CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: January 15, 2014

Item: Krave Fitness, 5010/5012 E. P. True Parkway – Colby Interests – Allow a fitness center into an existing tenant space – PC-001968-2013/PC-2013-006

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP

Applicant's Request: The applicant, Theresa Greenfield of Colby Management Company, is requesting approval of a permitted Conditional Use Permit to allow a fitness center into space at the Westbrooke Plaza center at 5010 and 5012 EP True Parkway (see Attachment B – Location Map).

History: The Westbrooke Plaza was development in 1990 as a planned commercial center with a convenience store and tenant spaces. It operates this way with Kum & Go and various tenants.

City Council Subcommittee: This item was not presented to any council subcommittee due to time constraints with the subcommittee's schedule. 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. Please note the following:

- For sites that are subject to site plan review, staff recommends that the landscaping be inventoried and a condition of approval be added to have the landscaping installed or replaced to meet the landscape plan that was subject to the initial approval. This condition will refresh the landscaping to replace missing or dead plant material.

Permitted Conditional Use Permit Findings: The application presented for allowing Krave Fitness as a permitted conditional use 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 December 28, 2013, notice of the January 15, 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 December 26, 2013.

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 fitness center at 5010 and 5012 EP True Parkway, subject to meeting all City Code requirements, regulations, and the following:

1. Inventorying site landscaping and installing any missing landscape materials or replacing dead landscape materials according to the 1990 site plan.

Applicant: Colby Management Company
Theresa Greenfield, President
6581 University Avenue
Windsor Heights IA 50324
515-274-9411

Property Owner: Same as Applicant

Applicant's Representative: Todd Wiskus
Simonson & Associates Architects, L.L.C.
1717 Ingersoll Avenue Suite 117
Des Moines IA 50309
515-440-5634

Comprehensive Plan: Neighborhood Commercial
Existing Zoning: Westbrooke PUD (Neighborhood Commercial)
Existing Land Use: Planned Commercial Center

Surrounding Land Uses:

North
Existing Land Use: Grocery Store
Existing Zoning: Neighborhood Commercial
Comprehensive Plan Designation: Neighborhood Commercial

East
Existing Land Use: Apartments
Existing Zoning: Southwoods East PUD (Residential Medium Density)
Comprehensive Plan Designation: High Density Residential

South
Existing Land Use: Apartments
Existing Zoning: Westbrook PUD (Residential High Density)
Comprehensive Plan Designation: High Density Residential

West
Existing Land Use: Apartments
Existing Zoning: Westbrook PUD (Residential High Density)
Comprehensive Plan Designation: High Density Residential

Total Land Area: 3.0 acres

Impervious Area: Not Calculated for this application

Parking: Required: 114 spaces
Provided: 121 spaces

Open Space: Required: 32,670 (25%)
Provided: 33,424 (25.57%)

Landscaping:
Required Trees = 23 — Provided: as shown on the site plan and to be inventoried and replaced as necessary
Required Shrubs = 38 — Provided: as shown on the site plan and to be inventoried and replaced as necessary

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

ATTACHMENT A

Prepared by: KTragesser 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-001968-2013/PC-2013--006) TO ALLOW A FITNESS FACILITY IN TENANT SPACE AT 5010 AND 5012 EP TRUE PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Colby Management Company, has requested approval of a Permitted Conditional Use permit to allow a fitness center use at property located at 5010 and 5012 EP True Parkway;

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 January 15, 2014, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit;

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 presented at the public hearing or as amended orally at the public hearing are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-001968-2013/PC-2013-006) is approved, subject to compliance with all the conditions in the staff report, 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 January 15, 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 January 15, 2014, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

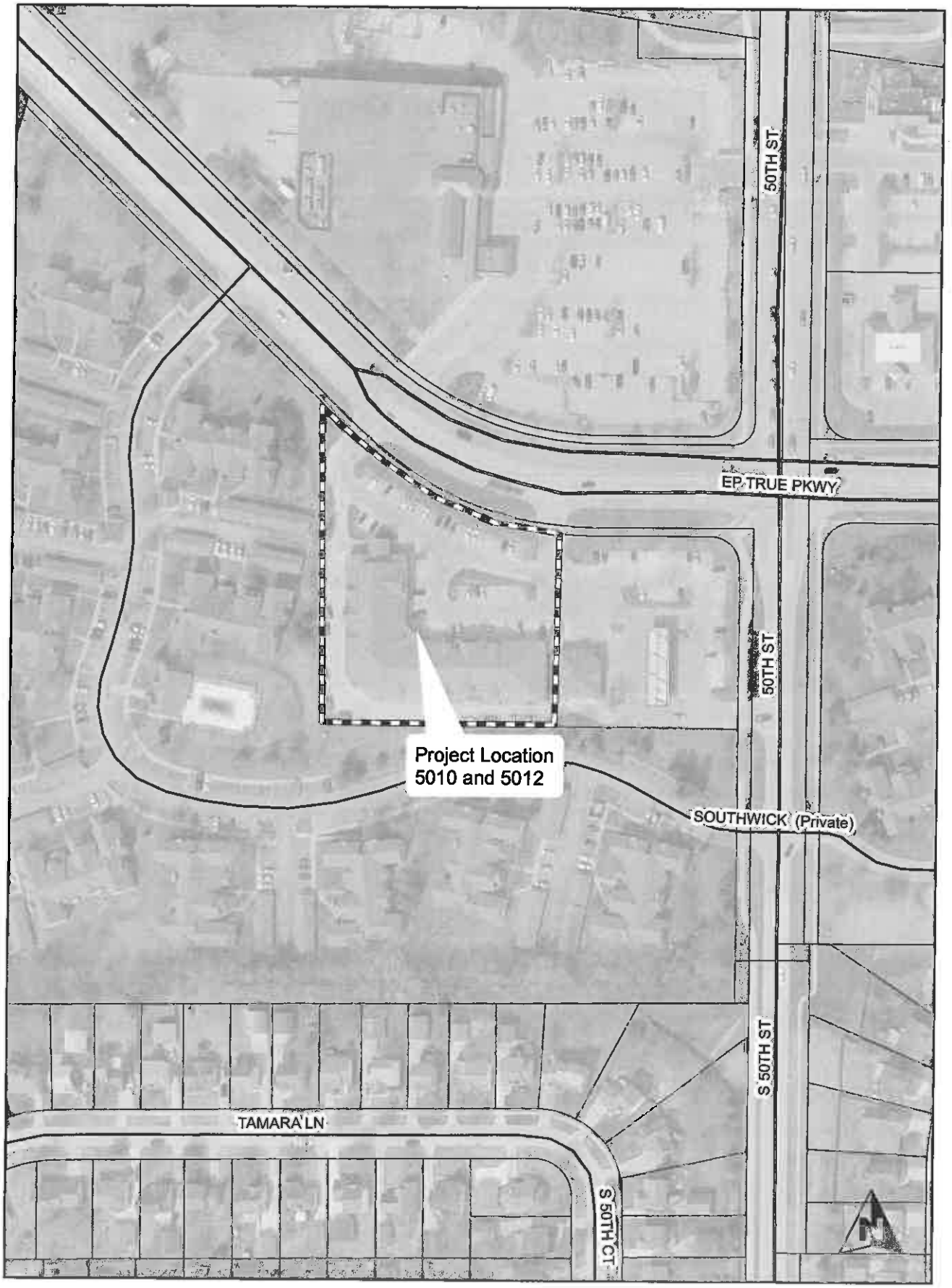
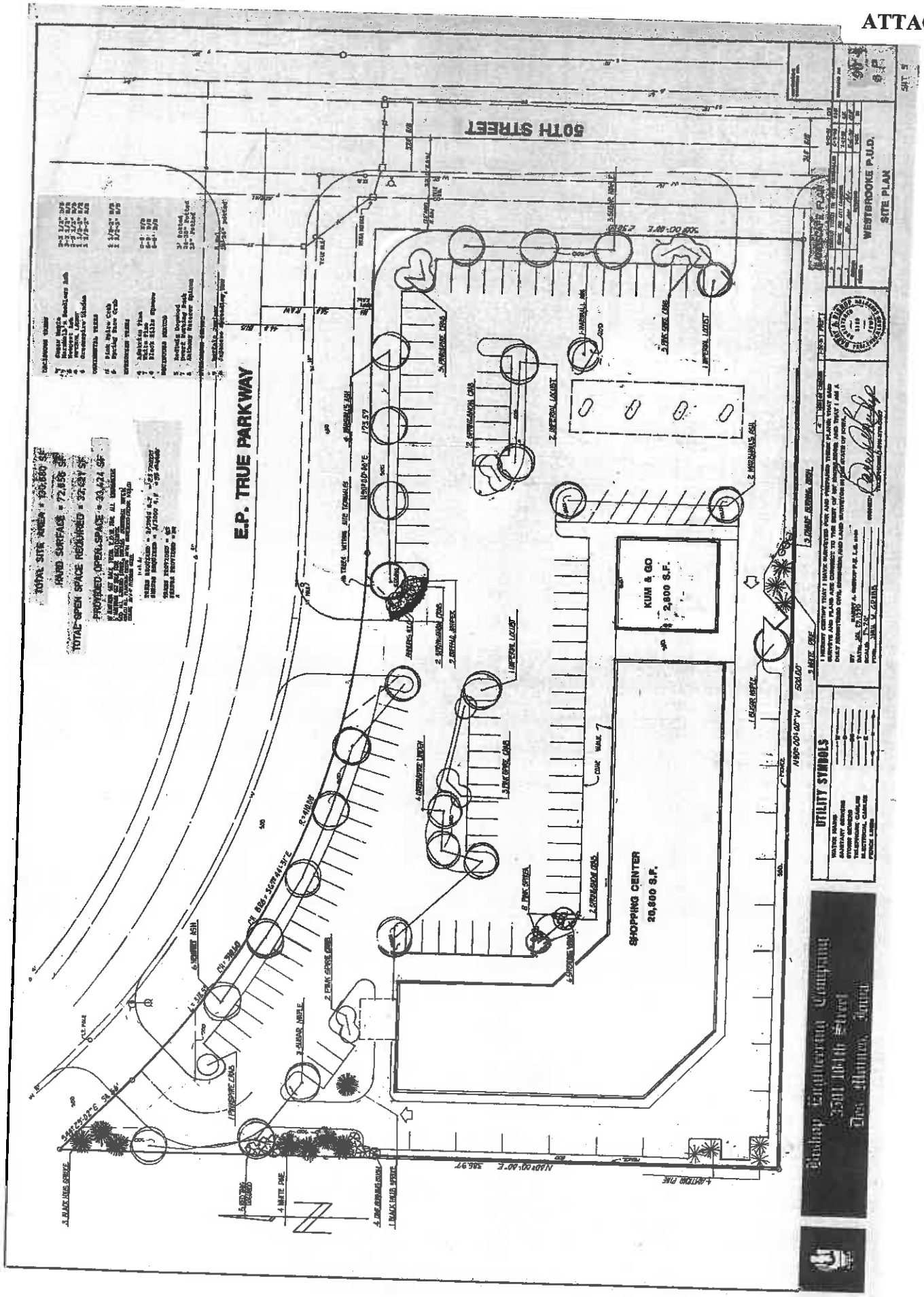
_____
Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. Inventorying site landscaping and installing any missing landscape materials or replacing dead landscape materials according to the 1990 site plan.

ATTACHMENT B

Location Map
5010 and 5012 E. P. True Parkway



ATTACHMENT C