

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

Meeting Date: July 21, 2021

Item: Element Hotel Daycare, 575 S. Prairie View Drive – Permitted Conditional Use Permit – Silverwest I WDM LLC – PC-005233-2021

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Bryce C. Johnson

Applicant's Request: The applicant, Amanda Sampino, Manager of the Element Hotel, and the property owner, Silverwest I WDM LLC, requests that the Board of Adjustment approve a Permitted Conditional Use permit to operate a daycare within an existing hotel.

History: In 2015, an Overlay Site Plan (OSP) was approved for the construction of the existing four-story Element Hotel. The first floor of this building includes several meeting rooms, commercial kitchen, and a retail space. Given the aftermath of the COVID-19 pandemic, the applicant feels the retail space would be better utilized as a daycare. The applicant has noted in their application that the daycare will provide childcare services for up to 12 children, half of which will be for hotel employees and the balance open to the public.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on June 7, 2021 as an informational item only.

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 would summarize the following key points of interest:

- *Outdoor Space Requirement: City code requires daycare operations to provide 1,000-square feet of outdoor play space for facilities under 20 children. The applicant will utilize the existing courtyard, installing new fences as necessary to keep the area safe and secure, to satisfy this code requirement.*

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.

Town Center Overlay District Consistency: The proposed Permitted Conditional Use has been reviewed for consistency with the proposed Town Center Overlay District Guidelines. Based upon that review, a finding has been made that the proposed Permitted Conditional Use is consistent with the Town Center Overlay District Guidelines in that the Permitted Conditional Use is consistent with the overall objective and intents of the Town Center Overlay District Guidelines.

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 July 6, 2021, notice of the July 21, 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 July 10, 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 Town Center Overlay District Guidelines, and the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to operate a daycare facility, subject to the applicant meeting all City Code requirements and the following:

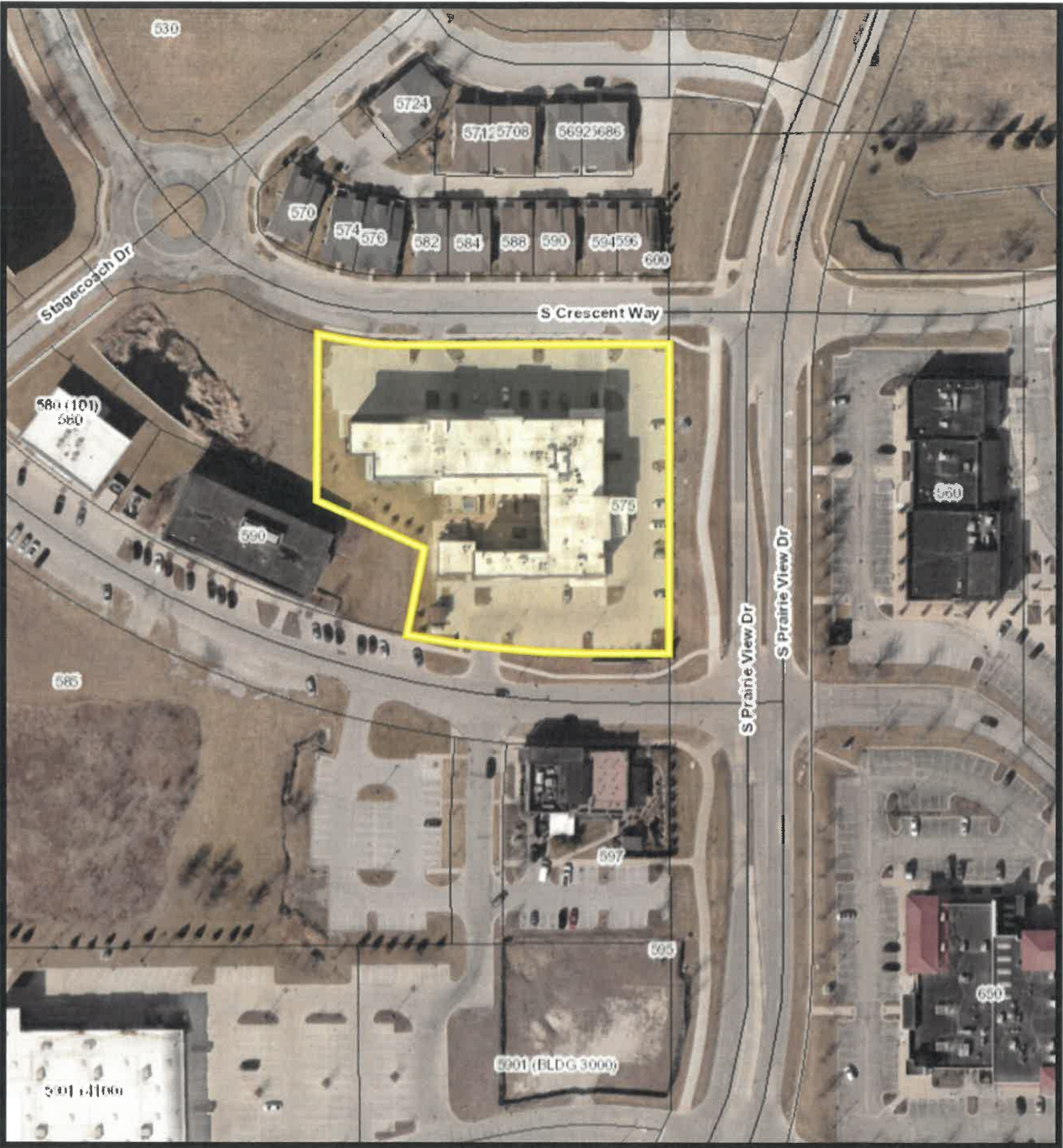
Property Owner: Charles S. Peck
Silverwest I WDM LLC
101 University Blvd, Ste. #200
Denver, CO 80206

Applicant(s): Amanda Sampino
Element Hotel West Des Moines
575 S. Prairie View Drive
West Des Moines, IA 50265

ATTACHMENTS:

- | | | |
|--------------|---|--|
| Attachment A | - | Location Map |
| Attachment B | - | Illustrations |
| Attachment C | - | Applicant's Cover Letter Summarizing the Request |
| Attachment D | - | Board of Adjustment Resolution |
| Exhibit A | - | Conditions of Approval |

Location Map



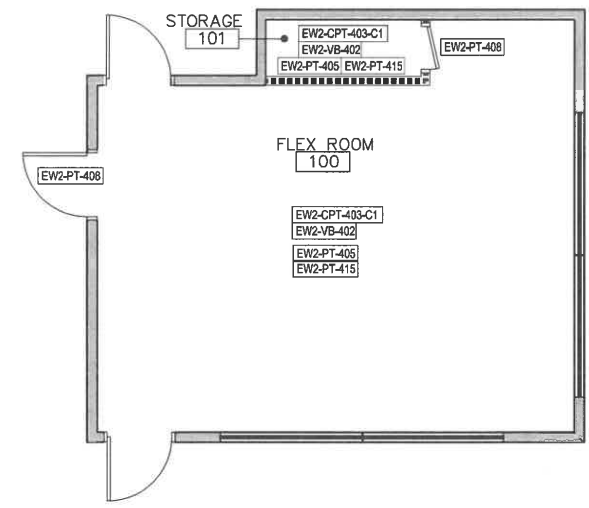


J-SQUARED PLANNING & DESIGN, LLC
 22462 EAST HIDDEN TRAIL DRIVE
 PARKER, COLORADO 80138
 303-726-1707 FAX 303-777-6865

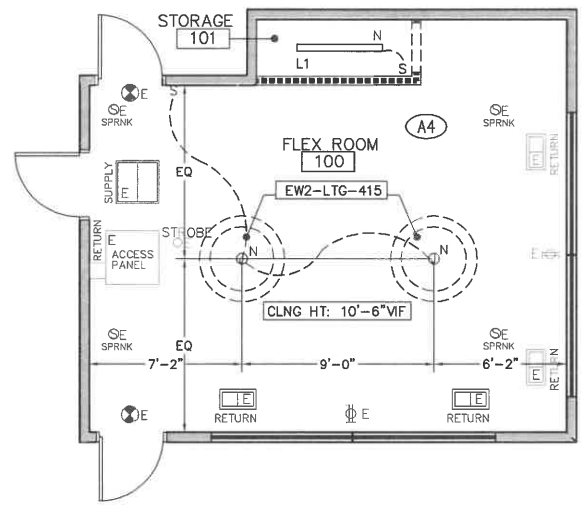
PLACE STAMP HERE

ELEMENT BY WESTIN, WEST DEMOINES, IA
 575 S. PRARIE VIEW DRIVE, WEST DES MOINES, IA 50266
 NEW FLEX ROOM

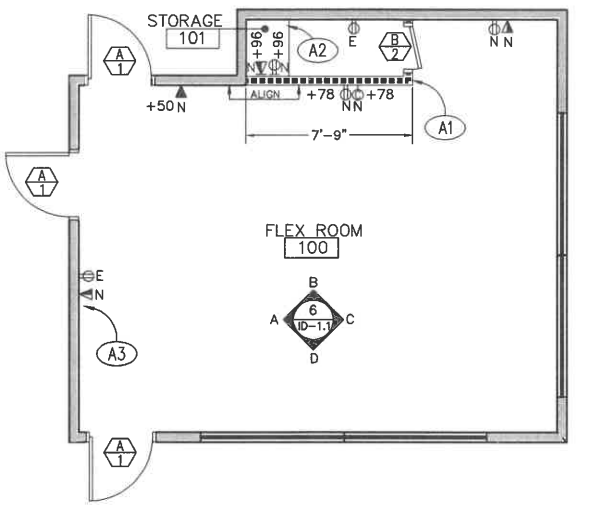
29 APRIL 2019



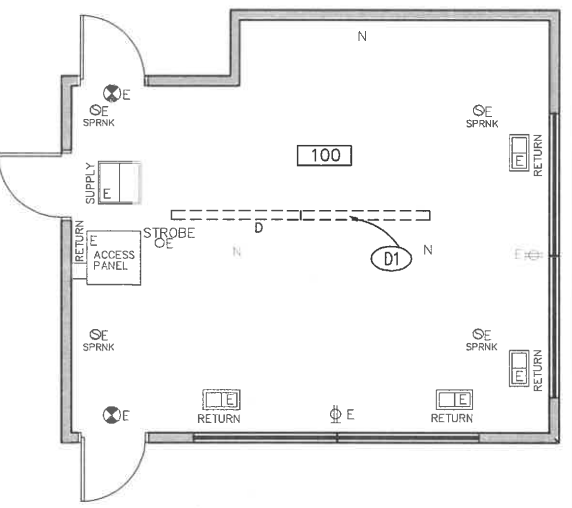
4 NEW FINISH PLAN
 SCALE: 1/4"=1'-0"



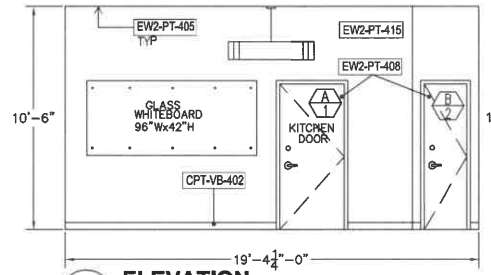
3 NEW REFLECTED CEILING PLAN
 SCALE: 1/4"=1'-0"



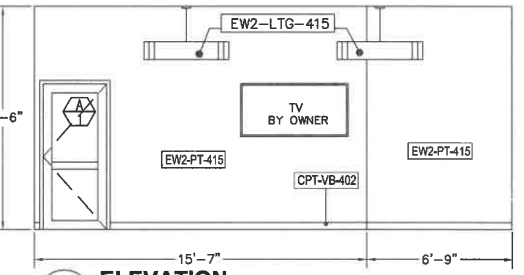
2 NEW PARTITION/POWER/DATA PLAN
 SCALE: 1/4"=1'-0"



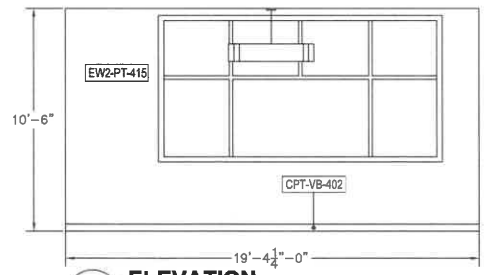
1 DEMO RCP PLAN
 SCALE: 1/4"=1'-0"



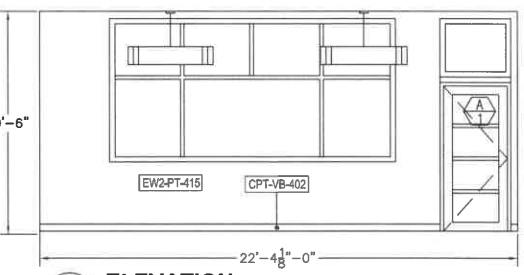
6A ELEVATION
 SCALE: 1/4"=1'-0"



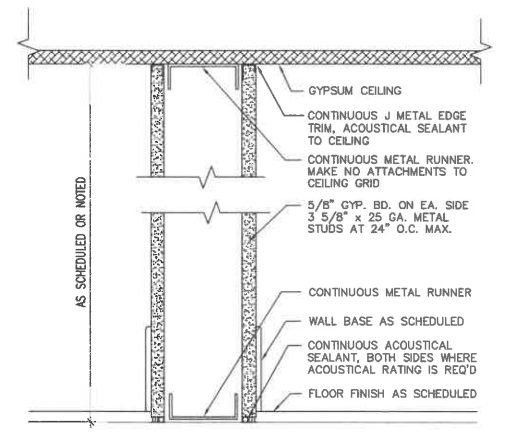
6B ELEVATION
 SCALE: 1/4"=1'-0"



6C ELEVATION
 SCALE: 1/4"=1'-0"



6D ELEVATION
 SCALE: 1/4"=1'-0"



5 NEW PARTITION DETAIL
 SCALE: 3"=1'-0"

FINISH SCHEDULE	
EW2-CPT-403-C1 PURCHASED BY OWNER	12x12 CARPET TILE - W/ ATTACHED PAD MAN: TANDUS-CENTIVA PATTERN: SQUARE UP 04980 COLOR: SALTED CARAMEL 71618 LOCATION: LARGE MTG ROOM
CPT-VB-402	VINYL WALL BASE - CHECK ATTIC STOCK MAN: JOHNSONITE STYLE: MILLWORK 535 CUSTOM OBLIQUE COLOR: 169 THUNDER DIMENSIONS: 4" H X 3/4" THICK NOTE: CHECK ATTIC STOCK FOR THIS FIRST. SINCE THIS IS A CUSTOM YOU MAY NOT BE ABLE TO GET AGAIN WITHOUT LARGE QUANTITY. SEE SPEC SHEET FOR ALTERNATES
EW2-PT-405	ACCENT CEILING MAN: BENJAMINMOORE STYLE: INTERIOR FLAT FINISH 547 (2 COATS) COLOR: HORIZON OC-53 LOCATION: FLEX RM CEILING
EW2-PT-408	DOOR/FRAMES MAN: BENJAMINMOORE STYLE: INTERIOR SEMI-GLOSS FINISH 551 (2 COATS) COLOR: OC-118 SHOWALL WHITE LOCATION: NEW DOOR STORAGE RM DOOR & EXISTING DOOR TO KITCHEN. NOTE: GLASS STOREFRONT DOORS TO REMAIN AS IS
EW2-PT-415	WALLS MAN: BENJAMIN MOORE STYLE: PEARL FINISH 550 (2 COATS) COLOR: HARBOR HAZE 2136-60 LOCATION: ALL WALLS

DOOR SCHEDULE	
DOOR TYPE	EXISTING DOOR AND HOLLOW METAL FRAME TO REMAIN IN CURRENT POSITION
A	NEW 2'-0" W X 7'-0" H (VF) NON-RATED DOOR IN HOLLOW METAL FRAME, PAINTED RE: VERIFY EXISTING KITCHEN DOOR FOR HT.
HARDWARE SCHEDULE	
GROUP	TYPE
1	EXISTING HARDWARE
2	ADA COMPLIANT LEVER HARDWARE WITH LOCK SET TO MATCH EXISTING. CONTRACTOR TO COORDINATE KEYING WITH GENERAL MANAGER
PARTITION TYPE SYMBOLS	
EXISTING PARTITION TO REMAIN	WALL TYPE SYMBOL
UNDERSIDE OF EXISTING CEILING; RE: DETAIL 5/D-1.1	
3 5/8" 25 GA METAL STUD @ 16" O.C. 1 LAYER OF 5/8" GIB ON EACH SIDE	1/8"

POWER/SIGNAL LEGEND	
⊕	WALL MOUNTED DUPLEX OUTLET
⊕	220 VOLT WALL MOUNTED DEDICATED OUTLET
⊕	WALL MOUNTED QUAD OUTLET
⊕	WALL MOUNTED TELEPHONE OUTLET
⊕	WALL MOUNTED TELEPHONE/DATA OUTLET
⊕	COAX CABLE FOR TELEVISION
⊕	J-BOX
POWER/SIGNAL ANNOTATION	
⊕+XX	WALL MOUNTED DUPLEX OUTLET HEIGHT A.F.F. AS INDICATED.
⊕ GFI	GROUND FAULT INTERRUPT
⊕ E	EXISTING
⊕ R	RELOCATED
RCP	
⊕	1x4 LED SURFACE MOUNTED LIGHT
NOTE: CEILING HEIGHT 10'-6" UNLESS NOTED OTHERWISE NOTE: GC TO MATCH EXISTING CEILING TILE AND GRID	

GENERAL NOTES

1. ALL EXISTING CONDITIONS ARE TO BE VERIFIED BY GENERAL CONTRACTOR AND/OR SUBCONTRACTORS PRIOR TO SUBMITTING PRICING OR IMPLEMENTING ANY WORK. ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD VERIFICATIONS TO BE COMMUNICATED TO J-SQUARED PLANNING & DESIGN, LLC.
2. MEP AND FIRE/SPRINKLER TO BE PROVIDED BY GENERAL CONTRACTOR ON A DESIGN-BUILD BASIS.
3. WHERE FURRED PARTITIONS EXCEED MAXIMUM HT, BRACE TO ADJACENT STRUCTURE.
4. PROVIDE BLOCKING AS REQUIRED AT LOCATIONS INCLUDING BUT NOT LIMITED TO: STORAGE ROOM SHELVING, TELEVISION, GLASS WHITE BOARD, ETC.
5. RE: WALL POCHÉ FOR WALL TYPES
6. ALL ELECTRICAL DEVICES TO MATCH EXISTING CONDITIONS.
7. GC TO REPAIR GYP BOARD AT WALLS AND CEILINGS TO MATCH ADJACENT FINISH AS REQUIRED BY BUILDING SETTLING, DEMO OF EXISTING LIGHT FIXTURES/SPRINKLERS, FIRE STROBE OUTLETS, SWITCHES, THERMOSTATS, ETC.

EXCLUSIONS

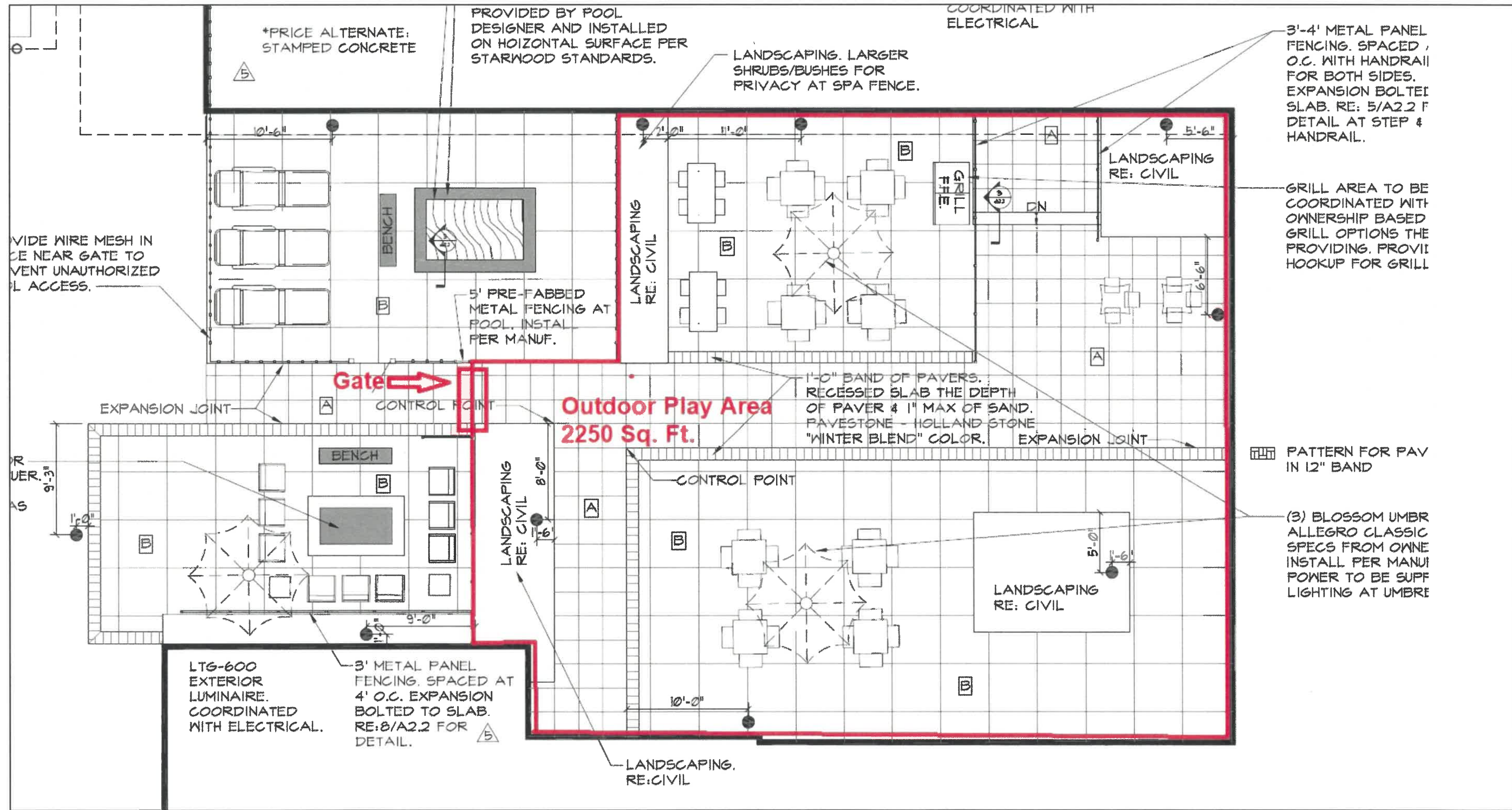
*NOTE: ITEMS EXCLUDED FROM THE SCOPE OF V FURNITURE AND EQUIPMENT NOTED "BY OTHER". COORDINATE WITH TENANT AS REQUIRED.

KEYED NOTES	
(D1)	DEMO EXISTING SURFACE MOUNTED LIGHT FIXTURE. RELOCATE POWER TO NEW LOCATION AND REPAIR DRYWALL TO MATCH ADJACENT SURFACE.
(A1)	PROVIDE NEW PARTITION AND DOOR. RE: DOOR AND PARTITION SCHEDULE.
(A2)	PROVIDE (5) 24"D X ~ 32"W ADJUSTABLE MDF SHELVES ON HEAVY DUTY WALL STANDARDS. G.C. TO PROVIDE BLOCKING
(A3)	GC TO PROVIDE 96"W X 42"H X 1/4" THICK TEMPERED, FROSTED GLASS WITH POLISHED EDGES (ALL SIDES) AND 1" DIAMETER X 1/2" DEEP STAINLESS STEEL STAND-OFFS. THE NUMBER OF STAND-OFFS TO BE DETERMINED BASED ON THE WEIGHT OF THE GLASS. GC TO COORDINATE WALL BLOCKING TO SUPPORT HARDWARE AND GLASS.
(A4)	PROVIDE (3) NEW J-BOX FOR NEW LIGHT FIXTURES. GC TO PROVIDE "L1" LED FIXTURE IN STORAGE ROOM. OWNER TO PROVIDE (2) PENDANTS FOR ELECTRICIAN TO INSTALL IN FLEX ROOM. RE: SPEC SHEET

Plans included are for illustrative purposes only.
Approve plans on file with the City.

Description	Date
PRICING PLAN	05.06.2019
CD REVIEW	05.06.2019
Check: _____	Owner Approval: _____
Scale: _____	

FLEX ROOM DEMO,
 NEW PLANS &
 DETAILS
 ID-1.1





ELEMENT HOTEL BY WESTIN
 VILLAGE OF PONDEROSA
 WEST DES MOINES, IOWA

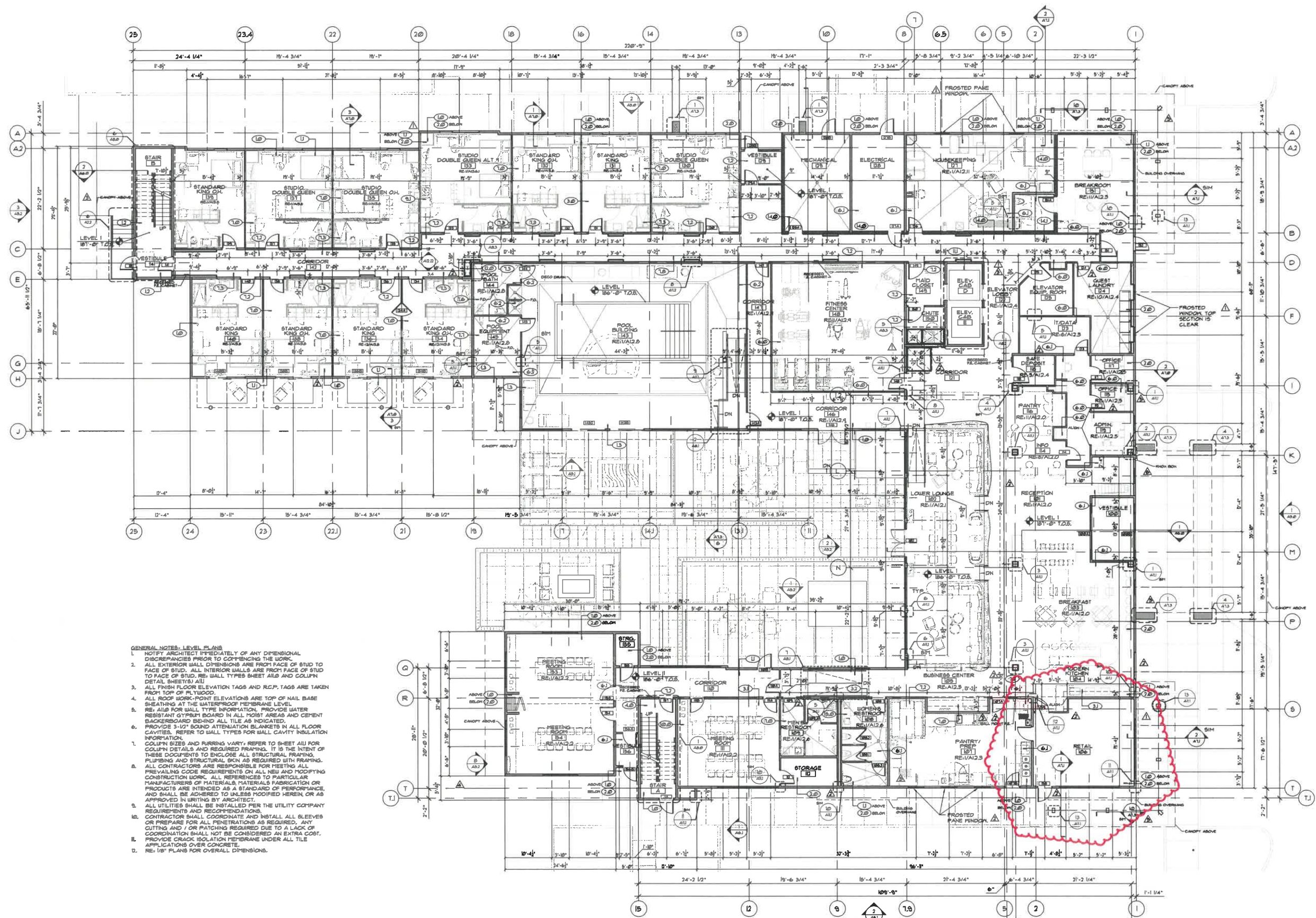


- Revisions:
- 1. PERMIT FOR CONSTRUCTION 03.03.16
 - 2. OWNER REVISIONS BLDG. DEPT. COMMENTS FOR CONSTRUCTION 04.29.16
 - 3. A81 03 ELEVATOR SHAFT -04.29.16
 - 4. A81 04 CONFERENCE ROOM -05.02.16
 - 5. A81 05 PORTE-COCHERE -05.02.16
 - 6. A81 06 FIRE MARSHAL COMMENTS 05.16.16
 - 7. STAIRWELL SUBMITTAL -AIA CD# 05.20.16



Date: 05.20.16
 Project No: 200100
 Drawn by: EDT
 Checked by: KAO

Sheet Of
A3.0
 LEVEL 1 PLAN



- GENERAL NOTES - LEVEL PLANS
1. NOTIFY ARCHITECT IMMEDIATELY OF ANY DIMENSIONAL DISCREPANCIES PRIOR TO COMMENCING THE WORK.
 2. ALL EXTERIOR WALL DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD. ALL INTERIOR WALLS ARE FROM FACE OF STUD TO FACE OF STUD. RE: WALL TYPES SHEET A10 AND COLUMN DETAIL SHEETS (A11).
 3. ALL FINISH FLOOR ELEVATION TAGS AND R.C.P. TAGS ARE TAKEN FROM TOP OF PLYWOOD.
 4. ALL ROOF WORK-POINT ELEVATIONS ARE TOP OF NAIL BASE SHEATHING AT THE WATERPROOF MEMBRANE LEVEL. RE: ALSO FOR WALL TYPE INFORMATION. PROVIDE WATER RESISTANT GYPUM BOARD IN ALL MOIST AREAS AND CEMENT BACKERSBOARD BEHIND ALL TILE AS INDICATED.
 5. PROVIDE 3-1/2" SOUND ATTENUATION BLANKETS IN ALL FLOOR CAVITIES. REFER TO WALL TYPES FOR WALL CAVITY INSULATION INFORMATION.
 6. COLUMN SIZES AND RIRRING VARY; REFER TO SHEET A10 FOR COLUMN DETAILS AND REQUIRED FRAMING. IT IS THE INTENT OF THESE DOCUMENTS TO ENCLOSE ALL STRUCTURAL FRAMING, PLUMBING AND STRUCTURAL SCKN AS REQUIRED WITH FRAMING.
 7. ALL CONTRACTORS ARE RESPONSIBLE FOR FREETING ALL PREVAILING CODE REQUIREMENTS ON ALL NEW AND MODIFYING CONSTRUCTION WORK. ALL REFERENCES TO PARTICULAR MANUFACTURERS OF MATERIALS, MATERIALS FABRICATION OR PRODUCTS ARE INTENDED AS A STANDARD OF PERFORMANCE, AND SHALL BE ADHERED TO UNLESS MODIFIED HEREIN OR AS APPROVED IN WRITING BY ARCHITECT.
 8. ALL UTILITIES SHALL BE INSTALLED PER THE UTILITY COMPANY REQUIREMENTS AND RECOMMENDATIONS.
 9. CONTRACTOR SHALL COORDINATE AND INSTALL ALL BREEVES OR PREPARE FOR ALL PENETRATIONS AS REQUIRED. ANY CUTTING AND / OR PATCHING REQUIRED DUE TO A LACK OF COORDINATION SHALL NOT BE CONSIDERED AN EXTRA COST.
 10. PROVIDE CRACK ISOLATION MEMBRANE UNDER ALL TILE APPLICATIONS OVER CONCRETE.
 11. RE: 1/8" PLANS FOR OVERALL DIMENSIONS.

1 LEVEL 1 PLAN
 A3.0 1/8" = 1'-0"

Applicant's Cover Letter



Element West Des Moines
575 South Prairie View Drive
West Des Moines, Iowa 50266
Tel 515-661-4345
<http://www.elementwestdesmoines.com>

We are submitting this request for a conditional use permit to allow us to lease a retail space to operate as a daycare center within our hotel. We have a vacant space which was developed in 2019 as for use as a meeting room, but we are looking to repurpose the space for a better use in the current post-COVID climate.

As I am sure that you are aware the hospitality industry suffered greatly in 2020 due to the dramatic drop in travel across the country. We are happy to say that we were able to bring all of our staff back to full time almost immediately in 2020 after the low point in April and May, and have had very good retention numbers for our team members. We have done everything that we can to take care of our staff during these challenging times and this day care center is the next step for us.

Our intent with this retail space within our building is to lease the space to a company or certified individual to run a daycare facility with the intent of providing daycare at an affordable and deeply discounted rate for our employees at the hotel, as well as to outside individuals. We have many of our team members who are struggling to find affordable child care with the challenges around modifications to school schedules as well as the state wide shortage of facilities, and we would like to help meet this need.

We are located in the Village of Ponderosa, between the residential housing development and several businesses. We feel that a daycare would fit well in this area as both individuals in the residential development and employees of businesses nearby would find value in this service. Given this information we believe that the proposed use for this space would be compatible with the uses within our zone and current area.

The space proposed for this daycare center is a little over 400 sq. ft., which limits the number of children in the space to under a dozen. We anticipate 6 of these potentially available daycare slots being taken up by our team members on any given day. This means that relatively few additional outside vehicles will be traveling Prairie View Drive in order to reach this business. Because of this we believe that there is already adequate on and off site public infrastructure to support the proposed use and that it is in keeping with the scale and nature of the surrounding neighborhood.

We have had the Fire Marshall out to inspect the proposed space for us for this use and the initial findings have been good, showing that all applicable standards and conditions have been met which protect the public health, safety, and welfare. We have also had a Community Development Specialist with the Des Moines Department of Human Services come out to provide input on the proposed project so that we can ensure that the space will work for the intended use and these findings have also been very positive.

After having reviewed the code we believe that this proposal has met all of the requirements listed therein, and that this proposed use is consistent with the West Des Moines comprehensive plan and applicable subarea plans. We do hope that your findings will be consistent with this and that you feel our community and employees will all benefit from this proposal.

Amanda Sampino

A handwritten signature in black ink, appearing to read "Amanda Sampino".

General Manager

Element West Des Moines
Element West Des Moines is in pursuit of Green Globe certification.

Made from 100% postconsumer waste



Prepared by: B. Johnson West Des Moines Development Services, PO Box 65320 West Des Moines IA 50265, 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-2021-09

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005233-2021) TO ALLOW DAYCARE OPERATIONS LOCATED AT 575 S. PRAIRIE VIEW DRIVE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Amanda Sampino, with permission from the owner, Silverwest I WDM LLC, has requested approval of a Permitted Conditional Use permit to operate a daycare located at 575 S. Prairie View Drive, and legally described as follows:

LOT 37 THE VILLAGE OF PONDEROSA, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF 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 July 21, 2021, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-005233-2021);

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 July 21, 2021, or as amended orally at the Board of Adjustment hearing of July 21, 2021, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-005233-2021) is approved, subject to compliance with all the conditions in the staff report, dated July 21, 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 July 21, 2021

Michele Stevens, Chairperson
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 July 21, 2021, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. None.