

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

Meeting Date: December 2, 2020

Item: Liquor Store, 5904 Ashworth Road – Establish a 1,727 sq. ft. liquor store – Arjun Dahal – PC-004921-2020

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara V. Tragesser, AICP

Applicant's Request: Arjun Dahal requests approval to establish a liquor store at 5904 Ashworth Road. The liquor store is approximately 1,727 sq. ft. in size, has no outdoor space, and will sell typical liquor store items.,

History: The property is locally known as Ashworth Plaza and has numerous tenant spaces. The tenant space has been vacant for a while and the previous tenant is unknown. There are no other liquor stores in the development.

City Council Subcommittee: This project was not presented as an informational item to the Development and Planning Subcommittee due to the Subcommittee meeting being canceled.

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:

- **Traffic Study:** A traffic study was conducted for the use in the development and slightly more traffic than a retail use is anticipated. However, no significant impacts to the public street system were found.
- **Parking:** Typically, a parking study would be done to determine parking needs. However, when this site was development, a planned commercial center parking calculation most likely was done where the uses were considered retail with additional parking required for office and restaurant uses. The liquor store use is considered a retail use and therefore the tenant space would have been included in the original parking analysis. There does not appear to be any room for additional parking in the center.

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 November 20, 2020, notice of the December 2, 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 November 17, 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 to establish a 1,727 sq. ft. liquor store at 5904 Ashworth Road, subject to the applicant meeting all City Code requirements.

Property Owner: Ashworth Holdings LLC
15920 Hickman Road Suite 400
Clive IA 50325

Applicant(s): Arjun Dahal
Allcool Liquors
9005 Bridgewood Drive Unit 6105
West Des Moines IA 50266
Arjun_Dahal@yahoo.com
515-639-4459

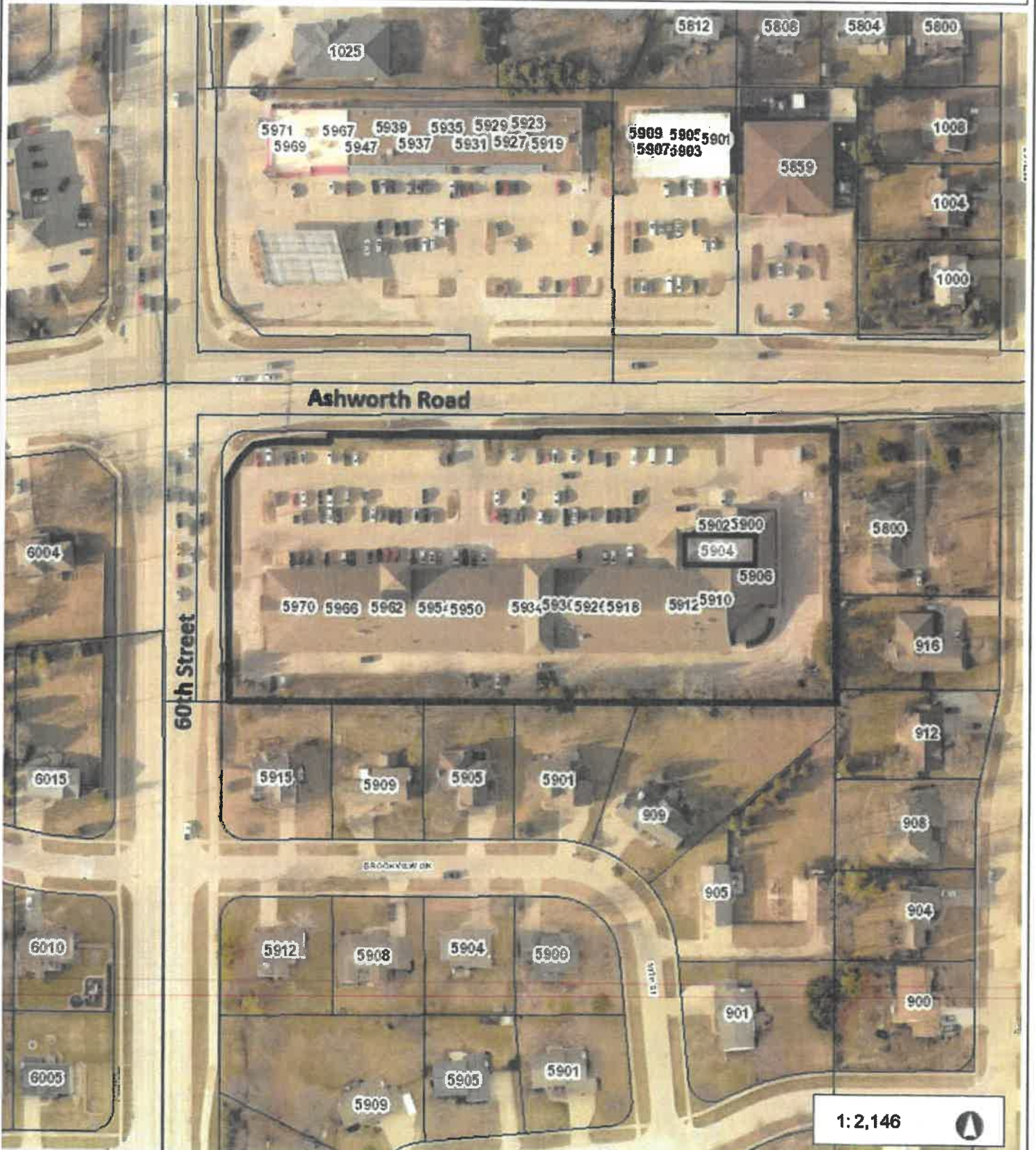
Applicant's Representative: Same as Applicant

ATTACHMENTS:

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



5904 Ashworth Road Location Map



1:2,146

357.7 0 178.84 357.7 Feet

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

WGS_1984_Web_Mercator_Auxiliary_Sphere
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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 2020-13

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004921-2020) TO ALLOW A 1,727 SQ FT. LIQUOR STORE TO OPERATE AT 5904 ASHWORTH ROAD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Arjun Duhal, in cooperation with the owner, Ashworth Holdings LLC, has requested approval of a Permitted Conditional Use permit to establish a 1,727 sq. ft. liquor store at 5904 Ashworth Road and legally described as follows:

Legal Description of Property

-EX BEG SW COR LT 1 THN N 258.23F ALNG E ROW LN 60TH ST NELY 39.03F E 305.61F ALNG S ROW LN ASHWORTH RD TO NE COR LT 1 S 5F W 218.33F S 6F W 57.61F SWLY 76.51F S 223.46F W 6F TO POB- LTS 1 & 2 WENTWORTH PLAZA PLAT 1, AN OFFICIAL PLAT NOW 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 December 2, 2020, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-004921-2020).

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 December 2, 2020, or as amended orally at the Board of Adjustment hearing of December 2, 2020, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-004921-2020) is approved, subject to compliance with all the conditions in the staff report, dated December 2, 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 December 2, 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 December 2, 2020, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. None.