

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_11-06-2019

Chairperson Pfannkuch called to order the November 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, Pfannkuch, Stevens.....Present
Cunningham.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of September 18, 2019

Chairperson Pfannkuch asked for any questions or modifications to the meeting minutes of September 18, 2019.

Moved by Board Member Blaser, seconded by Board Member Christiansen, the September 18, 2019 meeting minutes were approved as presented.

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

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a – Liquor Store, 1800 22nd Street – Establish a liquor store in an existing building – Mahajan, Inc. – PC-004509-2019

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 October 18, 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.

Loyd Ogle, Ogle Law Office, 301 E Walnut, Des Moines, stated he was an attorney representing the applicant, informing that the applicant will be purchasing site from the

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owner. He continued that the current site does have a drive-up window; the applicant intends to use the area for parking and will not be using the drive-up to sell products or conduct business.

Board Member Christiansen asked if the applicant agrees with the conditions of approval – Mr. Ogle replied that they do.

Board Member Christiansen asked which other properties the applicant owned. Utkarsh Mahajan, 6950 Stagecoach Dr, #908, replied that they lease two properties located at 1824 Hubbell Ave., Des Moines, and 7690 Hickman Rd., Windsor Heights, called SuperQuick Liquor.

Board Member Christiansen asked if the applicant had a chance to review the memo on the dais. Mr. Mahajan responded that he had not. The applicant's representative replied that they had.

Mike Stott, SB&A Architects, 1421 S Bell Ave, Ames, provided a site plan; stating the intent is to use what is there. The applicant does not intend to remove or add paving. There will be striping of the pavement, adding an accessible stall and parking in front of the drive-thru area. The drive thru area will be closed off. There are discussions with City staff about using wheel stops there rather than a curb, to stop any driving through that area. Using all existing entrances to the building; most work will be internal, doing whatever cleanup needed for landscaping.

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, noted there was a memo on the dais, which also was supplied to the applicant and Board Members. She stated this provided an opportunity to the Board if they wished to reinforce the code requirements for signage of products in the building. Staff feels that the provisions in the staff report requiring the applicant to meet all codes and regulations already covers this; however if the Board feels there is an issue, they can add additional language. Otherwise, Staff has no conditions.

Board Member Christiansen replied that he was the party who raised the question in reference to the sign codes at the last Board Meeting. Board Member Christiansen had called Sign Code Administrator Kevin Wilde to confirm the City's intentions and wanted applicants to know before for displaying signage/advertising. That being said, there are some businesses that are clearly not following our current sign code and we just wanted to make sure that all applicants stay compliant with said codes. Board Member Christiansen said he would leave it up to the board whether they wanted to add further conditions or just leave the language as it stands.

Chair Pfannkuch asked whether when someone applies for a sign permit, does it cover all of these merchandise things that go on windows, and if there's an issue, does someone go out to look at it?

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Development Coordinator Schemmel inserted that an applicant may install signage in the windows up to 25% of the window area without a permit. If a vendor comes in and puts a sign in the window, they may not be aware of the sign area restrictions. Planner Tragesser stated that there is a process, some just don't follow it.

Chair Pfannkuch questioned if the Board added this as a condition, would it require more enforcement from City staff? Development Coordinator Schemmel replied that it would not more regulations, it would just call attention to it what exists in the sign code.

Board Member Blaser clarified that there's really no downside if we add a reference to this as a condition for the permit? Ms. Tragesser affirmed that is correct

Board Member Stevens questioned if this applies to retail or C-stores? She commented that every C-store window appears to be 100% covered. Planner Tragesser stated it does, not always with signage but also with the back of racks. She added that the City struggles with regulating stores using "wraps" all the time.

Board Member Christiansen noted that the Board's role is to protect the current businesses in the area, making sure they are compliant.

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

Moved by Board Member Blaser, seconded by Board Member Stevens, the Board of Adjustment adopted a resolution to approve the Permitted Conditional Use Permit to establish a liquor store (SIC 592) at 1800 22nd Street, subject to meeting all City Code requirements and regulations, with specific reference to the sign code.

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

Item 4 – New Business

There were no New Business items.

Item 5 – Staff Reports

The Recording Secretary stated that the next few Board of Adjustment meetings through the month of January will be held at the Law Enforcement Center, due to renovations scheduled for the City Hall Council Chambers.

Item 6 – Adjournment

Chairperson Pfannkuch asked for a motion to adjourn the meeting.

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Moved by Board Member Blaser, seconded by Board Member Stevens, the Board of Adjustment meeting adjourned at 5:44 PM.

Angie Pfannkuch, Chairperson

Recording Secretary