

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

Meeting Date: November 20, 2019

Item: Kindercare Learning Center, 865 S. 51st Street – Permitted Conditional Use Permit to Operate a Child Care Facility – EIG14T Development – PC-004525-2019

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: The applicant, EIG14T Development, with permission from the property owner, Hy-Vee Inc., is proposing to operate a 12,000 sq. ft. child care center at 865 S. 51st Street. The center serves children between the ages of 6 weeks to 12 years. The building will include classrooms, a gymnasium and food prep room. Building operations include walk-in pick up and drop off within the time period between 6:00 a.m. and 6:30 p.m. There is an outdoor play area as well.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on October 21, 2019. The Subcommittee was supportive of the request.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. The proposed use is located on a parcel of ground within the Wirtz Property Planned Unit Development with an underlying zoning of Office. Day care uses are permitted in this zoning district with approval of a Permitted Conditional Use permit.

Traffic Study: A traffic study was done to analyze the impacts to the transportation system and make recommendations to mitigate any impacts or to site components to help mitigate impacts to circulation and traffic. The study summary indicates that the public street system is reaching a Level of Service F (congested) and that development of this area is contributing; however, with the use on this site, the area is contributing less traffic to the public street system than a sit down restaurant would, as previously studied.

Permitted Conditional Use Permit Findings: The application for Kindercare Learning Center for a Permitted Conditional Use Permit to operate a child care center at 865 S. 51st Street was reviewed by various City departments. Based upon that review and any 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 review of the proposal, 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 to approve the Permitted Conditional Use Permit to allow the operation of a child care center at 865 S. 51st Street, subject to meeting all City Code requirements, regulations.

Noticing Information: On November 16, 2019, notice of the November 20, 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 surrounding property owners within 370 feet of the subject property on November 14, 2019.

Applicant: EIG14T Development
3221 W. Big beaver Road, Suite 111
Troy MI 48084
Samantha Coponen

Property Owner: Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines IA 50266
Pete Hosch

Attachments:
Attachment A - Permitted Conditional Use Resolution
Attachment B - Location Map

Prepared by: KTragesser City of West Des Moines 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-2019-16

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-004525-2019) FOR THE PURPOSE OF OPERATING A CHILD CARE CENTER AT 865 S. 51ST STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, EIG14T Development, with permission from the property owner, Hy-Vee, Inc., has requested approval for a Permitted Conditional Use Permit to operate a 12,000 sq. ft. child care center at 865 S. 51ST Street which is legally described as:

Legal Description of Property

Lots 2 and 3 Wirtz Commercial Park Plat 1, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa; and;

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; and

WHEREAS, on November 20, 2019, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit.

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 (SPC-004525-2019) to operate a 12,000 sq. ft. child care center at 865 S 51ST Street, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit “A”, if any, is approved. 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 November 20, 2019.

Angie Pfannkuch, Chair

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on November 20, 2019, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

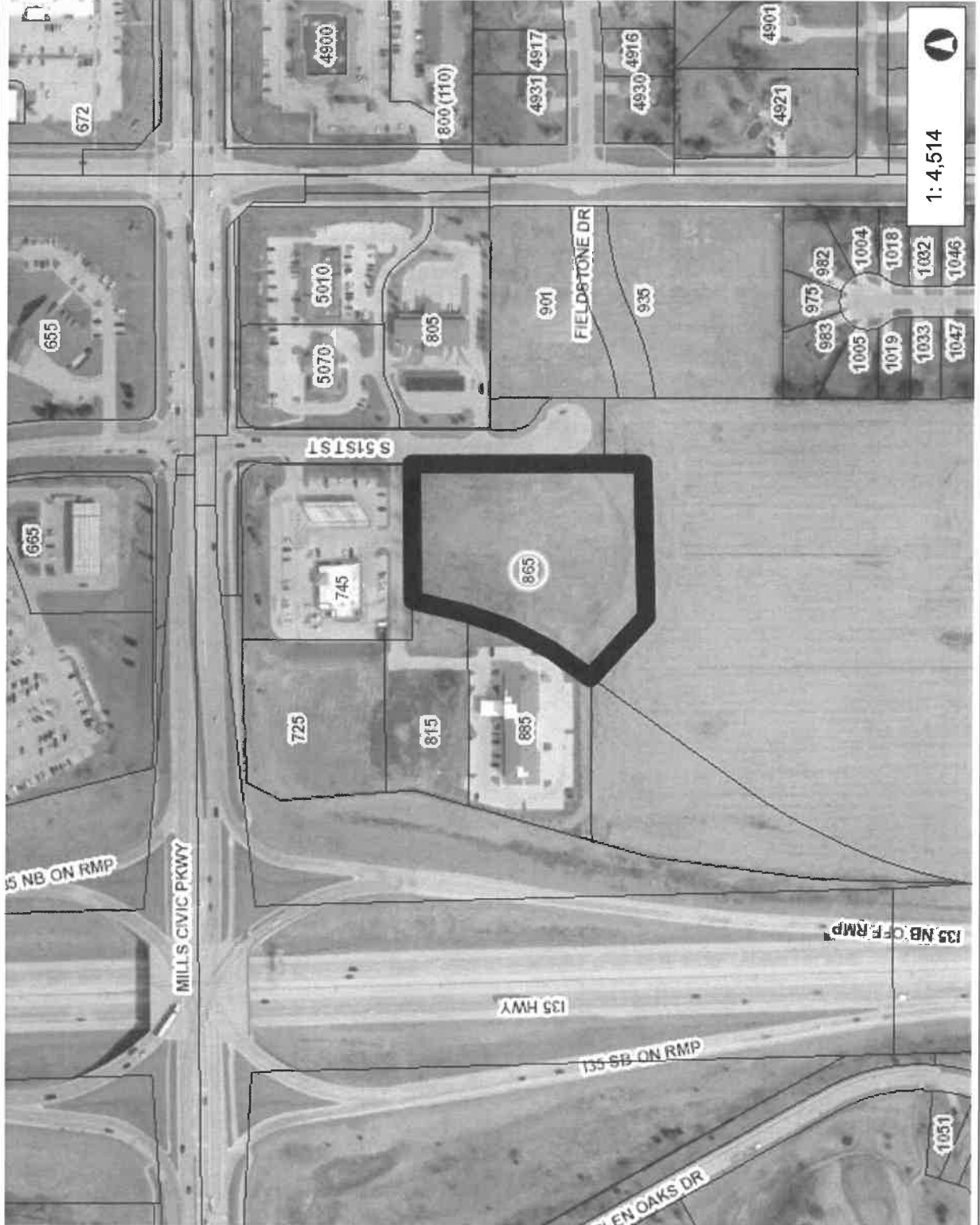
Recording Secretary

EXHIBIT A

None



865 S. 51st Street



1: 4,514



Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of West Des Moines, Iowa



Legend

- Addresses
- Corporate Limits
- Parcels

