

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_03-06-2019

Chairperson Cunningham called to order the March 6, 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

Item 1 – Consent Agenda

Item 1a – Minutes of February 20, 2019

Chairperson Cunningham asked for any questions or modifications to the meeting minutes of February 20, 2019. He also indicated that he would need to abstain from voting on the meeting minutes.

Moved by Board Member Stevens, seconded by Board Member Pfannkuch, to approve the February 20, 2019 meeting minutes as presented.

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

Motion carried.

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a - Vino 209 Wine Café Patio, 209 5th Street – Land use review to expand a Permitted Conditional Use Permit for a Drinking Place to include a patio – Envision Homes Holding Company LLC – PC-004222-2019

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 February 22, 2019, in the Des Moines Register.

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

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

Kelly Sharp, Envision Homes of Iowa, 120 SW 5th Street, Des Moines, Iowa, briefly stated that there is a small area in the back of the café that they would like to utilize as the patio area for 20-24 guests, which would only be open until 9:00 PM. She is proposing to locate approximately four foot (4') high planters as barriers for alcohol containment. Ms. Sharp concluded that she feels it will be a nice addition to the wine bar and neighborhood.

Board member Christiansen inquired if there is food is served at the café, to which Ms. Sharp replied affirmatively.

BOARD OF ADJUSTMENT MEETING MINUTES

Chairperson Cunningham asked if anyone from the audience wished to speak. Seeing none, closed the public hearing and asked for Staff’s comments.

Planner Brad Munford explained that applicant’s request is to expand the area to serve alcohol. On March 22, 2017, the Board approved a similar request to allow for a 1,670 sq. ft. alcohol service area but the patio area was not a part of that request. Now that time has passed, the applicant wishes to include the patio area expanding the Permitted Conditional Use Permit from 1,670 sq. ft. to 2,070 sq. ft. Staff does not have any issues with the applicant’s request nor are there any conditions of approval.

Chairperson Cunningham asked for continued discussion or a motion and a second for this item.

Moved by Board Member Christiansen, seconded by Board Member Pfannkuch, the Board of Adjustment adopted a resolution to approve the Permitted Conditional Use Permit to allow expansion of the patio area from 1,670 sq. ft. to 2,070 sq. ft., subject to meeting all City Code requirements and regulations.

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

Item 3b - Kum & Go #3035, 7265 Vista Drive – Approve an Expansion of Use – Kum & Go LC - PC-004218-2019

Chairperson Cunningham and Board Member Christiansen each recused themselves from this item.

Vice Chairperson Pfannkuch 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 22, 2019, in the Des Moines Register.

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.....Abstain
Motion carried.

Keith Weggen, Civil Design Advantage, 3405 SE Crossroads Ave, Suite G, Grimes, stated that the applicant’s request is to increase the size of the convenience store to from 3,424 sq. ft. to 5,600 sq. ft. The store was originally constructed in 2000 and due to market trend changes with a focus on fresh foods and dining type atmosphere, the applicant would like expand the store at this time. Kum & Go is proposing to bring in their prototype, the ‘Go To Fresh Market’ so the subway shop would no longer remain. Additional fuel pumps are not being proposed with the expansion. The canopy would be updated and the access and parking would remain the same. The in/out access drive would not be affected by the expansion. Parking is proposed on the south side of the building.

Questions were raised by the Board members regarding the closing of the existing store and the fuel pumps.

Mr. Weggen replied to their inquiries noting that they anticipate construction to begin around June of this year with anticipation in reopening in December. The number of fuel pumps will not change. The existing fuel pumps will be upgraded but that they would be inaccessible for the majority of the time.

Vice Chairperson Pfannkuch asked if anyone from the audience wished to speak. Seeing none, closed the public hearing and asked for Staff’s comments.

BOARD OF ADJUSTMENT MEETING MINUTES

Development Coordinator Linda Schemmel briefly commented that when a traffic study is completed for a convenience store it is based on the number of fuel pumps, not necessarily the size of the store. As proposed, there would be no changes to the traffic demand.

Board member Stevens asked if parking requirements were taken into consideration.

Development Coordinator Schemmel replied that since this request is a reconstruction of the store, the parking requirements would be reviewed at the site plan level, which is currently under review. Staff is not anticipating at this time the need for any variances for the proposed project.

Vice Chairperson Pfannkuch 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 expansion of the convenience store from 3,424 sq. ft. to 5,600 sq. ft., subject to meeting all City Code requirements and regulations.

Vote: Blaser, Pfannkuch, Stevens.....Yes
Christiansen, Cunningham.....Abstain
Motion carried.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

The Recording Secretary stated that the next meeting is scheduled for March 20, 2019 but at this time there are no agenda items scheduled. Since this date falls during Spring Break, she polled the Board members to see who would be available for the March 20th meeting.

Chairperson Cunningham and Board members Pfannkuch and Stevens all indicated that they would be unavailable for the March 20th meeting.

The Recording Secretary then indicated that the meeting would need to be cancelled due to a lack of quorum, as a minimum of three members need to be present to hold a meeting.

Item 6 – Adjournment

Chairperson Cunningham asked for a motion to adjourn the meeting.

Moved by Chairperson Cunningham, seconded by Board Member Blaser, the Board of Adjustment meeting adjourns.

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

The meeting adjourned at 5:45 p.m.

Thomas M. Cunningham, Chairperson
Board of Adjustment

BOARD OF ADJUSTMENT MEETING MINUTES

Michelle Riesenber, Recording Secretary