NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: August 15, 2022

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to Residential Care to allow in the Regional Commercial zoning district - Greater Des Moines Supportive Housing – AO-005672-2022

ORDINANCE: Approval of Second Reading, Waive Third and Adopt Ordinance Amendment

Background: Greater Des Moines Supportive Housing is requesting an amendment to the chapters and sections identified below in Title 9 (Zoning) to modify regulations pertaining to Residential Care as currently regulated within City Code.

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* to add SIC 836 Residential Care as a Permitted Conditional Use (Pc) to Subsection C, Table 6.1 Use Matrix, Division I – Services.
  - Chapter 15: *Off-Street Parking and Loading*, Section 7: *Number of Parking Spaces Required* to add the number of spaces required for this use in Subsection C, Parking Spaces Requirements for Land Uses.

Staff Review & Comment:

- *Ordinance Amendment Request*: The applicant has requested the amendment to allow residential care in the regional commercial zoning district as there is an existing former hotel building now vacant that would be repurposed as studio apartments for participants in a supportive housing program or residential care program. The applicant intends to provide rental housing to individuals facing homelessness along with support services aimed at providing the education and tools necessary to ensure their emotional and physical well-being and success.

- *Key Aspects of Proposed Amendment:* Code currently allows Residential Care (SIC 836) in Valley Junction Commercial and Open Space as a Permitted Conditional use. Staff supports the addition of the use in the Regional Commercial zoning district as residents would be in close proximity to other uses and services this zoning district provides, such as shopping, offices, transit, bike trails, grocery stores, and the like. Also, this district generally has larger lots which is more suited to being able to absorb the parking needs of a residential care building or complex.

  Parking for this use is proposed to be one space per two units and one space per employee based on the maximum shift. This recommendation is made after referring back to a parking study staff conducted in 2019 and looking at the number of spaces required for hospitals and nursing homes (one space per three beds plus one space per employee), the number of spaces required for studio apartments (1.5 spaces per unit), the number of

spaces required for hotels (one space per room plus one space per employee), and discussion with the applicant about their program. Staff believes that most residents of this use will not have multiple vehicles, if they have one at all and thus are comfortable with one space per two units plus employee parking.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:
Date: July 25, 2022
Vote: 4-0 for approval, with Commissioners Crowley, Davis and Shaw absent
Recommendation: Approval of Ordinance Amendment

Planning and Zoning Commission Discussion: None.

City Council First Reading:
Date: August 1, 2022
Vote: 5-0, Approval of First Reading

Recommendation: Approve the Ordinance Amendment to City Code.

Lead Staff Member: Kara V. Tragesser, AICP

Approval Meeting Dates:

Planning & Zoning Commission	July 25, 2022
City Council: First Reading	August 1, 2022
City Council: Second Reading	August 15, 2022
City Council: Third Reading	August 15, 2022

Staff Report Reviews

Planning & Zoning Commission	☒ Development Coordinator/Director	☒ Legal Department
City Council	☒ Director ☐ Appropriations/Finance	☒ Legal Department ☐ Agenda Acceptance

Publications

Published In	Des Moines Register Community Section
Date Published	July 15, 2022

Subcommittee Review (if applicable)

Committee	Development & Planning		
Date Reviewed	June 20, 2022		
Recommendation	☒ Yes	☐ No	☐ Split

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-2271

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, Greater Des Moines Supportive Housing requests approval of an Ordinance Amendment to the following chapters and sections identified below in Title 9 (Zoning) to modify regulations pertaining to SIC 836 Residential Care as currently regulated within City Code.

- Chapter 6, *Commercial, Office, and Industrial Zoning District*, Section 6, *Commercial, Office, and Industrial Use Regulations, Subsection C, Table 6.1 – Use Matrix, Division I – Services*
- Chapter 15: *Off-Street Parking and Loading*, Section 7, *Number of Parking Spaces Required*, Subsection C: *Parking Spaces Requirements for Land Uses*

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

NOW THEREFORE, the Planning and Zoning Commission of the City of West Des Moines recommends the City Council approve the Ordinance Amendment (AO-005672-2022).

PASSED AND ADOPTED on July 25, 2022.

Andrew Conlin Vice Chair
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on July 25, 2022, by the following vote:

AYES: Conlin, Costa, Drake, hatfield

NAYS:

ABSTENTIONS:

ABSENT: Crowley, Davis, Shaw

ATTEST:

Recording Secretary

Prepared by: K, Tragesser, City of West Des Moines, Choose an item. 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 DISTRICT) AND CHAPTER 15 (OFF-STREET PARKING AND LOADING) PERTAINING TO SIC 836 RESIDENTIAL CARE IN THE REGIONAL COMMERCIAL 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 District*, Subsection 6: *Commercial, Office, and Industrial Use Regulations*, Subsection C. Table 6.1 *Use Matrix, Division I - Services for SIC 836 Residential Care (except juvenile care)* is hereby amended by adding the text in bold italics as illustrated below. All other items in current adopted table but not reflected below shall remain as is:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
83 Social services															
832 Individual and family social services	P	P	P		P	P	P	P					P	P	
833 Job training and vocational rehabilitation services	P	P	P		P	P	P	P	P	P	P	P	P	P	
835 Child daycare services	Pc	Pc	Pc	Pc	Pc	Pc	Pc	Pc	Pc				Pc	P	
836 Residential care (except: juvenile care)	***Pc***					Pc									Pc

Section 2. Amendment. Title 9: *Zoning*, Chapter 15: *Off-Street Parking and Loading*, Section 7: *Number of Parking Spaces Required*, Subsection C: *Parking Spaces Requirements for Land Uses*, under the Service and Commercial portion of the table is hereby amended by inserting the following text in bold italics in alphabetical order. All other items in current adopted table but not reflected below shall remain as is:

Land Use	Requirements
Residential Care	***One space per two units or .5 space per bed for a facility without dwelling units, and one space per employee on maximum shift***

Section 3. Repealer. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. 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 6. 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 7. 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 August 15, 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 August 15, 2022, and published in the Des Moines Register on _____ _____, 2022.