

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	November 18, 2013
	Agenda Item No.	58
	Roll Call No.	<u>13-1851</u>
	Communication No.	<u>13-556</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Review of Zoning Board of Adjustment decision to grant a variance to a separation distance requirement to allow use of property at 1000 Thomas Beck Road as a restaurant with liquor, wine, and/or beer sales.

SYNOPSIS:

On October 23, 2013, the Zoning Board of Adjustment voted 4-0 to conditionally approve a variance of the provision that requires any new restaurant selling liquor, wine, or beer to have at least 75 feet of separation from any church, school, public park, or licensed child care facility. The subject property is 50 feet from MacRae Park.

The Decision and Order of the Zoning Board of Adjustment’s action was executed under the signature of Chairman Bill Gray on October 29, 2013. Pursuant to Section 135-65 of the City Code, the City Council shall review the Board’s decision within 30 days after the decision is filed. After such review, the City Council may remand the decision to the Board for further study. If the City Council declines to remand the decision, that decision shall become final on the date of the City Council’s action (November 18, 2013). Staff recommends that the City Council not remand the Board’s decision.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The subject property is located on the south side of Thomas Beck Road in the Gray’s Lake Neighborhood. The site contains an 80-foot by 125-foot (10,000 square feet) warehouse structure, an off-street parking lot, and an open space area. The site is zoned M-1 (Light Industrial) and is owned by Benskin Brothers, Inc., represented by Alex Benskin, 339 Southwest 6th Street, Des Moines, IA 50309. The business would be operated by Bourbon Promotions, represented by Uriah Mixdorf, 4225 Fleur Drive, Suite 139, Des Moines, IA 50321.

The Board of Adjustment also granted a variance of 37 parking spaces less than the minimum required 67 off-street parking spaces required for 10,000 square feet of restaurant area (1 space per 150 square feet). The appeals allow conversion of the existing 80-foot by 125-foot (10,000 square feet) structure to a restaurant use that would sell liquor, wine, and beer, while providing 30 off-street parking spaces.

The Board of Adjustment granted the variances subject to the following conditions:

1. The minimum required off-street parking spaces (calculated as 1 space per 150 square feet of the restaurant use) shall be provided within two (2) years by October 29, 2015.
2. The Variance shall be subject to reconsideration if the Zoning Enforcement Officer determines that operation of the business or the parking associated with the business constitutes a nuisance

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: October 23, 2013

Resolution Number: ZON2013-00168

Action: Conditionally approved a variance of the provision that requires any new restaurant selling liquor, wine, or beer to have at least 75 feet of separation from any church, school, public park, or licensed child care facility and a variance of 37 parking spaces less than the minimum required 67 off-street parking spaces required for 10,000 square feet of restaurant area (1 space per 150 square feet), to allow conversion of the existing 80-foot by 125-foot (10,000 square feet) structure to a restaurant use that would sell liquor, wine, and beer, while providing 30 off-street parking spaces, by a 4-0 vote.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.