


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

**Meeting Date:** July 3, 2019

**Item:** 312 5th St Cat Cafe, 312 5th Street – Land use review to allow a Cat Café (Miscellaneous retail store - pet and pet supply shop. SIC: 5999) – Cutler Development – PC-004357-2019

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

**Case Advisor:** J. Bradley Munford 

**Applicant Request:** The applicant, Scott Cutler with Cutler Development, with permission from the property owner, Junction Holdings of Iowa Inc, is requesting approval of a Permitted Conditional Use Permit (PC) land use review to allow the operation of a Cat Cafe, on the 1<sup>st</sup> floor of an existing building located at 312 5th Street. A Cat Café combines a coffee shop and cat lounge area. Patrons can order a beverage from the café portion of the space and if they choose, they can enjoy their drink in a separate lounge area where they can mingle with cats from the Animal Rescue League of Iowa. If someone likes a particular animal, they can go through the adoption process on site. This location will only house cats. No other animals will be housed on site. The cats will be indoor cats and will not be let outside. No outdoor exercise/pet run are proposed.

**History:** The subject property is a part of the 1<sup>st</sup> Addition to Valley Junction Plat. The building on site was constructed in 1913 as a single family home. Over the years it was converted to commercial spaces. In the most recent years, the 1<sup>st</sup> floor was used as a retail space for Perry Bridal Boutique and the second floor was used for apartments.

**City Council Subcommittee:** This item is scheduled to be presented to the Development and Planning City Council Subcommittee on July 1, 2019, as an informational item only.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would note the following item of interest:

- *Performance Standards for Veterinarian and Animal uses:* The zoning ordinance includes specific performance standards for animal related uses (Section 9-10-4 of City Code). These regulation encompass additional requirements for building improvements to mitigate sound transmission and control odor when located within a multi-tenant building. The regulations also require the user to provide a maintenance schedule for cleaning and removal of animal waste. Tenant improvement plans will need to be submitted that meet the sound and odor control requirements. Staff is recommending a condition of approval that this information be provided prior to the tenant improvement permit being issued for the site. Also, staff recommends a condition that the applicant provide a maintenance schedule for the cleaning and removal of animal waste prior to issuance of the tenant improvement permit.
- *Neighbor Concern:* The property owner to the south contacted staff and raised concern about the possibility of outdoor seating for the café. The neighbor's concern revolves around noise generated from the patio that could be disturb them. Staff informed the southern property owner that this Permitted Conditional Use is only for the cat lounge area of the development and not the café itself. A café is a permitted use in the Valley Junction Historic Business District. The developer is not planning to have a patio at this time but have reached out to the neighbor to discuss acceptable design options if one will be built in the future. Preliminarily, fencing and some type of landscape screening were agreed upon by both parties. They plan to have further conversations about the exact design if the patio ever comes to fruition. Staff would note that if an outdoor seating area is pursued at a later date, it will require review by the City as a Minor Modification.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed cat café is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**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.
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 has 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.

**Staff Recommendations and Conditions of Approval:** Based upon the preceding review and findings, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow a cat cafe, (SIC 5999), subject to meeting all City Code requirements and the following:

1. The applicant working with the southern property owner in the future on the screening methods for an outdoor patio if one ever comes to fruition.
2. The applicant providing tenant improvement plans with their building permit request that meet the sound and odor control requirements per Section 9-10-4 of City Code.

**Noticing Information:** On June 14, 2019, notice of the July 3, 2019 Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on June 13, 2019.

**Applicant:** Cutler Development  
Scott Cutler  
1307 50<sup>th</sup> Street  
West Des Moines, Iowa 50266  
[Scott @Cutlerdevelopment.com](mailto:Scott@Cutlerdevelopment.com)

**Property Owner:** Junction Holdings of Iowa Inc  
145 5<sup>th</sup> Street  
West Des Moines, Iowa 50265  
[Debbie@bettyhilldance.com](mailto:Debbie@bettyhilldance.com)

**Attachments:**

- Attachment A - Permitted Conditional Use Resolution
- Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C - Picture of the Building

Prepared by: J. B. Munford, 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 – BOA - 2019- 10**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES,  
APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004357-2019) TO ALLOW A CAT  
CAFE**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Cutler Development, has requested approval of a Permitted Conditional Use Permit (PC-004357-2019) for that property located at 312 5th Street and legally described below for the purpose of operating A Cat Cafe (SIC 5999);

**Legal Description of Property**

LOT 6, BLOCK 19 1ST ADD TO VALLEY JUNCTION, AN OFFICIAL PLAT IN 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, July 3, 2019, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for a Cat Café (PC-004357-2019);

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

**SECTION 1.** The findings, for approval, stated in the staff report, dated July 3, 2019, or as amended orally at the Board of Adjustment hearing of July 3, 2019, are adopted.

**SECTION 2.** Permitted Conditional Use Permit for a Cat Café (SIC 5999) in an existing building located at 312 5th Street (PC-004357-2019) is approved, subject to compliance with all the conditions in the staff report, dated July 3, 2019, including conditions added at the meeting, and attached hereto as Exhibit “A”. 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 July 3, 2019.

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Angie Pfannkuch, Chairperson

ATTEST:

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Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustments of the City of West Des Moines, Iowa, at a regular meeting held on July 3, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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Recording Secretary

**EXHIBIT A**  
**Conditions of Approval**

1. The applicant working with the southern property owner in the future on the screening methods for an outdoor patio if one ever comes to fruition.
2. The applicant providing tenant improvement plans with their building permit request that meet the sound and odor control requirements per Section 9-10-4 of City Code.





6TH-5TH ST/ALLEY



312 5th Street





**EXHIBIT C**

