

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

Meeting Date: May 15, 2019

Item: Vine Street Child Care, 2501 Vine Street – Land use review to allow Child Day Care Services (SIC: 8351) – Vine Street Child Care – PC-004296-2019

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Brian Portz, AICP **BP**

Applicant Request: The applicants, Hollie Allen and Amanda Lechtenberg of Vine Street Child Care, in association with the property owner, Iowa Christian Academy, Inc., are requesting approval of a Permitted Conditional Use Permit (PC) land use review to allow the operation of a child care center within the former Iowa Christian Academy building at 2501 Vine Street. The applicant is not proposing any exterior changes to the site or the building. Only painting and minor maintenance will be done to the inside of the building.

Child Day Care Services (SIC: 8351) is classified as a Permitted Conditional Use (Pc) within a Convenience Commercial (CVC) District, which this property is designated.

History: This property was originally platted as a part of Outlot B, Fairmeadows Plat 5 in 1955. According to the County Assessor, the building on the property was constructed in 1960. In 1995, Ballet of Iowa received a Permitted Conditional Use Permit to operate a ballet school in the building. In 1999, Iowa Christian Academy purchased the property to operate a school on the property.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on May 6, 2019, 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:

- **Proposed Business:** Vine Street Child Care is currently operating across the street from this property at 2520 Vine Street. The proposed site will be licensed by the State of Iowa to provide daycare services for up to 225 children from infants to age 5. The hours of operation of the business will be Monday through Friday from 6:30 AM to 5:45 PM. There will be a total of 50 employees working at the business with a maximum of 25 employees on site at any one time.
- **City Code Daycare Regulations:** According to City Code, “day nursery schools and childcare centers shall be allowed, provided that no building, structure or accessory use for property so used, is located no closer than thirty feet (30') from any other principal building on any other lot in a residential district. In addition there must be an established and well maintained, fenced play lot of 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.” The existing building is located greater than 30' from any existing residential building adjacent to the site. The existing playground on the site is 6,439.5 square feet. At a licensing capacity of 225 children, according to Iowa DHS standards, the site is required to have 5,062.5 square feet for the playground area and 6,125 square feet according to City Code.
- **Parking:** The existing parking lot currently has 104 designated parking spaces on the site. According to City Code, three parking spaces per 1,000 square feet of building gross floor area is required along with 1 parking space per employee and 1 parking space per daycare van. Vine Street Child Care doesn't have a van. The building is approximately 26,000 square feet in size, which equates to 78 parking spaces required plus 25 spaces for the maximum number of employees at any one time, for a total of 103 required parking spaces.

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 Day Care Center 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: 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 preceding review and findings, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow Child Day Care Services (SIC: 8351) in accordance with the operational characteristics specified in this report at 2501 Vine Street, subject to meeting all City Code requirements and the following:

1. This permitted conditional use shall only apply to the proposed Vine Street Child Care. In the event that the owners of Vine Street Child don't purchase the property, any other child care proposed for the site must also obtain a permitted conditional use through the normal review and public hearing process.

Noticing Information: On May 3, 2019, notice of the May 15, 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 May 1, 2019.

Applicant: Hollie Allen & Amanda Lechtenberg
Vine Street Child Care
2520 Vine Street
West Des Moines, Iowa 50265
vinestreetchildcare@gmail.com

Property Owner: Iowa Christian Academy, Inc.
2501 Vine Street
West Des Moines, Iowa 50265
Attn: Charles Croyle, ICA Board President
ccroyle@icablazers.org

Attachments:

Attachment A	-	Permitted Conditional Use Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map

Prepared By: B. Portz, 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 – BOA- 2019-07

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004296-2019) TO ALLOW A CHILD DAY CARE CENTER.

WHEREAS, pursuant to the provisions of Title 9, Zoning, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicants, Hollie Allen and Amanda Lechtenberg, in association with the property owner, Iowa Christian Academy, Inc., have requested approval of a Conditional Use Permit (PC-004296-2019) for that property located at 2501 Vine Street and legally described below for the purpose of providing Child Day Care Services (SIC: 8351) in accordance with the operational characteristics outlined in the staff report;

Legal Description of Property

PARCEL C, BEGINNING 96 FEET SOUTH OF THE NORTHEAST CORNER OF OUTLOT B; THENCE SOUTHWESTERLY TO THE SOUTHWEST CORNER OF LOT 81 AND NORTH RIGHT OF WAY LINE OF VINE STREET; NORTHWEST 131.1 FEET; NORTH 290 FEET; NORTHWEST 74.4 FEET; NORTH 188. 16 FEET; EAST 298.62 FEET TO THE POINT OF BEGINNING; EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF LOT 81; THENCE NORTHWEST 131.15 FEET; NORTH 3.44 FEET; SOUTHEAST 132.61 FEET TO THE EAST LINE; SOUTHWEST 3.01 FEET, FAIRMEADOWS PLAT 5 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, May 15, 2019, this Board of Adjustments held a duly-noticed hearing to consider the application for a Permitted Conditional Use Permit for Vine Street Child Care (PC-004296-2019);

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 May 15, 2019, or as amended orally at the City Council meeting of May 15, 2019, are adopted.

SECTION 2. Permitted Conditional Use Permit (PC-004296-2019) for Vine Street Child Care, is approved, subject to compliance with the operational characteristics and all the conditions outlined in the staff report, dated May 15, 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 May 15, 2019.

Thomas M. Cunningham, 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 May 15, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A
Conditions of Approval

1. This permitted conditional use shall only apply to the proposed Vine Street Child Care. In the event that the owners of Vine Street Child don't purchase the property, any other child care proposed for the site must also obtain a permitted conditional use through the normal review and public hearing process.

