

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: June 15, 2022

ITEM: Champion's Hideaway, 315 5th Street, Suite 180 – Approval to establish Permitted Conditional Use to operate a 1,316-square foot bar – Cory Sharp – PC-005614-2022 (Deferred from June 1, 2022, meeting)

RESOLUTION: Approval to Establish Land Use

Background: Cory Sharp with FEH Design, on behalf of the applicant, Brett Champion, and property owner, Taxium LLC, request approval of a Permitted Conditional Use (Pc) for that property located at 315 5th Street. Specifically, the applicant requests to operate a bar without food in a 1,316 square foot tenant suite located in the southeast corner on the ground level of the existing building. The applicant originally indicated 120sf of outdoor patio for the bar; however, that request has been withdrawn and no outdoor patio or service area is contemplated at this time. It is important to note that any expansion of this use, such as a patio or outdoor service area, in the future will require the expanded use area be approved by the Board of Adjustment.

Due to a conflict with a meeting of the Historic West Des Moines Master Plan committee, staff was directed to request deferral of the Board's consideration to allow individuals that are on the master plan committee to be in attendance to speak on the matter. The Board of Adjustment voted unanimously to defer this project from the June 1st meeting to this June 15th meeting. Staff sent courtesy letters to properties within 370' of the 315 5th Street property informing that this item was now to be considered at the June 15th meeting.

Staff Review & Comment:

- **History:** A site plan was approved by City Council in December 2022 for the existing building (SP-004778-2020) where the proposed bar is requesting to operate. To date, there are several outstanding inspection items that the property owner must resolve prior to the city issuing a final Certificate of Occupancy (CO), which is required before the general public can enter the building. The applicant has acknowledged the outstanding items and is working with the property owner to ensure they are addressed. This is important to note because the applicant's Pc request is strictly for the desired land use at this location and cannot open to the general public until a Certificate of Occupancy is issued for this tenant suite.
- **Traffic Analysis Findings:** A Traffic Impact Study for the proposed bar land use was not required.
- **Staff Concerns:** An outdoor patio area was originally proposed for this development but has since been removed due to inability to comply with accessibility requirements.
 - **Site Guard Rails:** The approved site plan requires guard rails along the front of the existing parking spaces and access stairs. The applicant received a Temporary Certificate of Occupancy to allow people to access the upper story apartment units, but staff would like to see the permanent railings installed prior to the bar opening.

Recommendation: Approve the Permitted Conditional Use request, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. ~~The applicant receiving approval from the Des Moines Wastewater Reclamation Authority for the connection to the existing grease interceptor prior to the issuance of any building permit. The applicant has met this condition.~~
2. Prior to the bar opening, the property owner must address all outstanding inspection items and receive a final Certificate of Occupancy.

Lead Staff Member: Bryce Johnson

Approval Meeting Date:

Board of Adjustment	June 1, 2022 (deferred)
Board of Adjustment	June 15, 2022

Staff Report Reviews:

Development Coordinator (or) Director Legal Department

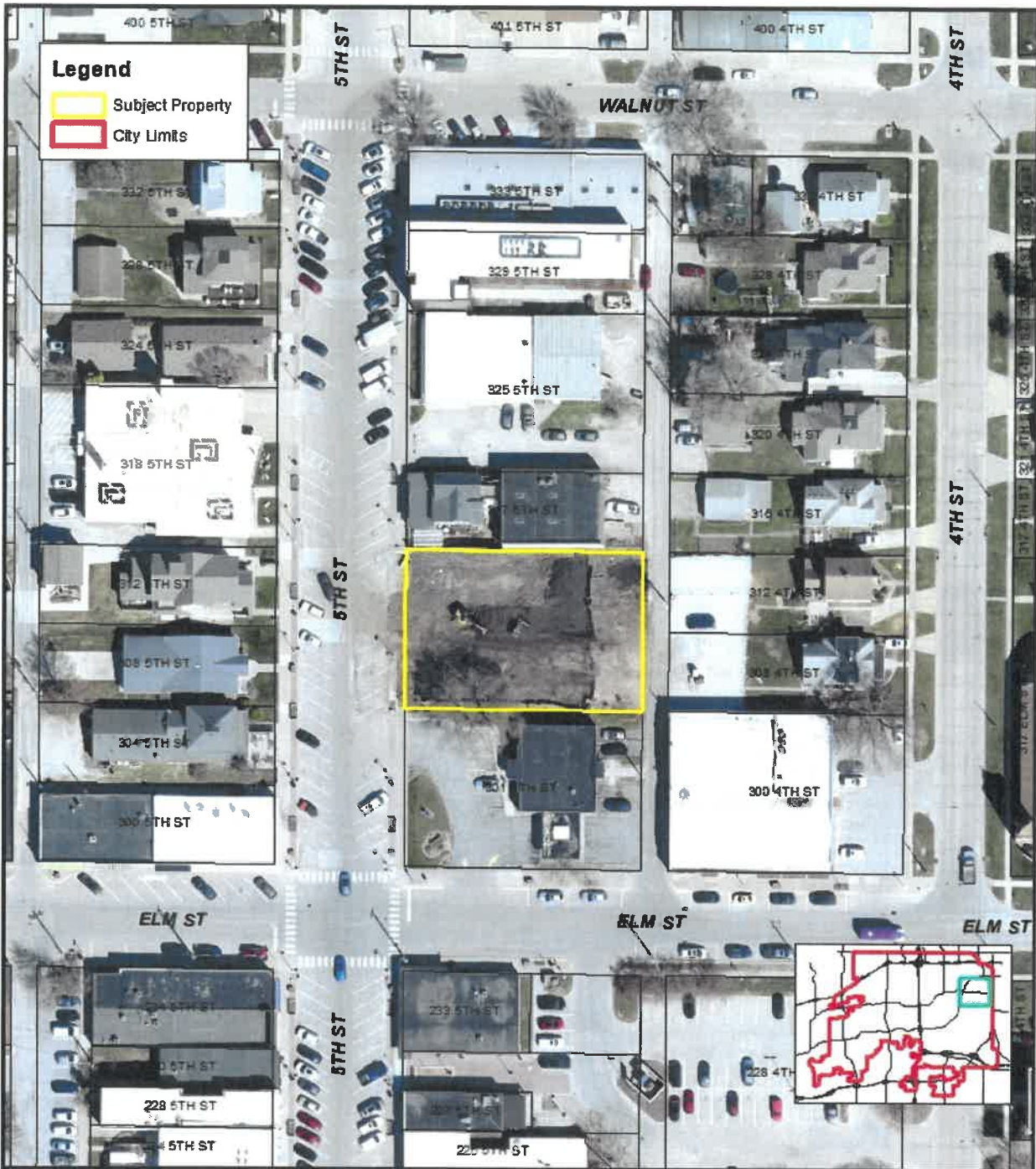
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	5/18/22
Date(s) of Mailed Notices	5/18/22

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	Not Applicable
Recommendation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split <input checked="" type="checkbox"/> No Discussion

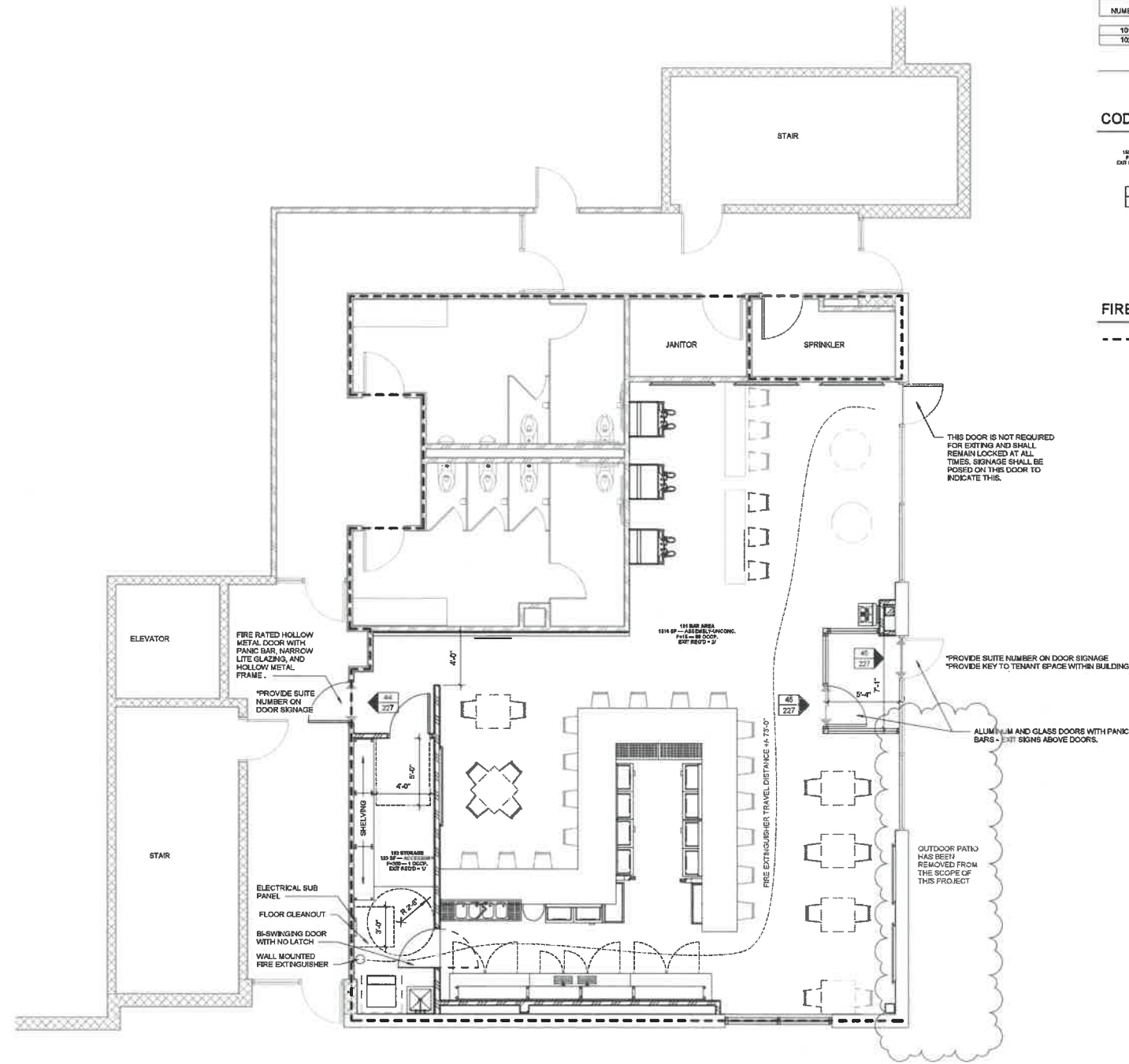
Location Map



315 5th Street Site Location Map



* For illustrative purposes only. The City of West Des Moines claims no responsibility for its correctness or content accuracy.



1 BUILDING CODE PLAN - MAIN LEVEL
SCALE: 1/4" = 1'-0"

OCCUPANCY LOAD SCHEDULE					
NUMBER	NAME	FUNCTION OF SPACE	AREA	OCCUPANT LOAD FACTOR	OCCUPANT LOAD
101	BAR AREA	ASSEMBLY-UNCONC.	5316 SF	15	88
102	STORAGE	ACCESSORY	123 SF	300	1
			1438 SF		89
	PATIO	ASSEMBLY - UNCONC.	120 SF	15	8
TOTAL:			1561 SF (NET)		97

CODE PLAN LEGEND

- ROOM TAG**
ROOM NUMBER, ROOM NAME, AREA (SF) - FUNCTION OF SPACE PER TABLE 1004.1.2, OCCUPANT LOAD FACTOR - OCCUPANT LOAD, EXITS REQUIRED - EXIST PROVIDED
- DOOR TAG**
ASSIGNED OCCUPANT LOAD ON THE CORRIDOR, ALLOWED OCCUPANT LOAD ON THE CORRIDOR, CLEAR CORRIDOR WIDTH

FIRE SEPARATION LEGEND

- 1 HOUR FIRE BARRIER (80M DOORS, W-40M FIRE-RESISTANCE-RATED ASSEMBLIES) (85M DOORS, 45M WINDOW ASSEMBLY @ INCIDENTAL USE AND MIXED USE OCCUPANCY SEPARATION)

CODE INFORMATION

PROJECT DESCRIPTION:
TENANT SPACE BUILDOUT OF A NEWLY CONSTRUCTED BUILDING. NEW TENANT SPACE SHALL INCLUDE A NEW BAR ESTABLISHMENT WITH AN ASSORTMENT OF SEATING, NECESSARY BAR APPLIANCES, STORAGE, AND OTHER ASSOCIATED AREAS.

- APPLICABLE CODES:**
- 2018 - INTERNATIONAL BUILDING CODE
 - 2021 - INTERNATIONAL MECHANICAL CODE
 - 2021 - UNIFORM PLUMBING CODE
 - 2015 - INTERNATIONAL FUEL GAS CODE
 - 2012 - INTERNATIONAL ENERGY CODE
 - 2015 - INTERNATIONAL EXISTING BUILDING CODE
 - 2003 - NATIONAL ELECTRICAL CODE
 - 2015 - INTERNATIONAL FIRE CODE
 - 2010 - ADAAG

OCCUPANCY TYPE (CHAPTER 3)
TYPE A-2 OCCUPANCY

BUILDING HEIGHTS AND AREAS (CHAPTER 3)

PROPOSED BUILDING
1,530 GROSS SQ.FT., INDOOR
120 PATIO
TOTAL: 1,650 SF

TYPES OF CONSTRUCTION (CHAPTER 3)
TYPE I-B CONSTRUCTION

FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (TABLE 601)
NONBEARING WALLS AND PARTITIONS - INTERIOR _____ 1 HOUR AS INDICATED ON PLANS

- FIRE PROTECTION SYSTEMS (CHAPTER 9)**
- FIRE ALARM _____ REQUIRED-PROVIDED
 - FIRE ALARM CONTROL PANEL _____ REQUIRED-PROVIDED
 - REMOTE ANNUNCIATOR PANEL _____ REQUIRED-PROVIDED
 - SMOKE DETECTION _____ REQUIRED-PROVIDED
 - HEAT DETECTION _____ REQUIRED-PROVIDED
 - SUPPRESSION - AUTOMATIC SPRINKLER _____ REQUIRED-PROVIDED / NOT REQUIRED-NOT PROVIDED
 - FIRE EXTINGUISHERS _____ REQUIRED-PROVIDED PER NFPA 10

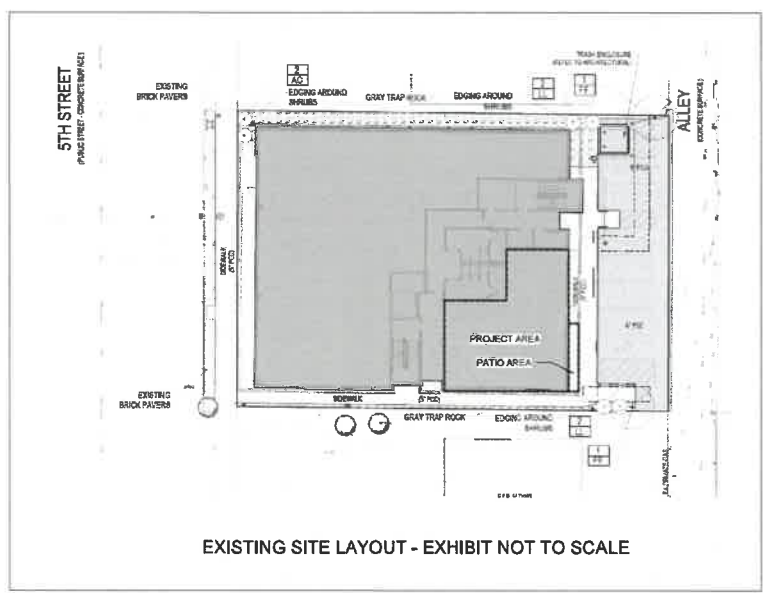
MEANS OF EGRESS (CHAPTER 10)
1004 DESIGN OCCUPANT LOADS
TOTAL OCCUPANTS: 89

- 1005.1 EGRESS WIDTH
MEANS OF EGRESS CAPACITY FACTOR = .15 INCH (1005.3.2) / TOTAL EXIT WIDTH = 14 INCHES
- 1006 MEANS OF EGRESS ILLUMINATION
TO BE ILLUMINATED ALL TIMES (1006.2)
- 1006.1 ACCESSIBLE MEANS OF EGRESS
2 MEANS OF EGRESS REQUIRED AND PROVIDED
- 1010.1.1 WIDTH OF DOOR
MINIMUM CLEAR WIDTH OF 32 INCHES
- 1010.1.2.1 DOOR SWING
SWING IN THE DIRECTION OF EGRESS TRAVEL (50 OR MORE OCCUPANT LOAD)
- 1013.1 EXIT SIGNS
NO MORE THAN 100 FEET VIEWING DISTANCE
- 1013.5, 1013.6 EXIT SIGN ILLUMINATION
EXIT SIGNS SHOULD BE INTERNALLY OR EXTERNALLY ILLUMINATED
- 1017.2 EXIT ACCESS TRAVEL DISTANCE (TABLE 1017.2)
250 FEET WITH SPRINKLER
- 1022 EXITS
AS SHOWN ON THE PLAN
- 1022.1 EXIT DISCHARGE
EXITS SHALL DISCHARGE DIRECTLY TO THE EXTERIOR OF THE BUILDING

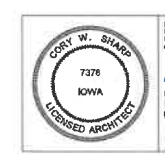
ROOF ASSEMBLIES AND ROOFTOP STRUCTURES (CHAPTER 15)
1505.1 FIRE CLASSIFICATION (TABLE 1505.1)
MINIMUM ROOF COVERING CLASSIFICATION _____

PLUMBING SYSTEMS (CHAPTER 28)
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES (TABLE 2805.1)
PLUMBING FIXTURES PROVIDED ARE PART OF THE SHARED BUILDING SPACE AND ARE ASSUMED TO MEET QUANTITY REQUIREMENTS WHEN SUMMATED WITH OTHER MAIN LEVEL BUILDING SPACES

2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
208 PARKING SPACES
REQUIRED PARKING PROVIDED ARE PART OF THE SHARED BUILDING SPACE AND ARE ASSUMED TO MEET QUANTITY REQUIREMENTS WHEN SUMMATED WITH OTHER BUILDING SPACES



EXISTING SITE LAYOUT - EXHIBIT NOT TO SCALE



I HEREBY CERTIFY THAT THE PORTION OF THIS TECHNICAL SUBMISSION DESCRIBED HEREIN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND RESPONSIBLE CHARGE, IS A TRULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF IOWA.

DATE: 5/23/2022
SITE: _____
DRAWN BY: _____
CHECKED BY: _____
DESIGNED BY: Cory W. Sharp, A.I.A.
ISSUED: _____
REVISIONS: _____
DATE: _____
PAGE(S) OR SHEET(S) COVERED BY THIS SEAL: _____

FEH DESIGN

IN ASSOCIATION WITH

BUILDING CODE PLAN

CHAMPION'S HIDEAWAY

315 5TH STREET
WEST DES MOINES, IOWA 50265

PROJECT TITLE: BRETT CHAMPION
DATE ISSUED: 4-27-2022
REV. NO. 1
DATE 1
Revision 1 Date 1

PROJECT NUMBER: 2022207
SHEET: AG1.2

DUBUQUE, IA
OCCOMOYOC, WI
(563) 583-4900
(262) 865-2655

DES MOINES, IA
(515) 285-2000

SIOUX CITY, IA
(712) 252-3888

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FEHDESIGN.COM

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY - APPROVED PLANS ON FILE WITH THE CITY

Prepared by: Bryce Johnson, City of West Des Moines Development Services Dept., 515-222-3620
When Recorded, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA
Return to: 50265-0320

RESOLUTION NO. BOA-2022-07

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A 1,316 SQUARE FOOT BAR

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Brett Champion, and property owner, Taxium LLC, request approval of a Permitted Conditional Use permit for that property located at 315 5th Street, Suite 180 and legally described in attached Exhibit 'B'. The applicant is requesting approval allowing the operation of a 1,316-square foot bar; 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, the request complies with applicable findings and provisions of Title 9, the Comprehensive Plan and City Code; and

WHEREAS, on this day this Board of Adjustment held a duly noticed Public Hearing to consider the Permitted Conditional Use permit application.

NOW, THEREFORE, The Board of Adjustment hereby approves the Permitted Conditional Use permit (PC-005614-2022) subject to compliance with all the conditions in the staff report, dated June 15, 2022, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on June 15, 2022.

Michele Stevens, Chairperson
Board of Adjustment

ATTEST:

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment of the City of West Des Moines, Iowa, at a regular meeting held on June 15, 2022, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Recording Secretary

Exhibit A: Conditions of Approval

- ~~1. The applicant receiving approval from the Des Moines Wastewater Reclamation Authority for the connection to the existing grease interceptor prior to the issuance of any building permit. *The applicant has met this condition.*~~
2. Prior to the bar opening, the property owner must address all outstanding inspection items and receive a final Certificate of Occupancy.

Exhibit B: Legal Description

LOTS 12 AND 13 BLOCK 18 IN THE FIRST ADDITION TO VALLEY JUNCTION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.