CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: April 6, 2016

Item: Imani Family Church, 815 8th Street – Approval of a church facility including youth ministry and fellowship hall in an existing building – PC-002911-2015

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Brian Portz, AICP BP

Applicant's Request: The applicant, Imani Family Church, is requesting approval of a Permitted Conditional Use Permit to allow a religious organization (SIC 8661) with youth ministry and fellowship hall within the existing building at 815 8th Street. The applicant is not proposing any exterior changes to the building and only minor changes to the interior of the building (painting, carpeting, etc.). The property is zoned Single Family Residential (R-1) District. Per the Zoning Code, Religious Organizations (SIC 8661) are a Permitted Conditional (Pc) use within this zoning district.

In addition to worship services, weddings, dedications, baptisms, social services, relief efforts and funerals will be held on the site. Along with the sanctuary space, there will also be space within the building for classrooms for children's ministry, a nursery room, a room for youth ministry, conference rooms and a fellowship hall.

History: The building on the property was originally the location of the West Des Moines Christian Church and was constructed in 1941, with a remodel completed in 1977. On April 5, 1999, the City Council approved a Permitted Conditional Use Permit to allow the West Des Moines School District to operate an alternative high school in the building, north of the former Valley High School stadium (Case No. PC-99-05). The existing site did not conform to several City Code requirements regarding parking, storm water, open space, landscaping, roof top mechanical unit screening, etc. As a part of this approval, the School District agreed to address those outstanding issues as a part of any future redevelopment of their adjoining stadium property to the south. On October 15, 2001, the City Council approved a Preliminary Site Plan to permit the School District to construct a new high school stadium on the city/school campus off Mills Civic Parkway (SP-01-22). The School District completed the new stadium and razed the old stadium off 8th Street.

With the construction of Hillside Elementary School to the south (the former site of Valley Stadium) in 2002, the School District reconstructed the alternative high school (the proposed Imani Family Church building) parking lot in order to add additional parking and landscaping and bring the site into closer compliance with City Code.

City Council Subcommittee: This item was presented to the Development & Planning City Council Subcommittee on December 3, 2015. Permitted Conditional Use applications generally are presented to the subcommittee for information only.

Staff Review and Comment: There are no outstanding issues. Staff would summarize the following:

- *Parking parcel* – The southern portion of the parking lot for the subject property is located on the Hillside Elementary property to the south. To ensure that the Church building will have the required number of parking spaces on its property, the Imani Family Church purchased a portion of the School District property that contains the parking spaces that will serve the Imani Family Church building. The property purchased will be lot tied to the Church building property: this lot-tie agreement has been provided to staff.
- *Irrevocable Offer of Right-of-Way* – The public street right-of-way for 8th Street is deficient fifteen feet (15') from the required 100' of required total right-of-way. With this development, the applicant will be required to submit an irrevocable offer of right-of-way until such time that the additional right-of-way is needed in the future. The original signed irrevocable offer has been received.
- *Ingress/Egress Easement* – With the purchase of the parking lot parcel, an ingress/egress easement is necessary to permit vehicles from accessing 7th Street from the Church property. This applies to a small

portion of the School District property east of the Church property at 7th Street. This document will need to be signed by the West Des Moines Community School District. The West Des Moines School Board will consider these documents at the April 11, 2016 School Board meeting. Upon approval, the document will be signed and provided to City staff for City Council acceptance and recording. A condition of approval has been recommended that this document be received by April 15, 2016 and prior to any services occurring in the 815 8th Street building.

- *Storm Water Maintenance Covenant* – There is an existing detention area on the Hillside Elementary property that serves the Imani Family Church property as well as the Hillside Elementary property. As a part of the review of this Permitted Conditional Use, the applicant and the West Des Moines School District will be executing a Storm Water Maintenance Covenant to provide for the future maintenance of the shared detention area. This document will need to be signed by the West Des Moines Community School District. The West Des Moines School Board will consider these documents at the April 11, 2016 School Board meeting. Upon approval, the document will be signed and provided to City staff for City Council acceptance and recording. A condition of approval has been recommended that this document be received by April 15, 2016 and prior to any services occurring in the 815 8th Street building.

Permitted Conditional Use Permit Findings: The following findings have been made on the proposed permitted conditional use:

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 *with the exception that the public street right-of-way for 8th Street is deficient fifteen feet (15') from the 100' of required total right-of-way (50' half right-of-way) as specified in the City's adopted 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 November 27, 2015, notice of the original December 16, 2015, Board of Adjustment Public Hearing on this project was published in the *Des Moines Register*. Notice of this public hearing was mailed to surrounding property owners within 370 feet of the subject property on November 25, 2015. At the request of the applicant, the meeting was continued to January 27, 2016 to allow the applicant to close on the property. At the January 27, 2016 meeting, the applicant again asked for the meeting to be continued to February 10, 2016 because the closing on the property had still not occurred. As a courtesy, notice of the change in the meeting date to February 10th was mailed to the surrounding property owners. At the February 10, 2016 meeting the closing on the property had still not occurred, so the request was temporarily withdrawn until the Church closed on the property. The closing on the property finally occurred on March 9, 2016. On March 18, 2016, notice of the April 6, 2016, Board of Adjustment

Public Hearing on this project was published in the *Des Moines Register*. Notice of this public hearing was mailed to surrounding property owners within 370 feet of the subject property on March 17, 2016.

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 religious organization (SIC 8661) with youth ministry and fellowship hall within the existing building at 815 8th Street, subject to meeting all City Code requirements and regulations and the following:

1. By April 15, 2016, the West Des Moines School District shall provide an ingress/egress easement to the city providing for access from the Imani Church property to 7th Street over a portion of the School District property. If the signed ingress/egress easement has not been received by April 15, 2016, church services will not be permitted to occur in the 815 8th Street building; and
2. By April 15, 2016, the Imani Family Church and the West Des Moines School District shall provide the City with a signed storm water maintenance covenant for the future maintenance of the detention area that serves the Imani Family Church property and the West Des Moines School District property. If the signed storm water maintenance covenant agreement has not been received by April 15, 2016, church services will not be permitted to occur in the 815 8th Street building.

Property Owner/Applicant:

Imani Family Church
P.O. Box 13214
Des Moines, IA 50310
Reverend Joshua Kyande
Joshua.kyande@gmail.com

Attachments:

Attachment A - Permitted Conditional Use Resolution
Exhibit A - Conditions of Approval
Attachment B - Request Letter
Attachment C - Location Map

Prepared by: B. Portz, 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-002911-2015) TO ALLOW SIC 8661: RELIGIOUS ORGANIZATION AT 815 8TH STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Imani Family Church, has requested approval of a Permitted Conditional Use permit to allow a religious organization (SIC 8661) with youth ministry and fellowship hall within the existing building at 815 8th Street, and legally described as follows:

Legal Description of Property

LOT 32, EXCEPT THE WEST 2 FEET AND EXCEPT THE EAST 195 FEET, WEST DES MOINES HEIGHTS AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

AND

THE NORTH 49.92 FEET OF THE EAST 337.15 FEET OF THE WEST 339.15 FEET OF LOT 33, WEST DES MOINES HEIGHTS, AN OFFICIAL PLAT, 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 April 6, 2016, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-002911-2015);

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 April 6, 2016, or as amended orally at the Board of Adjustment hearing of April 6, 2016, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-002911-2015) to allow a religious organization (SIC 8661) with youth ministry and fellowship hall within the existing building at 815 8th Street is approved, subject to compliance with all the conditions in the staff report, dated April 6, 2016, 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 April 6, 2016.

_____
Eric Christiansen, Board of Adjustment Chairperson

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 April 6, 2016, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

_____
Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. By April 15, 2016, the West Des Moines School District shall provide an ingress/egress easement to the city providing for access from the Imani Church property to 7th Street over a portion of the School District property. If the signed ingress/egress easement has not been received by April 15, 2016, church services will not be permitted to occur in the 815 8th Street building; and

2. By April 15, 2016, the Imani Family Church and the West Des Moines School District shall provide the City with a signed storm water maintenance covenant for the future maintenance of the detention area that serves the Imani Family Church property and the West Des Moines School District property. If the signed storm water maintenance covenant agreement has not been received by April 15, 2016, church services will not be permitted to occur in the 815 8th Street building.

Connect

Upgrade

Serve.

iFAMILY CHURCH

13 November 2015

Imani Family Church, previously known as Imani Fellowship was organized in 2007 as an outreach to the refugee community from East and Central African countries living in Des Moines, Iowa. Imani is a Swahili word that means faith. At that time all services were conducted in Swahili for the sake of the many members who did not understand English. Imani Fellowship continued to evolve until it became what it is now a multicultural church, catering to the spiritual needs of the congregation and community, as the Lord leads.

Imani Family has been hosted by Immanuel United Methodist church at, 2900 49th st., since Feb 2009. As more people from different parts of the world joined the fellowship, the official language of the fellowship changed from Swahili to English. As the congregation grew the needs grew. Apart from worship, we began to conduct weddings, dedications, baptism, social services, relief efforts and funerals. It was with the realization of the expansion of Imani's mandate, that a name change was deemed necessary to reflect who we real are. Imani ceased to be a Fellowship and became a full-fledged church that was legally registered with Iowa's Secretary of State in November 2014 as Imani Family Church, also referred to as iFamily Church.

With over ten nationalities represented, Imani has outgrown the space provided by Immanuel church. Apart from dedicated space for the sanctuary, we also need five classrooms for children ministry, a nursery, a room for youth ministry, conference rooms and a fellowship hall for special events such as weddings.

Since leasing space is no longer a viable option, we have settled on buying a property at 815 8th Street, West Des Moines to be able to conduct services and promote faith-based programs without restrictions.

For the past seven years we have invested heavily in training our people to learn ownership, responsibility and accountability. Currently we have enough manpower and skills for what it takes to care for the facility. In case of more specialized repairs and services, we will maintain an account with allocated funds for such.

With this submission, we request that you commence the process while we wait for other documents. According to my attorney, we need to close by December 29, 2015 to take advantage of state property tax exemption. Currently everything seems to be on the right track.

Regards

Rev. Joshua S. Kyande, Lead Pastor

2900 49Th Street, Des Moines IA 50310: Phone: 1-888 757 1313: E-mail: info@iFamilychurch.org: Web: www.iFamilychurch.org

WEEKLY ACTIVITIES AT 815 8TH STREET –
IMANI FAMILY CHURCH

OFFICE HOURS – 1-STUFF

- TUESDAY 9am-3pm
- THURSDAY 9am-4pm
- FRIDAY 9am-4pm

TUESDAY

- TIME: 7pm -9pm
- PURPOSE: YOUTH GROUP
- NUMBER: 25 PEOPLE

WEDNESDAY

- TIME: 6:30-8pm
- PORPUSE: SMALL GROUP
- NUMBER: 25 PEOPLE

THURSDAY

- TIME: 5:30-7PM
- PURPOSE: WORSHIP TEAM REHERSAL
- NUMBER: 10 PEOPLE

SATURDAY

- 4:30-6PM
- PURPOSE: PRETEEN PROGRAM (iDrama)
- NUMBER: 20 PEOPLE

SUNDAY

- TIME: 9:30-11:30AM
- PURPOSE: MAIN SERVICE
- NUMBER: 120 PEOPLE

Imani Family Church - 815 8th Street

146.8 0 73.38 146.8 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

© City of West Des Moines, Iowa

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