

CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: November 3, 2021

Item: Spare Time, 340 Jordan Creek Parkway – Request approval to allow a temporary drinking establishment – Spare Time Entertainment – PC-005343-2021

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Brian S. Portz, AICP

Applicant's Request: Spare Time Entertainment is requesting to be allowed to sell alcohol without food sales temporarily as part of their entertainment and recreation business located at 340 Jordan Creek Parkway. The business is slated to open at this location on December 1, 2021. The reason for this request is due to a delay in the shipment of the kitchen equipment for the restaurant that will be located within the Spare Time building. The equipment is expected to arrive such that the restaurant will be fully operational by January 15, 2022.

History: The Overlay District Site Plan for this site was approved administratively in December of 2019. Due to delays attributed to the pandemic, the building construction is finally nearing completion.

City Council Subcommittee: This item will be presented to the Development and Planning City Council Subcommittee on October 18, 2021 as an informational item only.

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 would summarize the following key points of interest:

- **Zoning:** The property is located within the Jordan West Specific Plan with an underlying zoning of Support Commercial (SC). Drinking establishments (without food service) are a Permitted Conditional use within this zoning district.
- **Temporary Drinking Establishment:** The applicant is requesting to be allowed to serve alcohol temporarily until their kitchen equipment arrives and is installed, expected by January 15, 2022. Staff recommends that this permitted conditional use be permitted temporarily for a period of 6 months from the date of approval in the event that the kitchen equipment is delayed even further than anticipated.

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.

Town Center Overlay District Consistency: The proposed Permitted Conditional Use has been reviewed for consistency with the Town Center Overlay District Guidelines. Based upon that review, a finding has been made that the proposed Permitted Conditional Use is consistent with

the Town Center Overlay District Guidelines in that the Permitted Conditional Use is consistent with the overall objective and intents of the Town Center Overlay District Guidelines.

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:

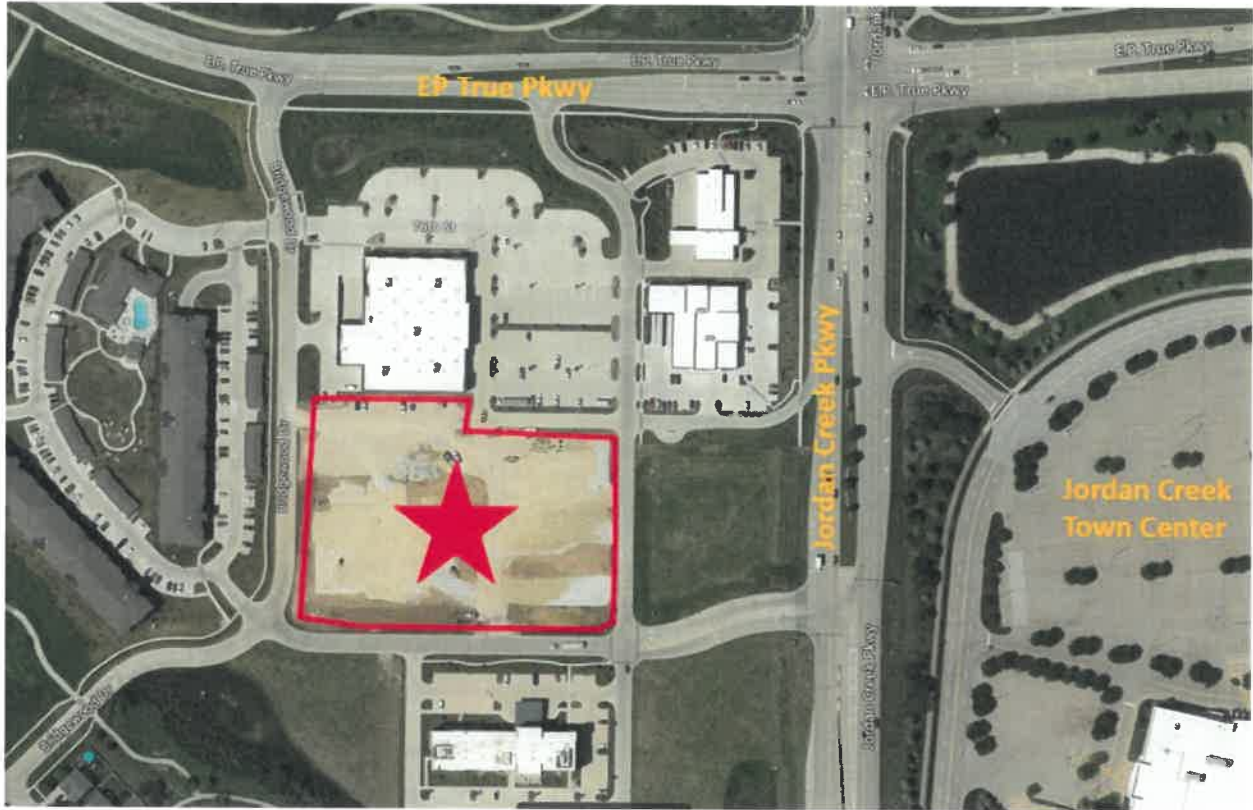
1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that 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 22, 2021, notice of the November 3, 2021 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 21, 2021.

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 Town Center Overlay District Guidelines, and the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to allow a temporary drinking establishment (without food service) at 340 Jordan Creek Parkway, subject to the applicant meeting all City Code requirements and the following:

1. The applicant acknowledging that this Permitted Conditional Use approval shall only be permitted temporarily for a period of 6 months from the date of approval of this request. Specifically, this temporary Permitted Conditional Use shall expire on May 3, 2022.

Attachment A – Location Map



RESOLUTION-BOA-2021-18

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005343-2021) TO ALLOW A DRINKING ESTABLISHMENT TEMPORARILY AT 340 JORDAN CREEK PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Spare Time Entertainment, has requested approval of a Permitted Conditional Use permit to allow a drinking establishment temporarily at 340 Jordan Creek Parkway, and legally described as follows:

Legal Description of Property

LOT 7, JORDAN WEST PLAT 3, AN OFFICIAL PLAT NOW IN AND FORMING A PART
OF THE
CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA, EXCEPT PARCEL 17-132.

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 November 3, 2021, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-005343-2021);

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 November 3, 2021, or as amended orally at the Board of Adjustment hearing of November 3, 2021, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-005343-2021) is approved, subject to compliance with all the conditions in the staff report, dated November 3, 2021, 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 November 3, 2021

Michele Stevens, 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 November 3, 2021, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. The applicant acknowledging that this Permitted Conditional Use approval shall only be permitted temporarily for a period of 6 months from the date of approval of this request. Specifically, this temporary Permitted Conditional Use shall expire on May 3, 2022.