

**BOARD OF ADJUSTMENT MEETING MINUTES**

BOA\_AF\_09-18-2019

Chairperson Pfannkuch called to order the September 18, 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.....Present  
Stevens .....Absent

**Item 1 – Consent Agenda**

**Item 1a – Minutes of September 4, 2019**

Chairperson Pfannkuch asked for any questions or modifications to the meeting minutes of September 4, 2019.

Moved by Board member Blaser, seconded by Board member Cunningham, the September 4, 2019 meeting minutes were approved as presented.

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

Motion carried.

**Item 2 – Old Business**

There were no Old Business items reported.

**Item 3 – Public Hearings**

**Item 3a – West D Liquors, 5014 EP True Parkway, Establish a Liquor store in an existing tenant space – Shri Hari LLC DBA West D Liquors – PC-004471-2019**

Chairperson Pfannkuch opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary stated that the notice was published on September 10, 2019, in the Des Moines Register.

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

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

Motion carried.

Patel, Nehalkumar, 2704 Vine Street, West Des Moines, explained that he would like to open a new liquor store at 5014 EP True. They have an existing liquor store in West Des Moines

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called Wine, Food and Liquor located at 2704 Vine Street.

Brief discussion was held regarding the types of businesses that were located in the strip mall in the past, where the proposed liquor store will be located.

Board member Christiansen asked if Mr. Nehalkumar had a photo of the existing store, as he was interested in the aesthetics of the building.

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

Kara Tragesser, Development Services Planner, briefly commented that when reviewing a Permitted Conditional Use Permit staff verifies that there is ample parking. At the time the staff report was written, staff did not have available the tenant schedule to assist in determining the parking requirements. Therefore, it was based on a specific tenant, a restaurant that was formerly there, which has a higher parking requirement than a retail store. If the restaurant use was approved, the assumption was made that there would be adequate parking for the retail store. Staff recommends approval of the proposed request.

Board member Christiansen referred to the findings in the staff report regarding signage and inquired if the applicant would be in agreement with the Sign Code.

Mr. Nehalkumar responded that they will be applying for a sign permit and will abide by the Sign Code for their signage. He did provide to staff a handout from the landlord regarding parking calculations.

Ms. Tragesser explained that the handout is referring to parking calculations from 2017. Required parking at the time was 127 and total was 132, so the parking requirement was decreased for this particular use. In conclusion, they have more excess parking now than they did in 2017.

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

Moved by Board Member Blaser, seconded by Board Member Christiansen, the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to establish a liquor store (SIC 592) at 5014 EP True Parkway, subject to meeting all City Code requirements and regulations.

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

Motion carried.

**Item 4 – New Business**

There were no New Business items.

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**Item 5 – Staff Reports**

The Recording Secretary stated that the next Board of Adjustment meeting is scheduled for October 2, 2019.

**Item 6 – Adjournment**

Chairperson Pfannkuch asked for a motion to adjourn the meeting.

Moved by Board Member Cunningham, seconded by Board Member Christiansen, the Board of Adjustment meeting adjourned at 5:40 p.m.

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Angie Pfannkuch, Chairperson

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Recording Secretary