

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: November 6, 2024

ITEM: The Winchester Public House, 224 5th Street – Approval to Expand a Bar/Restaurant – The Silvers Building, LLC – PC-006418-2024

RESOLUTION: Approval to Expand Land Use

Background: Justin Clark with Lotus Homes, on behalf of the applicant and property owner, Silvers Building, LLC, requests approval of a Permitted Conditional Use for that property located at 224 5th Street. Specifically, the applicant is requesting an approximately 317 square foot expansion of a Bar/Restaurant for a patio space located in the rear of the site. This expansion is in addition to the 3,904 square foot bar/restaurant that is currently permitted in the building.

Staff Review & Comment:

- **History:** 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 the current bar/restaurant. On April 19, 2023, the Board of Adjustment approved a Permitted Conditional Use Permit for an additional 2,200 square foot expansion into the adjoining space, for a total of 3,904 square feet of bar/restaurant use.
- **Traffic Analysis Findings:** No traffic study was required of this action.
- **Staff Comment:**
 - **Exterior Improvements:** In addition to this Permitted Conditional Use Permit consideration by the Board of Adjustment, the exterior improvements for the patio will require approval of a separate Minor Modification Level 1 application prior to initiation of work. Minor Modifications are reviewed and approved administratively by City Staff unless code requirements cannot be met by the proposed project.

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 obtaining approval of a Minor Modification Level 1 prior to initiating any construction of the patio.

Lead Staff Member: Kate Devine

Approval Meeting Date:

Board of Adjustment	November 6, 2024
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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	10/21/24
Date(s) of Mailed Notices	10/17/24

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	5/6/24			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input checked="" type="checkbox"/>

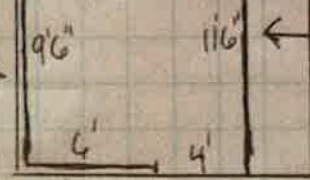
Location Map





52" Tall
Black
Westbury
Railing

52" Tall
Black Westbury
Railing



48" wide opening

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-2024-17

**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 a 317 square foot patio expansion to the existing 3,904 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, the request meets all the findings required for a Permitted Conditional Use Permit; 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-006418-2024) subject to compliance with all the conditions in the staff report, dated November 6, 2024, 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 6, 2024.

Thomas M. Cunningham, 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 November 6, 2024, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Recording Secretary

Exhibit A: Conditions of Approval

1. The applicant obtaining approval of a Minor Modification Level 1 prior to initiating any construction of the patio.

Exhibit B: Legal Description

BLOCK 10, LOT 3, EXCEPT THE WEST 34 FEET, OF VALLEY JUNCTION,
AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF
THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA