

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

**Meeting Date:** March 6, 2019

**Item:** Vino 209 Wine Cafe Patio, 209 5th Street– Land use review to expand a Permitted Conditional Use Permit for a Drinking Place to include a patio – Envision Homes Holding Company LLC – PC-004222-2019

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

**Case Advisor:** J. Bradley Munford 

**Applicant’s Request:** Envision Homes Holding Company LLC., represented by Kelly Sharp is requesting land use review of an expansion to an existing Permitted Conditional Use Permit for a Drinking Place (PC-003387-2017) for the Vino 209 Wine Café located at 209 5th Street. The expansion will allow the use of an existing 400 square foot patio that was not included in the original submittal. The expansion would increase the square footage of the PC from 1670 square foot to 2,070 square feet.

**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. On March 22, 2017 the Board of Adjustment approved a 1670 square foot Permitted Conditional Use Permit for a Drinking Place for Vino 209. Currently, a Minor Modification site plan for the proposed patio improvements is under review (MML1-004235-2019). The ability to serve alcohol on the patio will require the approval of this Permitted Conditional Use Permit.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on February 19, 2019 as an informational item only. The Subcommittee members voiced no objections to the request.

**Staff Review and Comment:** This request was distributed to various City departments and other outside agencies for their review and comment. There are no outstanding issues.

**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 project 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.

**Permitted Conditional Use Permit Findings:** This proposed project was distributed to various city departments for review and comment. Based upon that review, 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 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 designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Noticing Information:** On February 22, 2019, notice of the March 6, 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 January 31, 2019.

**Staff Recommendation And Conditions Of Approval:** Based upon the preceding review and 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 expansion of a Drinking Place (Wine Bar) at 209 5<sup>th</sup> Street, subject to the applicant meeting all City Code requirements.

**Property Owner/Applicant:** Kelly Sharp  
 Envision Homes of Iowa  
 211 5<sup>th</sup> Street  
 West Des Moines, Iowa 50265  
[Kelly@heartofiowa.com](mailto:Kelly@heartofiowa.com)

**Architect:** Denny Sharp  
 FEH Design  
 604 E Grand Avenue  
 Des Moines, Iowa 50309  
[Dennys@fehdesign.com](mailto:Dennys@fehdesign.com)

**ATTACHMENTS:**

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

RESOLUTION NO. BOA-2019-05

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT FOR THE PURPOSES OF OPERATING A DRINKING PLACE AT 209 5TH STREET**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Envision Homes Holding Company LLC., has requested approval of 400 sf expansion of an existing 1670 sf Permitted Conditional Use Permit for a drinking place (PC-004222-2019) located at 209 5th Street; and

**WHEREAS**, studies and investigations were made and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference; and

**WHEREAS**, on March 6, 2019, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-004222-2019); and

**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 or as amended orally at the Board of Adjustment hearing are adopted.

SECTION 2. The PERMITTED CONDITIONAL USE PERMIT (PC-004222-2019) for a Drinking Place is approved, subject to compliance with all the conditions in the staff report including conditions added at the meeting, and attached hereto as Exhibit "A." Violation of any such conditions shall be grounds for revocation of the permits, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on March 6, 2019.

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Thomas M. Cunningham, Chairperson  
Board of Adjustment

ATTEST:

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

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on March 6, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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

**Exhibit A  
CONDITIONS OF APPROVAL**

1. None



