

**CITY OF WEST DES MOINES  
BOARD OF ADJUSTMENT COMMUNICATION**

**Meeting Date:** March 18, 2020

**Item:** Majestic Limo and Coach, 1816 Fuller Road – Allow sale of mini-buses and motor coaches (SIC 559) on property at 1816 Fuller Road – Majestic Limousine Service LLC – PC-004653-2020

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** The applicant, Dave Warwick of Majestic Limousine Service LLC, is requesting approval of a Permitted Conditional Use permit to obtain an auto dealer license for the purpose of buying, refurbishing, and selling mini-buses and motor coaches. The Standard Industrial Classification (SIC) manual includes specific classifications for Cars, Pick-ups and Vans, Boats, Recreational Vehicles, Motorcycles, and 'Not Elsewhere Classified'. As the proposed is for the sale of mini-buses and motor coaches typical of the limousine trade, staff classified this use under the Auto-Dealer Not Elsewhere Classified (SIC 559) designation which is a Permitted Conditional Use according to the Zoning Code.

In 2016, the Board approved a permitted conditional use permit to operate the same business model, however, didn't inaugurate the use. The State of Iowa licensing agency for auto dealers requires that proof of a zoning approval from the City be provided that is current.

**City Council Subcommittee:** This item is scheduled to be presented to the Development and Planning City Council Subcommittee on March 16, 2020.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. Staff notes the following:

**SIC 559:** This Standard Industrial Classification Code does not include either new or used automobile dealers, truck dealers, vans, pick-ups, and /or boats. This code includes various other specialty motorized and non-motorized vehicles. The proposed use permit is required in order for the applicant to obtain a dealer permit from the State of Iowa to buy, sell, and refurbish mini-buses and motor coaches for buyers and sellers in the mini bus and motor coach trade. The applicant has indicated that they anticipate having very few vehicles for sale on the site at any given time (5 or less). Additionally, they intend to locate the vehicles in the rear of the lot as the sale of these vehicles is normally advertised through trade publications and channels and not by drive-by traffic.

**Permitted Conditional Use Permit Findings:** Majestic Limousine and Coach's application for a Permitted Conditional Use Permit to operate an auto dealership for mini-buses and motor coaches at 1816 Fuller Road was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.

4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Staff Recommendations and Conditions of Approval:** Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to allow the operation of an auto dealership for the sale of mini-buses and motor coaches (SIC 559: Automotive Dealers, Not Elsewhere Classified) at 1816 Fuller Road, subject to meeting all City Code requirements, regulations, and the following:

1. The vehicles to be sold at this location and part of this permit shall be restricted to only those types of vehicles customarily used within the limousine trade.
2. Outdoor storage and display shall not occur in any required yard setback, open space, or required parking area, unless approved by a future site plan.
3. Any vehicle conspicuously parked adjacent to a public street for more than three hours primarily for advertisement shall be prohibited, in accordance with Title 9, Zoning, Chapter 18, Signs.

**Noticing Information:** On March 6, 2020, notice of the March 18, 2020, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to surrounding property owners within 370 feet of the subject property on March 4, 2020.

**Applicant:** Majestic Limousine Service LLC  
 1816 Fuller Road  
 West Des Moines IA 50265  
 Dave Warwick  
 515-650-5555  
[dave@majesticlimo.com](mailto:dave@majesticlimo.com)

**Property Owner:** The 28 Team, LLC  
 1816 Fuller Road  
 West Des Moines IA 50265  
 Scott Woodruff  
 515-650-5555  
[scott@majesticlimo.com](mailto:scott@majesticlimo.com)

**Attachments:**

- |              |   |                                      |
|--------------|---|--------------------------------------|
| Attachment A | - | Permitted Conditional Use Resolution |
| Exhibit A    | - | Conditions of Approval               |
| Attachment B | - | Location Map                         |

Prepared by: KTragesser City of West Des Moines PO Box 65320 West Des Moines, IA 50265-0320 515-222-3620  
When Recorded Return to: City Clerk City of West Des Moines PO Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION – BOA2020-06**

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-004653-2020) FOR THE PURPOSE OF OPERATING AN AUTO DEALERSHIP UNDER SIC CODE 559 FOR THE SALE OF MINI-BUSES AND COACHES AT 1816 FULLER ROAD

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Majestic Limousine Service, LLC., in cooperation with the property owner, The 28 team, LLC. has requested approval for a Permitted Conditional Use Permit to operate an auto dealership under SIC 559 for the sale of only minibuses and coaches customary of the limousine trade at properly locally known as 1816 Fuller Road and legally described as:

Legal Description of Property

THE SOUTH 50 FEET OF LOT 10 AND ALL OF LOT 11, INDUSTRIAL PARK PLAT 1 REPLAT,  
AND OFFICIAL PLAT NOW IN AND FORMING A PART OF THE CITY OF WEST DES MOINES,  
POLK COUNTY, IOWA

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on March 18, 2020, the Board of Adjustment held a duly noticed public hearing to consider the application for Permitted Conditional Use Permit;

**NOW, THEREFORE**, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

**SECTION 1.** The findings, for approval, in the staff report, or as amended orally at the Board of Adjustment hearing, are adopted.

**SECTION 2.** The PERMITTED CONDITIONAL USE PERMIT (PC-004653-2020) is approved, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on March 18, 2020

\_\_\_\_\_  
Angie Pfannkuch, Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on March 18, 2020, by the following vote:

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

**EXHIBIT A:  
CONDITIONS OF APPROVAL**

1. The vehicles to be sold at this location and part of this permit shall be restricted to only mini buses and motor coaches.
2. Outdoor storage and display shall not occur in any required yard setback, open space, or required parking area, unless approved by a future site plan.
3. Any vehicle conspicuously parked adjacent to a public street for more than three hours primarily for advertisement shall be prohibited, in accordance with Title 9, Zoning, Chapter 18, Signs.



# 1816 Fuller Road



1 : 8,000



**Legend**

- Corporate Limits
- Parcels



1,333.3 Feet

0 666.67 1,333.3 Feet

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © City of West Des Moines, Iowa