

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

**Meeting Date:** July 15, 2015

**Item:** 219 ½ Remodel – Trak Properties LLC – 219 ½ 5<sup>th</sup> Street – Approval of a Permitted Conditional Use Permit to allow residential above a commercial business in the Valley Junction Historic Business District – PC-002741-2015

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

**Case Advisor:** J. Bradley Munford

**Applicant Request:** The applicant, Trak Properties LLC, represented by Ken Hanus, is requesting approval of a Permitted Conditional Use Permit (PC) to allow four apartments above a commercial business at 219 ½ 5<sup>th</sup> Street. The property is zoned Valley Junction Historic Business District (VJHB). Residential uses above commercial is only allowed in VJHB with approval of a Permitted Conditional Use (Pc).

**History:** This property was platted as part of the original Valley Junction Plat. According to the County Assessor, the building was constructed around 1900. The second floor at one time had apartments. A past owner converted three of the units to office and storage. The fourth unit remained and was occupied until the occupant passed a short while ago.

**City Council Subcommittee:** This item was not presented to the Development & Planning City 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:** This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key point of interest:

- Building Permits for the remodel of each unit will need to be obtained from the Building Division prior to initiation of work. Building Inspections may be required throughout the remodel. The applicant should coordinate all activities with the Building Division.
- If renting any of the apartments, a Rental Certificate is required. The applicant should Contact the Building Division to coordinate rental inspections and issuance of certificates.
- Readdressing of the units may be done to meet postal and City addressing guidelines. The applicant should continue to work with planning staff to address the units accordingly.
- Because of the change of use, the apartments will need to be fire sprinklered and the building will need to be connected to the main fire alarm system.

**Findings:** The Permitted Conditional Use Permit for 219 ½ 5<sup>th</sup> street, to permit residential above a commercial business was reviewed by various City departments. Based upon that review and the 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 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 above review, 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 residential above a commercial business at 219 ½ 5<sup>th</sup> street, subject to meeting all City Code requirements and the following:

1. The applicant shall obtain Building Permits from the Building Division prior to initiation of work.
2. If renting any of the apartments, the applicant shall obtaining a Rental Certificate from Rental Inspections.
3. The applicant shall continue to work with planning staff to address the units accordingly.
4. The fire sprinkler and alarm shall be connected to the existing systems

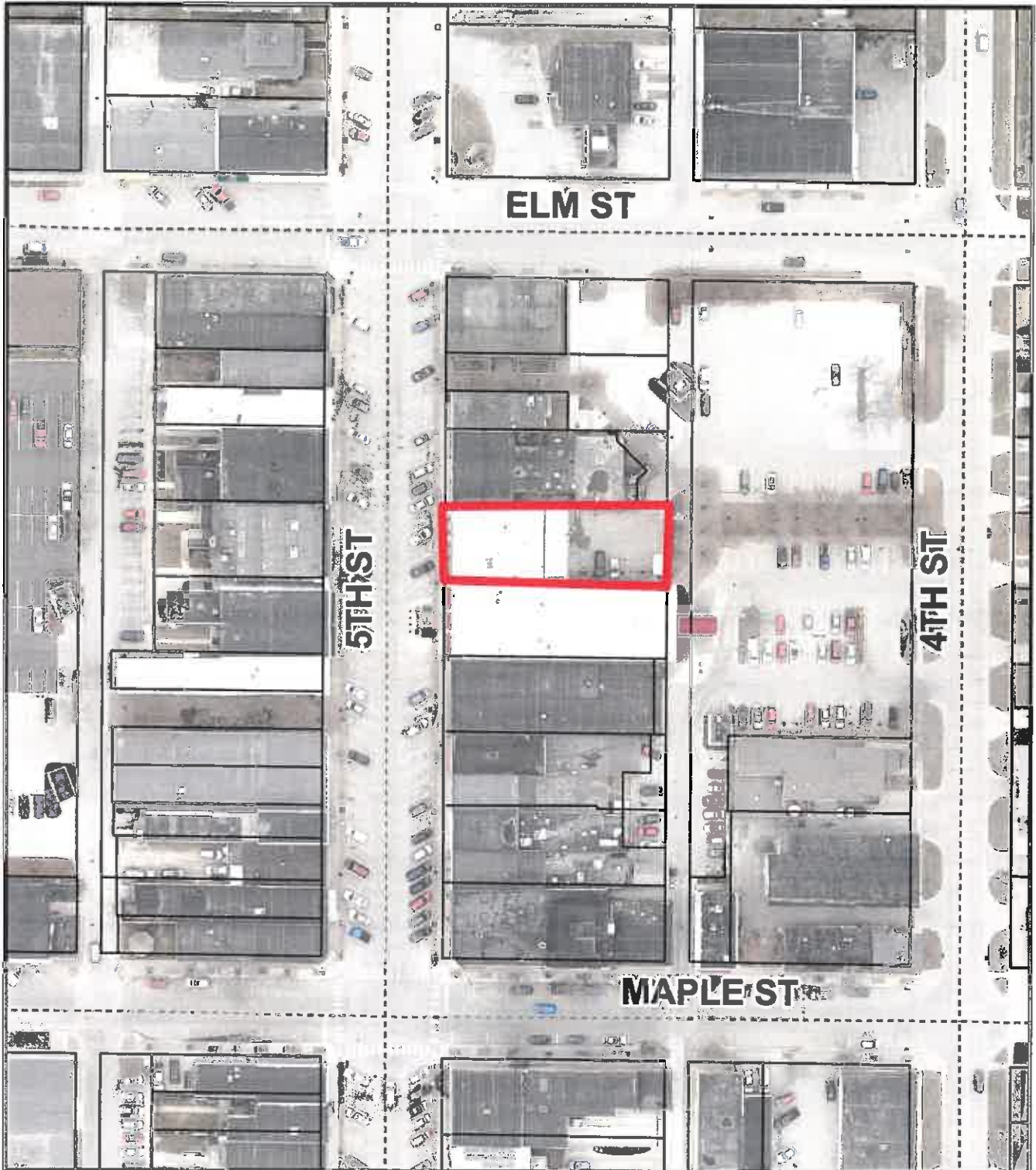
**Noticing Information:** On June 26, 2015, notice of the July 15, 2015 Board of Adjustment public hearing on this project was published in the Des Moines Register Community Section. . Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on June 26, 2015.

**Property Owner / Applicant:**

Ken Hanus  
 Trak Properties, LLC  
 4072 240<sup>th</sup> Street  
 Clear Lake, Iowa 50428  
[hanusk@netins.net](mailto:hanusk@netins.net)

**Attachments:**

- |              |   |                        |
|--------------|---|------------------------|
| Attachment A | - | Location Map           |
| Attachment B | - | Floor Plan             |
| Attachment C | - | Resolution             |
| Exhibit A    | - | Conditions of Approval |



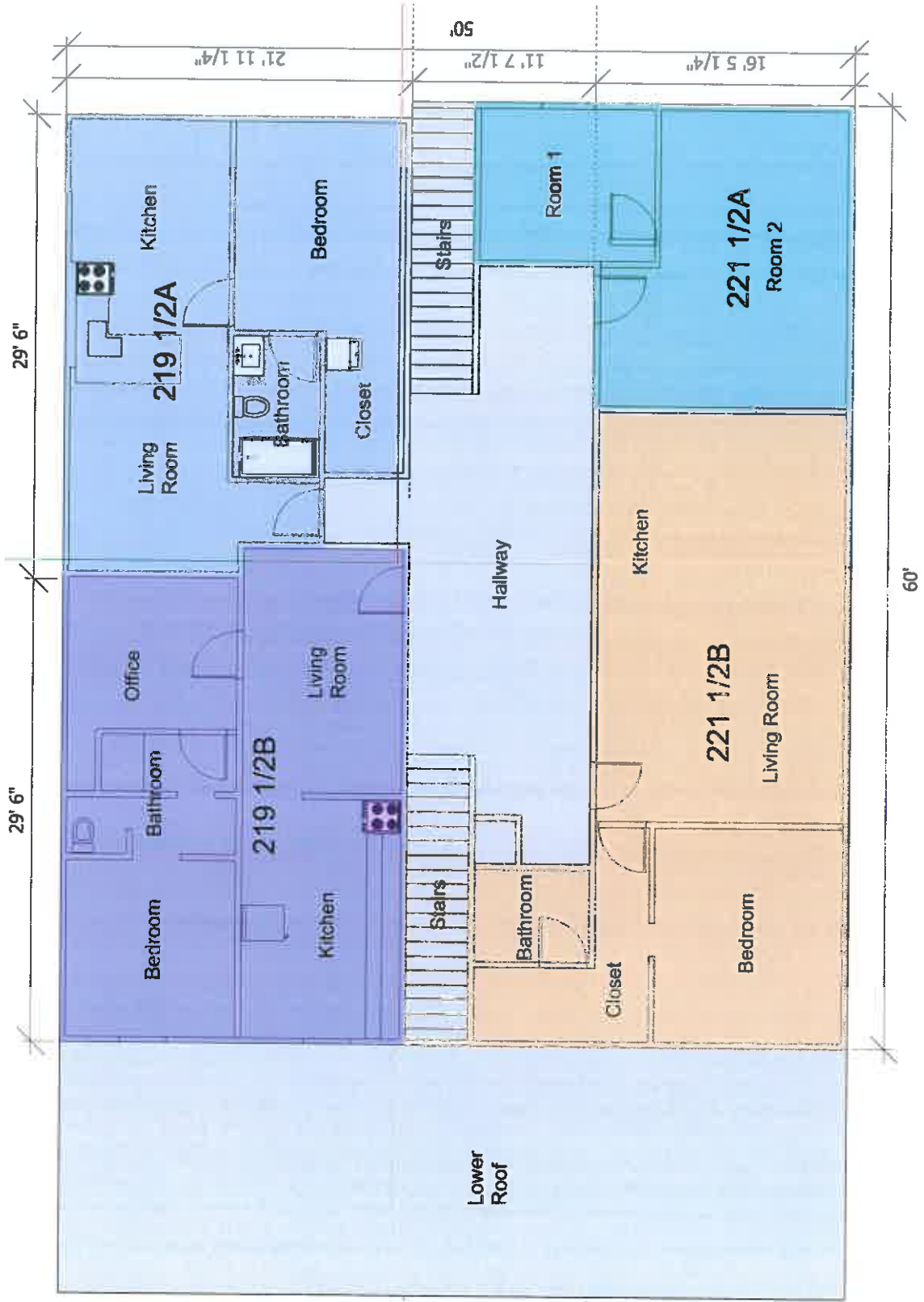
219 1/2 5th Street



NOT TO SCALE

ATTACHMENT B

Trak Properties, LLC  
 219 5th St - 2nd Floor Plan  
 7/9/15



J.B. Munford, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620

When Recorded, Return to: City Clerk, City of West Des Moines, P. O. 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-002741-2015) TO ALLOW RESIDENTIAL ABOVE A COMMERCIAL BUSINESS IN THE VALLEY JUNCTION HISTORIC BUSINESS DISTRICT**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Trak Properties, LLC, has requested approval of a Conditional Use Permit (PC-002741-2015) for that property located at 219 ½ 5<sup>th</sup> Street and legally described below for the purpose of allowing residential above a commercial business;

**Legal Description of Property**

**LOT 15, BLOCK 11, 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 15, 2015, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for Trak Properties, LLC.

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

**SECTION 1.** The findings, for approval, stated in the staff report, dated July 15, 2015, or as amended orally at the City Council meeting of July 15, 2015, are adopted.

**SECTION 2.** Permitted Conditional Use Permit for Trak Properties, LLC (PC-002741-2015) to allow residential above a commercial business in the Valley Junction Historic Business District is approved, subject to compliance with all the conditions in the staff report, dated July 15, 2015, 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 15, 2015.

\_\_\_\_\_  
Erik P. Christiansen, Chairperson  
Board of Adjustment

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 July 15, 2015, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

**EXHIBIT A  
Conditions of Approval**

- 1 The applicant shall obtaining Building Permits from the Building Division prior to initiation of work.
- 2 If renting any of the apartments, the applicant shall obtaining a Rental Certificate from Rental Inspections.
- 3 The applicant shall continue to work with planning staff to address the units accordingly.
- 4 The fire sprinkler and alarm shall be connected to the existing systems