

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

**Meeting Date:** February 16, 2022

**Item:** Birdies Mini Golf, 2700 University Avenue, Suite 310 – Permitted Conditional Use Permit – Popcorn Productions, Inc. – PC-005465-2022

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

**Case Advisor:** Bryce C. Johnson

**Applicant's Request:** The applicant, Steve Hinrichs, Owner of the Popcorn Productions, Inc., and the property owner, MDM EQUITY-2021 LLC, requests that the Board of Adjustment approve a Permitted Conditional Use permit to operate an amusement recreation land use specifically for an indoor mini golf business, including party rooms, within the existing structure.

**History:** This property was originally platted in October of 1975. According to the County Assessor, the building was constructed around 1986. The applicant has noted in their application that the business will provide 14 holes of indoor mini golf.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on February 7, 2022 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:

- **Traffic Study:** A study was completed for the proposed land use. The following are Engineering Services recommendations from the study:
  - The internal site layout must allow for the safe and orderly movement of vehicles and pedestrians, as well as emergency vehicle maneuverability. Trucks must be able to access the site without backing in from the public streets or parking in prohibited areas, and internal conflicts near the accesses must not cause traffic to spill back onto the surrounding streets.
  - Signing, pavement markings, and other traffic control devices on the driveway approaches to the public streets should be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD, Federal Highway Administration).
- **Off-Street Parking:** *The proposed land use will require 1 parking space for every 4 occupants based on similar recreation and event operations, which equates to 43 parking spaces. It is important to note that the proposed land use will demand more parking than a traditional retail business. The applicant has provided calculations showing the existing commercial center has sufficient parking for the additional demand. Additionally, the applicant has stated they expect most of their traffic to occur in the evening outside the busy hours of the surrounding retail businesses. Please note, the above referenced traffic study finds the PM Peak Hours of the proposed business to be significantly higher than the AM Peak Hours, which claims to justify the applicant's mention of having busier evening hours.*

**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 February 3, 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 February 2, 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 operate an indoor amusement recreation mini-golf course, subject to the applicant meeting all City Code requirements.

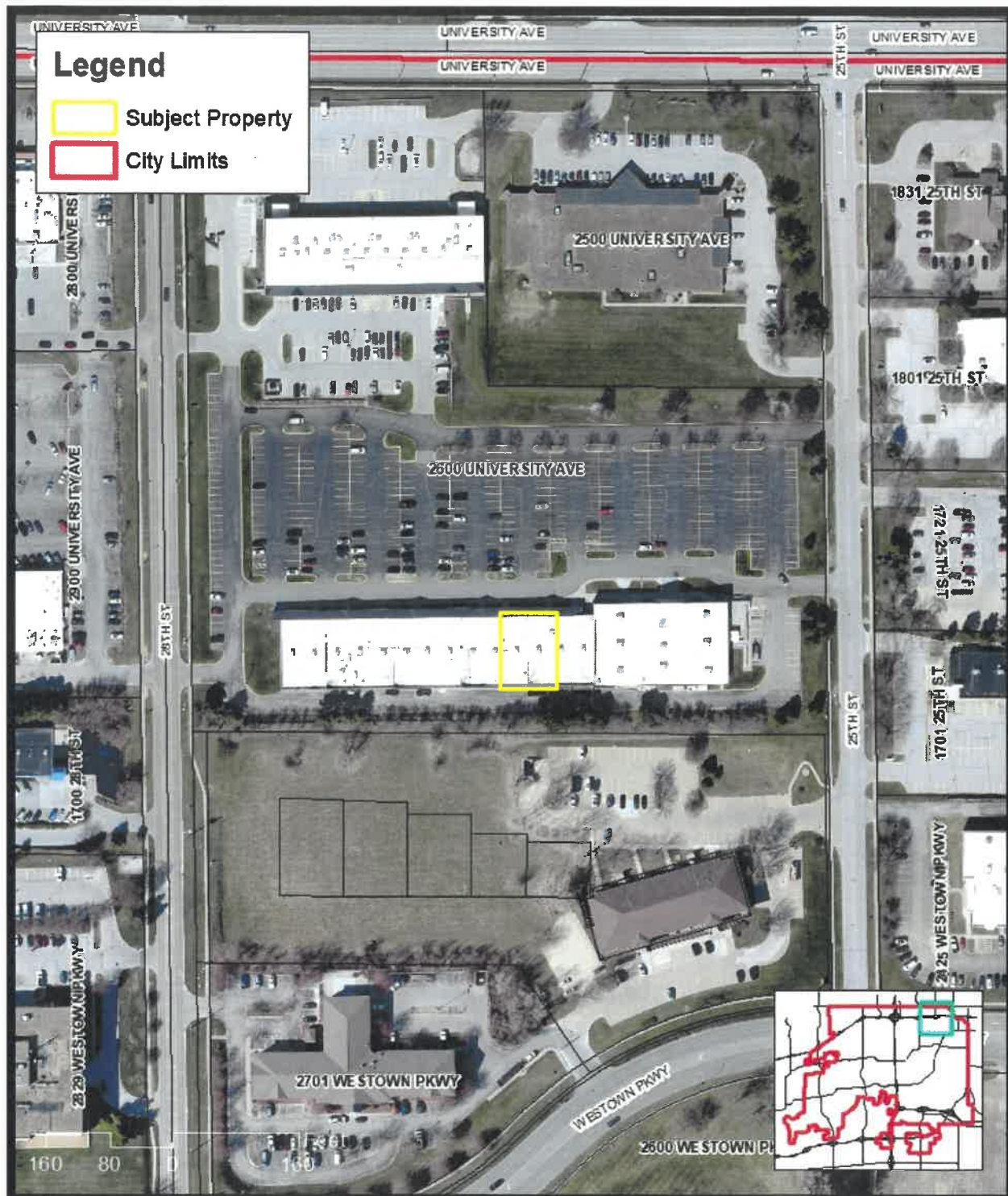
**Property Owner:** Denny Elwell Company  
MDM Equity 2021 LLC  
POB 187  
Ankeny, IA 50021-0187

**Applicant(s):** Steve Hinrichs  
Popcorn Productions, Inc.  
2700 University Avenue, Suite 310  
West Des Moines, Iowa 50266

**ATTACHMENTS:**

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

**Location Map**



**Legend**  
[Yellow Box] Subject Property  
[Red Box] City Limits



**Proposed Pc Location Map  
2700 University Avenue Suite 310**



The City of West Des Moines makes no claim as to the accuracy, completeness or correctness of the City of West Des Moines digital maps and associated data and assumes no responsibility for their positional or content accuracy.

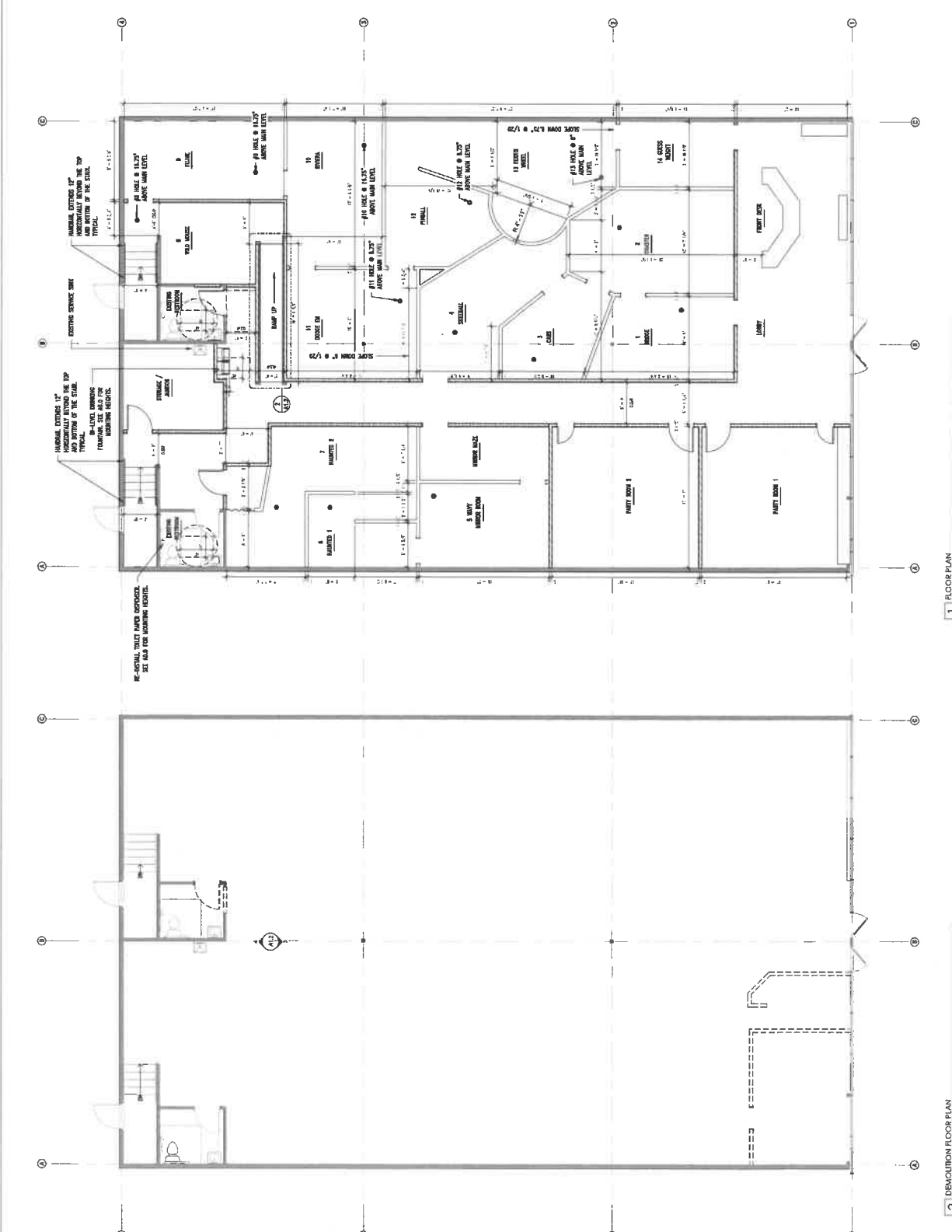


1. ALL CONSTRUCTION IS SUBJECT TO ALL APPLICABLE CITY, COUNTY, AND STATE LAWS, CURRENT LOCAL ORDINANCES & BUILDING CODES AS WELL AS THE AGREEMENT WITH ENGINEERS ACT (AEA) REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
2. SHELL LAYOUT, LOCATIONS OF SERVICES, SIZE OF COMPONENTS, HEIGHTS, SECTIONS AND DETAILS WERE DERIVED FROM LIMITED FIELD SURVEYING AND VISUAL INSPECTION. THE ARCHITECT HAS NOT CONDUCTED A COMPREHENSIVE SURVEY OF THE EXISTING CONDITIONS PRIOR TO THE START OF CONSTRUCTION.
3. VERIFY ALL WALL DIMENSIONS, SYSTEM INDICATORS SHOWN ARE CORRECT.
4. VERIFY ALL REQUIRED EPOCH-IN FINISH DIMENSIONS FOR DOORS, WINDOWS AND BUILT-IN CASES, COMPONENTS INDICATORS FROM TO INDICATOR OF ANY COMPONENT OR FEATURE.
5. REFER TO THE CODE BOOK WALL TYPES, SECTIONS AND DETAILS FOR THE APPLICABLE CODES AND REGULATIONS. THE ARCHITECT HAS NOT CONDUCTED A SURVEY OF THE EXISTING CONDITIONS, THE BUILT WALLS, AND THE PROTECTED FLOOR ASSEMBLY.
6. CONTRACTOR SHALL PROVIDE VERTICAL EXPANSION JOINTS @ 20 FEET MAXIMUM SPACING AND SHALL PROVIDE A MINIMUM OF 24 FEET LONG AND AT BOTH ENDS OF ALL DOORS, WINDOWS, CASES AND OTHER OPENINGS LARGER THAN A REGULAR FOOT. COORDINATE WITH ARCHITECT PRIOR TO INSTALLATION AND FINISHING.
7. PROVIDE IN-WALL WOOD BACKING IS REQUIRED FOR THE NEW WALL, UNLESS OTHERWISE NOTED. PROVIDE TRIM, HANDS, CORNER, AND FINISHES AS NOTED. PROVIDE TRIM, HANDS, CORNER, AND FINISHES AS NOTED. PROVIDE TRIM, HANDS, CORNER, AND FINISHES AS NOTED. PROVIDE TRIM, HANDS, CORNER, AND FINISHES AS NOTED.
8. VERIFY THE CONTRACTOR AND THE ALUM SHALL BE RECOMPENSATED FOR ANY CHANGES TO THE PROJECT PRIOR TO THE PROTECTION CONTRACTOR WORK IS BEGINNING BY THE FIRE PROTECTION CONTRACTOR.

CALL OUTS/ANNOTATIONS AT CHECKS:  
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WALLS TO MATCH SIZE OF EXIST. PARTS  
 WALL IS PARTIAL HEIGHT



1 FLOOR PLAN  
 SCALE 3/16" = 1'-0"

2 DEMOLITION FLOOR PLAN  
 SCALE 3/16" = 1'-0"

**RESOLUTION BOA-2022-02**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005465-2022) TO ALLOW OPERATE AN INDOOR AMUSEMENT RECREATION MINIGOLF COURSE LOCATED AT 2700 UNIVERSITY AVENUE SUITE 310**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Steve Hinrichs, has requested approval of a Permitted Conditional Use permit to operate an indoor amusement recreation minigolf course located at 2700 University Avenue, Suite 310, and legally described as follows:

Legal Description of Property

-EX N 10F- & -EX S 374F N384F E423F- N 820F LT 1 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 is made a part of this record and herein incorporated by reference;

**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-005465-2022);

**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-005465-2022) 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, 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 February 16, 2022, by the following vote:

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

Exhibit A  
CONDITIONS OF APPROVAL

1. None