

**CITY OF WEST DES MOINES  
STAFF REPORT COMMUNICATION**

**Meeting Date:** October 9, 2023

**ITEM:** Brew DMC, 103 S 11<sup>th</sup> Street – Approve Level 1 Minor Modification to Site Plan to allow site modifications to implement a brewery and restaurant use – Justin Clark, Lotus Homes, LLC – MML1-006146-2023

**Resolution: Approval of Level 1 Minor Modification to Site Plan**

**Background:** Justin Clark with Lotus Homes, LLC, and property owner, Steve White with Go America, L.L.C., request approval of the Level 1 Minor Modification to Site Plan for the approximately 2.1-acre property located at 103 S 11<sup>th</sup> Street. The applicant proposes to modify the site to renovate the building from a brewery with taproom to a brewery and restaurant. The applicant is also updating the exterior facade, expanding the patio and adding a second story deck. The property is zoned General Industrial. The proposed uses SIC 2082 Brewery with no taproom and SIC 58 Bar/Restaurant are allowed uses in the General Industrial District.

Typically, Minor Modifications to Site Plan applications are approved administratively; however, (as detailed below in Key Development Aspects section), because the project does not comply with Off-Street Parking regulations stated within current zoning, approval of a parking deferral will need to be granted by the City Council as part of the Minor Modification approval:

9-15-6.N states: *“The City Council reserves the right to waive or modify to a lesser restriction any provision or requirement of off-street parking and loading areas contained in this chapter, provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property.”*

**Staff Review & Comment:**

- **Financial Impact:** No City funding of the project. Staff time for processing of development application and inspections during construction.
- **History:** According to the County Assessor, the building was constructed in 1990. Part of the building was previously home to Fox Brewery and is currently vacant. Fox Brewery needed a Permitted Conditional (PC) Use Permit to operate a brewery and a taproom. The current proposed use for a brewery and a bar/restaurant is permitted in the zoning district without the approval of a PC.
- **Key Development Aspects:**
  1. **Parking:** Currently there are 72 onsite parking spaces for the tenants within this multi-tenant building. As noted, this site is the former home to Fox Brewery. Fox Brewery along with the other businesses in the building required 82 parking stalls per code. Based on most of the taproom patrons would not be onsite until after other businesses within the multi-tenant building are closed, a parking deferral for 10 parking spaces was granted with the condition that if tenancy in the building or business operations change that results in a parking problem, that a parking agreement will need to be made with an adjacent property owner to provide for additional parking or other tenant or operational measures implemented to remedy the problem. Staff did not receive any complaints about parking during Fox Brewery’s occupancy.

The current tenant mix still consists of warehouse and office uses. Adding in parking for the approximately 2,500 sq. ft. brewery component and the approximately 3,500 sq. ft.

restaurant/bar, still results in the total number of required spaces for the building as a whole being 82 parking spaces, with the majority of that required triggered by proposed Brew DMC restaurant component.

The applicant was asked to discuss with the property owner the hours of operation and traffic generated by the other tenants within the building to determine if there is off peak parking that is available to the restaurant. The owner indicated that there is plenty of available parking during the day and other tenants' traffic is generally limited to times when the employees are going in and leaving work. Although the restaurant will be open from 11 AM to 10 PM causing some overlap of parking needs, unless the restaurant is always at full capacity during all hours, the site should have available parking. The property owner indicated that he does not have concerns with the business mix or with the city granting a parking deferral.

With this information, staff recommends the reaffirmation of the approval to defer 10 required parking spaces. If there is insufficient parking for the site, the property owner in conjunction with his tenants will need to take steps to accommodate the parking needs of the building. This may include obtaining a cross parking agreement with an adjacent property owner, the landlord modifying the tenancy of the property to alleviate the need for some parking, or the applicant scaling his operation to a point where the hours of parking demand aligns with the availability of parking.

2. Site Modifications: As part of the implementation of the use, the applicant is proposing updating his portion of the exterior facade of the building, building a second story deck and adding a new patio door, sidewalk, and bike racks.

**Outstanding Issues**: There are no outstanding issues.

Planning and Zoning Commission Action:

Date:

Vote:

Recommendation:

**Recommendation**: Approve the Level 1 Minor Modification to Site Plan request, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. The City Council reaffirming the approval of the deferral of 10 parking spaces until such time that a parking problem arises; and, the applicant and property owner agreeing to make the necessary modifications in tenancy and/or business operations to a point where the parking demand meets available parking, and/or obtainment of a cross parking agreement with an adjacent property owner(s).

**Lead Staff Member: Emani Brinkman**

**Approval Meeting Dates:**

Planning and Zoning Commission	October 9, 2023
City Council	

**Staff Report Reviews:**

Planning & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

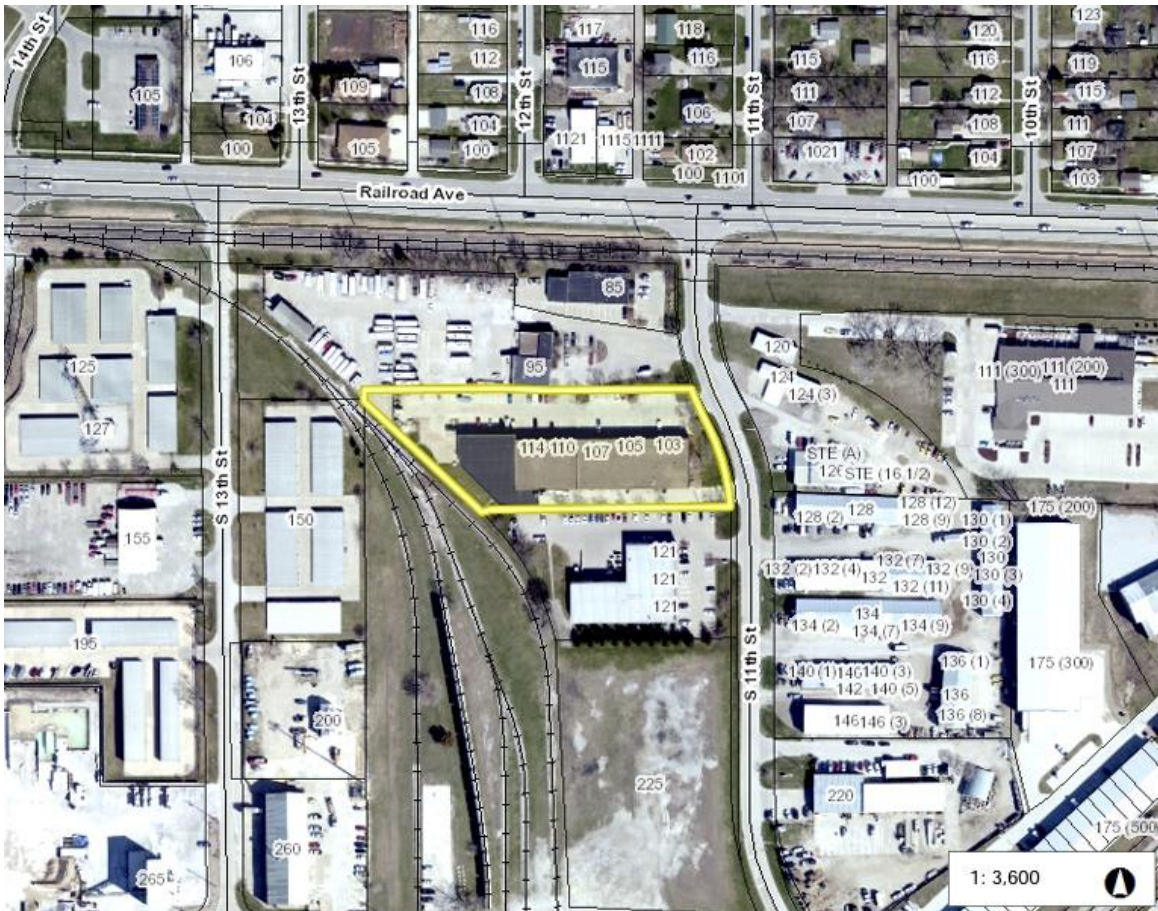
**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

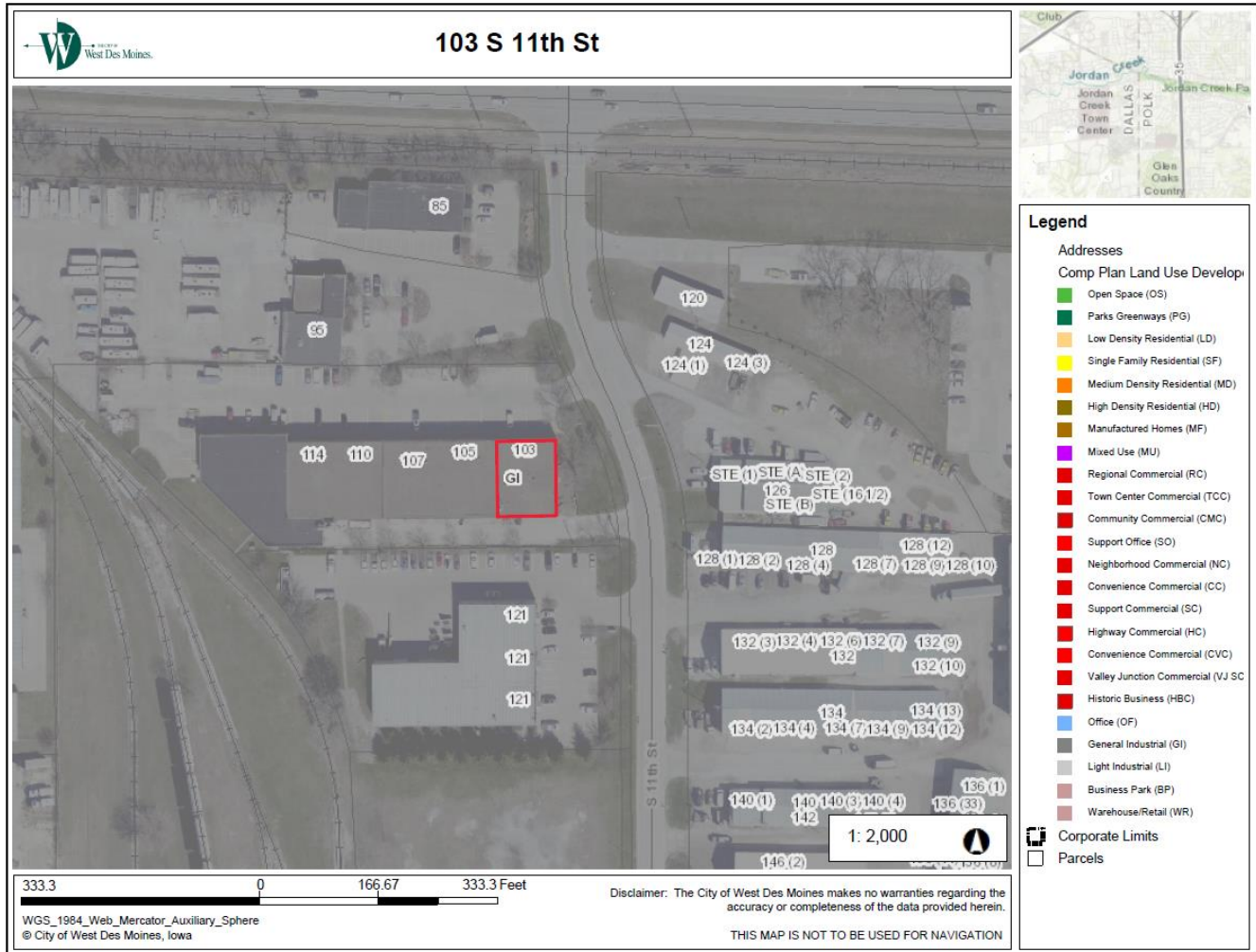
**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning		
Date Reviewed	8/7/23		
Recommendation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Split
	No Discussion <input checked="" type="checkbox"/>		

**Location Map**



# Vicinity Map – Land Uses





## **A RESOLUTION OF THE PLANNING AND ZONING COMMISSION**

**NO. PZC-23-056**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning of the West Des Moines Municipal Code, the applicant, Justin Clark with Lotus Homes, LLC, in cooperation with the property owner, Steve White with Go America, L.L.C., requests approval of the Level 1 Minor Modification to Site Plan for the approximately 2.1-acre property located at 103 S. 11<sup>th</sup> Street as depicted on the location map included in the staff report. The applicant requests approval of a deferment of ten (10) parking spaces, and approval to update the exterior façade, expand the patio and construction of a second story deck and associated site improvements; and

**WHEREAS**, the Level 1 Minor Modification to Site Plan request complies with the findings stated in the applicable provisions of Title 9, the Comprehensive Plan and City Code.

**NOW THEREFORE**, the Planning and Zoning Commission of the City of West Des Moines recommends the City Council approve the Level 1 Minor Modification to Site Plan (MML1-006146-2023), subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

**PASSED AND ADOPTED** on October 9, 2023.

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Andrew Conlin, Chair  
Planning and Zoning Commission

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting on October 9, 2023, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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Recording Secretary

Prepared by: Emani Brinkman, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa  
50265-0320 515-222-3620

When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

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## **RESOLUTION**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING A MINOR MODIFICATION LEVEL 1 TO ALLOW UPDATES TO THE EXTERIOR FAÇADE, PATIO EXPANSION AND CONSTRUCTION OF A SECOND STORY DECK.**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Justin Clark with Lotus Homes, LLC, in cooperation with the property owner, Steve White with Go America, L.L.C., requests approval of Brew DMC Renovation Minor Modification Level 1 for that property located at 103 S. 11<sup>th</sup> Street and legally described in attached Exhibit 'B' for the purpose of approval of deferment of ten (10) parking spaces and approval to upgrade the exterior façade, patio expansion and construction of a second story deck; 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 Minor Modification Level 1 complies with findings stated in the applicable provisions of Title 9, Chapter 1, Subsection 8, the Comprehensive Plan and City Code.

**WHEREAS**, on October 9, 2023, the Planning and Zoning Commission recommended to the City Council, by a **X-X** vote, for approval of the Minor Modification Level 1; and

**WHEREAS**, on this day the City Council held a duly noticed meeting to consider the application for the Minor Modification Level 1.

**NOW, THEREFORE**, The City Council does approve the Brew DMC Renovation Minor Modification Level 1 (MML1-006146-2023), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on October 16, 2023.

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Russ Trimble, Mayor

ATTEST:

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Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on October 16, 2023, by the following vote.

**Exhibit A: Conditions of Approval**

1. The City Council reaffirming the approval of the deferral of 10 parking spaces until such time that a parking problem arises; and, the applicant and property owner agreeing to make the necessary modifications in tenancy and/or business operations to a point where the parking demand meets available parking, and/or obtainment of a cross parking agreement with an adjacent property owner(s).

**Exhibit B: Legal Description**

Lot 2 in Schroder Industrial Park Plat 2, an official plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa