

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

**Meeting Date:** October 4, 2023

**ITEM:** Gershman Mortgage, 131 5<sup>th</sup> Street – Approval to operate a mortgage company –  
Mattie Thomsen – PC-006189-2023

**RESOLUTION:** Approval to Establish Land Use

**Background:** Mattie Thomsen with Gershman Mortgage, on behalf of the property owner, Bryken, LLC, request approval of a Permitted Conditional Use for that property located at 131 5<sup>th</sup> Street. Specifically, the applicant requests to operate a 3,000-sf mortgage company.

**Staff Review & Comment:**

- **History:** The property was built in 1953 and is located within the Valley Junction Historic Business District (VJHB). The historic business district designation is utilized to denote the old downtown area of Valley Junction. Uses within this area shall include professional offices, restaurants, specialty retail stores, and other personal services. Per code, most office uses including Nondepository Credit Institutions (SIC 61) require a permitted conditional use permit review in Valley Junction.

The Valley Junction Master Plan mentions that office use is best suited in upper story properties or on side streets so that 5<sup>th</sup> Street can have space for commercial businesses. Yet, the plan also acknowledges the need and the benefit of having office locations in convenient locations in Valley Junction. The plan states that it is important to have office uses in Valley Junction because it can increase daytime population for the downtown. The space that Gershman Mortgage is planning on occupying is currently vacant and there are few open tenant spaces in Valley Junction.

- **Traffic Analysis Findings:** Based on the traffic study, there are no significant traffic impacts to the public street system as a result of this permitted conditional use. The anticipated traffic is expected to result in minimal changes to traffic levels and operations on the adjacent street system. The roadway network has adequate capacity.
- **Staff Comment:** This is considered a change of use, from mercantile (retail) to office. The buildings total gross square footage is 9,420 square feet which is over the 6,000 gross square feet that requires the entire building to be fire sprinklered and fire alarmed due to the use change. However, the WDSM local fire code states that in a mixed-use building, the most restrictive use becomes the use of the entire building. Staff does not feel that the 3,000 square feet of Office is more restrictive than the mercantile uses currently in this building. Per the Fire Marshal, staff recommends conditioning the permit that if this office use expands or if any of the other two existing spaces switch to office, the entire building will become fire sprinklered and fire alarmed at that time. Other use changes within this building could also trigger these requirements immediately.

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

1. The applicant and the property owner agree that if office use expands or if any of the other

two existing spaces switch to office, the entire building will become fire sprinklered and fire alarmed at that time. Additionally, the property owner acknowledging that other use changes within this building could trigger sprinkling and alarm improvements immediately.

**Lead Staff Member:** Emani Brinkman

**Approval Meeting Date:**

Board of Adjustment	October 4, 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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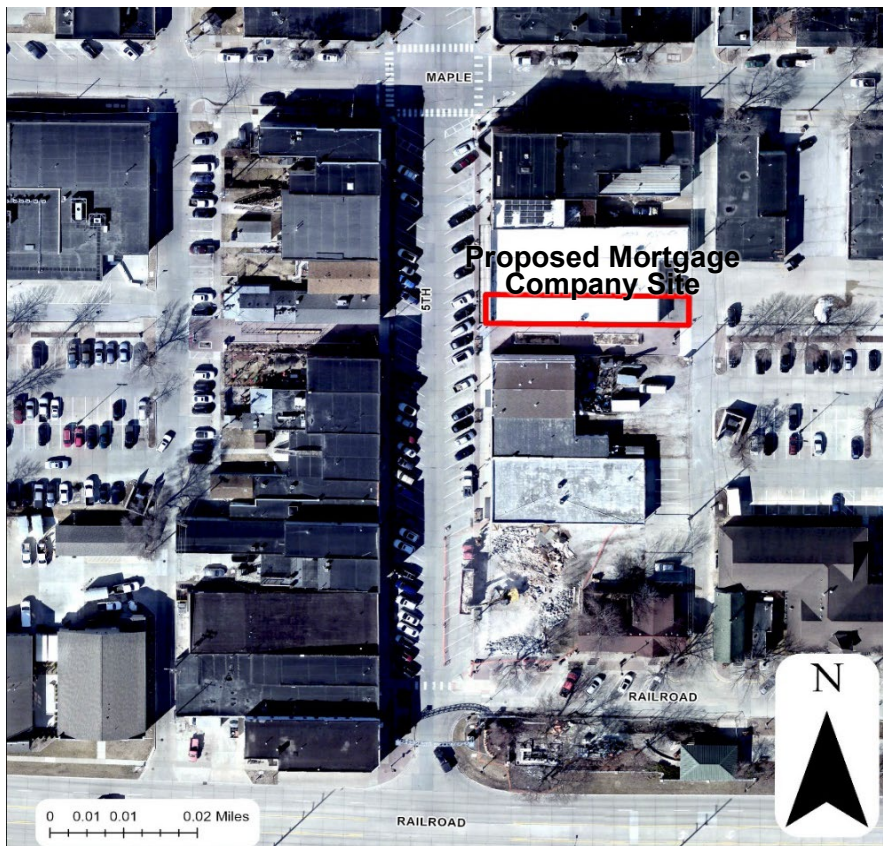
**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	9/25/23
Date(s) of Mailed Notices	9/21/23

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning			
Date Reviewed	10/2/23			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

**Location Map**



Prepared by: Emani Brinkman, 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

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**RESOLUTION NO. BOA-2023-17**

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

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Mattie Thomsen with Gershman Mortgage, and property owner, Bryken, LLC, request approval of a Permitted Conditional Use permit for that property located at 131 5<sup>th</sup> Street and legally described in attached Exhibit "B". The applicant is requesting approval to operate a mortgage company; 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-006189-2023) subject to compliance with all the conditions in the staff report, dated October 4, 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 October 4, 2023.

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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 October 4, 2023, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

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Michelle Riesenberg, Recording Secretary

**Exhibit A: Conditions of Approval**

1. The applicant and the property owner agree that if office use expands or if any of the other two existing spaces switch to office, the entire building will become fire sprinklered and fire alarmed at that time. Additionally, the property owner acknowledging that other use changes within this building could trigger sprinklering and alarm improvements immediately.

**Exhibit B: Legal Description**

Lot 14 and the South ½ of Lot 15 in Block 4 in Valley Junction, now included in,  
and forming a part of, the City of West Des Moines, Polk, County, Iowa