

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: September 9, 2015

Item: Twisted Vine Brewery – 3320 Westown Parkway – Approval for brewery with tap room – Stephen Breman, Twisted Vine Brewery – PC-002801-2015

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: The applicant, Stephen Breman of Twisted Vine Brewery, is requesting approval of a Permitted Conditional Use permit to operate a less than 10,000 sq. ft. brewery with tap room in an existing building at 3320 Westown Parkway (see Attachment C – Location Map). Included with the application is a request to establish a tap room and allow outdoor services for alcoholic beverages that is to be less than 50 percent of the gross square footage of the building and patio area. No exterior site improvements are proposed. The applicant does propose the addition of an overhead door on the west side of the building.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on July 16, 2015. The Subcommittee was supportive of the request.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff notes the following:

- **Breweries in Commercial Districts:** Representatives from Twisted Vine Brewery met with the Development & Planning City Council Subcommittee to propose the location of the brewery with tap room at 3320 Weston Parkway, on a parcel immediately south of Valley West Mall. This property is part of a PUD with Regional Commercial zoning throughout the commercial area. The Subcommittee supported the proposal. Staff recommended that the zoning ordinance be amended to allow breweries in commercial areas but with regulations controlling the size of the breweries allowed to address concerns with manufacturing components being visible to adjoining properties and the general public and limit the maximum size of tap rooms/beer parlors and the number of beverage types that can be served in order to address situations where the tap room/beer parlor is operating as and should be regulated as a bar or tavern. The proposed ordinance has been approved by the Plan & Zoning Commission and is scheduled to be reviewed by the City Council for adoption on September 8, 2015

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
SIC 208 Beverages									Pc		Pc	P			
SIC 2082 Brewery less than 5,000 sq. ft. in conjunction with a tap room	Pc	Pc	Pc		Pc		Pc	Pc	Pc		Pc	Pc			
SIC 2082 Brewery less than 10,000 sq. ft. In conjunction with a tap room	Pc	Pc			Pc			Pc	PC		Pc	Pc			
SIC 2082 Brewery over 10,000 sf, with or without a tap room									Pc		Pc	P			
5813 Drinking Places	Pc	Pc	Pc		Pc		Pc	Pc							

- **Size of Brewery:** The new regulations allow breweries less than 10,000 sq. ft. in size to be located in some of the City's commercial zoning districts with approval of a permitted conditional use permit. The intent is to allow a small brewery with a tap room in more of the zoning districts, but to keep the higher production breweries in the industrial districts. The new regulation for size of brewery is illustrated below:
- **Tap Rooms/Beer Parlors:** In March 2015, the City adopted an ordinance which provided that up to 20 percent of the gross square footage of a brewery use may be occupied by a tap room or beer parlor and only the beverage being brewed on-site, plus up to five (5) other micro-brews may be served. The new regulation allows the tap room/beer parlor to use up to 50 percent of the gross square footage of the brewery while maintaining the limit on additional alcoholic beverages that . This was recommended to distinguish the point at which the business is more a bar than a brewery. This is significant in that the parking requirements of a brewery are less than the parking requirements of a bar. With the new regulation staff recommended the following:
 - For tap rooms/beer parlors exceeding 50 percent of the gross square footage of the brewery, or serving more than five (5) varieties of microbrewery or craft beers, those uses will be considered a drinking place/bar for purposes of this ordinance and regulation.
- **Parking:** The proposed ordinance requires that minimum parking be calculated for the brewery portion of the building separate, and in addition to, parking for the square footage of the tap room portion under tradition parking requirements in code for a drinking establishment. The location of the proposed Twisted Vine Brewery is in a planned commercial center with cross parking arrangements in place. There is adequate parking for the proposed brewery and tap room in the commercial center.
- **Additional Right-of-Way:** As a part of this case review, additional street right-of-way along Westown Parkway was determined to be necessary to provide consistency with the standards identified in the currently adopted Comprehensive Plan. The Comprehensive Plan Land Use Map identifies Westown Parkway as a minor arterial roadway which requires 120 feet of total right-of-way or 60 feet from the center of the right-of-way adjacent to the subject property. It appears the existing right-of-way adjacent to this site is 40 feet, therefore staff recommends the property owner provide an Irrevocable Offer of Right-of-Way dedication for 20 feet to the City to bring the right-of-way into consistency with the Comprehensive Plan standards.

The property owner is requesting that the Board of Adjustment remove the condition of approval for executing an Irrevocable Offer of Dedication for an additional 20 feet of right-of-way along Westown Parkway as they do not feel the addition of the brewery use into the development justifies the request for right-of-way.

- **Sanitary Sewer Easement:** There is a public sanitary sewer easement within the commercial center. There is a current easement of 30 feet along this sewer. City regulations call for an easement that is 30 feet wide or of a width equal to twice the depth of the sewer. The sewer varies in depth as measured by the depth of the sewer at several manholes within the site. Staff is recommending that the property owner execute an easement document which re-describes the width of the easement as it varies across the property.

The property owner is requesting that the Board of Adjustment remove the condition of approval to provide this sanitary sewer easement.

Permitted Conditional Use Permit Findings: Stephen Breman's application for a Permitted Conditional Use Permit to operate a brewery with tap room at 3320 Westown Parkway was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.

2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendations and Conditions of Approval: Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to allow the operation of brewery with tap room at 3320 Westown Parkway, subject to meeting all City Code requirements, regulations, and the following:

1. That the property owner execute an irrevocable offer of right-of-way dedication for 20 feet of new right-of way for Westown Parkway adjacent to the property, prior to the issuance of any building permit.
2. That the property owner execute a sanitary sewer easement for the public sanitary sewer located with the site that is twice as wide as the depth of the sewer, prior to the issuance of any building permit.
3. That an elevation of the west side of the building be provided for review and approval by staff of the installation of an overhead door that matches the architecture and colors of the building, prior to any building permits being issued.
4. That no outdoor storage or display of materials, product, or equipment is allowed.
5. That an amendment to the Valley South/Watson Center Planned Unit Development (PUD) ordinance is adopted by the City Council to allow breweries within the PUD, prior to the issuance of any building permit.
6. That prior to the issuance of any building permit, that the ordinance which would allow breweries in the Regional Commercial zoning district be adopted by City Council.

Noticing Information: On August 21, 2015, notice of the September 9, 2015, Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community Section. Notice of this public hearing was also mailed to surrounding property owners within 370 feet of the subject property on August 20, 2015.

Applicant: Stephen Breman
4561 Wistful Vista Drive
West Des Moines IA 50265-2066
515-201-1041
sbreman@twistedvinebrewery.com

Property Owner: Shoppes at Valley West LLC
2400 86th Street, Suite 24
Des Moines IA 50322
515-276-3456
Dave Harmeyer
dave@vistares.com

Applicant's Representative: Michael Shindler
Ferguson Commercial Real Estate Services
1840 NW 110 Street
Clive IA 50235
515-720-3492
michael@fersusoncres.com

Attachments:
Attachment A - Permitted Conditional Use Resolution
Attachment B - Location Map

Prepared by: KTragesser City of West Des Moines PO Box 65320 West Des Moines, IA 50265-0320 515-222-3620
When Recorded Return to: City Clerk City of West Des Moines PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-002801-2015) FOR THE PURPOSE OF OPERATING A BREWERY AND TAP ROOM IN AN EXISTING BUILDING AT 3320 WESTOWN PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Stephen Breman of Twisted Vine Brewery, has requested approval for a Permitted Conditional Use Permit to operate a brewery and tap room in an existing building at 3320 Westown Parkway and legally described as:

Legal Description of Property

SEE EXHIBIT B

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;

WHEREAS, on September 9, 2015, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit;

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, or as amended orally at the Board of Adjustment hearing, are adopted.

SECTION 2. The PERMITTED CONDITIONAL USE PERMIT (PC-002801-2015) is approved, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on September 9, 2015

Erik Christiansen, Chair, Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on September 9, 2015, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A

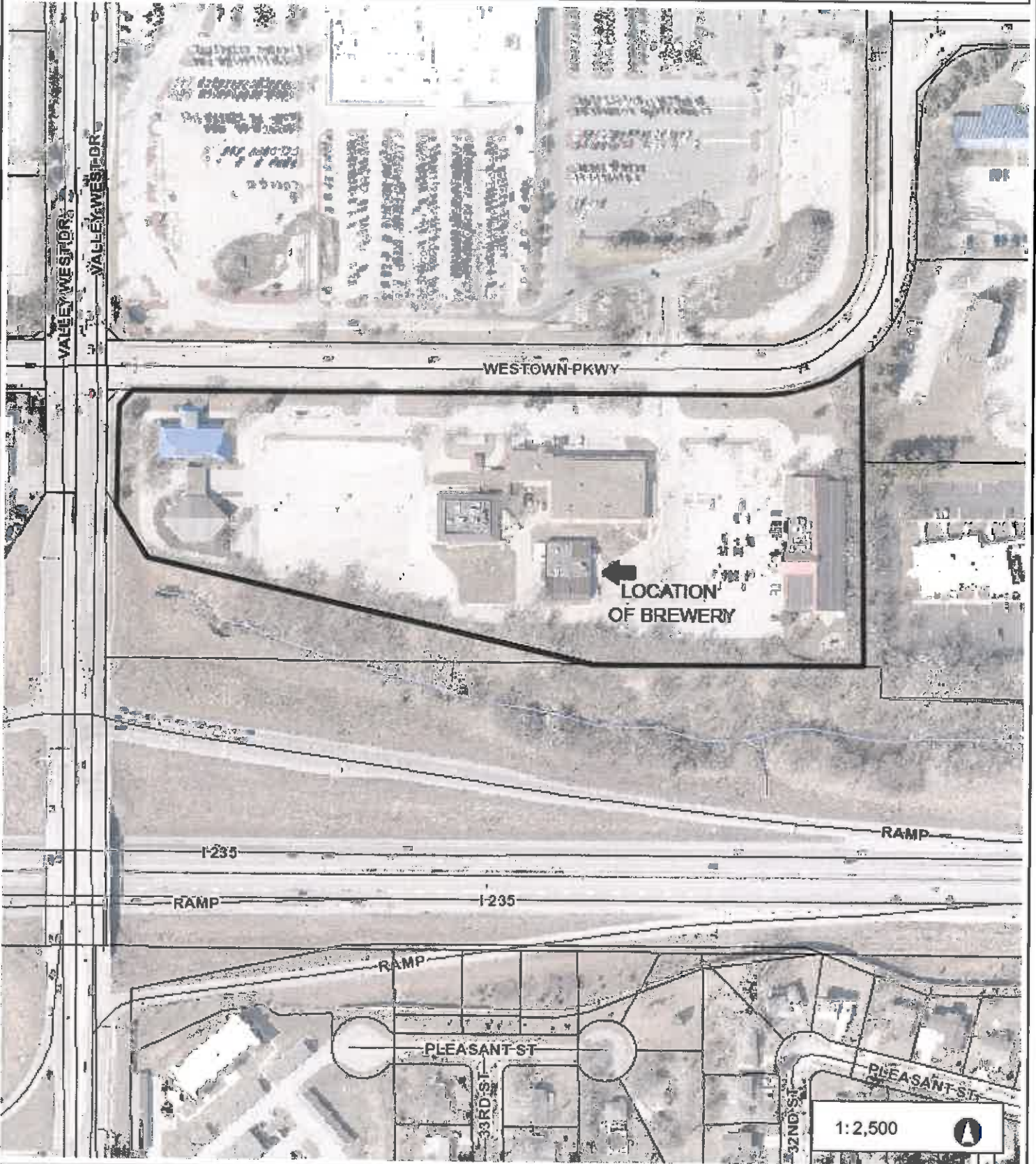
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EXHIBIT B

That part of the North 80 Acres of the West 1/2 of the Northwest Fractional 1/4 of Section 4, Township 78 North, Range 25 West of the 5th P.M., West Des Moines, Polk County, Iowa, described as follows: Commencing at the West 1/4 corner of said Section 4; thence North 902.8 feet along the West line of said Section 4; thence East, 50.0 feet to the point of beginning; thence continuing East 1063.72 feet; thence along a curved line, concave Northwesterly, having a radius of 250.0 feet and a chord bearing of $N61^{\circ}18'45''E$, an arc distance of 250.34 feet to the point of intersection of said curved line and the East line of the West 1/2 of said Northwest Fractional 1/4 of said Section 4; thence $S0^{\circ}16'30''E$, 574.79 feet along said East line of said West 1/2 to the South line of said North 80 Acres of said West 1/2 of said Northwest Fractional 1/4; thence $N89^{\circ}29'15''W$, 497.81 feet, along said South line of said North 80 Acres to the point of intersection of said South line and the Northeasterly right of way line of Interstate Highway No. 235; thence $N75^{\circ}21'40''W$, 732.86 feet along said Right of Way line; thence continuing along said Right of Way line $N33^{\circ}47'33''W$, 125.86 feet to the point of intersection of said Northeasterly Right of Way line and the East Right of Way line of 35th Street, West Des Moines; thence North 165.15 feet along said East Right of Way line to the point of beginning, (except the East 48.5 feet thereof, and also except that portion condemned for street right of way as recorded in Book 9954 Page 507) all being in and forming a part of the City of West Des Moines, Polk County, Iowa.



3320 Westown Parkway



416.7 0 208.33 416.7 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
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Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION