

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: April 19, 2023

ITEM: Winchester Public House, 224 5th Street – Approval to establish a bar/restaurant – The Silvers Building, LLC – PC-005956-2023

RESOLUTION: Approval to Establish Land Use

Background: Justin Clark with Lotus Homes, on behalf of the applicant and property owner, The Silvers Building, LLC, requests approval of a Permitted Conditional Use for that property located at 224 5th Street. Specifically, the applicant is requesting for an approximately 2,200 square foot expansion of a Bar/Restaurant into the adjoining space. This expansion is in addition to the 1,704 square foot bar/restaurant that is currently permitted in the building.

Staff Review & Comment:

- **History:** The property was originally platted as a part of Lot 3, Block 10, Valley Junction on April 10, 1891. According to the Polk County Assessor, the building was constructed around 1910. On September 6, 2017 the Board of Adjustment approved a Permitted Conditional Use Permit for a 1,704 square foot Drinking Place to allow for a bar/restaurant.
- **Traffic Analysis Findings:** No traffic study is needed with this action.
- **Staff Comment:**
 - **Exterior Improvements:** This Permitted Conditional Use permit is for the review and possible approval of the uses purposed in the building. It is not for the review or approval of any interior or exterior site modifications. If the applicant plans on making exterior modifications they must apply for a separate Minor Modification Application prior to initiating any changes. Interior modifications require the approval of a Tenant Improvement Permit through the Building Division prior to initiating work.

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

1. This approval is only for the uses allowed in the building. If at any time, the applicant would like to make modifications to the building or site, they shall apply for the appropriate planning and/or building permit application. Permits shall be obtained prior to initiation of any work.

Lead Staff Member: Kate Devine

Approval Meeting Date:

Board of Adjustment	April 19, 2023
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Staff Report Reviews:

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

Published In:	Des Moines Register Community Section
Date(s) Published	4/5/23
Date(s) of Mailed Notices	4/5/23

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	3/20/23			
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

Location Map



Prepared by: Kate DeVine, 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-2023-08

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE
CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL
USE PERMIT TO ALLOW FOR THE EXPANSION OF A BAR/RESTAURANT**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, and property owner, The Silvers Building, LLC, request approval of a Permitted Conditional Use permit for that property located at 224 5th Street and legally described in attached Exhibit "B". The applicant is requesting approval allowing an approximately 2,200 square foot expansion to the existing 1704 square foot bar/restaurant, for a total of approximately 3904 square foot bar/restaurant use; 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-005956-2023) subject to compliance with all the conditions in the staff report, dated April 19, 2023, 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 April 19, 2023.

Angie Pfannkuch, 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 April 19, 2023, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Recording Secretary

Exhibit A: Conditions of Approval

1. This approval is only for the uses allowed in the building. If at any time, the applicant would like to make modifications to the building or site, they shall apply for the appropriate planning and/or building permit application. Permits shall be obtained prior to initiation of any work.

Exhibit B: Legal Description

Valley Junction Block 10, Lot 3, Except the West 34 feet,
5,550sf. 0.127 Acres