

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	September 8, 2014
	Agenda Item No.	45
	Roll Call No.	<u>14-1412</u>
	Communication No.	<u>14-445</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Review of Zoning Board of Adjustment decision granting a variance from a separation distance requirement to allow use of property at 1951 Indianola Avenue as a restaurant selling wine and beer.

SYNOPSIS:

On August 27, 2014, the Zoning Board of Adjustment voted 7-0 to approve a Variance of the provision that requires any restaurant selling wine and/or beer to provide at least 75 feet of separation from any church, school, public park, or licensed childcare facility. The site is within 0 feet of Columbus Park.

The Decision and Order of the Zoning Board of Adjustment’s action was executed under the signature of Chairman Mel Pins on September 2, 2014. Pursuant to Section 134-65 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 (September 8, 2014). Staff recommends that the City Council not remand the Board’s decision.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The subject property is a 10,796 square foot parcel along the east side of Indianola Avenue, just south of Columbus Park. It contains a 1,560 square foot structure, most recently occupied as Finley’s Smokehouse Barbeque restaurant. The property is zoned “C-1” Neighborhood Retail Commercial District. The subject property is owned by Michael and Jody Leo, 214 Watson Powell, Jr. Way, #415, Des Moines, IA 50309.

The subject property has been occupied by various restaurant uses in the past, none of which have operated with a liquor license, wine permit, or beer permit. The appellant proposes to reoccupy building as a restaurant that would operate as a bakery and coffee shop during the daytime hours and as a wine bar during the evening hours. Since the property is zoned “C-1” District, any sale of wine or beer for on-site consumption must be accessory to a restaurant use. As a restaurant, at least 50 percent of the gross receipts must be derived from the sale of prepared food and food-related services.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: August 27, 2014

Resolution Number: Approved a Variance from a separation distance requirement to allow use of property at 1951 Indianola Avenue as a restaurant selling wine and beer, where no more than 50% of gross receipts from sales on the premises may be derived from the sale of wine and beer, by a 7-0 vote.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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