

CITY1536.DSS

Chairperson Christiansen called to order the March 9, 2016, 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, Stewart ..... Present  
Celsi, Cunningham ..... Absent

**Item 1 – Consent Agenda**

**Item 1a – Minutes of February 24, 2016**

Chairperson Christiansen suggested that this item be deferred to later in the meeting in the event of Board member Celsi’s arrival to be able to vote on this item.

**Item 2 – Old Business**

There were no Old Business items reported.

**Item 3 – Public Hearings**

**Item 3a – Kum & Go #97 – 220 50<sup>th</sup> Street – Construct a 6,200 sq. ft. convenience store with gas pumps – Kum & Go, LC – PC-002825-2016**

Chairperson Christiansen 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 February 19, 2016, in the Des Moines Register.

Chairperson Christiansen 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 Stewart, seconded by Board Member Blaser, the Board of Adjustment accepts and makes a part of the record all testimony and documents received at this public hearing.

Vote: Stewart, Blaser, Christiansen ..... Yes  
Cunningham, Stewart ..... Absent

Motion carried.

The Recording Secretary indicated that a memo was placed on the dais from staff regarding the proposal by Kum & Go.

Keith Weggen, Civil Design Advantage, 3405 SE Crossroads Drive, Suite G, Grimes, Iowa, explained that the proposal is for Lot 1 of Southwoods Plat 2, at the northwest corner of E. P. True Parkway and 50<sup>th</sup> Street. Kum & Go has purchased the property where the former Dahl’s food store is located and would like to relocate its existing convenience store from the south side of E. P. True Parkway to this site. The applicant is proposing to construct a 6,217 sq. ft. convenience store with six fuel pumps with a fuel pump canopy.

Mr. Weggen noted that the plans to install zero curbs with bollards and planters, as included in the staff report, are being proposed to change due to operations and maintenance concerns on behalf of Kum & Go. The applicant proposed to install the curbs as required by code adjacent to the parking areas, and eliminate the use of

the planters. An exhibit illustrating the proposed change was placed on the dais with a cover memorandum from Staff.

Mr. Weggen indicated that the applicant agrees with the conditions of approval contained in the staff report.

Kara Tragesser, Planner, referred to the memorandum placed on the dais addressing the issue of installing curbs instead of the proposed planters and bollards with a zero curb as discussed in the staff report. Staff supports the proposed revision. Ms. Tragesser recommended that Condition of Approval #1 be stricken now that the applicant has proposed a site plan which meets code requirements for curbs. Ms. Trageser also noted that Condition of Approval #3 for the storm water management plan has been satisfied and recommended that that condition also be stricken.

Chairperson Christiansen clarified for the record that the square footage of the proposed convenience store was 6,217 sq. ft. as noted by the applicant in lieu of the 6,200 sq. ft. number that was stated in the staff report.

Chairperson Christiansen then asked for any other questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Moved by Board Member Blaser, seconded by Board Member Stewart, the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to allow a 6,217 sq. ft. convenience store with gas pumps at 220 50<sup>th</sup> Street, striking Conditions of Approval #1 and #3, subject to meeting all City Code requirements and the following:

- ~~1. That the use of bollards and vegetation planter boxes is acceptable in lieu of a curb between the building and the vehicle area. At all times, said bollards and boxes must be of earth tone color which compliments and is cohesive with colors and materials of the primary structure.~~
- 2. The ampersand symbol is approved as part of the site plan as a sculpture so long as the symbol is unique from that at other stores and is not clad, painted or otherwise turned red as part of the corporation’s branding signage.
- ~~3. That the storm water facility management agreement be executed and submitted to the City prior to obtaining any building permits, including footing and foundation, commencing site grading, or installation of any utilities, private or public.~~

Vote: Blaser, Stewart, Christiansen ..... Yes  
 Celsi, Cunningham ..... Absent

Motion carried.

**Item 4 – New Business**

There were no New Business items presented.

**Item 5 – Staff Reports**

Chairperson Christiansen indicated that as there were not enough members present to be able to vote on Item 1a, minutes of the February 24<sup>th</sup> meeting, asked for a motion to continue this item to the next Board meeting.

Vote: Blaser, Stewart, Christiansen ..... Yes  
 Celsi, Cunningham ..... Absent

The Recording Secretary stated that at this time there are no items scheduled for the March 23, 2016 meeting.

**Item 6 – Adjournment**

Chairperson Christiansen asked for a motion to adjourn the meeting.

Moved by Board member Stewart, seconded by Board Member Blaser, the Board of Adjustment meeting adjourns.

Vote: Stewart, Blaser, Christiansen.....Yes  
Celsi, Cunningham.....Absent

The meeting adjourned at 5:45 p.m.

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Erik P. Christiansen, Chairperson  
Board of Adjustment

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Michelle Riesenberg, Recording Secretary