

**CITY OF WEST DES MOINES  
BOARD OF ADJUSTMENT COMMUNICATION**

**Meeting Date:** November 2, 2016

**Item:** Reed Warehouse, 1611 Fuller Road – Approval of a 10 foot variance of the required 50 foot side and front yard setbacks to allow for the construction of a warehouse – Kendall Reed – VAR-003248-2016

**Requested Action:** Approval of a Variance Request

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** Mr. Kendall Reed is requesting a ten (10) foot variance of the required 50' side (north) building setback and a 10 foot variance of the required 50' front (south) building setback. Mr. Reed has submitted as site plan for a 5,040 sq. ft. warehouse to be constructed at 1611 Fuller Road (see Attachment B: Location Map).

**History:** In 2006, Hatten Company, LLC, acquired the subject parcel from the City of West Des Moines. The property is a portion of Lots 1 and 2, Bennett Acres, said plat was recorded in Polk County in 1917. No development has occurred on the parcel.

In 2010, the property was rezoned from Office to Business Park at the request of the then property owners to construct a warehouse on the property. At the same time, the property owners requested a variance of the same setbacks and the Board of Adjustment granted the variance at their June 30, 2010, meeting.

**City Council Subcommittee:** This project was presented to the Development and Planning City Council Subcommittee on October 17, 2016 as an informational item. The Subcommittee is in support of the project.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. The previous property owners requested a land use and zoning designation of General Industrial (GI). It was brought to the City Council's attention that the bulk requirements for the Business Park District were more restrictive than that of either the General or Light Industrial districts; however, for the reason previously stated, the Council chose to designate the parcel as Business Park (BP) which requires 50' building setbacks from all sides of the parcel. When choosing to designate the parcel as Business Park rather than an industrial classification, the Council indicated that they felt there was more than enough justification to grant the necessary variances to accommodate the intended development due to the parcel shape, presence of public utility easements and the City's desire for additional street right-of-way. This sentiment was strongly echoed by the Plan and Zoning Commission during their review of the rezoning and city code amendment associated with this project.

In order to accommodate their desired building size and to be able to construct a more traditional and useable shaped building, the applicant is requesting a ten (10) foot variance of the required 50 foot side yard (north) setback and a ten (10) foot variance of the required 50 foot front yard setback along Fuller Road. The applicant can meet requirements for a minimum 30' buffer along the west, the minimum required percentage of open space and the minimum number of parking stalls required for the site/development. Staff summarizes the following key points of interest regarding this particular parcel and the applicant's request:

This property has the following encumbrances (see Attachment C – Site Plan):

1. The 1.14 acre parcel is triangular in shape.
2. The buildable area is restricted by large easements along the northern and western boundaries of the parcel.
3. A minimum 30' landscape buffer will be required along the western boundary. Traditional City policy is to avoid the placement of a buffer over a utility easement; thus the buffer cannot be located along the property boundary but instead will need to be located further into the property to avoid the water easement. Buildings, access drives and parking should not be located within a required landscape buffer.
4. A loop road through the site was previously requested, and currently accommodated, by both Fire and Planning in order to facilitate movement of emergency response vehicles rather than a site design that has a dead-end thus requiring the backing of vehicles, especially the backing out of vehicles onto Fuller Road.

**Variance Findings.** Title II of the City Codes discusses the variance procedure. All five (5) conditions must be met in order to grant a variance. Based upon a review of the submitted variance request, staff has made the following findings on the proposed project:

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable subarea plan. *The proposed development is consistent with the Comprehensive Plan.*
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones. *This parcel is irregular in shape (triangular), has two different public utility easements crossing the site which has an effect on building placement and sizing, and a site design which utilizes a loop road through the site which has been identified as necessary in order to prevent the backing of vehicles onto Fuller Road which is a heavily used public street.*
3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest. *Development of this site has not occurred to date due to the building limitations presented by the irregular shape of the parcel and the location and size of public easements across the parcel.*
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment. *The proposed development will not detrimentally affect the environment. As with any development adjacent to residential, the necessary buffering requirements will be enforce and can be accommodated with the proposed lot development.*
5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements. *The granting of the requested variances will not affect the health or safety of persons, is not detrimental to the public welfare and will not be injurious to surrounding properties or existing public infrastructure.*

**Staff Recommendations and Conditions of Approval:** Based upon the following review, a finding of consistency with the goals and policies of the Comprehensive Plan and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of ten

(10) foot variances to the required 50' front (south) and side (north) yard setbacks, subject to meeting all City Code requirements.

**Noticing Information:** On October 21, 2016, notice of the regularly scheduled November 2, 2016, Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community Section. Notice of that public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on October 20, 2016.

**Property Owner and Applicant:** Kendell Reed  
3500 Brookview Drive  
West Des Moines, Iowa 50265

**Attachments:**  
Attachment A - Board of Adjustment Resolution  
Attachment B - Location Map  
Attachment C - Site Plan

Prepared by: KTragesser, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE VARIANCE REQUEST (VAR-003248-2016) FOR 10 FOOT VARIANCES OF THE REQUIRED 50 FOOT SIDE AND FRONT YARD SETBACKS AT 1611 FULLER ROAD**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Kendall Reed, has requested approval of a variance to vary the front yard and side yard setbacks from 50 feet to 40 feet for that site located at 1611 Fuller Road, and which is legally described as:

Legal Description of Property

See Exhibit A

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on November 2, 2016, the Board of Adjustment held a duly-noticed public hearing to consider the application for a variance (VAR-003248-2016);

**NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

SECTION 1. The findings for approval of the variance request as stated in the staff report dated November 2, 2016, are adopted.

SECTION 2. The Variance Request (VAR-003248-2016), for a 10 foot variance from the required 50 foot side yard and front yard setback requirements at 1611 Fuller Road is approved.

PASSED AND ADOPTED on November 2, 2016

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Michel R. Blaser, Chairperson  
Board of Adjustment

**ATTEST:**

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on November 2, 2016, by the following vote:

**AYES:**  
**NAYS:**  
**ABSTAIN:**  
**ABSENT:**

**ATTEST:**

\_\_\_\_\_  
Recording Secretary

**EXHIBIT A  
LEGAL DESCRIPTION**

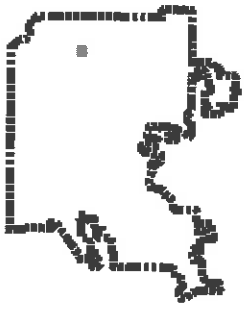
**S**

A PARCEL OF LAND IN LOTS 1 AND 2, BENNETT ACRES, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF SAID LOT 2, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF FULLER ROAD; THENCE N15°28'52"W, 19.50' FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; THENCE N15°28'52"W, 292.76 FEET TO A POINT ON SAID LOT 1; THENCE S89°25'09"E, 357.95 FEET ALONG SAID NORTH LINE TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF FULLER ROAD; THENCE S45°04'08"W, 398.96 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 1.15 ACRES.



# 1611 Fuller Road



- Legend**
- Parcels
  - Parks
  - Greenways



1: 1,346

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

224.4 112.20 224.4 Feet

NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet

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# ATTACHMENT C

2400 Roth Street, Unit 12, Des Moines, Iowa 50323  
 515.276.4884 Fax: 515.276.7084 info@cedca.com



Civil Engineering Consultants, Inc.

| DATE       | REVISIONS | COMMENTS      |
|------------|-----------|---------------|
| 09-27-2018 | REVISED   | 1. 10-10-2018 |
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| DATE OF SURVEY: |  |
| DESIGNED BY:    |  |
| DRAWN BY:       |  |
| CHECKED BY:     |  |
| DATE:           |  |

HOUSE  
 WEST DES MOINES, IOWA

