

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

Meeting Date: October 21, 2020

Item: Tallgrass Theatre Company, 2019 Grand Avenue – Establish a Theatrical Producers (SIC 7922) Use – Tyler Klobassa, Tallgrass Theatre Company - PC-004866-2020

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara V. Tragesser, AICP

Applicant's Request: Tyler Klobassa, Tallgrass Theatre Company, with permission from the property owner, West Green Industrial Park LLC, requests that the Board of Adjustment approve a Permitted Conditional Use permit to establish a theatrical production company at 2019 Grand Avenue, Suite 1. The suite is approximately 6,552 sq. ft. and is proposed to have an approximately 82-seat auditorium with the balance of the suite being backstage operations, storage, and concessions. Productions are scheduled three or four times per year over a weekend, offerings of day camps and learning classes also will occur. The theatre also proposes to allow other community groups use of the theatre space when not in use by Tallgrass.

History: The property was formerly used as a roller-skating rink by Skate West. It is located within a Light Industrial zoning district. On October 5, 2020 the City Council adopted an ordinance to allow SIC 7922, Theatric Producers within the Light and General Industrial zoning districts with approval of a Permitted Conditional Use permit (Pc) (AO-004795-2020).

City Council Subcommittee: Tallgrass Theatre occupying space in this building was presented to the Development and Planning City Council Subcommittee on July 6, 2020, as part of the conversation regarding changing City Code to allow in the industrial districts. The Subcommittee was supportive of the change to City Code and Tallgrass Theatre locating here.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff notes the following:

- **Use of the Facility for other groups:** The applicant indicates that the facility may be made available for other groups to use it. Staff notes that the approval of the Permitted Conditional Use permit is for theatric productions only. Any use of the facility for other than theatric productions, such as movie theater or event center space is contrary to this approval and not permitted.
- **Parking:** As part of the ordinance approved in September 2020, the parking requirement for theatric producers was determined to be 1 parking space for every 2 seats. Preliminary plans for the interior indicated 82 seats. The parking spaces required for the audience would be 41 spaces. A preliminary plan for the required minor modification indicates that 53 spaces are available, with area for an additional 10 spaces on the property. Also, staff has been told that the landlord can make an additional 6-10 spaces available at 2150 Delevan Drive that he also owns. Staff is comfortable with the planned parking arrangement to meet parking needs for attendees, staff, and production crew.

- **Traffic Study:** A traffic analysis was performed for the permitted conditional use request. The traffic study indicated that there is adequate capacity on the public roadway system for this use. In addition, the traffic study indicated that a second access be planned for the site to meet the City Code requirement for two access points. This item will be addressed during the review of the necessary minor modification.

Comprehensive Plan Consistency: 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 the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, 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 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 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 designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Noticing Information: On October 9, 2020, notice of the October 21, 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 all surrounding property owners within 370 feet of the subject property on October 7, 2020.

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan and the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to establish a theatrical production company within 6,552 sq. ft. of the building located at 2019 Grand Avenue, subject to the applicant meeting all City Code requirements and the following:

1. A minor modification permit application to stripe the parking lot, identify the area of additional parking on site and demonstrate how the secondary access will be provided shall be submitted and approved prior to a full occupancy permit being issued.
2. No use, otherwise permitted, activity or event exceeding the parking capacity within the site shall be allowed.
3. Any use of the facility for other than theatrical productions, such as movie theater or event center space is contrary to this approval and not permitted. All Permitted Conditional (Pc) uses identified in code shall require separate and specific Board of Adjustment approval prior to operating within the space.

Property Owner: West Green Industrial Park LLC
2019 Grand Avenue
West Des Moines IA 50265
Reid Tamaseia
reidtamaseia@yahoo.com
515-721-9115

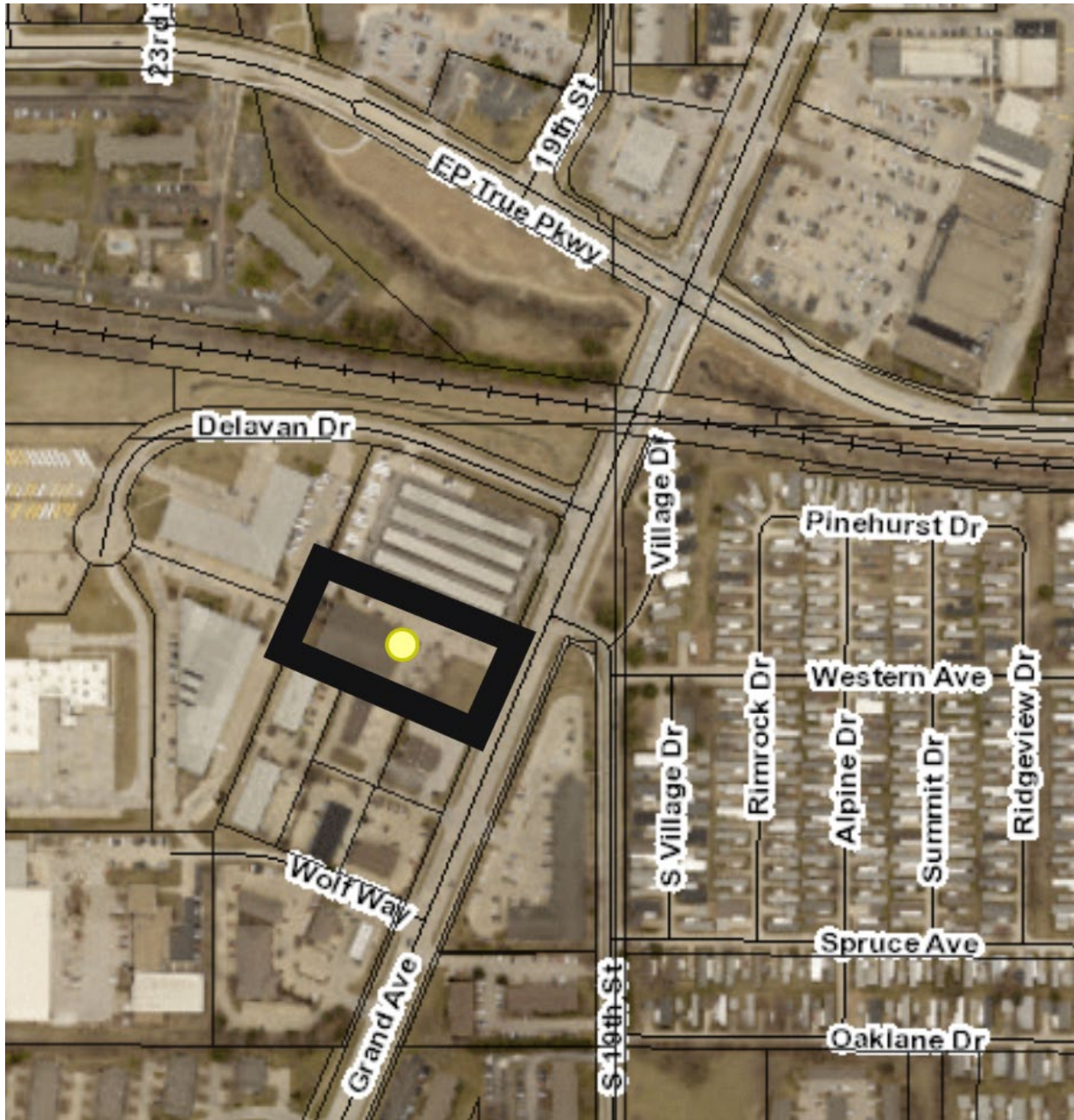
Applicant(s): Tyler Klobassa
Tallgrass Theatre Company
PO Box 65932
West Des Moines IA 50365
ty@tallgrasstheatre.org
641-228-0840

Applicant's Representative: Same as Applicant

ATTACHMENTS:

- Attachment A - Location Map
- Attachment C - Board of Adjustment Resolution
- Exhibit A - Conditions of Approval

Attachment A - LocationMap



Prepared by KTragesser: West Des Moines Development Services, PO Box 65320 West Des Moines IA 502650320
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-2020-11

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004866-2020) TO ALLOW A THEATRICAL PRODUCERS (SIC 7922) COMPANY WITHIN A 6,552 SQ. FT. AREA OF THE BUILDING LOCATED AT 2019 GRAND AVENUE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Tyler Klobassa, with Tallgrass Theatre Company, in cooperation with the owner, West Green Industrial Park LLC, has requested approval of a Permitted Conditional Use permit to establish a theatrical production company on that property located at 2019 Grand Avenue and legally described as follows:

Legal Description of Property

A parcel of land containing 2 acres in the Northeast Quarter (NE ¼) of Section 16, Township 78 North, Range 25 West of the 5th P.M. described as follows: Commencing at the Northeast corner of Section 16, Township 78 North, Range 25 West of the 5th P.M., said point being 26.36 feet Northwest of the center line of the existing Highway No. 90 measured at right angle, thence 505 feet in a southwesterly direction 26.36 feet from and parallel to the centerline of said Highway No. 90 thence 23.64 feet in a northwesterly direction and at right angle to said Highway No. 90 to the point of beginning, thence continuing in a northwesterly direction at right angle to said Highway No. 90 a distance of 435.6 feet, thence in a southwesterly direction parallel to said Highway No. 90 a distance of 200 feet, thence in a southeasterly direction on a line running at right angle to said Highway No. 90 for a distance of 435.6 feet to the west line of said Highway No. 90, thence in a northeasterly direction on the West line of said Highway No. 90 a distance of 200 feet to the point of beginning, all being in and forming a part of the City of West Des Moines, 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 October 21, 2020, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-004866-2020).

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, dated October 21, 2020, or as amended orally at the Board of Adjustment hearing of October 21, 2020, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-004866-2020) is approved, subject to compliance with all the conditions in the staff report, dated October 21, 2020, 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 October 21, 2020.

Angie Pfannkuch, 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 October 21, 2020, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. A minor modification permit application to stripe the parking lot, identify the area of additional parking on site and demonstrate how the secondary access will be provided shall be submitted and approved prior to a full occupancy permit being issued.
2. No use, otherwise permitted, activity or event exceeding the parking capacity within the site shall be allowed.
3. Any use of the facility for other than theatrical productions, such as movie theater or event center space is contrary to this approval and not permitted. All Permitted Conditional (Pc) uses identified in code shall require separate and specific Board of Adjustment approval prior to operating within the space.