

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: October 23, 2023

ITEM: Ordinance Amendment, Amend Title 9 (Zoning) to modify land uses permitted in the Community Commercial (CMC) zoning district - City Initiated – AO-006223-2023

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 modify land uses permitted within the Community Commercial (CMC) zoning district as currently regulated within City Code. More specifically, the amendment adds event venues, standalone or as part of a hotel or motel as a Permitted Conditional (Pc) use.

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 C: Table 6.1, *Use Matrix*, to modify land uses permitted within the Community Commercial (CMC) zoning district.

Staff Review & Comment:

- **Ordinance Amendment Intent:** The intent with this change is to better align the Community Commercial uses with the newly adopted land use categories within the Comprehensive Plan and to accommodate additional uses within the CMC district for undeveloped areas, as well as existing developed areas within the City to move forward with redevelopment.
- **Key Aspects of Proposed Amendment:** Community Commercial zoning is compatible with Integrated Use, Community Center and Regional Center place types within the Comprehensive Plan. The Integrated Use place type is anticipated to be used for infill and redevelopment opportunities and planned new mixed-use buildings and areas, while the Community and Regional Center place types focus on providing a mix of retail, restaurant, service, and office uses as part of a broader community or regional service area. This proposed amendment will add SIC 701, Hotels and Motels (with or without an event venue) and SIC 79, Amusement and Recreational Service, specifically event venues greater than five thousand (5,000) square feet, as permitted conditional (Pc) uses. Adding these land uses as a Pc will allow the Board of Adjustment (BOA) to determine if the use is appropriate for CMC zoned parcels in developed areas based on adjacent uses. For hotels, staff is proposing to only allow within 300 feet of established residential uses if the average building height is thirty-six feet (36') or less; the overall size of the building is one hundred thousand (100,000) square feet or less; and the individual rooms are served by an interior hallway versus opening to the exterior of the building. Additionally, staff is recommending restricting internally lit signage from facing the residential use(s). It is

anticipated that with the future zoning code overhaul, that a zoning approach to address intended and desired mix of general use types (i.e., residential, office, commercial, etc.) within the areas identified for Multi-Use on the Comprehensive Plan will be put in place which will negate the need to restrict height and size of certain uses adjacent to residential. This amendment allows for event venue uses while respecting and ensuring compatibility with the surrounding uses.

Outstanding Issues: There are no outstanding issues.

Planning and Zoning Commission Action:

Date: October 23, 2023

Vote:

Recommendation:

Planning and Zoning Commission Discussion:

City Council First Reading:

Date: November 6, 2023

Vote:

Recommendation: Approve the Ordinance Amendment to City Code.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Planning & Zoning Commission	October 23, 2023
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	10/17/23
Date(s) of Mailed Notices	NA

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	10/16/23			
Recommendation	Yes <input checked="" 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-PZC-23-057

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 chapters and sections identified below in Title 9 (Zoning) to modify land uses permitted within the Community Commercial (CMC) zoning district 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*

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-006223-2023).

PASSED AND ADOPTED on October 23, 2023.

Andrew Conlin, 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 October 23, 2023, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: Brian Portz, 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 LAND USES ALLOWED WITHIN THE COMMUNITY COMMERCIAL (CMC) ZONING 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 C: *Table 6.1 - Use Matrix* is hereby amended by adding the text in bold italics. All other items in current adopted section but not reflected below shall remain as is.

C. Table 6.1 – Use Matrix
DIVISION I – SERVICES

SIC Codes	RC	CMC
701 Hotels and motels (without an event venue)	P	<i>Pc²</i>
- Hotels and motels (with an event venue)	P	<i>Pc²</i>
79 Amusement and recreational services		
- Event venue greater than 5,000 sq. ft.	Pc	<i>Pc²</i>

Note:

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.
2. ***Only permitted within three hundred feet (300') of established residential use(s) when the average height is thirty-six feet (36') or less; the overall size of the building is one hundred thousand (100,000) square feet or less; and, in the case of a hotel, the individual rooms are served by an interior hallway versus opening to the exterior of the building. No internally illuminated signage shall be allowed to face towards the residential use(s).***

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 November 20, 2023.

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 _____, 2023, and published in the Des Moines Register on _____, 2023.