

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_08-08-2018

Chairperson Cunningham called to order the August 8, 2018, 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.....Present
Christiansen, Pfannkuch.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of July 25, 2018 Meeting

Chairman Cunningham asked if there were any corrections to the meeting minutes. Board Member Blaser indicated that the minutes pages 5-6 should reflect that the Board was asking for changes to items 2, 3 and 5. Chairman Cunningham asked that Staff reinsert the original paragraph related to Item 5 to precede the new paragraph for Item 5.

Moved by Board Member Celsi, seconded by Board Member Blaser, to approve the July 25, 2018 meeting minutes.

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

Motion carried.

Item 2 – Old Business

Item 2a – Houston Variance – VAR-003960-2018

There was one Old Business item. Chairperson Cunningham asked Staff for comments regarding the Board Findings for the Houston Variance.

Linda Schemmel, Development Services Coordinator, noted that there was a memo on the dais recommending continuance of Item 2a to the next meeting as only three of the original voting five members were present. Board Member Blaser responded that the Board would like to proceed on the item rather than continue.

Ms. Schemmel informed that Staff modified the findings based on Board discussion at the last meeting, addressing Board concerns with items 2, 3 and 5. She provided options to the Board that they could modify the findings, add additional items, vote, or defer.

Board Member Blaser responded that he was fine with the changes to items 2 and 3. He stated he would prefer that the original first paragraph in item 5 be reinserted. Board Member Celsi agreed. Chairman Cunningham clarified that the Board requested the new finding of Item 5 would remain, and that Staff reinsert former item 5 paragraph to precede.

Ms. Schemmel asked if the Board would like to see that prior to voting. When the Board indicated that would not be necessary, Ms. Schemmel responded that Staff would modify that prior to recording the resolution.

Chairman Cunningham recommended a motion to approve the draft findings with an exception to reinsert the original first paragraph for item 5 to precede the proposed paragraph for item 5.

Moved by Board Member Celsi; seconded by Board Member Blaser, to ratify the Board Findings with revision.

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

Item 3 – Public Hearings

Item 3a – Club Pilates, 140 Jordan Creek Parkway – Land use review to allow SIC 7991, Physical Fitness Facilities within a tenant space – Bridgewood Square, LLC – PC-003983-2018

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 July 27, 2018, in the Des Moines Register.

Chairperson Cunningham 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 Celsi, 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, Celsi, Cunningham.....Yes
Christiansen, Pfannkuch.....Absent
Motion carried.

Andy Hodges, Signature Real Estate Services, 9500 University Ave # 2112, West Des Moines, presented the application for conditional use for a Fitness Center to be located at 140 Jordan Creek Parkway. This use is allowed within the Commercial Support district with approval upon review. He noted it will be a full service fitness studio to be located at Bridgewood Square, occupying Suite 140 in Building 140.

Board Member Blaser asked if this was similar to the permitted conditional use for the CycleBar. Mr. Hodges affirmed that all of these fitness studios require permitted conditional use. He commented that there will be no sound outside of the studio. This one is a quieter setting, more relaxed, calmer, and will have no more than 15 clients at one time.

Chairman Cunningham clarified that Mr. Hodges was aware there is a condition on this regarding the restriction of noise, recommended by staff. Mr. Hodges replied that they are in agreement with that condition.

Chairperson Cunningham then asked for any questions or comments from the audience. Hearing none, he closed the Public Hearing and asked Staff for comments.

Planner Brian Portz informed the Board that this use is similar to CycleBar, and that Staff recommended the same condition that noise from the fitness center not be heard outside of the building.

If no other questions or comments, Chairperson Cunningham asked for a motion and a second for this item.

Moved by Board Member Blaser, seconded by Board Member Celsi, the Board of Adjustment adopt a resolution to approve the Permitted Conditional Use Permit to allow a fitness center at 140 Jordan Creek Parkway, subject to meeting all City Code requirements, regulations, and the following:

- 1. No amplified sound shall be heard outside of the Club Pilates tenant space.

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

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

There are no agenda items for the August 22nd meeting. The next scheduled meeting is September 5.

Item 6 – Adjournment

Chairperson Cunningham asked for a motion to adjourn the meeting.

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

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

The meeting adjourned at 5:43 p.m.

Thomas M. Cunningham, Chairperson
Board of Adjustment

Recording Secretary