

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

**Meeting Date:** February 22, 2017

**Item:** The Foundry Beer Hall, 111 S. 11<sup>th</sup> Street – Permitted Conditional Use Permit to Operate a Drinking Place – TenX Adventures 2 LLC – PC-003341-2017

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** The applicant, TenX Adventures 2 LLC, is requesting approval of a Permitted Conditional Use permit to operate a 5,820 gross sq. ft. beer hall (SIC 5813 Drinking Establishment) with a 2,600 sq. ft. patio/beer garden as part of The Foundry Planned Unit Development located at 111 S. 11<sup>th</sup> Street. The beer hall will be one of three tenants of the space at 111 S. 11<sup>th</sup> Street, the others are a distillery and commercial kitchen (see Attachment B – Location Map and Attachment C – Proposed Site Plan [not under review with this action – for informational use only]).

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on November 14, 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. The proposed use is a Permitted Conditional Use in the General Industrial zoning district. The use also will be governed by a planned unit development ordinance, The Foundry, which provides for screening of the patio, parking, and noise mitigation. Staff notes the following:

**Parking:** The site plan, which is not part of this request, but is being reviewed by the Plan & Zoning Commission and City Council, indicates that there are 190 spaces available for all uses of the building. The parking required for the beer hall and patio is calculated at a rate of 1.5 space per 100 gross sq. ft. of use. The beer hall will require 126 spaces. The site plan has been reviewed for parking calculations for all uses and the proposed site plan can accommodate all parking needs for the proposed tenants.

**Screening of Patio:** The PUD provides for screening of the patio on the north side of the building to a height of eight feet but does not specify how this is to be accomplished. The proposed Major Modification to the site to make site improvements will demonstrate how the screening will be accomplished. The applicant for the PUD requested the Plan & Zoning Commission, at their meeting on February 13, 2017, lower that height to five feet advocating that eight foot of screening would shut out more light and be more imposing to patrons. Upon clarification that the PUD does not specify an eight feet tall fence or wall immediately adjacent to the patio, the Plan & Zoning Commission voted to leave the provision to screen the patio at eight feet in the PUD.

**Permitted Conditional Use Permit Findings:** TenX Adventures 2 LLC's application for a Permitted Conditional Use Permit to operate a beer hall with patio at 111 S. 11<sup>th</sup> Street 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 a beer hall (SIC 5813 Drinking Establishment) at 111 S. 11<sup>th</sup> Street, subject to meeting all City Code requirements, regulations, and the following:

1. That the site improvements proposed with the Major Modification to the Site (MaM-003257-2016) are installed and accepted by the City prior to any occupancy permit;
2. That the Planned Unit Development, The Foundry, is adopted by the City Council, prior to any building permit.
3. That prior to the use of the patio, that screening as provided for in the Planned Unit Development Ordinance (ZC-003361-2017) and the Major Modification (MaM-003257-2016) for the site is installed.

**Noticing Information:** On February 10, 2017, notice of the February 22, 2017, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to surrounding property owners within 370 feet of the subject property on February 6, 2017.

**Applicant:** TenX Adventures 2 LLC  
10546 NW 121<sup>st</sup> Street  
Granger IA 50109  
Nick and Lynn Kuhn  
515-422-4789  
lynn@transformoutdoors.com

**Property Owner:** The Foundry DSM, LLC  
111 S. 11th Street  
West Des Moines, IA 50265-4410

**Attachments:**

- |              |   |                                      |
|--------------|---|--------------------------------------|
| Attachment A | - | Permitted Conditional Use Resolution |
| Attachment B | - | Location Map                         |
| Attachment C | - | Proposed Site Plan Information       |

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 – BOA-2017-**

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-003341-2017) FOR THE PURPOSE OF OPERATING A DRINKING ESTABLISHMENT AT 111 S. 11<sup>TH</sup> STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, TenX Adventures 2 LLC, has requested approval for a Permitted Conditional Use Permit to operate a 5,820 sq. ft. drinking establishment with a 2,600 sq. ft. patio at property locally known as 111 S. 11<sup>th</sup> Street and legally described as:

**Legal Description of Property**

ALL THAT PART OF LOT "D" IN RECORDED PLAT OF VALLEY JUNCTION IN THE NE 1/4 OF SECTION 15, TOWNSHIP 78 NORTH, RAGE 25 WEST, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 36 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT "D" AND 428.28 FEET WESTERLY FROM THE EAST LINE OF SAID SECTION 15, MEASURED ALONG THE NORTH LINE OF SAID LOT "D"; THENCE WESTERLY PARALLEL WITH AND 36 FEET DISTANT SOUTHERLY FROM THE NORTH LINE OF SAID LOT "D" A DISTANCE OF 720 FEET; THENCE WESTERLY 128.33 FEET TO A POINT WHICH IS 49 FEET SOUTHERLY AT RIGHT ANGLES FROM THE NORTH LINE OF SAID LOT "D"; THENCE SOUTHERLY AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT "D", A DISTANCE OF 81.7 FEET; THENCE SOUTHEASTERLY ALONG AN 18 DEGREE CURVE CONVEX TO THE NORTHWEST, A DISTANCE OF 136.9 FEET TO A POINT WHICH IS 178.5 FEET SOUTHERLY, AT RIGHT ANGLES FROM THE NORTH LINE OF SAID LOT "D" AND 1148.28 FEET WESTERLY FROM THE EAST LINE OF SAID SECTION 15 MEASURED ALONG THE NORTH LINE OF SAID LOT "D"; THENCE SOUTHEASTERLY ALONG AN 18 DEGREE CURVE CONVEX TO THE NORTHWEST, A DISTANCE OF 215 FEET TO A POINT WHICH IS 336 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT "D", THENCE EASTERLY 578 FEET TO A POINT WHICH IS 336 FEET SOUTHERLY FROM, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID LOT "D" AND 428.28 FEET WEST OF THE EAST LINE OF SECTION 15 ; THENCE NORTH 300 FEET TO POINT OF BEGINNING, EXCEPT FOR THE TRACT OF LAND IN LOT "D", VALLEY JUNCTION, DEEDED IN BOOK 11740, PAGE 344 RECORDED ON JULY 7, 2006 IN THE OFFICE OF THE POLK COUNTY RECORDER AND EXCEPT FOR THAT PART DEEDED TO THE CITY OF WEST DES MOINES ON AUGUST 3, 2010 IN WARRANTY DEED 13528, PAGE 812 AND EXCEPT FOR THAT PART DEEDED TO THE CITY OF WEST DES MOINES ON AUGUST 3, 2010 IN WARRANTY DEED 13528, PAGE 812.

AND

OUTLOT "Z" IN GOODMAN INDUSTRIAL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK 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 22, 2017, 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-003341-2017) to operate a 5,820 sq. ft. drinking place with a 2,600 sq. ft. patio 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 22, 2017.

\_\_\_\_\_  
Erik Christiansen, Chair

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 22, 2017, by the following vote:

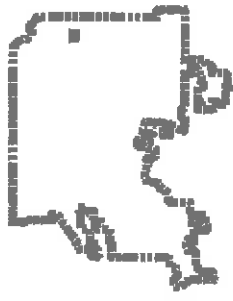
AYES:  
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ABSTAIN:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

## **EXHIBIT A**

1. That the site improvements proposed with the Major Modification to the Site (MaM-003257-2016) are accepted by the City prior to any occupancy permit;
2. That the Planned Unit Development, The Foundry, is adopted by the City Council, prior to any building permit.
3. That prior to the use of the patio, that screening as provided for in the Planned Unit Development Ordinance (ZC-003361-2017) and the Major Modification (MaM-003257-2016) for the site is installed.



Legend

- Parcels
- Parks
- Greenways

# The Foundry 111 S. 11th Street



1: 1,999

333.1 0 106.57 333.1 Feet

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

IAUD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet  
 © City of West Des Moines, Iowa

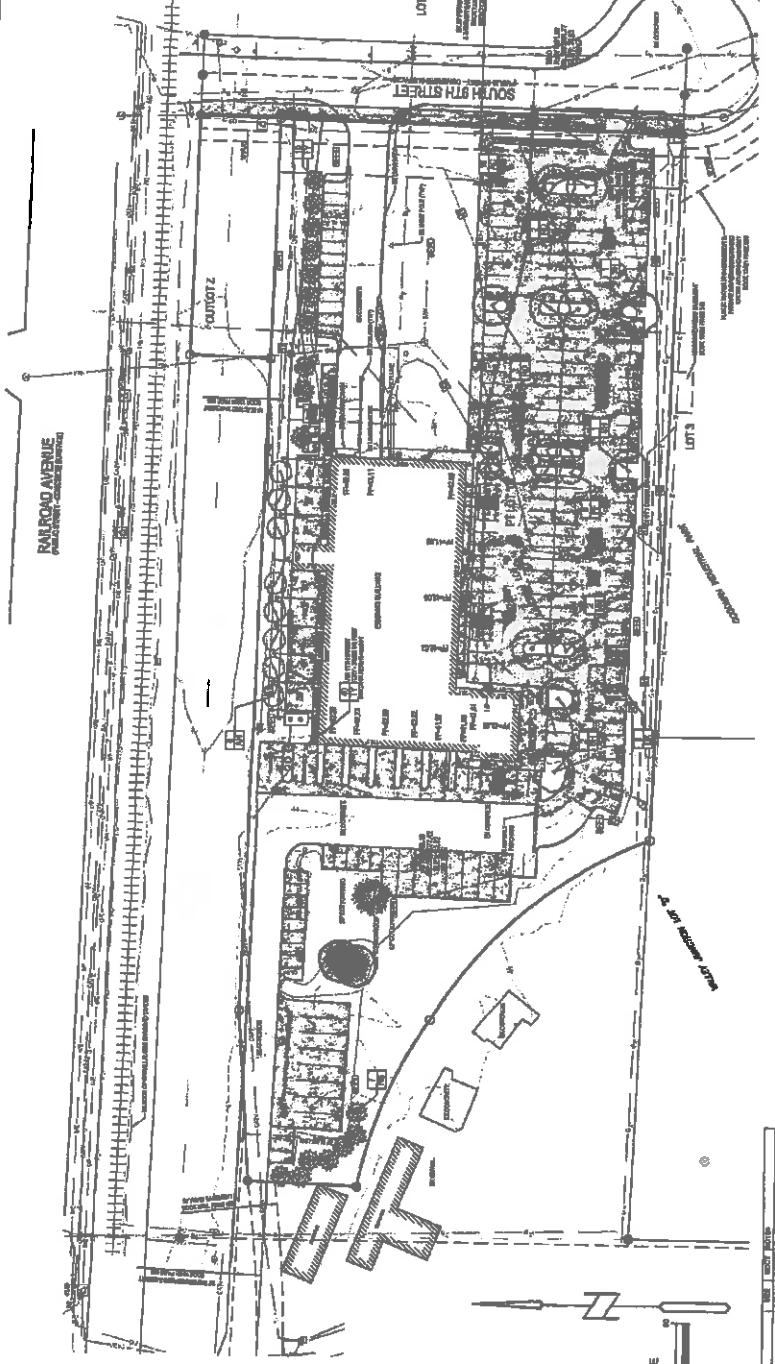
PRELIMINARY - NOT FOR CONSTRUCTION

**THE FOUNDRY**  
111 SOUTH 11TH STREET, WEST DES MOINES, IOWA

**LANDSCAPE PLAN**

**Bishop Engineering**  
1000 North Riverside Drive  
Des Moines, Iowa 50319  
515-281-1111

PROJECT NUMBER: 160300  
DATE: 05.1



- LANDSCAPE NOTES:**
1. ALL MATERIALS AND METHODS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.
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**LANDSCAPE REQUIREMENTS:**

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