

## CITY OF WEST DES MOINES MEMORANDUM

**TO:** Chair and Members of the Board of Adjustment  
**FROM:** Kara Tragesser *KTT*  
**DATE:** March 8, 2017  
**RE:** The Foundry Permitted Conditional Use approved by the Board on February 22, 2017 – Jeremy Christiani comments

During the public hearing for the beer hall at The Foundry development at 111 S. 11<sup>th</sup> Street that was heard at the Board of Adjustment meeting on February 22, 2017, Mr. Jeremy Christiani made comments. I indicated that those comments would be addressed prior to the Major Modification of the Site Plan for the property being presented to the City Council. Staff determined that Mr. Christiani's comments did not affect the Major Modification to the site plan, nor to the Planned Unit Development also under review by the City Council. No additional conditions of approval were proposed for either action. Staff notes the following information was taken into consideration to make that determination:

Mr. Christiani stated that the Foundry Distillery owns the property and that this was in violation of State of Iowa Code Section 123.45. This section of Iowa Code regulates that no commission member (of the State of Iowa Alcoholic Beverages Commission) or employee of the bureau may have a business interest in the dealing in or in the manufacture of alcoholic beverages. Also, the section regulates the business of manufacturing versus retailing of the alcoholic beverage. This is a State of Iowa Code in which the City of West Des Moines has no enforcement obligations. The State Commission is tasked with the enforcement of this provision.

Regarding the Valley Junction Master Plan, the City accepted this document on September 19, 2016. The City did not adopt the plan. Therefore, the plan does not have any enforcement regarding zoning or use of this property and has not been implemented.

Regarding the statement of impact on adjacent townhouse development, there is no adjacent townhome development; all adjacent properties are zoned for industrial development.

Mr. Christiani states that the beer garden is arguably in the setback. The side of the building that the beer garden is located is a side yard, with setbacks of zero feet. The Major Modification of the site plan shows that the beer garden is contained within the property. Also, Mr. Christiani asked why the beer garden was being allowed within 200 feet of residential; there is no code provision for this separation.

These are the major points from Mr. Christiani's comments. Again, staff determined that there was nothing in the comments that warranted a change to the site plan, the permitted conditional use, or the planned unit development.