

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_02-20-2019

Acting Vice Chair Pfannkuch called to order the February 20, 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, Pfannkuch, Stevens.....Present
Cunningham.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of January 23, 2019

Moved by Board Member Blaser; seconded by Board Member Christiansen, to approve the January 23, 2019 meeting minutes.

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

Motion carried.

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a – Raccoon River Park Boathouse, 2500 Grand Avenue – Land use review of a boathouse with boat dock on Blue Heron Lake in Raccoon River Park – City of West Des Moines – PC-004183-2018

Acting Vice Chair 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 1, 2019**, in the Des Moines Register.

Moved by Board Member Christiansen, 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, Christiansen, Pfannkuch, Stevens.....Yes
Cunningham.....Absent

Motion carried.

Kevin Conn, City of West Des Moines Parks & Recreation Department, stated he is the project manager for the Boathouse project and was present to request that the Board consider a permitted conditional use for a boathouse at Raccoon River Park. Mr. Conn provided an overview of the park with the boathouse to be located on the west side of the lake in a small cove to provide protection from the wind. The existing parking lot for the boat ramp will provide parking for the new boathouse. The lower level floor plan will allow for storage of primarily non-motorized boats, including stand-up paddleboards, kayaks, canoes and sailboats. This lower level is designed to withstand flooding, with the upper level above the floodplain. This facility would have some similarities to the Gray’s Lake boathouse. The upper level will provide transactions for boat rental, bike rental, and bike storage; restrooms and ancillary storage; with some outdoor seating areas. Mr. Conn provided sketches of views from different locations on the site. He stated the intent is to rent non-motorized boats, with one motorized boat to be

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available for safety purposes and to tow stranded vessels back to shore. This project is the first project of the Five Waters Project; and the schedule is to construct this summer and have completed and operational by Spring 2020.

Acting Vice Chair Pfannkuch asked if anyone from the audience wished to speak.

Fred Weitz, 1245 SE Browns Woods Drive, stated he had lived at this address near the park for 51 years. He provided some history of the quarry and lake being acquired by the State, with stipulations at that time to not allow motorized boating on the lake. He cited issues with the history of Gray's Lake at a time when motorized boating was allowed, and asked the Board to consider a condition which would restrict motorized boats from being stored in the boathouse on Blue Heron Lake, except for the emergency boat.

Board Member Christiansen inserted that he believes Blue Heron Lake does allow for motorized boats but has a "no wake" policy, and asked Acting Vice Chair Pfannkuch if staff could come up to respond to Mr. Weitz's questions while the Public Hearing remained open.

Acting Vice Chair Pfannkuch asked for the Applicant's comments.

Dave Sadler, Superintendent of Parks, clarified that City Code does allow motorized boats on Blue Heron Lake, however they are restricted with a "no wake" policy. Motorized boats are not allowed on the far east side of the lake due to it being shallow. Mr. Sadler stated it is a State-owned lake but is operated and managed by the City, and that to his knowledge this is how the lake was originally set up.

Board Member Christiansen commented that to operate a personal watercraft, there would frequently be a wake, and asked if Staff sees many issues out there. Mr. Sadler stated the lake is used by some pontoons, but more frequently by fishing boats. Occasionally there are some issues, and Staff at the Nature Lodge has a good visibility of the lake and will call the police or on site security who then informs a violating boater of the "no-wake" policy. He estimated this happens maybe once or twice a year.

Board Member Christiansen questioned whether there is signage regarding "no wake" at the boat ramp. Mr. Sadler noted there are lots of signs in the park and believed there was a no wake sign located at the boat ramp.

Board Member Blaser inserted that as motorized boats with restrictions are currently allowed, he thought Mr. Weitz's question was slightly different. He asked if the Board could add a condition of approval that no motorized boats can be stored in the boathouse other than the emergency vehicle. Mr. Sadler noted that Staff could agree to that.

Board Member Christiansen noted that some lakes have horsepower restriction and commented that the Board couldn't do anything about that.

Board Member Stevens clarified that Staff would not be be renting motorized boats. Mr. Sadler affirmed there is no intention to rent motorized boats.

Superintendent Sadler thanked Mr. Weitz for his feedback, and asked if he's seen a lot of boats breaking the no wake rule. Mr. Weitz said he had not.

Acting Vice Chair Pfannkuch closed the public hearing and asked for Staff's comments.

Planner Brian Portz, Development Services, added that the reason for this permitted conditional use is the zoning of the park is Open Space. SIC 7999, Amusement and Recreation spaces, requires a Permitted Conditional Use in this zoning district. The Plan & Zoning Commission will review the site plan this coming Monday, February 25th. Planner Portz suggested adding a condition: "No outboard motor boats shall be stored in the boathouse except for

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an outboard motor boat as needed for emergency purposes.” Planner Portz said this condition could be added to the site plan approval as well.

Acting Vice Chair Pfannkuch added her support as a regular user of Raccoon River Park.

Acting Vice Chair Pfannkuch asked for continued discussion or a motion and a second for this item.

Board Member Blaser made a motion to approve with the addition of the agreed upon condition, seconded by Board Member Stevens. The Board of Adjustment adopted a resolution to approve the Permitted Conditional Use Permit to allow the boathouse with boat dock, subject to meeting all City Code requirements and regulations.

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

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

The next meeting is scheduled for March 6, 2019.

Item 6 – Adjournment

Acting Vice Chair Pfannkuch asked for a motion to adjourn the meeting.

Moved by Board Member Blaser, seconded by Board Member Christiansen, the Board of Adjustment meeting adjourned.

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

The meeting adjourned at 5:55 p.m.

Angie Pfannkuch, Acting Vice Chairperson
Board of Adjustment

Recording Secretary