


COUNCIL COMMUNICATION

 CITY OF DES MOINES OFFICE OF THE CITY MANAGER	Number:	22-356	Meeting:	August 8, 2022
	Agenda Item:	59	Roll Call:	22-1299
	Submitted by:	Erin Olson-Douglas, Development Services Department Director		

AGENDA HEADING:

Review of Zoning Board of Adjustment decision conditionally granting a Variance to a separation distance requirement to allow sales of alcoholic liquor, wine, and/or beer by a “Restaurant” use in a “RX1” Mixed Use District, for property at 1828 Hubbell Avenue.

SYNOPSIS:

Staff recommends that the Council decline to remand the decision conditionally granting a Variance to a separation distance requirement to allow sales of alcoholic liquor, wine, and/or beer by a “Restaurant” use in a “RX1” Mixed Use District, for property at 1828 Hubbell Avenue.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On July 27, 2022, the Board of Adjustment conditionally granted a Variance to a separation distance requirement to allow sales of alcoholic liquor, wine, and/or beer by a “Restaurant” use in a “RX1” Mixed Use District.
- The subject property is within 75-feet of Ashfield Park.
- The Board of Adjustment’s Decision & Order includes multiple conditions to ensure that the impacts of any restaurant selling alcoholic liquor, wine and/or beer for on premise consumption use are minimal.
- The subject property is a 12,290-square-foot (0.282-acre) property located at the north side of the intersection of Des Moines Street and Hubbell Avenue. The property contains a 2,483-square-foot building. The subject property is zoned “RX1” Mixed Use District.
- The subject property is located in the Capitol East Neighborhood Association.
- The business is operated by El Chero Restaurante, represented by Xiomara Mejia, 1828 Hubbell Avenue, Des Moines, IA 50316.
- The property is currently owned by Javier Plesent, 2313 East 42nd Street, Des Moines, IA 50317.
- Pursuant to City Code Section 134-6.7.8.D., 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 (August 8, 2022).

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: July 27, 2022

Resolution Number: ZBOA-2022-000048

Action: Voted 4-1 to conditionally grant a Variance (per City Code Section 134-6.7) of the required 75-foot separation distance from a public park required for a restaurant selling alcoholic liquor, wine and/or beer for on premise consumption.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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