


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

Meeting Date: August 21, 2019

Item: Lil Scholars Too Daycare, 1300 8th Street – Land use review (Child daycare services. SIC: 835) – A & J Drywall Company – PC-004357-2019

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: J. Bradley Munford 

Applicant Request: The applicant, Greg Vickroy with A & J Drywall Company, with permission from the property owner, Diane Schoenauer, is requesting approval of a Permitted Conditional Use Permit (PC) land use review to allow expansion of 1,176 square feet to an existing 10,893 square foot daycare in an existing building located at 1300 8th Street.

History: The subject property is a part of Lot 13 Colbys Office Park. The building on site was constructed in 1976 as a daycare with some multi-tenant space. In 1976, daycares were Permitted Uses by right in this zoning district. In 1996, the Zoning Code was changed and Daycares became Permitted Conditional Uses and this daycare has been operating under a legal non-conforming status since. The daycare has grown to a point where it needs to expand into the multi-tenant space. The expansion would negate the legal non-conformity and makes the Permitted Conditional Uses request for the entire daycare necessary.

City Council Subcommittee: This item is scheduled to be presented to the Development and Planning City Council Subcommittee on August 19, 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:

- **Playground Area:** Under Title 9, Chapter 6, Sections 4, Subsection A-1 of the City Code states that play lots have no less than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty five (25) square feet added to such play lot area for each additional designated child capacity of the principal building. For the 163 children this daycare will serve, a play lot of 4,575 square feet is required. The applicant currently has 4,760 square feet play lot and complies with code.
- **Parking:** The addition of the 1,176 square feet of daycare space would require 4 parking spaces per code. The 1,176 square feet retail space they are moving into also required 4 parking spaces. Parking is compliant with code and site improvements are not required.

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 daycare 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 expansion of a daycare (Child daycare services. SIC: 835), subject to meeting all City Code requirements.

Noticing Information: On August 12, 2019, notice of the August 21, 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 August 12, 2019.

Applicant: A & J Drywall Company
 Greg Vickroy
 101 S Kenwood Blvd
 Indianola, Iowa 50125
Greg@ajdrywallinc.com

Property Owner: Diane Schoenauer
 8350 Hickman Rd Suite 5
 Clive, Iowa 50325

Attachments:

- | | | |
|--------------|---|--------------------------------------|
| Attachment A | - | Permitted Conditional Use Resolution |
| Exhibit A | - | Conditions of Approval |
| Attachment B | - | Location Map |
| Attachment C | - | Site Plan |

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 -2019-12

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES,
APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004439-2019) TO ALLOW
EXPANSION OF A DAYCARE**

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, A & J Drywall Company, has requested approval of a Permitted Conditional Use Permit (PC-004357-2019) for that property located at 1300 8th Street and legally described below to allow a 12,069 square foot daycare (SIC 835);

Legal Description of Property

THE EAST 398 FEET OF LOT 13 COLBYS OFFICE PARK, 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, August 21, 2019, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for a Daycare Expansion (PC-004439-2019);

**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 August 21, 2019, or as amended orally at the Board of Adjustment hearing of August 21, 2019, are adopted.

SECTION 2. Permitted Conditional Use Permit for a Daycare Expansion (SIC 835) in an existing building located at 1300 8th Street (PC-004439-2019) is approved, subject to compliance with all the conditions in the staff report, dated August 21, 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 August 21, 2019.

Angie Pfannkuch, Chairperson

ATTEST:

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 August 21, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

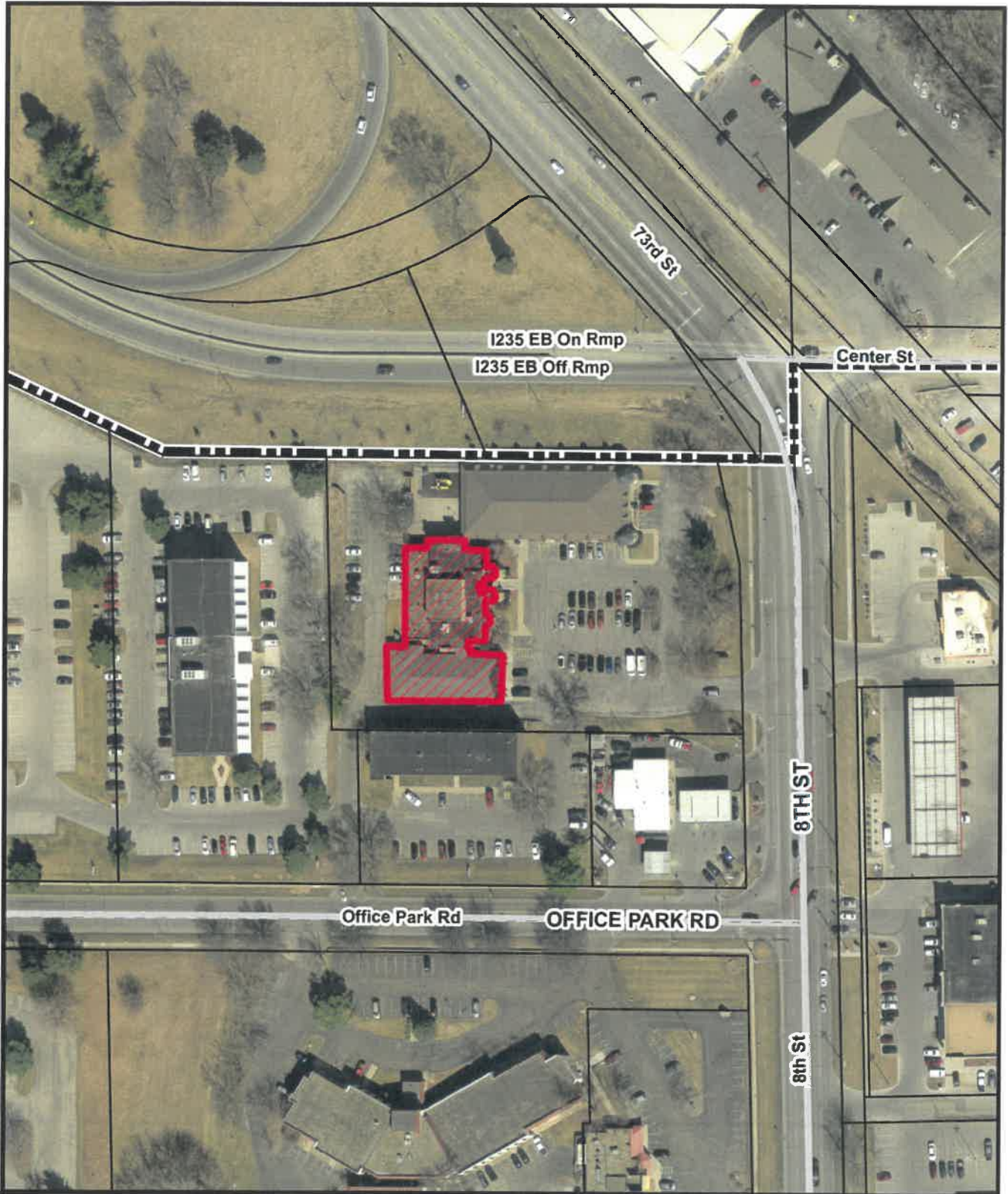
ABSENT:

ATTEST:

Recording Secretary

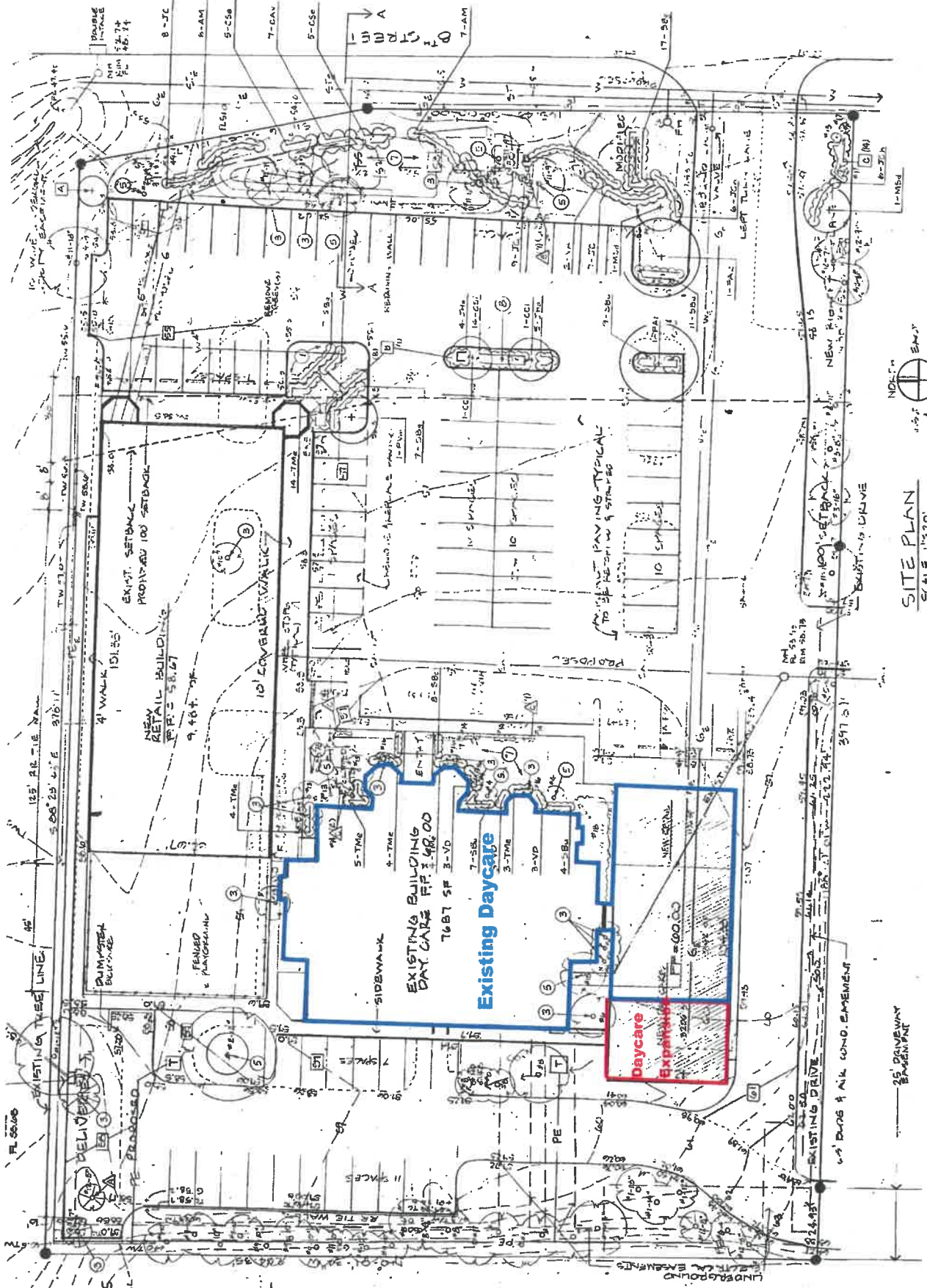
**EXHIBIT A
Conditions of Approval**

1. None



Lil Scholars Daycare





SITE PLAN
SCALE 1/8"=1'-0"