

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

**Meeting Date:** December 15, 2021

**Item:** West 48 Conference Center, 1601 48<sup>th</sup> Street, Suite 200 – Approval of a Permitted Conditional Use Permit to allow operation of an event venue – Blue Compass Interactive, L.L.C. – PC-005411-2021

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Bryce C. Johnson

**Applicant's Request:** The applicant, Cary Coppola, CEO of Blue Compass Interactive, L.L.C., and the property owner, Westown Properties, L.L.C., request that the Board of Adjustment approve a Permitted Conditional Use permit to operate an approximately 6,200sf conference center/event venue within an existing office building.

**History:** The existing office building was constructed in 1986. The applicant's business, Blue Compass, is located in Suite 200 of the subject property and makes up approximately 10,000-square feet of the entire building. In October 2021, an event manager requested approval of a liquor license for a scheduled event at the subject property location. This is how the City became aware of the conference center/event venue operations within this facility. Staff contacted the applicant informing him this type of land use operation requires a Permitted Conditional Use Permit. The applicant was unaware of the need for Board approval of the use until now.

**City Council Subcommittee:** This item was not presented to the Development and Planning City Council Subcommittee as the project type requested is reviewed by the City's Board of Adjustment.

**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:

In 2019, a Tenant Improvement Permit was submitted to the City for the creation of a 'conference center' within the existing office building. The permit application did not raise any questions as a conference center within an office building is a common element. This past October, a Liquor Permit application was submitted for a weekend event at the facility. The operation of the facility outside of normal business hours, combined with the fact that events are not limited to employees or guests of a business within the building, led Staff to deem this use an event venue. Per city code, event venues of any size within the Professional Commerce Park zoning district are designated as a Permitted Conditional Use (Pc). A Pc is utilized to evaluate the operation for impacts on the surrounding area.

In this situation, the concern lies with adequate available parking. If the facility was open to attendees not otherwise working in the building only after 5:00 p.m. or on the weekends, there would be no concern with availability of parking. However, since these events can occur during normal business hours when the other offices are open causes concern with additional vehicles consuming all of the parking leaving employees and patrons of the other businesses nowhere to park.

City code requires 3.5 spaces per 1,000-sf of office area & 1 space per 50-sf of assembly (event venue) area. According to staff's calculations, 146 spaces would be required for the office portion of the building, with an additional 124 parking spaces for the event venue, or a total of 270 stalls. Currently, the property has 234 parking spaces which is 36 parking spaces below the minimum requirement, thus full use of the conference center square footage, when other businesses in the building are open, would, without regulation, cause the site to be deficient in the number of parking spaces needed for all businesses within the building. Staff did receive a call from the property owner immediately to the east

expressing support of the use but concern that patrons to an event would utilize their parking as they have a similar situation in Des Moines in which this is occurring.

It is staff's understanding Blue Compass is guaranteed a minimum of 80 parking spaces by the building owner, Knapp Properties, for both the office portion of their business operations and the event venue. The applicant has indicated that the lease agreement outlines the number of individuals that an event may have at certain times and requires pre-event approval from the building manager. It has further been indicated that at times, the property owner has allowed the applicant to use additional available parking within the site above their designated 80 stalls. Finally, for large events, the applicant can use parking to the west across 48<sup>th</sup> Street and north of Compass Financial which is also owned by this building owner. The building owner's involvement and establishment of lease terms that control the size of events and amount of parking to be used provides staff with sufficient comfort that other businesses within the building and area will not be impacted. Thus, given the property owner's regulatory authority, staff recommends the Board of Adjustment place a condition of approval on the Pc request limiting the amount of the conference center/event venue facility that can be used based on what is available for parking at the time of the event rather than placing specific size and day/time restrictions as otherwise reflected in the lease agreement. This approach will allow the size of events at the venue to respond to tenancy of the building and implementation of off-site solutions as necessary. The applicant has indicated that there have been no parking problems during the time that they have been operating.

As indicated above, the building owner also owns property on the west side of 48<sup>th</sup> Street and, at times, is willing to make this available to handle large events. The physical parking across a roadway conflicts with city code 9-15-4D that states, "*Off street parking for office uses shall be located on the same lot, or, with a reciprocal parking ingress and egress easement on a lot contiguous to the building, structure or use to be served. Parking shall not be located across a street unless connected by an approved under or over crossing.*" City Code provides that the City Council has authority to waive or modify to a lesser restriction any provision or requirement of the Off-street Parking and Loading chapter within code. Should the Board approve of the event venue use, staff would recommend that the applicant go before the City Council and request a standing waiver of the under or over crossing requirement. Without such a waiver, the applicant could limit the size of all events such that only on-site parking is occurring, obtain approval from an adjoining property to utilize a portion of any available parking they may have or provide a shuttle service to get patrons from the parking lot across the street to the event venue.

**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 26, 2021, notice of the December 15, 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 December 3, 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 findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to operate a conference center/event venue, subject to the applicant meeting all City Code requirements and the following:

1. Events at the event venue/conference center shall be restricted in size based on available parking. The number of available on-site parking stalls available for an event shall be determined by the property owner/building manager. No off-site parking shall be allowed without prior approval of the respective property owner. Permissions for off-site parking solutions shall be in writing from the respective property owner which shall be made available to the City upon request. Any parking located across a public street from the event venue shall provide a shuttle service for attendees to the event venue unless the City Council otherwise waives the City Code requirement for an approved under or over crossing.
2. The applicant agreeing to comply with the City's Fats, Oils & Grease (FOG) ordinance and implementation of any measures deemed necessary due to the operation of the conference center/event venue.
3. The applicant agreeing to comply with Fire and Building Code requirements and implementation of any measures or improvements deemed necessary due to the assembly use (conference center/event venue).

**Property Owner:** Tyler Price  
515-223-4000  
Westown Properties, L.L.C.  
5000 Westown Parkway, Suite 400  
West Des Moines, IA 50266

**Applicant(s):** Cary Coppola  
515-490-2229  
Blue Compass Interactive, L.L.C.  
1601 48<sup>th</sup> Street, Suite 200  
West Des Moines, IA 50266

**ATTACHMENTS:**

- Attachment A - Location Map
- Attachment B - Floor Plan Layout
- Attachment C - Knapp Properties/West 48 Rules and Regulations for Event Space
- Attachment D - Board of Adjustment Resolution
- Exhibit A - Conditions of Approval

## Location Map





- SEATING
- TABLES
- GAMES
- TVs
- RESTRICTED

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY



All signing, striping and other traffic control devices on the driveway approaches to the public streets should conform to the Manual on Uniform Traffic Control Devices ((MUTCD) Federal Highway Administration 2009 Edition) on the site plan.





## West 48 Conference Center Rules & Regulations

July 22, 2020

- **Parking**
  - Parking shall not violate the parking ratio of the park during business hours. (M-F, 7a-5p)  
Example: 1<sup>st</sup> floor space equates to 40 parking stalls
- **Group Size**
  - The number of attendees shall not exceed 100 during Business Hours or 150 during non-Business Hours.
- **Security**
  - Blue Compass employee or a hired security company should be present for the duration of any event. Blue Compass shall also ensure that all visitors and guests have exited the premises at the conclusion of any event and the Office Building is properly secured, which after hours shall include but not be limited to confirming that all exterior building doors accessible from Blue Compass suites are properly secured.
- **Loitering**
  - There should be no loitering or congregating in the halls, common areas, or exterior of the building.
  - Smoking should be in the designated area only.
- **Disruptions**
  - No event shall interfere with the quiet enjoyment of other tenants in the building.
  - Potential disruptions would include but not be limited to noise levels that disrupt others in the building, offensive smells, or noxious odors.
  - If an event's activities cause a disruption and is not remedied in a timely manner by Blue Compass, then in the sole discretion of Knapp Properties the event may be halted and the Conference Center closed for that event.
- **Food/Beverage Service**
  - No services or activities that would violate current insurance provisions or would require additional insurance will be permitted without Blue Compass procuring the required insurance coverage. Any alcohol served must be served in compliance with all municipal codes or ordinances. Events which involve serving alcohol will require a liquor & liability rider as determined by Knapp Properties in consultation with the Property's insurer. If any proposed alcohol service shall require additional insurance, Blue Compass shall provide Knapp Properties with proof of such insurance at least 2 business days prior to the event.



- All Food Service shall be prepared off-site. Warming ovens and other serving equipment are acceptable provided that their use would not require the installation of a grease interceptor under applicable Municipal Code. Food preparation and finishing within the Conference Center and adjoining Parking Areas is not allowed. This shall include but not be limited to the use of portable ovens, stoves, cook-tops, barbecues, etc.
  - Food Truck Service is prohibited. Exceptions to this prohibition will be considered by Knapp Properties on a case by case basis taking into consideration the size, timing, and type of event.
  - **Cleaning**
    - Blue Compass will be responsible for cleaning and any associated costs of cleaning after events including, but not limited to the restrooms, common areas, and parking lot.
    - During business hours Blue Compass will need to assure the restrooms and common areas are kept clean and stocked with supplies during the event.
  - **Events**
    - Events scheduled should be of a corporate and business nature.  
Examples of non-corporate type events would include but not be limited to the following: weddings, funerals, religious services, political rallies, happy hours, and standalone social parties or receptions.
    - Minimum 14-day advance notification via submitting completed attached questionnaire to Knapp Properties for any 3<sup>rd</sup> party user or Blue Compass events of 50+ attendees. Third Parties users must read and understand the Rules for Conference Center use.
    - Knapp Properties and Blue Compass will work together, in-good-faith, to resolve any conflict in determining if an event would not be of a corporate and business nature. In the event an agreement is not reached after good-faith efforts by both parties, Knapp Properties will have the sole discretion to determine an event would not be of a corporate and business nature.
    - 3<sup>rd</sup> party events shall not be scheduled to begin prior to 5:00 am or last after 8:00 pm.
  - **Liability Insurance**
    - Blue Compass and Third Party users shall name Knapp Properties, LC and Westown Properties, LLC as Named Insureds on their Insurance Liability Policy, including any liquor & liability rider policies at such terms and limits as reasonably determined to be necessary by the insurers of Knapp Properties, LC and Westown Properties, LLC.
  - **Promotional Material**
    - Any promotional material including website(s) should be consistent with these rules and the spirit of these regulations.
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## **WEST 48 EVENT QUESTIONNAIRE**

(Please return form to Knapp Properties no later than 14-days prior to the planned date)

Proposed Date: \_\_\_\_\_

Proposed Begin/End Time: \_\_\_\_\_

Event Sponsor: \_\_\_\_\_

Sponsor Coordinator: \_\_\_\_\_

Event Contact During Event: \_\_\_\_\_

Group Size: \_\_\_\_\_

Parking Need/Plan: \_\_\_\_\_

Event Name/Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Food, Drink, Alcohol Service Planned: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Cleaning Responsibility: \_\_\_\_\_

\_\_\_\_\_

Have rules & regulations been reviewed with third party user? \_\_\_\_\_

\_\_\_\_\_

Prepared by: B. Johnson West Des Moines Development Services, PO Box 65320 West Des Moines IA 50265, 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-2021-19**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005411-2021) TO ALLOW CONFERENCE CENTER LAND USE LOCATED AT 1601 48<sup>TH</sup> STREET**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Cary Coppola, CEO of Blue Compass Interactive, L.L.C., with permission from the owner, Westown Properties, L.L.C., has requested approval of a Permitted Conditional Use permit to operate an approximate 6,200sf event venue on that property located at 1601 48<sup>th</sup> Street, and legally described as follows:

-EX S 5F & BEG 5F N & 25F E OF SW COR THN NWLY TO W LN S 25F TO POB RD  
EAS- LT 1 WESTOWN TECH CENTER PLAT NO 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 15, 2021, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-005411-2021);

**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 December 15, 2021, or as amended orally at the Board of Adjustment hearing of December 15, 2021, are adopted.

**SECTION 2.** PERMITTED CONDITIONAL USE PERMIT (PC-005411-2021) is approved, subject to compliance with all the conditions in the staff report, dated December 15, 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 December 15, 2021

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Michele Stevens, Chairperson  
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 15, 2021, by the following vote:

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

ATTEST:

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Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

1. Events at the event venue/conference center shall be restricted in size based on available parking. The number of available on-site parking stalls available for an event shall be determined by the property owner/building manager. No off-site parking shall be allowed without prior approval of the respective property owner. Permissions for off-site parking solutions shall be in writing from the respective property owner which shall be made available to the City upon request. Any parking located across a public street from the event venue shall provide a shuttle service for attendees to the event venue unless the City Council otherwise waives the city code requirement for an approved under or over crossing.
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