**CITY OF WEST DES MOINES**
**BOARD OF ADJUSTMENT COMMUNICATION**

**Meeting Date:** February 26, 2014

**Item:** Full Range Fitness, 5910 Ashworth Road – Michael Pesek – Allow a 1530sf fitness center into an existing tenant space – PC-002053-2014

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Lynne Twedt

**Applicant's Request:** The applicant, Michael Pesek of Full Range Fitness, LLC, is requesting approval of a permitted Conditional Use Permit to allow a 1,530sf fitness center into a space in the Ashworth Plaza center located at 5910 Ashworth Road (southeast corner of 60th Street & Ashworth Road).

**History:** The City Council approved the site plan for the Ashworth Place shopping center [Ashworth Plaza] on January 3, 1994 (Case No. SP-93-40). On April 25, 1994, the City Council approved the final plat for this property, Wentworth Plaza Plat 1 (Case No. FP-94-03).

**City Council Subcommittee:** This item was not presented to any council subcommittee. Permitted Conditional Use applications generally are presented to the subcommittee for information only; no recommendation or communication from the subcommittee is needed.

**Staff Review and Comment:** There are no outstanding issues.

**Permitted Conditional Use Permit Findings:** The application presented for Full Range Fitness was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use have met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Noticing Information:** On February 14, 2014, notice of the February 26, 2014, Board of Adjustment Public Hearing on this project was published in the *Des Moines Register*. Notice of this public hearing also was mailed to surrounding property owners within 370 feet of the subject property on February 14, 2014.

**Staff Recommendations and Conditions of Approval for the Permitted Conditional Use Permit:** Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow a 1,530sf fitness center at 5910 Ashworth Road, subject to meeting all City Code requirements.

**Property Owner:** Aspen Invest , LLC
Attn: Jeff Stanbrough
10888 Hickman Road, Suite 3B
Clive, IA 50325
jeff@stanbroughrealty.com

**Applicant:** Full Range Fitness, LLC
Attn: Michael Pesek
34557 Southview Drive
Cumming, IA 50061
mickeypesek@yahoo.com

## SITE DETAILS

**Comprehensive Plan:** Neighborhood Commercial
**Existing Zoning:** Neighborhood Commercial District (NC)
**Proposed Zoning:** Same
**Existing Land Use:** Shopping Center (Ashworth Plaza)

**Surrounding Land Uses:**

**North:**
**Existing Land Use:** Convenience Store and Shopping Center
**Existing Zoning:** Neighborhood Commercial District (NC)
**Comprehensive Plan Designation:** Neighborhood Commercial

**East:**
**Existing Land Use:** Single Family Residential Development
**Existing Zoning:** Residential Single-Family District (R-10)
**Comprehensive Plan Designation:** Single Family Residential

**South:**
**Existing Land Use:** Single Family Residential Development
**Existing Zoning:** Residential Single-Family District (R-10)
**Comprehensive Plan Designation:** Single Family Residential

**West:**
**Existing Land Use:** Single Family Residential Development
**Existing Zoning:** Residential Single-Family District (R-1 and RS-10)
**Comprehensive Plan Designation:** Single Family Residential

**Total Land Area:** 4.16 acres

**Total Building Area:** 42,907 sq. ft.

**Impervious Area:** Not calculated for this application – no exterior modifications

**Parking:** Required: 213 spaces (based on current tenant mix)
Provided: 227 spaces

**Attachments:**

Attachment A - Permitted Conditional Use Resolution
Attachment B - Location Map
Attachment C - Previously Approved Site Plan

Prepared by: L.Twedt, Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

**RESOLUTION**

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-002053-14) TO ALLOW A FITNESS CENTER TO BE LOCATED WITHIN THE ASHWORTH PLAZA DEVELOPMENT LOCATED AT 5910 ASHWORTH ROAD

**WHEREAS,** pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Michael Pesek with Full Range Fitness, in conjunction with the property owner, Aspen Investments, LLC, has requested approval of a Permitted Conditional Use permit to allow a 1,530sf fitness center to be located within the Ashworth Plaza center located at 5910 Ashworth Road, and legally described as follows:

Legal Description of Property

LOTS 1 AND 2, WENTWORTH PLAZA PLAT 1, A PLAT IN AND NOW FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA;

**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,** on February 26, 2014, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-002053-2014);

**NOW, THEREFORE,** THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated February 26, 2014, or as amended orally at the Board of Adjustment hearing of February 26, 2014, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-002053-2014) allowing the establishment of a 1,530sf fitness center is approved, subject to compliance with all the conditions in the staff report, dated February 26, 2014, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on February 26, 2014.

_____

Jennifer Drake, Chairperson
Board of Adjustment

ATTEST:

_____
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on February 26, 2014, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

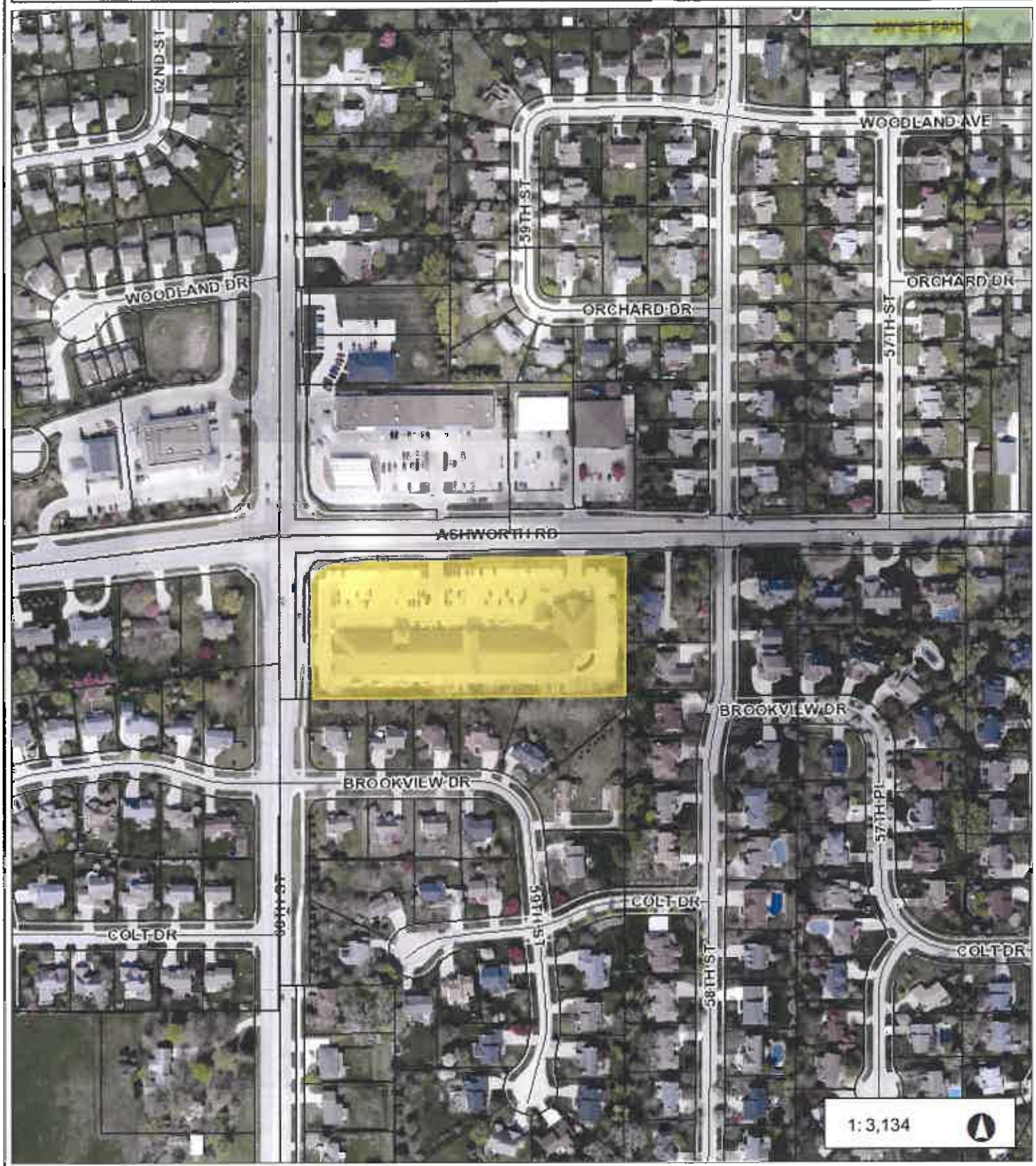
_____
Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

No Conditions of Approval.

Attachment B

# Location Map




522.3 0 261.17 522.3 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

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Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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# ASHWORTH PLAZA

## WEST DES MOINES, IOWA

JULY 20, 2011

NORTH

1" = 60'-0" @ 11"x17" Sheet
SAME USED

0' 30' 60'

simonso
simonson & associates architect
1777 ingersoll avenue suite 117 des moines ia
515 440 3626 www.simonsonass

ATTACHMENT C