

CITY OF WEST DES MOINES  
BOARD OF ADJUSTMENT COMMUNICATION

**Meeting Date:** October 20, 2021

**Item:** Hy-Vee Wall to Wall Wine & Spirits, 375 S. Jordan Creek Parkway – Request approval of a Liquor Store – Hy-Vee, Inc. PC-005319-2021

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Brian S. Portz, AICP

**Applicant's Request:** Hy-Vee, Inc. is requesting to change the existing use at 375 S. Jordan Creek Parkway from a Hy-Vee Health Market store to a Hy-Vee Wall to Wall Wine & Spirits store. Other than signage, there will be no external changes to the building or site.

**History:** The building on this site was constructed in 2017 as a Hy-Vee Health Market store. A parking lot addition was added in 2019 in association with construction of a Hy-Vee Fast & Fresh convenience store to the south.

**City Council Subcommittee:** This item will be presented to the Development and Planning City Council Subcommittee on October 18, 2021 as an informational item only.

**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. Staff would summarize the following key points of interest:

- **Zoning:** The property is located within the Parkways Specific Plan with an underlying zoning of Community Commercial (CMC). Liquor stores are a Permitted Conditional use within this zoning district.
- **Property Owner Objection:** An email was received from a property owner notified of this request. The property owner is opposed to the request with the feeling that it would be disruptive to their neighborhood. The email is attached.

**Comprehensive Plan Consistency:** The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Town Center Overlay District Consistency:** The proposed Permitted Conditional Use has been reviewed for consistency with the Town Center Overlay District Guidelines. Based upon that review, a finding has been made that the proposed Permitted Conditional Use is consistent with the Town Center Overlay District Guidelines in that the Permitted Conditional Use is consistent with the overall objective and intents of the Town Center Overlay District Guidelines.

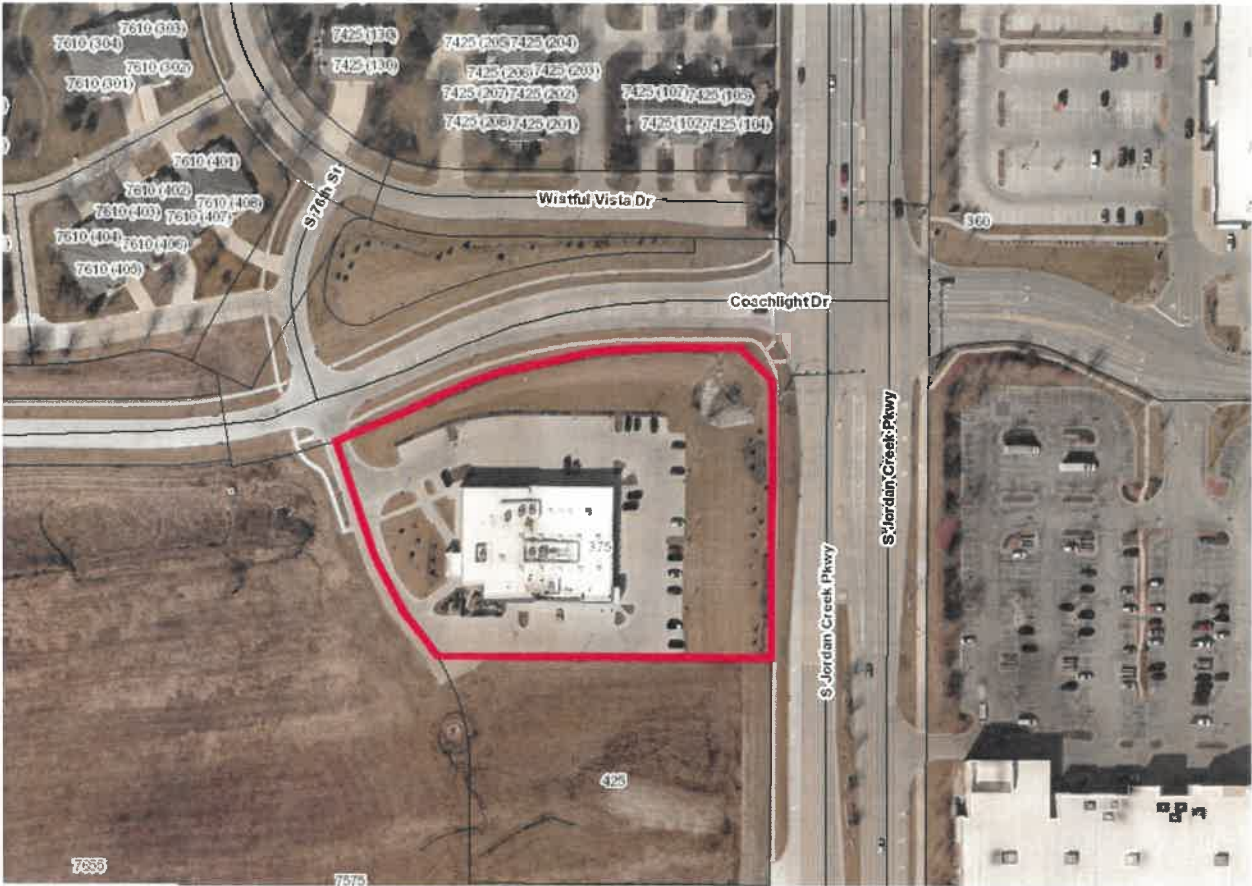
**Findings:** This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Noticing Information:** On October 1, 2021, notice of the October 20, 2021 Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on September 30, 2021.

**Staff Recommendation And Conditions Of Approval:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, and the Town Center Overlay District Guidelines, and the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to allow a liquor store, subject to the applicant meeting all City Code requirements.

Attachment A – Location Map



---

From: Coleen Koehler <[koehlercol@gmail.com](mailto:koehlercol@gmail.com)>

Sent: Saturday, October 9, 2021 7:59:35 PM (UTC+00:00) Monrovia, Reykjavik

To: Development Services Inbox

Subject: [EXT] Hy-Vee Health Market

Greetings. I am opposed to Hy-Vee turning the Hy-Vee Health Market into a liquor store. Many retired people live in close proximity to the store and I feel it would be disruptive to our neighborhood.

Coleen Koehler

7425 Wistful Vista Dr # 1207

Sent from my iPhone

**RESOLUTION-BOA-2021-14**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005319-2021) TO ALLOW A LIQUOR STORE LOCATED AT 375 S. JORDAN CREEK PARKWAY**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Hy-Vee, Inc., has requested approval of a Permitted Conditional Use permit to allow a liquor store to be located at 375 S. Jordan Creek Parkway, and legally described as follows:

Legal Description of Property

LOT 5, THE PARKWAYS, AN OFFICIAL PLAT NOW IN AND FORMING A PART OF  
THE  
CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

**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 October 20, 2021, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-005319-2021);

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

SECTION 1. The findings, for approval, in the staff report, dated October 20, 2021, or as amended orally at the Board of Adjustment hearing of October 20, 2021, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-005319-2021) is approved, subject to compliance with all the conditions in the staff report, dated October 20, 2021, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on October 20, 2021

---

Michele Stevens, Chair  
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 October 20, 2021, by the following vote:

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

ATTEST:

---

Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

1. None.