

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	September 12, 2016
	Agenda Item No.	76
	Roll Call No.	<u>16-1562</u>
	Communication No.	<u>16-496</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Review Zoning Board of Adjustment decision granting a Variance to a separation distance requirement to allow the sale of wine and beer on an outdoor patio at the existing Strudl Haus restaurant at 1951 Indianola Avenue.

SYNOPSIS:

Staff recommends that the Council decline to remand the decision of the Zoning Board of Adjustment conditionally granting a Variance to separation distance requirement to allow an existing restaurant selling wine and beer to expand to include an outdoor patio.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- The site is located at the northeast corner of Indianola Avenue and East Hillside Avenue. It measures 10,796 square feet in area and is located within the McKinley School/Columbus Park Neighborhood.
- The site is zoned “C-1” Neighborhood Retail Commercial District.
- The site is owned by Michael Leo, 214 Watson Powell, Jr. Way, Unit 415, Des Moines, IA 50309.
- The site is within 0 feet of Columbus Park.
- The existing 1,560-square-foot Strudl Haus restaurant use is permitted to sell wine and beer in accordance with a Variance to the separation distance requirement as granted by the Zoning Board of Adjustment on August 27, 2014.
- The business would now like to add a 211-square-foot patio for outdoor service.
- On August 24, 2016, the Zoning Board of Adjustment voted 6-0 to approve a Variance of the zoning regulation that requires any restaurant selling wine and beer to provide at least 150 feet of separation from any church use.

- The approval is subject to the following conditions: (1) any sale of wine and beer on the premise shall only occur as part of a restaurant use, and (2) no more than 50% of gross receipts from sales on the premises may be derived from the sale of wine and beer.
- 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 12, 2016).

PREVIOUS COUNCIL ACTION(S):

Date: September 8, 2014

Roll Call Number: [14-1412](#)

Action: Moved by Gatto to accept and not remand the August 24, 2014 decision of the Zoning Board of Adjustment granting a Variance from separation distance requirement to allow establishment of a restaurant selling wine and beer, approved by a 7-0 vote.

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: August 24, 2016

Resolution Number: ZON2016-00121

Action: Approved a Variance of a separation distance requirement to allow an existing restaurant selling wine and beer at 1951 Indianola Avenue to expand to include an outdoor patio, by a 6-0 vote.

Board: Zoning Board of Adjustment

Date: August 27, 2014

Resolution Number: ZON2014-00130

Action: Approved a Variance to a separation distance requirement to allow use of property at 1951 Indianola Avenue as a restaurant selling wine and beer, by a 7-0 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 Administration Building, 400 E. Court Avenue Ste.116. 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.