

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**

Item No. **6a and 8**
For Meeting of 10-6-14

ITEM TITLE: Public Hearing and consideration of Ordinance 14-11; amending Table 168-2: Zoning Code—Permitted Uses by Zoning District, amending the *Food Sales (Convenience)* use as a conditional use instead of a permitted use by right in the CC (Community Commercial) Zoning District. - First Reading

CONTACT PERSON: Sheena Danzer, Zoning Administrator

SUMMARY EXPLANATION:

A *Food Sales (Convenience)* “use” is listed in our Zoning Ordinance as a permitted use by right. Amending the code would allow for recommendation by the Planning and Zoning Commission with final approval by the Board of Adjustment, to determine if a proposed project would be detrimental to surrounding areas or the community as a whole. The conditional use permit does not allow for more justification to deny an application, but instead can require specific safeguards or impose certain conditions to protect the community’s health, safety, and general welfare. Examples of conditions that can be applied include hours of operation, parking adjustments, traffic circulation, reasonable design standards, or setback conditions.

Definition of Food Sales (Convenience): i.e. Gas Stations

A. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.

REVIEW FROM PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission met on September 24, 2014 and made a recommendation to Council for approval of this ordinance amendment.

____ Resolution <u> X </u> Ordinance ____ Contract ____ Other (Specify) _____
Funding Source <u> N/A </u>
APPROVED FOR SUBMITTAL _____ <p style="text-align:right">City Administrator</p>

ACTION NEEDED: Discuss and pass on the first reading

COUNCIL ACTION:

ORDINANCE NO. 14-11

AN ORDINANCE AMENDING TABLE 168-2: ZONING CODE—PERMITTED USES BY ZONING DISTRICT, AMENDING THE *FOOD SALES (CONVENIENCE)* USE AS A CONDITIONAL USE INSTEAD OF PERMITTED BY RIGHT IN THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT.

BE IT ENACTED by the City Council of the City of Windsor Heights, Polk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to amend Table 168-2 of Chapter 168: Zoning Code of the Municipal Code, to address Food Sales (Convenience) use type.

SECTION 2. Amended. Chapter 168, is amended to remove and add the following areas:

Table 168-2 – Permitted Uses by Zoning District (continued)

Use Types	R-1	R-2	R-3	R-4	M H	O	CC	GC	UC	TC	LI	Additional Regulations
Commercial Uses:												
Agricultural Sales/Service							C	P			P	
Auto Rental/Sales								C			P	Sec. 171.05(3)
Auto Services						C	C	P	C	C	P	Sec. 171.05(1,2)
Body Repair							C	C			P	Sec. 171.05(1)
Equipment Rental/Sales								P			P	Sec. 171.05(3)
Equipment Repair								P			P	Sec. 171.05(1)
Bed and Breakfast	C	C	C	C		P	P	P	P	P		Sec. 171.05(4)
Business Support						P	P	P	P	P	P	
Business/Trade School						C	P	P	P	P	P	
Campground								C				Sec. 171.05(5)
Cocktail Lounge							P	P	C	C	C	
Commercial Recreation (Limited)						C	P	P	P	P	P	
Commercial Recreation (General)							C	P	C		P	
Communication Service						P	P	P	P	P	P	
Construction Sales/Service								P			P	
Consumer Service						C	P	P	P	P	P	
Convenience Storage							C	C			P	Sec. 171.05(6)
Delayed Deposit Services Business								C				
Food Sales (Convenience)						C	C	P	C	C		
Food Sales (Limited)						C	P	P	P	P		
Food Sales (General)							P	P	C	C		
Funeral Service			C	C		P	P	P	P	P		

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 6. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the City Council this day 6th of October, 2014, and approved this 6th day of October, 2014.

Diana Willits, Mayor

ATTEST:

Brett Klein, Interim City Administrator

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Published: _____

NOTICE OF PUBLIC HEARING

The public is hereby notified that the Windsor Heights City Council will meet on **Monday, October 6, 2014** beginning at 6:00 p.m. in the **City Council Chambers**, 1133 66th Street, Windsor Heights, to consider the following items of business.

1. Public hearing for rezoning application RZN01-14 for Hy-Vee, requesting rezoning of .274 acres from R-1, Single-Family Residential (Low Density) to UC, University Commercial (Mixed Use District) of certain property described as: PARCEL D BEG 50.29F N & 15F W OF SE COR LT 43 THN W 75.12F NW 78.35F W50.19F N32.95F E195.45F SW 82.69F TO POB LTS 43 & 54 MOTT PLACE in Windsor Heights, Iowa 50324. This property is also known as 1230 70th Street, Windsor Heights, IA 50324 and is located north of the Hy-Vee at 7101 University Avenue.
2. Public hearing to amend table 168-2 in the Zoning Ordinance for Food Sales (Convenience) to be permitted as a conditional use in the community commercial (CC) zoning district instead of permitted by right.

Comments can be made prior to the meeting in written form at 1133 66th Street, Windsor Heights, Iowa or email directly to sdanzer@windsorheights.org. 515-279-3662.