

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	November 18, 2013
	<b>Agenda Item No.</b>	<b>59</b>
	<b>Roll Call No.</b>	<b><u>13-1852</u></b>
	<b>Communication No.</b>	<b><u>13-565</u></b>
	<b>Submitted by:</b>	<b>Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Review of Zoning Board of Adjustment decision to grant a variance to a separation distance requirement and a Conditional Use Permit to allow use of property at 501 Scott Avenue as a brewery with retail and tap room components.

**SYNOPSIS:**

On October 23, 2013, the Zoning Board of Adjustment voted 4-0 to approve a Conditional Use Permit for a business selling wine, liquor, and/or beer and a variance of the provision that requires any new tavern-type use to have 150 feet of separation from any church, school, public park, or licensed child care facility. The subject property is located 82 feet to the southwest of Allen Park. The appeals allow conversion of a 5,446-square foot portion of the existing building to a brewery use (Madhouse Brewery) that would include a 1,300-square foot room for beer tasting and retail sales that would be accessory to the brewery use, as well as an 1,152-square foot patio to the west of the building.

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 a 0.58-acre parcel at 501 Scott Avenue. The site is zoned M-1 (Light Industrial) and is owned by SE Bottoms, LLC, represented by Mason Groben, 1601 West 21<sup>st</sup> Street North, Newton, IA 50208. The site is within the Historic East Village Neighborhood and is located 82 feet to the southwest of Allen Park. The site contains an 83-foot by 120-foot (9,960 square feet) warehouse structure and an off-street parking lot.

The appeals allow conversion of a 5,446-square foot portion of the existing building to a brewery use (Madhouse Brewery) that would include a 1,300-square foot room for beer tasting and retail sales that would be accessory to the brewery use, as well as an 1,152-square foot patio to the west of the building.

The appeals require that any sale of alcohol on the premises be accessory to a brewery use with the same or substantially similar business plan as presented to the Zoning Board of Adjustment. The Conditional Use Permit is subject to amendment or revocation if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the Conditional Use Permit. Also, any retail sale of alcohol or any on-site consumption shall be in accordance with the proper license or beer permit obtained through the Office of the City Clerk as approved by the City Council.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S):**

Board: Zoning Board of Adjustment

Date: October 23, 2013

Resolution Number: ZON2013-00170

Action: Conditionally approved a Conditional Use Permit for a business selling wine, liquor, and/or beer and a Variance of the provision that requires any new tavern-type use to have 150 feet of separation from any church, school, public park, or licensed child care facility, to allow conversion of a 5,446-square foot portion of the existing building to a brewery use (Madhouse Brewery) that would include a 1,300-square foot room for tasting and retail sales accessory to the brewery use, as well as an 1,152-square foot patio to the west of the building, 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](mailto:cityclerk@dmgov.org).