

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

Meeting Date: May 6, 2020

Item: El Guapo's Tequila and Tacos Bar and Restaurant, 8950 University Avenue, Suite 105– Permitted Conditional Use Permit to Operate a Bar – Jared Weiss – PC-004696-2020

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP

Applicant's Request: The applicant, Jared Weiss, with permission from the property owner, Rueter Properties, is proposing to operate a bar/restaurant with outdoor seating in an existing tenant space at 8590 University Avenue. The bar/restaurant moved in after the former tenant Gusto Pizza moved out. The applicant advised that fifty percent or more of the business would be alcohol sales, which by the city code classifies it as a bar/restaurant.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on October 21, 2019. 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 located in an existing multi-tenant building in the Greenway Crossing Planned Unit Development. The underlying zoning is Community Commercial in which bars are allowed with approval of a permitted conditional use permit.

Traffic Study: A traffic study was done to analyze the impacts to the transportation system and make recommendations to mitigate any impacts or to site components to help mitigate impacts to circulation and traffic. The study summary indicates that there are no significant impacts to the public street system.

Permitted Conditional Use Permit Findings: The application for El Guapo's Tequila and Tacos for a Permitted Conditional Use Permit to operate a bar/restaurant at 8950 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 the operation of a bar/restaurant at 8950 University Avenue, Suite 105 called El Guapo's Tequila and Tacos, subject to meeting all City Code requirements and regulations.

Noticing Information: On April 24, 2020, notice of the May 6, 2020, 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 April 22, 2020.

Applicant: Jared Wiess
El Guapo's Tequila and Tacos
8950 University Avenue, Suite 105
West Des Moines IA 5266

Property Owner: Rueter Properties
2425 NE 126th Avenue
Elkhart IA 50073

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 – BOA-2020-007

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-004696-2020) FOR THE PURPOSE OF OPERATING A BAR/RESTAURANT AT 8950 UNIVERSITY AVENUE, SUITE 105

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Jared Weiss, with permission from the property owner, Rueter Properties, has requested approval for a Permitted Conditional Use Permit to operate a bar/restaurant at 8950 University Avenue, Suite 105 which is legally described as:

Legal Description of Property

Lot 2, Greenway Crossing Plat 2, an official plat now in and forming a part of the City of West Des Moines, Dallas County, Iowa; 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, on May 6, 2020, 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-004696-2020) to operate a bar/restaurant at 8950 University Avenue, Suite 105 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, is approved. 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 May 6, 2020.

Angie Pfannkuch, 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 May 6, 2020, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A

None

EXHIBIT B
Location Map

