

## CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

**Meeting Date:** September 21, 2022

**ITEM:** Easy Go Liquor, 900 Grand Avenue – Approval of Permitted Conditional Use Permit to operate a convenience store/liquor store with no fuel pumps – Pinky Inc – PC-005639-2022

**RESOLUTION:** Approval to Establish Land Use

**Background:** Loyd Ogle with Ogle Law Office, on behalf of the applicant, Ravinder Kaur Sekhon of Pinky, Inc., and property owner, DCJC, LLC, requests approval of a Permitted Conditional Use for that property located at 900 Grand Avenue. Specifically, the applicant requests to operate a convenience and liquor store with no fuel pumps.

### **Staff Review & Comment:**

- **History:** According to the County Assessor, the building was constructed in 1969. It was previously a laundromat and is currently vacant.
- **Traffic Analysis Findings:** The proposed land use is expected to generate more traffic than the former land use. Based on a review of the surrounding roadway network, there is adequate capacity to handle the expected increase in traffic levels. The site's existing accesses on Grand Avenue are approximately 60' apart and 60' from 9<sup>th</sup> Street measured centerline to centerline. This is significantly less than the minimum access spacing for a major arterial street required by City Code (300'). Although not required with this permitted conditional use permit, both driveways on Grand Avenue should be closed if the site redevelops or if fuel pumps are added in the future. Closing the driveways would reduce conflict points on Grand Avenue, improving safety and mobility on the major arterial street. If this occurs in the future, the site's primary access would need to come from 9<sup>th</sup> Street.
- **Staff Comment:**
  - **Minor Modification Approval:** In addition to this Permitted Conditional Use Permit consideration by the Board of Adjustment, the exterior improvements will require approval of a separate Minor Modification Level 1 application prior to initiation of work. The applicant is proposing to update the parking, landscaping, mechanical equipment, trash enclosure, and building facades. Minor Modifications are reviewed and approved administratively by City Staff unless code requirements cannot be met by the proposed project.
  - **Off-Street Parking:** Convenience Stores are required to provide 5 spaces per 1,000 GFA. The applicant is working with Staff to address off-street parking and the parking lot layout in order to meet City Standards.

**Recommendation:** Approve the Permitted Conditional Use request, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. The applicant obtaining approval of a Minor Modification Level 1 prior to the issuance of any building permits.

**Lead Staff Member:** Kate Devine

**Approval Meeting Date:**

Board of Adjustment	September 21, 2022
---------------------	--------------------

**Staff Report Reviews:**

<input checked="" type="checkbox"/> Development Coordinator (or) <input type="checkbox"/> Director <input type="checkbox"/> Legal Department
--

**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	8/16/22
Date(s) of Mailed Notices	8/16/22

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning			
Date Reviewed	9/6/22			
Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

# Location Map



Prepared by: Kate DeVine, City of West Des Moines Development Services Dept., 515-222-3620  
When Recorded, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA  
Return to: 50265-0320

---

**RESOLUTION NO. BOA-2022-11**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE  
CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL  
USE PERMIT TO ALLOW CONVENIENCE STORE/LIQUOR STORE WITH NO FUEL  
PUMPS**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, the applicant, Ravinder Kaur Sekhon of Pinky, Inc., and property owner, DCJC, LLC, request approval of a Permitted Conditional Use permit for that property located at 900 Grand Avenue and legally described in attached Exhibit 'B'. The applicant is requesting approval allowing a convenience store/liquor store with no fuel pumps; and

**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; and

**WHEREAS**, the request complies with applicable findings and provisions of Title 9, the Comprehensive Plan, and City Code; and

**WHEREAS**, on this day this Board of Adjustment held a duly noticed Public Hearing to consider the Permitted Conditional Use permit application.

**NOW, THEREFORE**, The Board of Adjustment hereby approves the Permitted Conditional Use permit (PC-005639 -2022) subject to compliance with all the conditions in the staff report, dated September 21, 2022, including conditions added at the meeting, and attached hereto as Exhibit " A". Violation(s) of any such condition(s) shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

**PASSED AND ADOPTED** on September 21, 2022.

\_\_\_\_\_  
Michele Stevens, Chairperson  
Board of Adjustment

ATTEST:

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment of the City of West Des Moines, Iowa, at a regular meeting held on September 21, 2022, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

---

Recording Secretary

**Exhibit A: Conditions of Approval**

1. The applicant obtaining approval of a Minor Modification Level 1 prior to the issuance of any building permits.

**Exhibit B: Legal Description**

The East 107 feet of Lots 51 & 52 in Clover Hills Place, an Official Plat now included in and forming a part of the City of West Des Moines, Polk County, Iowa and locally known as 900 Grand Avenue, West Des Moines, IA 50265