

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

Meeting Date: March 22, 2017

Item: Vino 209 - 209 5th Street and 209 ½ 5th Street – Approval of a Permitted Conditional Use Permit for a Drinking Place and to permit existing legal non-conforming upper floor residential - Kelly Sharp - PC-003387-2017

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: J. Bradley Munford 

Applicant Request: The applicant, Kelly Sharp, is requesting approval of a Permitted Conditional Use Permit (PC) for a 1670 square foot Drinking Place to allow for a wine bar within an existing tenant space at 209 5th Street. The applicant is also requesting approval of a Permitted Conditional Use Permit (PC) to address the 3 existing legal non-conforming second floor apartments at 209 ½ 5th Street (see Attachment C, Site Plan). 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). The existing apartments are occupied and the applicant does have current rental certificates for the apartments.

As part of the tenant improvements for the wine bar, the applicant is proposing to replace the existing store front at 209 5th Street, restore the brick and update the remaining façade areas with new finishes (see Attachment D, Building Elevations). Two new windows are planned for the rear elevation.

History: This property was originally platted as a part of Lot 12, Block 11, Valley Junction on April 10, 1891. According to the County Assessor, the building was constructed around 1900.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on March 6, 2017 as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

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:

- **Fire Sprinkler and Fire Alarm Systems:** With the change in use, the building is required to be protected with fire sprinkler and fire alarm systems per the West Des Moines fire code. Through conversations with the applicant, the second floor apartments will be remodeled in the future. The sprinkler and alarm system shall be extended and stubbed to the second floor apartments with the wine bar tenant remodel. During the remodeling for the apartments, the fire sprinkler and fire alarm systems shall be connected to the stub and extended throughout the second floor. The fire sprinkler and fire alarm systems shall comply with the West Des Moines Fire Code requirements.

Findings: The Permitted Conditional Use Permit 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 a Drinking Place (Wine Bar) and permit the existing second floor residential, subject to meeting all City Code requirements and the following:

1. With the tenant improvements for the wine bar, the sprinkler and alarm system shall be installed for the wine bar and extended and stubbed to the second floor apartments. During the remodeling of the apartments, the fire sprinkler and fire alarm systems shall be extended throughout the second floor. The fire sprinkler and fire alarm systems shall comply with the West Des Moines Fire Code requirements.

Noticing Information: On March 3, 2017, notice of the March 22, 2017 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 March 3, 2017.

Applicant/

Property Owner:

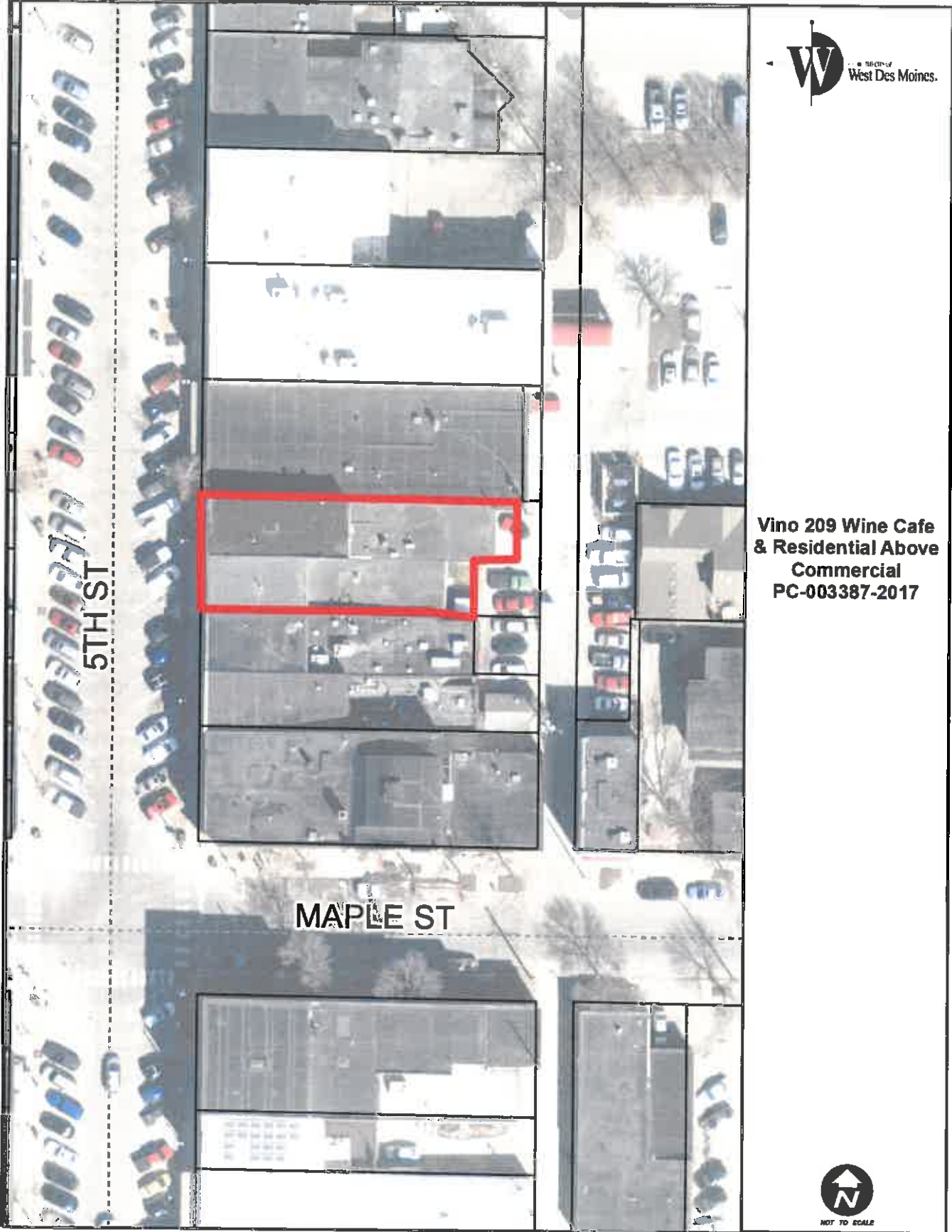
Kelly Sharp
Envision Homes of Iowa
211 5th Street
West Des Moines, Iowa 50265
Kelly@heartofiowa.com

Architect:

Denny Sharp
FEH Design
604 E Grand Avenue
Des Moines, Iowa 50309
Dennys@fehdesign.com

Attachments:

- Attachment A - Location Map
- Attachment B - Resolution
- Exhibit A - Conditions of Approval
- Attachment C - Site Plan
- Attachment D - Building Elevations (existing and proposed)



**Vino 209 Wine Cafe
& Residential Above
Commercial
PC-003387-2017**

Prepared by: J.B. Munford, City of West Des Moines, 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 THE PERMITTED CONDITIONAL USE PERMIT (PC-003387-2017) FOR THE PURPOSES OF OPERATING A DRINKING PLACE AT 209 5TH STREET AND ALLOWING UPPER FLOOR RESIDENTIAL AT 209 ½ 5TH STREET

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Kelly Sharp, has requested approval of a Conditional Use Permit (PC-003387-2017) for operation of a 1670 square foot Drinking Place for that property located at 209 5th Street and for 3 apartments located at 209 ½ 5th Street - Units 1, 2 and 3 both legally described below;

Legal Description of Property

EX S .958F ON W LN & S 1.875F ON E LN W 100F & E 10F &
E 18F W 135F S 24.5F- LT 12 BLK
11 VALLEY JUNCTION

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, March 22, 2017, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit (PC-003387-2017);

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 March 22, 2017, or as amended orally at the Board of Adjustments meeting of March 22, 2017, are adopted.

SECTION 2. Permitted Conditional Use Permit for Vino 209 for a Drinking Place and residential above a commercial business (PC-003387-2017) is approved, subject to compliance with all the conditions in the staff report, dated March 22, 2017, 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 March 22, 2017.

Michael R. Blaser, 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 March 22, 2017, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A
Conditions of Approval

1. **With the tenant improvements for the wine bar, the sprinkler and alarm system shall be installed for the wine bar and extended and stubbed to the second floor apartments. During the remodeling of the apartments, the fire sprinkler and fire alarm systems shall be extended throughout the second floor. The fire sprinkler and fire alarm systems shall comply with the West Des Moines Fire Code requirements.**



Legal Description:
Lot 12, Block 11, Valley Junction, an Official Plat, now included in and forming a part of the City of West Des Moines, Iowa, Polk County, Iowa, except the area described as follows:
The South .958 feet on the West line and South 1.875 feet on the East line of the West 100 feet and the East 10 feet and the West 18 feet of the West 135 feet, South 24.5 feet. Total area: 6,167 sq. ft. or 0.142 acres.

Comprehensive Planning Designation:
Historic Business (HBC)

Zoning:
Valley Junction Historic Business District (VJHB)

- Legend**
- ⊙ Sewer Manholes
 - == Sewer Mains
 - == Storm Pipes
 - Water Main





