AO-005652-2022).

PASSED AND ADOPTED on June 27, 2022.

Jennifer Drake, Chair
Plan and Zoning Commission

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 June 27, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: K Troendle, City of West Des Moines, Development Services Dept., P.O. Box 65320,
 West Des Moines, IA 50265-3620, 515-222-3620
 When Recorded Return to: City Clerk, City of West Des Moines, P.O. 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, TITLE 9, (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), PERTAINING TO ALLOWED USES IN THE PROFESSIONAL COMMERCE PARK DISTRICT

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 6C, Table 6.1 - Use Matrix, Division I - Services, is hereby amended by inserting the text in bold italics. All other items in current adopted table but not reflected below shall remain as currently adopted:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
723 Beauty Shops	P	P	P	P	P	P	P	P						<i>P</i>	
724 Barbershops	P	P	P	P	P	P	P	P						<i>P</i>	

Section 2. Repealer. All ordinances of parts of ordinances in conflict with the provisions 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, Section 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 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 AND APPROVED by the City Council on July 18, 2022

Russ Trimble, Mayor

Attest:

Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2022, and published in the Des Moines Register on _____, 2022.