

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

Meeting Date: February 24, 2016

Item: Global Brew, 9500 University Avenue Suite 1117-1118- Approval of drinking place with patio – Hawthorne Centre LLC – PC-002960-2016

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP *V. P. M.*

Applicant's Request: The applicant, Hawthorne Centre LLC, is requesting approval of a Permitted Conditional Use permit to operate a 3,400 sq. ft. drinking place with patio at 9500 University Avenue (see Attachment B – Location Map and Attachment C – Site Map). The drinking place is called Global Brew and operates a craft beer tap room.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on January 25, 2016. 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 has no comments on the application. Parking, traffic, patio, and restaurant space have been checked to ensure compliance with the approved site plan.

Permitted Conditional Use Permit Findings: Hawthorne Centre LLC's application for a Permitted Conditional Use Permit to operate a drinking place at Hawthorne Centre, 9500 University Avenue, 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 a 3,400 sq. ft. drinking place with patio at 9500 University Avenue, subject to meeting all City Code requirements.

Noticing Information: On February 5, 2016, notice of the February 24, 2016, 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 February 4, 2016.

Applicant/Owner: Hawthorne Centre LLC
9500 University Avenue, Suite 2112
West Des Moines IA 5066
Dave Hansen
Andy Hodges
515-897-8286
Dhansen@signatureres.com
Ahodges@signatureres.com

Attachments:

Attachment A	-	Permitted Conditional Use Resolution
Attachment B	-	Location Map
Attachment C	-	Site 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-002960-2015) FOR THE PURPOSE OF OPERATING A DRINKING PLACE WITH PATIO AT 9500 UNIVERSITY AVENUE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hawthorne Plaza, LLC., has requested approval for a Permitted Conditional Use Permit to operate a 3,400 sq. ft. drinking place with a patio at an existing building located at 9500 University Avenue and legally described as:

Legal Description of Property

Lot 2, West Park Plat 1, an official plat now in and forming a part of the City of West Des Moines, Dallas County, Iowa

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 February 24, 2016, 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-002960-2015) 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 February 24, 2016

Mike Blaser, Vice Chairperson, 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 February 24, 2016, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

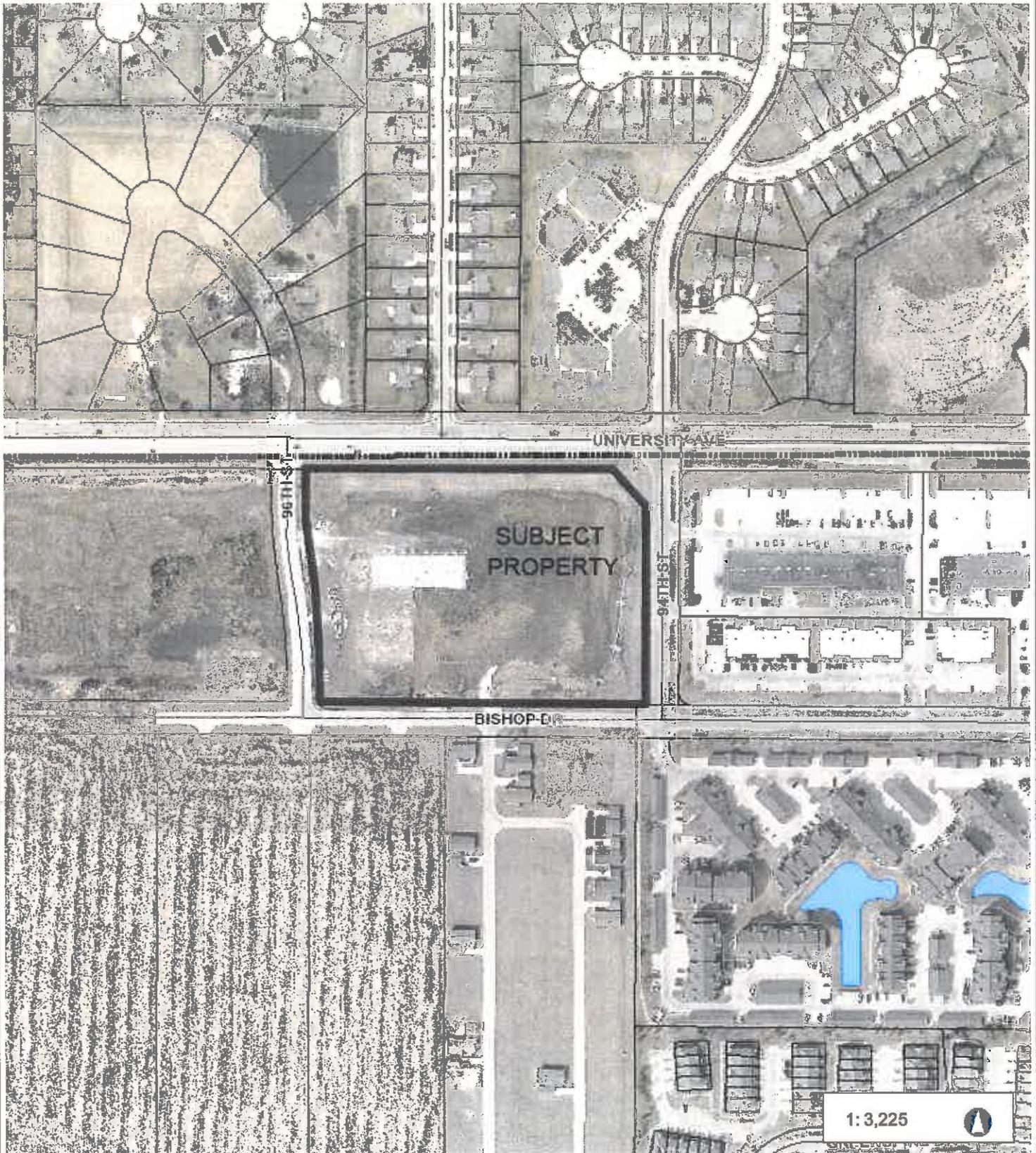
Recording Secretary

EXHIBIT A

None.



9500 University Avenue - Suites 1117 & 1118



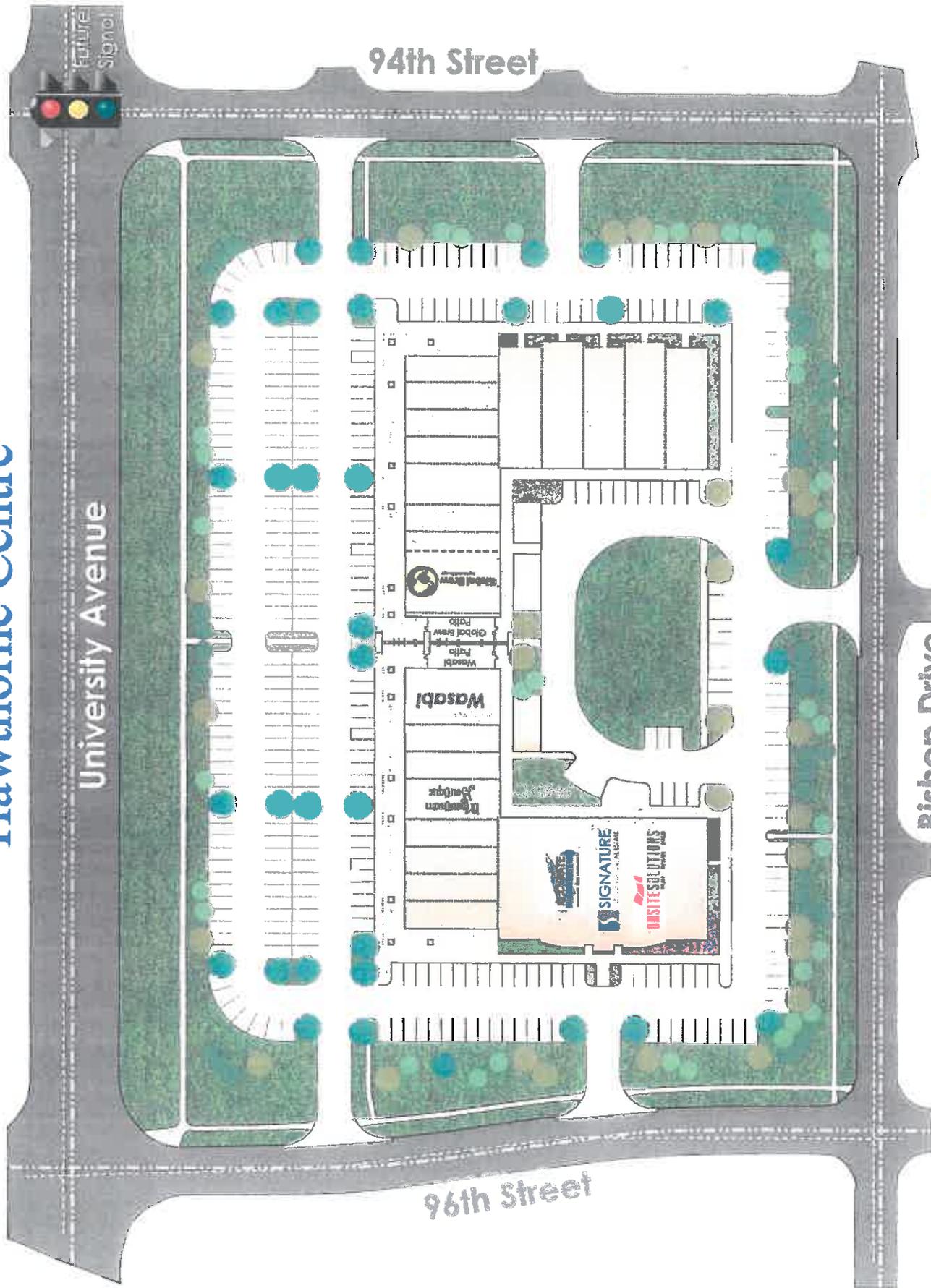
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Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Hawthorne Centre



Bishop Drive



Hawthorne Centre Patio Plan

