

CITY1763.DSS

Chairperson Blaser called to order the April 5, 2017, 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, Celsi, Cunningham, Pfannkuch.....Present
Christiansen.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of March 22, 2017

Moved by Board Member Pfannkuch; seconded by Board Member Celsi, to approve the March 22, 2017 meeting minutes.

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

Motion carried.

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a – Vine Street Daycare Addition - Maho Enterprises - 2520 Vine Street – Approval of a Permitted Conditional Use Permit for a 1,024 sf. addition to an existing daycare and Approval of a Variance to reduce the square footage required for a childcare play lot - PC-003331-2017, VAR-003413-2017

Chairperson Blaser 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 March 17, 2017, in the Des Moines Register.

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

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

Motion carried.

Holly Allen, Vine Street Childcare, 2520 Vine Street, West Des Moines, representing the applicant, provided that the Vine Street Childcare currently has 65 children enrolled. This approval would give the facility additional capacity for twenty-four more children. Currently, the three and four year olds age groups are together which is not ideal. This addition would better accommodate and serve the community. With the variance, Ms. Allen stated that they would be asking for a square footage for the play area that aligns with the Department of Human Services’ requirements which

is 75 square feet of space for 30% of enrollment capacity. This would be 2,002 square feet which is less than what the City requires.

Board Member Cunningham asked if Ms. Allen understood the staff has recommended a condition regarding FEMA. Ms. Allen stated that she understood the requirement and was in agreement. She commented that the LOMR (Letter of Map Revision) had been submitted and received by FEMA on March 21, 2017.

Ms. Allen expressed agreement with the other Staff recommendations and conditions of approval.

Chairperson Blaser then asked for any other questions or comments from the audience; seeing none, closed the public hearing and asked for staff's presentation.

Planner Munford explained that there were two separate applications which will take two separate votes, one for the Permitted Conditional Use to allow for expansion of the daycare facility and the second for a variance to allow for a reduced size playground. During staff's review the project, it was noted that there were 90 feet of easements at the rear of the property that render that area not developable as the area was within the FEMA 100 year floodplain along with the two City easements to make sure that no other structures be added at this location to protect drainage for the creek.

Mr. Munford briefly went through the factors and findings for the Permitted Conditional Use Permit. He continued that there are compatible uses within the area. Given the length of time that this use has been in the area, plus the zoning that is in place, staff found that the project is compatible and would not be creating any harm that would affect the health, safety, and welfare of the community. Also, since the area has been developed for some time, there are no off-site and on-site improvements needed. The Applicant is attempting to meet all of City Code requirements and the only remaining issue would be approval of the variance for the play area.

Planner Munford continued by going over the variance findings. He commented on the creek that runs to the south and the easements that are in place which makes the south 90 feet of the property unbuildable which is unusual for the average convenience commercially zoned property. Because of the easement restrictions, it would be very difficult to build a playground area that would meet City requirements. It is not unusual for a City to have higher requirements than that of the State. In this case, the applicant cannot meet City Code because of the easement restrictions. There are no environmental issues being created. Staff is recommending approval for both the Permitted Conditional Use Permit and the Variance.

Board Member Cunningham asked about the variance regarding there being no detriment to health, safety, and welfare and wanted to make sure the applicant knew the variance was just shy of 700 sf and that the facility would be expanded to allow for 65 children total. By granting this variance for play space, he wanted to ensure that there would be no detrimental effect on the health and welfare of the children. Mr. Munford responded that all state requirements are being met. The expansion allows for adding 24 more children, and even with this number, for a total of 89 children, all health requirements are being met for both the State and the site.

Board Member Celsi asked if the childcare facility would have to pay extra for insurance with this approval as the play lot would be located in a high risk area. Planner Munford responded that since this property has been owned for some time, the insurance rate would not be affected.

Chair Blaser asked that with the granting of this variance, would the play area still meet all state requirements. Mr. Munford responded that yes all requirements of the state would be satisfied.

Ms. Allen returned to the podium and informed the Board that the reason that the Department of Human Services has less restrictive requirements is that there are already rules in place within the department that states that all of the

children cannot be outdoors at the same time. The Vine Street Daycare serves infants through children to the age of five and adheres to the 30% rule.

Chairperson Blaser then asked for any other additional questions or comments; seeing none, asked for a motion and a second for this item.

Moved by Board Member Blaser seconded by Board Member Pfannkuch, the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit for a 1,024 sf addition to an existing daycare, subject to meeting all City Code requirements, regulations, and the following:

Permitted Conditional Use

1. Any building permit for above grade improvements will not be issued until FEMA has notified the City’s Chief Building Official that the area for the addition has been removed from the 100 ear floodplain.
2. The applicant acknowledging and agreeing that any work done prior to the issuance if a LOMR (Letter of Map Revision) from FEMA is at the applicant’s own risk, and that the final site grades will need to comply with any changes that are deemed necessary as part of that approval.
3. The fence, retaining wall or any other structure currently in the flood drainage easements are removed prior to the issuance of a certificate of occupancy.
4. The applicant submitting revised architecture for the addition and acknowledging and agreeing that this approval is contingent on staff’s review of the architecture being consistent in style, material, and color with the existing building.

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

Motion carried.

Variance

Moved by Board Member Cunningham seconded by Board Member Pfannkuch, the Board of Adjustment adopt a resolution to approve a Variance to reduce the square footage required for a childcare plat lot by 686 square feet, subject to meeting all City Code requirements and regulations.

There were no Conditions of Approval.

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

Item 3b – Sully’s, 860 1st Street – Approval of a Permitted Conditional Use Permit for a drinking place with food sales – First Street, LP – PC-003365-2017

Chairperson Blaser 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 March 17, 2017, in the Des Moines Register.

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

Vote: Blaser, Celsi, Cunningham, Pfannkuch..... Yes
Christiansen.....Absent
Motion carried.

Amy Boggs, 110 Grand Avenue, West Des Moines, requested approval for a Permitted Conditional Use Permit to allow a drinking place with food sales in the former Blue Tomato building located at 860 1st Street and close to Sully’s current location. Both buildings are similar in size of 2,100 sf. There are plans to renovate the interior and add a patio cover to the north side of the building. The patio addition would be similar in design to the existing architecture of the building. Ms. Boggs mentioned that the developer, John Mandelbaum, was in attendance and supported the project.

Ms. Boggs expressed agreement with all staff recommendations and conditions of approval mentioning that the storm water fee had been paid last week.

Chairperson Blaser then asked for any other questions or comments from the audience; seeing none, closed the public hearing and asked for staff’s presentation.

Planner Portz stated that Condition #1, the storm water fee, as mentioned by Ms. Boggs, had been paid in full and was no longer a condition of approval.

Chairperson Blaser then asked for any other questions or comments; seeing none, closed the public hearing and asked for a motion and a second for this item.

Moved by Board Member Pfannkuch seconded by Board Member Celsi, the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to allow a drinking place (SIC 5813), subject to meeting all City Code requirements noting that Condition #1 would be deleted:

- ~~1. The required Grand Avenue East Storm Water Connection Fee District fee for the Val Gate plat shall be paid prior to a building permit being issued for the proposed renovations to the Sully’s building. In the event the fee cannot be paid to the City because the City has not paid the Val Gate plat property owner for easements required of the regional storm water sewer, then the condition of approval of the Val Gate Final Plat will be amended to allow a building permit to be issued for the proposed renovations to the building.~~
2. A material or paint sample for the chosen fence material that will be used for screening of the exterior portion of the walk-in cooler shall be provided for staff review prior to a building permit being issued for the site.
3. The screen fence along the south side of the building to screen the walk-in cooler shall be constructed to a height as necessary to fully screen the cooler.

Vote: Blaser, Celsi, Cunningham, Pfannkuch..... Yes
Christiansen.....Absent
Motion carried.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

There were no staff reports.

Item 6 – Adjournment

Chairperson Blaser asked for a motion to adjourn the meeting.

Moved by Board Member Cunningham; seconded by Board Member Celsi, the Board of Adjustment meeting adjourns.

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

Motion carried.

The meeting adjourned at 5:50 p.m.

Michael R. Blaser, Chairperson
Board of Adjustment

Kimberly Taylor, Recording Secretary