

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_01-23-2019

Chairperson Cunningham called to order the January 23, 2019, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. in the City Council Chambers, West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, Iowa.

Roll Call: Blaser, Christiansen, Cunningham, Pfannkuch, Stevens Present

Chairperson Cunningham welcomed new Board Member Michele Stevens.

Item 1 – Consent Agenda

Item 1a – Minutes of January 9, 2019

Moved by Board Member Christiansen; seconded by Board Member Pfannkuch, to approve the January 9, 2019 meeting minutes.

Vote: Blaser, Christiansen, Cunningham, Pfannkuch, Stevens Yes

Motion carried.

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a – Kum & Go Revised, 330 Jordan Creek Parkway – Construct a 5,600 sq. ft. convenience store with eight fuel pumps – Kum & Go, LC – PC-004178-2018

Chairperson Cunningham opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary indicated that the notice was published on January 11, 2019, in the Des Moines Register.

Chairperson Cunningham recused himself as the applicant is a client of his firm. Board Member Christiansen also recused himself for a conflict of interest with his firm.

Acting Vice Chair Pfannkuch then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Board Member Blaser, seconded by Board Member Stevens, the Board of Adjustment accepted and made a part of the record all testimony and documents received at this public hearing.

Vote: Blaser, Pfannkuch, Stevens Yes
Christiansen, Cunningham..... Abstained

Motion carried.

Keith Weggen, Civil Design Advantage, 3405 SE Crossroads Dr, Suite G, Grimes, presented the request for conditional use, informing that in 2016 the use was approved; however the store has not been constructed. They are now reapplying. The building will be slightly smaller, with the same number of pumps, same access locations, same landscaping. Weggen stated that they have no objections to all staff requests.

Board Member Stevens asked the status of the Kum & Go located ¼ mile south of the proposed site. Mr. Weggen

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stated it is his understanding that the south store would go away once the store at 330 Jordan Creek Parkway is complete.

Vice Chair Pfankuch asked if anyone from the audience wished to speak. Seeing none, Vice Chair Pfankuch closed the Public Hearing and asked for Staff's comments.

Planner Brian Portz, Development Services, noted that conditional use permits are good for two years (*this was an incorrect statement: Pc entitlement for the use is valid for 12 months: typical site plan approvals are valid for 24 months*). Since construction did not begin during that time, the prior permit expired, and Kum & Go was required to reapply.

Vice Chair Pfankuch asked for continued discussion or a motion and a second for this item.

Moved by Board Member Stevens, seconded by Board Member Blaser, the Board of Adjustment adopted a resolution to approve the Permitted Conditional Use Permit to allow the 5,600sf convenience store with eight pumps, subject to meeting all City Code requirements and regulations.

Vote: Blaser, Pfankuch, Stevens Yes
Christiansen, Cunningham..... Abstained

Motion carried.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

There were no Staff Reports. Chair Cunningham asked for the next meeting date. There are no agenda items for the February 6 meeting, therefore the next meeting is scheduled for February 20.

Item 6 – Adjournment

Vice Chair Pfankuch asked for a motion to adjourn the meeting.

Moved by Board Member Blaser, seconded by Board Member Stevens, the Board of Adjustment meeting adjourned.

Vote: Blaser, Christiansen, Cunningham, Pfankuch, Stevens Yes
Motion carried.

The meeting adjourned at 5:38 p.m.

Thomas M. Cunningham, Chairperson
Board of Adjustment

Recording Secretary