

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: November 2, 2022

ITEM: New Creations Daycare, 3424 EP True Parkway – Approval of a Permitted Conditional Use (Pc) Permit to establish a Daycare Use – Amcon Construction – PC-005782-2022

RESOLUTION: Approval to Establish Land Use

Background: Amcon Construction, with permission from the property owner, KC Real Estate, L.C., requests approval of a Permitted Conditional Use for that property located at 3424 EP True Parkway to establish a day care use in an existing 13,672 sq. ft. building.

Staff Review & Comment:

- **History:** The proposed subject property was constructed in 1994 and previously housed a bank and then a realtor's office. There is a companion Minor Modification in review to add playgrounds, remove a storage shed, and address parking. These site improvements will need to be done prior to any occupancy of the building.
- **Staff Comment:**
 - **Off Street Parking:** the proposed use requires 67 parking spaces for employees and clients. Currently on the site there are 59 spaces. The parking spaces adjacent to the property are on City-owned property and were constructed for park use and not available to be used toward meeting the day care requirements. The applicant has identified locations where additional parking can be constructed to meet the requirements should they be needed. During the minor modification process, the applicant will need to decide whether the additional spaces will be constructed or if a request of the Plan & Zoning Commission and City Council for a deferral or waiver will be made.
 - **Traffic Analysis:** no traffic analysis was done for this project.
 - **Playground & Fence:** The zoning code requires the proposed use to provide a certain amount of outdoor space for the children. The applicant has met the size requirement and will enclose the area with a 4' chain fence.

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

1. Prior to issuance of any occupancy permits, all improvements to the site necessary for the operation of the daycare use included on the companion Minor Modification Level 1 shall be completed to staff's satisfaction.

Lead Staff Member: Kara Tragesser

Approval Meeting Date:

Board of Adjustment	November 2, 2022
---------------------	------------------

Staff Report Reviews:

<input checked="" type="checkbox"/> Development Coordinator (or) <input checked="" type="checkbox"/> Director <input checked="" type="checkbox"/> Legal Department
--

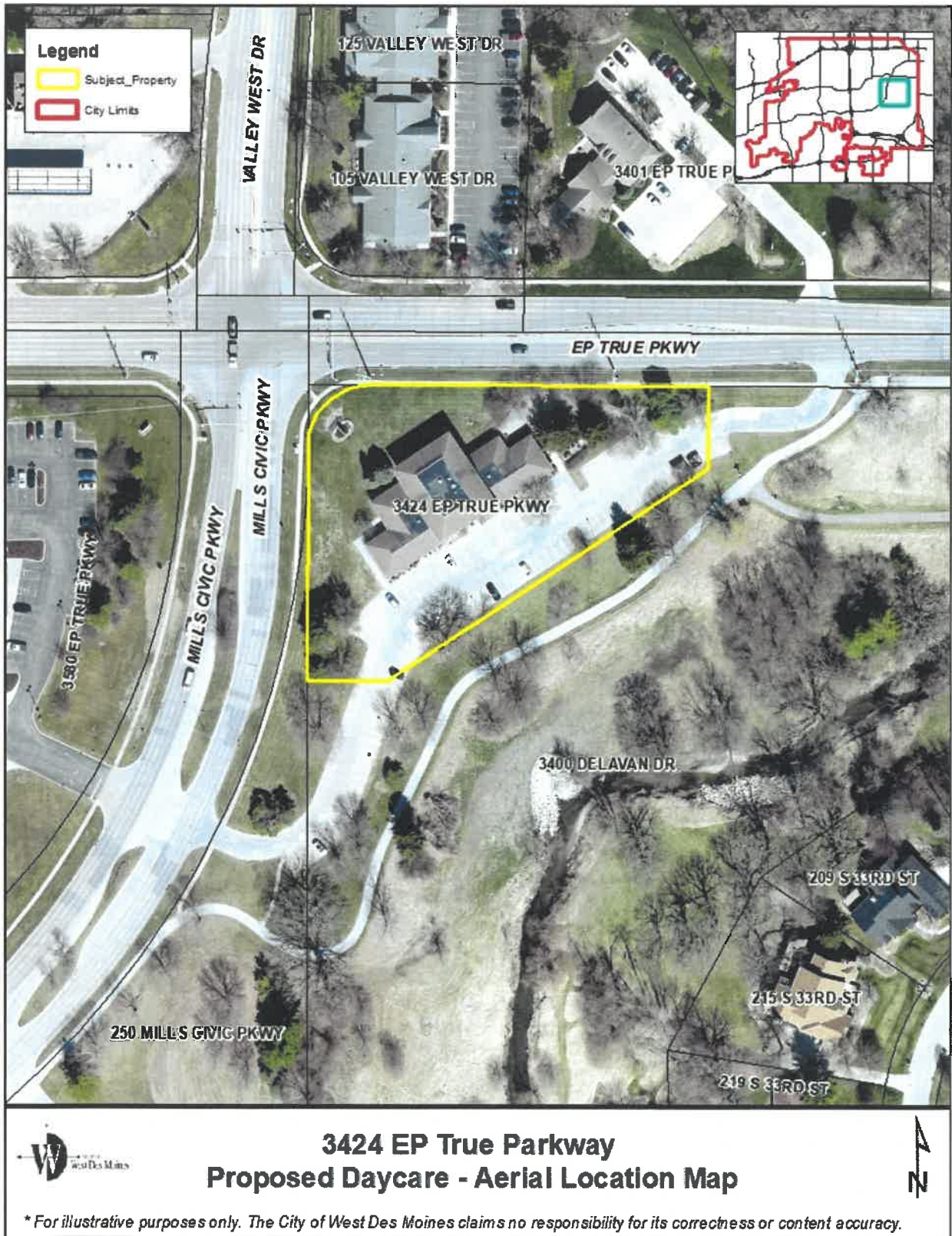
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	10/21/22
Date(s) of Mailed Notices	10/21/22

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	10/3/22			
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

Location Map



Prepared by: Kara Tragesser, 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-2022-18

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE
CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL
USE PERMIT TO ALLOW A DAYCARE USE**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant Amcon Construction, with permission from the property owner, KC Real Estate L.C., requests approval of a Permitted Conditional Use permit to establish a day care use in an existing building at 3424 EP True Parkway on property legally described in attached Exhibit 'B'; 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 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-005782-2022) subject to compliance with all the conditions in the staff report, dated November 2, 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 November 2, 2022.

Michele Stevens, Chair
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 November 2, 2022, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Recording Secretary

Exhibit A: Conditions of Approval

1. Prior to issuance of any occupancy permits, all improvements to the site necessary for the operation of the daycare use included on the companion Minor Modification Level 1 shall be completed to staff's satisfaction.

Exhibit B: Legal Description

LOT 1 IN JORDAN GROVE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN
AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK
COUNTY, IOWA