

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

**Meeting Date:** October 10, 2016

**Item:** Eating Places and Drinking Places - Amend City Code Title 9 (Zoning) to regulate eating places and drinking places uses in the Business Park, Professional Commerce Park, Office, Warehouse/Retail, Light Industrial, and General Industrial zoning districts – City Initiated (AO-003186-2016)

**Request Action:** Approval of an amendment to the City Code

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** The City of West Des Moines is requesting an amendment to City Code, Title 9, Zoning, Chapter 6, Commercial, Office, and Industrial Use Regulations) to regulate SIC 5812 Eating Places and SIC 5813 Drinking Places in the Warehouse Retail, Business Park, Light Industrial, General Industrial, Office, and Professional Commerce Park zoning districts (See Attachment A, Exhibit A – Proposed Ordinance). The City received a Pre-Application for a multiuse project south of Railroad at the 900 block that included a proposal for sit-down restaurant services and through discussions among staff and the City Council Subcommittee have agreed to a city code amendment to accommodate the proposed use.

**City Council Subcommittee:** This item was discussed at the August 8, 2016, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance.

**Staff Review and Comment:** There are no outstanding issues. At the Development Review Team meeting on June 24, 2016, a pre-submittal application was presented for a multi-use concept for a building at 111 S. 11<sup>th</sup> Street, zoned General Industrial, to include a restaurant. At this time, restaurants and drinking places are not allowed in the General Industrial zoning district, nor in the other industrial districts.

While staff was reviewing the idea of allowing these in the industrial districts, staff reviewed the use matrix for drinking places in the Office and Professional Commerce Park districts. Staff reviewed the uses in light of parking requirements, consistency with normal zoning districts adjacent to the districts being reviewed, and potential impacts.

The more significant issue that arose from that review was parking for the uses. Restaurants and drinking places are required to have two - three times the number of parking spaces than other uses allowed in the districts mentioned above. While the parking is an important issue, staff felt that by allowing these uses as Permitted Conditional Uses, the parking would be reviewed at the time of pre-application, resulting in some eating or drinking places recommended to not be allowed due to a lack of parking. But, if the parking is available, there is a positive result in having these uses available to employees of and visitors to the district. Staff does not propose changes the parking regulations as a part of this amendment.

**Noticing Information:** On September 30, 2016, notice of the October 10, 2016, Plan and Zoning Commission and October 17, 2016, City Council public hearings 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 – Proposed Resolution
- Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-

**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 TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO REGULATE SIC 5812 EATING PLACES AND TO REGULATE SIC 5813 DRINKING PLACES IN THE BUSINESS PARK, PROFESSIONAL COMMERCE PARK, OFFICE, LIGHT INDUSTRIAL, AND GENERAL INDUSTRIAL ZONING DISTRICTS**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to regulate SIC 5812 Eating Places and to regulate SIC 5813 Drinking Places in the Business Park, Light Industrial, and General Industrial, Office and Professional Commerce Park zoning districts;

**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;

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

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

**SECTION 2.** The AMENDMENT TO ORDINANCE (AO-003186-2016) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on October 10, 2016.

\_\_\_\_\_  
Craig Erickson, 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 October 10, 2016, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

---

Recording Secretary

Prepared by: KTragesser, 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.**

**TO AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO REGULATE SIC 5812 EATING PLACES AND TO REGULATE SIC 5813 DRINKING PLACES IN THE BUSINESS PARK, LIGHT INDUSTRIAL, PROFESSIONAL COMMERCE PARK, OFFICE, AND GENERAL INDUSTRIAL ZONING DISTRICTS**

**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 Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) is hereby amended by adding the bold and highlighted text and deleting text in bold, ~~strikeout~~, italicized text:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
<b>58 Eating and drinking places</b>															
<b>5812 Eating places, sit down eating places</b>	P	P	P	Pc	P	Pc	P	P	<b>Pc</b>		<b>Pc</b>	<b>Pc</b>	Pc	Pc	
<b>-Eating places with takeout only - no drive-throughs</b>	P	P	P	Pc	P	Pc	P	P	<b>Pc</b>		<b>Pc</b>	<b>Pc</b>	Pc	Pc	
<b>-Eating places with drive-throughs</b>	P	P			P	Pc		<del>P</del>							
<b>5813 Drinking places</b>	Pc	Pc	Pc		Pc		Pc	Pc	<b>Pc</b>		<b>Pc</b>	<b>Pc</b>	Pc	Pc	

**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 Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**Section 5. Other Remedies.** In addition to the provisions set out in 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, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
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 \_\_\_\_\_, 2016, and was published in the Des Moines Register on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk