

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

**Meeting Date:** October 20, 2021

**Item:** Hy-Vee Fast and Fresh, 9150 University Avenue – Request approval of a 6,565 sq. ft. convenience store with fuel pumps – Hy-Vee, Inc. (PC-005295-2021)

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

**Case Advisor:** Kara Tragesser, AICP

**Applicant's Request:** Approval of a Permitted Conditional Use permit to operate a 6,565 sq. ft. convenience store with seven (7) gasoline pump stations.

**History:** In June 2018, the Board of Adjustment approved a Permitted Conditional Use permit for a 7,925 sq. ft. convenience store with seven (7) gasoline pump stations. The site is located within the Greenway Crossing Planned Unit Development, with an underlying zoning Community Commercial. A convenience store is a use permitted with the approval of a Permitted Conditional Use permit. A Site Plan for the project was not approved and construction did not proceed on the original proposal, resulting in the Permitted Conditional Use entitlement to expire. A Site Plan for the updated store has been submitted to the City and is under review.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on September 7, 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 notes the following:

- **Approval of a Permitted Conditional Use permit:** A permitted conditional use permit was approved by the Board of Adjustment in 2018 for a 7,925 sq. ft. convenience store with gas. The permitted conditional use was not inaugurated and expired in June 2019. The application proposes to change the building size from 7,925 sq. ft. to 6,565 sq. ft. No changes to the site layout are proposed:
- **Traffic Analysis:** No traffic analysis was required for review of the request as there were no proposed changes to the site plan and the building size was smaller than previously approved.

**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.

**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.

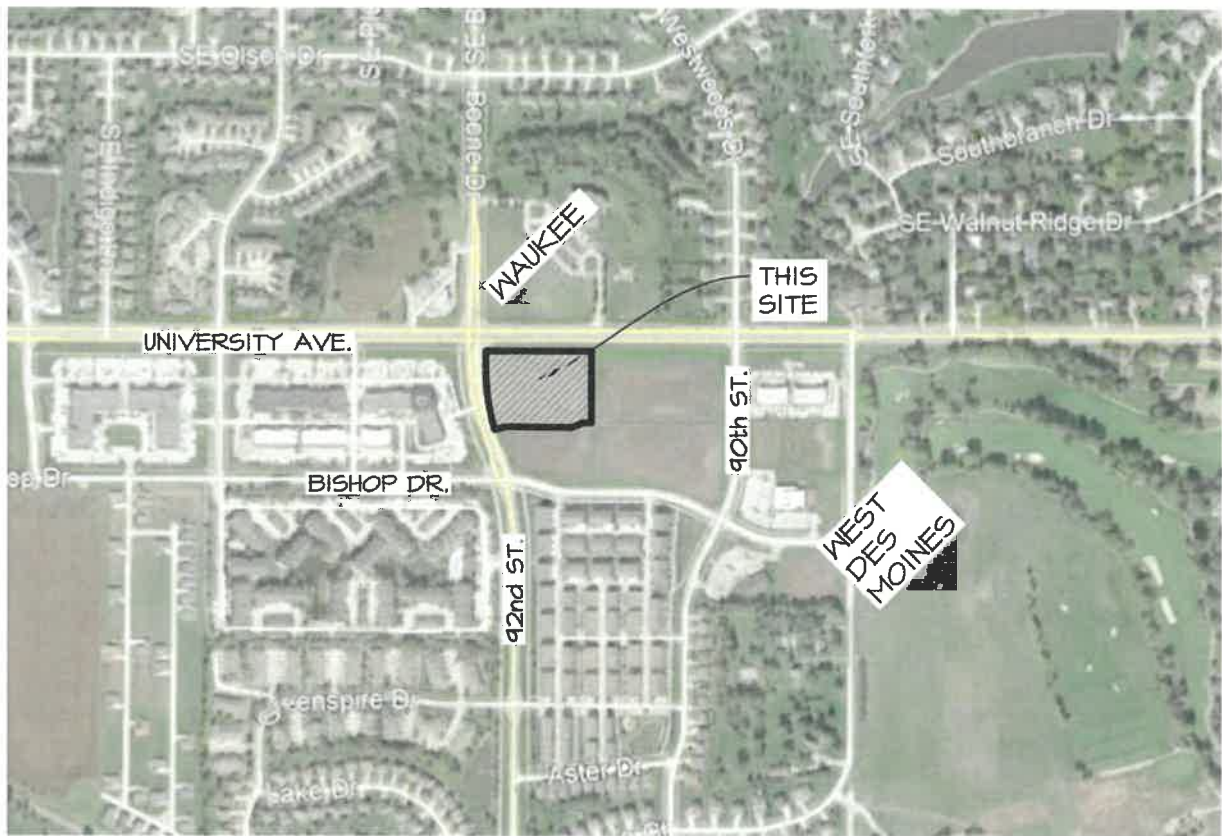
**Noticing Information:** On October 8, 2021, notice of the October 20, 2021 Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on October 6, 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 findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to operate a 6,565 sq. ft. convenience store with gasoline, subject to the applicant meeting all City Code requirements.

**Property Owner/Applicant:** Hy Vee, Inc.  
5820 Westown Parkway  
West Des Moines IA 50266  
Randy Downs

**Applicant's Representatives:** Civil Engineering Consultants  
2400 86<sup>th</sup> Street, Suite 12  
Des Moines IA 50322  
Ed Arp

## Location Map



Prepared by: K. Tragesser West Des Moines Development Services, PO Box 65320 West Des Moines IA 502650320 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

**RESOLUTION-** BOA-2021-15

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005295-2021) TO ALLOW A CONVENIENCE STORE WITH GASOLINE LOCATED AT 9150 UNIVERSITY AVENUE**

**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 operate at 6.565 sq. ft. convenience store with seven (7) gasoline pumps located at 9150 University Avenue, and legally described as follows:

Legal Description of Property

LOT 1 GREENWAY CROSSING PLAT 1, 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 are made a part of this record and herein incorporated by reference; and

**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-005285-2021).

**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 10/20/2021, or as amended orally at the Board of Adjustment hearing of 10/20/2021, are adopted.

**SECTION 2.** PERMITTED CONDITIONAL USE PERMIT (PC-005295-2021) 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

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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

None.