

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

Meeting Date: March 17, 2021

Item: Ashworth Road Church Daycare, 5300 Ashworth Road –
Establish a Daycare Use – Ryan Lenerz – PC-005026-2021

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara V. Tragesser, AICP

Applicant's Request: Ryan Lenerz, with permission from the property owner, Ashworth Road Baptist Church, requests that the Board of Adjustment approve a Permitted Conditional Use permit to establish a daycare (SIC 8351) for children at the church at 5300 Ashworth Road as part of the church's ancillary uses. Previously, a preschool operated at the church, the current request to change that use to a day care. The day care would serve up to 80 children. The planned space is in 8 existing classrooms, hours of operation are proposed to be 6:30 am. To 6:30 pm Monday through Friday. There is an existing play area on site of approximately 3,500 sq. ft. to meet the West Des Moines requirement of dedicated play space. The daycare would be available to children 6 weeks to 5 years of age, with possible expansion in the future for summer programs for elementary aged children.

History: The property is zoned Single Family on the West Des Moines Zoning Map and has had a church on the property since approximately 1978.

City Council Subcommittee: This proposal was presented to the Development and Planning City Council Subcommittee on March 1, 2021. The Subcommittee was supportive of the project.

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

- **Traffic Study:** A traffic analysis was performed for the permitted conditional use request. The traffic study indicated that there is adequate capacity on the public roadway system for this use.

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 the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

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 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 March 6, 2021, notice of the March 17, 2021, 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 March 5, 2021.

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 the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to establish a daycare use at 5300 Ashworth Road for up to 80 children, subject to the applicant meeting all City Code requirements.

Property Owner/Applicant: Ashworth Road Baptist Church
5300 Ashworth Road
West Des Moines IA 50266

ATTACHMENTS:

- Attachment A - Location Map
- Attachment B - Board of Adjustment Resolution
- Exhibit A - Conditions of Approval

Attachment A – Location Map



Prepared by KTragesser: West Des Moines Development Services, 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-2021-04

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005026-2021) TO ALLOW A DAYCARE USE AT 5300 ASHWORTH ROAD FOR UP TO 80 CHILDREN

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Ashworth Road Baptist Church,, has requested approval of a Permitted Conditional Use permit to establish a daycare on that property located at 5300 Ashworth Road and legally described as follows:

Legal Description of Property

THE FOLLOWING DESCRIBED REAL ESTATE IN POLK COUNTY, IOWA: COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M.; THENCE N 89 DEGREES 27'59" E ALONG THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 7 FOR 660.29 FEET TO THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 35; THENCE S 00 DEGREES 23'15" W ALONG SAID WEST LINE FOR 310 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE FOR 85.22 FEET; THENCE N 78 DEGREES 19' 05" W FOR 82.73 FEET; THENCE N 53 DEGREES 59' 00" E FOR 112.99 FEET TO THE POINT OF BEGINNING. TAX ID: 320/00092-003-004.

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;

WHEREAS, on March 17, 2021, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-005026-2021).

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, dated March 17, 2021, or as amended orally at the Board of Adjustment hearing of March 17, 2021, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-005026-2021) is approved, subject to compliance with all the conditions in the staff report, dated March 17, 2021, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. 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 17, 2021.

Angie Pfannkuch, Chair
Board of Adjustment

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 March 17, 2021, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

None.