

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

**Meeting Date:** June 1, 2022

**ITEM:** Tallgrass Theatre Company, 2019 Grand Avenue – Establish a Movie Theater (SIC 7832) Use – James Stephenson, Tallgrass Theatre Company – PC-005618-2022

**RESOLUTION:** Approval to Establish Land Use

**Background:** James Stephenson, Tallgrass Theatre Company, with permission from the property owner, Jeff Harclerode, requests the approval of a Permitted Conditional Use for that property located at 2019 Grand Avenue, Suite 1. Specifically, the applicant requests to operate a single screen movie theater.

**Staff Review and Comment:**

- **History:** The property was formerly used as a roller-skating rink by Skate West. It is located within a Light Industrial zoning district. On October 5, 2020, the City Council adopted an ordinance to allow SIC 7922, Theatric Producers within the Light and General Industrial zoning districts with approval of a Permitted Conditional Use permit (Pc) (AO-004795-2020). In October 2020, the Board of Adjustment approved a Permitted Conditional Use permit for Tallgrass Theatre Company to operate a theatre for plays (Pc-004866-2020). A request to amend the zoning ordinance is progressing through the approval process to allow a single-screen movie theater to operate in Light and General Industrial zoning districts (AO-005613-2022).
- **Staff Concerns:** The applicant is hoping to host their first movie showing on June 15<sup>th</sup> as part of Juneteenth celebrations. The City Council will only have considered the first reading of the city code amendment. Assuming the City Council adopts the first reading of the ordinance, staff is comfortable with allowing the applicant to conduct their first showing prior to the anticipated final adoption of the ordinance at the City Council's June 20<sup>th</sup> meeting.
- **Parking & Traffic Analysis:** As part of the ordinance amendment that is progressing through the approval process, the parking requirement for single screen movie theaters is proposed to be one (1) parking space for every two (2) seats. Since the size of the theater has not changed since the theatric production was reviewed, no parking study was done for this use. The approximate seating in the theater is 82 seats requiring 41 parking spaces. It appears that 41 spaces are available on the property.

**Recommendation:** Approve the Permitted Conditional Use request, subject to the applicant meeting all City Code requirements and the following conditions of approval:

1. That movies can be shown beginning after the City Council approves the first reading of the associated ordinance amending city code to allow SIC 7832 in industrial districts.
2. No use, otherwise permitted, activity or event exceeding the parking capacity within the site shall be allowed.

**Lead Staff Member:** Kara Tragesser, AICP

**Meeting Date:**

Board of Adjustment	June 1, 2022
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**Staff Report Reviews:**

<input type="checkbox"/> Development Coordinator (or) <input type="checkbox"/> Director <input type="checkbox"/> Legal Department
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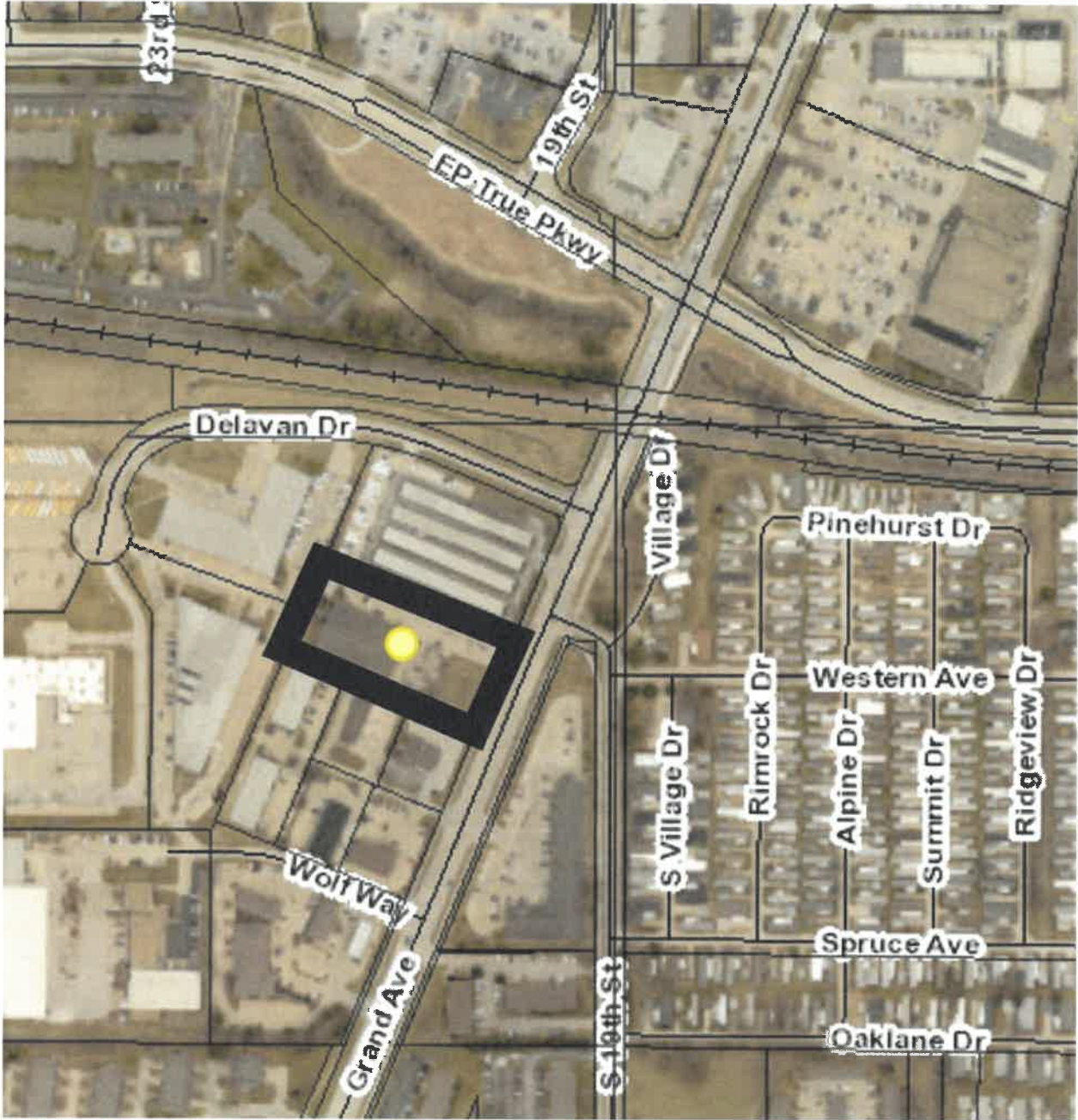
**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	5/20/22
Date(s) of Mailed Notices	5/18/22

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning
Date Reviewed	5/2/22
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split <input type="checkbox"/> No Discussion

Location Map



Prepared by: Kara Tragesser, City of West Des Moines Development Services Dept., 515-222-3620  
When Recorded, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA  
Return to: 50265-0320

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**RESOLUTION NO. BOA-2022-05**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF  
WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT TO  
ALLOW A SINGLE-SCREEN MOVIE THEATER AT 2019 GRAND AVENUE**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, James Stephenson with Tallgrass Theatre Company, with permission from the property owner, Jeff Harclerode, requests approval of a Permitted Conditional Use permit for that property located at 2019 Grand Avenue, Suite 100 and legally described in attached Exhibit 'B'. The applicant is requesting approval allowing a single-screen movie theater to operate in the existing building; and

**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; and

**WHEREAS**, the request complies with applicable findings and provisions of Title 9, the Comprehensive Plan and City Code; and

**WHEREAS**, on this day this Board of Adjustment held a duly noticed Public Hearing to consider the Permitted Conditional Use permit application.

**NOW, THEREFORE**, The Board of Adjustment hereby approves the Permitted Conditional Use permit (PC-005618-2022) subject to compliance with all the conditions in the staff report, dated June 1, 2022, including conditions added at the meeting, and attached hereto as Exhibit "A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on June 1, 2022.

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Michele Stevens, Chairperson  
Board of Adjustment

ATTEST:

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment of the City of West Des Moines, Iowa, at a regular meeting held on June 1, 2022, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

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Recording Secretary

**Exhibit A: Conditions of Approval**

1. That movies can be shown beginning after the City Council approves the first reading of the ordinance amendment.
2. No use, otherwise permitted, activity or event exceeding the parking capacity within the site shall be allowed.

**Exhibit B: Legal Description**

A parcel of land containing 2 acres in the Northeast Quarter (NE ¼) of Section 16, Township 78 North, Range 25 West of the 5th P.M. described as follows: Commencing at the Northeast corner of Section 16, Township 78 North, Range 25 West of the 5th P.M., said point being 26.36 feet Northwest of the center line of the existing Highway No. 90 measured at right angle, thence 505 feet in a southwesterly direction 26.36 feet from and parallel to the centerline of said Highway No. 90 thence 23.64 feet in a northwesterly direction and at right angle to said Highway No. 90 to the point of beginning, thence continuing in a northwesterly direction at right angle to said Highway No. 90 a distance of 435.6 feet, thence in a southwesterly direction parallel to said Highway No. 90 a distance of 200 feet, thence in a southeasterly direction on a line running at right angle to said Highway No. 90 for a distance of 435.6 feet to the west line of said Highway No. 90, thence in a northeasterly direction on the West line of said Highway No. 90 a distance of 200 feet to the point of beginning, all being in and forming a part of the City of West Des Moines, Iowa.