

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

Meeting Date: February 16, 2022

Item: Super Quick Liquor Store Building Addition – Request approval of a 210 sq. ft. building addition to existing liquor store located at 1800 22nd Street– Utkarsh Mahajan (PC-005447-2022)

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Kara Tragesser, AICP

Applicant's Request: The applicant, Utkarsh Mahajan requests to expand by 210 sq. ft. the liquor store building at 1800 22nd Street for storage purposes. The property is zoned Regional Commercial, the use is classified under SIC 592, Liquor Stores and is a Permitted Conditional Use in this zoning district; expansion of the use requires the approval of another Permitted Conditional Use permit. The liquor store permitted conditional use permit was approved by the Board of Adjustment on November 6, 2019. A Minor Modification Level 2 development application has been submitted to the City and is under review.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on January 18, 2022 as an informational item.

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:** The City conducted a traffic analysis for the addition as part of the permitted conditional use process. From the study, the City determined that the whole site, with the addition, generated more traffic than previously estimated. The existing public street system has adequate capacity to accommodate the increase in traffic.

Also, as in the previous study done in 2019, a study of the internal circulation found that the north drive was functioning as a two-way drive, but only was wide enough for a one-way drive. The recommended action was and is to work with the neighboring properties to plan how the drive can be modified in the future for two-way traffic.

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 are 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 do 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 January 31, 2022, notice of the February 16, 2022 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 January 27, 2022.

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 expand the liquor store use by 210 sq. ft. at 1800 22nd Street, subject to the applicant meeting all City Code requirements.

Property Owner/Applicant: Mahajan Inc
Utkarsh Mahajan
7690 Hickman Road
Des Moines IA 50322

Applicant's Representatives: Accurate Commercial
Mark Hadaway
9500 University Avenue Suite 2112
West Des Moines IA 50266

Location Map



Prepared by: K. Traegesser 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-2022-01

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005447-2022) TO ALLOW EXPANSION OF THE LIQUOR STORE AT 1800 22ND STREET BY 210 SQUARE FEET FOR STORAGE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Utkarsh Mahajan has requested approval of a Permitted Conditional Use permit to expand the liquor store by 210 sq. ft. that is located at 1800 22nd Street, and legally described as follows:

Legal Description of Property

Lot 11 and the East 32 Feet of the North 105 feet of Lot 12 Westown Park, 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 are made a part of this record and herein incorporated by reference; and

WHEREAS, on February 16, 2022, the Board of Adjustment held a duly noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-005447-2022).

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 2/16/2022, or as amended orally at the Board of Adjustment hearing of 2/16/2022, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-005447-2022) is approved, subject to compliance with all the conditions in the staff report, dated February 16, 2022, 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 February 16, 2022

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 February 16, 2022, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

None