

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: September 12, 2022

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) to modify regulations pertaining to National Security facilities to be allowed in the General Industrial zoning district - City Initiated – AO-005734-2022

RESOLUTION: Approval of Ordinance Amendment

Background: Development Services Staff is initiating an amendment to the chapters and sections identified below in Title 9 (Zoning) to incorporate regulations pertaining to National Security facilities 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 9711 National Security as a Permitted Use (P) to Subsection C, Table 6.1 Use Matrix, Division J – Public Administration.

Staff Review & Comment:

- *Ordinance Amendment Intent:* The applicant has requested the amendment to allow National Security facilities (SIC 9711) in the General Industrial (GI) zoning district for a new Army National Guard (ARNG) Readiness Center at 1998 SE Maffitt Lake Road. This SIC Code encompasses establishments of the armed forces, including the National Guard, primarily engaged in national security and related activities.
- *Key Aspects of Proposed Amendment:* National Security facilities are not an established land use in the current zoning code. Therefore, the amendment proposed is to simply add the use to the Commercial, Office, and Industrial Land Use Table. Staff supports the addition of the use in the General Industrial zoning district as a Permitted use as it allows more intense site features, like outdoor storage of vehicles and equipment, necessary for the proposed development.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date: September 12, 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: Bryce Johnson

Approval Meeting Dates:

Planning & Zoning Commission	September 12, 2022
City Council: First Reading	
City Council: Second Reading	
City Council: Third Reading	

Staff Report Reviews

Planning & 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 (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	9/2/22
Date(s) of Mailed Notices	N/A

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	Scheduled for 9/19/22			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
NO. PZC-22-086

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, Development Services staff requests approval of an Ordinance Amendment to the following chapters and sections identified below in Title 9 (Zoning) to incorporate regulations pertaining to SIC 9711 National Security facilities 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 J – Public Administration.*

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-005734-2022).

PASSED AND ADOPTED on September 12, 2022.

Jennifer Drake, 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 September 12, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: Bryce Johnson, 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), PERTAINING TO SIC 9711 NATIONAL SECURITY IN THE GENERAL INDUSTRIAL 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 J – Public Administration for SIC 9711 National Security* 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
93 Finance, taxation and monetary policy	P	P			P	P	P	P	P				P	P	
94 Administration of human resource programs	P	P	P		P	P	P	P	P				P	P	
95 Administration of environmental quality housing programs	P	P	P		P	P	P	P	P				P	P	
96 Administration of economic programs	P	P			P	P	P	P	P				P	P	
<i>9711 National Security</i>												<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 October 3, 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.