

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: December 7, 2022

ITEM: Dave & Busters, 190 S Jordan Creek Parkway – Variance of the maximum six-foot-high logo size regulation to accommodate a 12-foot-high logo sign – Dave & Busters – VAR-005846-2022

REQUESTED ACTION: Variance of the Maximum Six-Foot-High Logo Restriction

Applicant's Request: The applicant, Dave & Busters, represented by Paul Gambill with First & Main Signs, with permission of the property owner, Jordan Creek Town Center, LLC, is requesting a Variance to the maximum sign size regulation contained in Title 9 (Zoning), Chapter 18 (Signs), Section 16 (Wall Signs) of City Code. City code restricts logo size to six feet (6'). The applicant is seeking a variance that if approved, would allow for a 12-foot-high logo sign.

Background: The Dave & Buster's site is located on the east side of the lake within the Jordan Creek Town Center PUD, which was originally adopted in 2002, and included specific wall signage provisions for anchor stores, multi-tenant buildings, theater buildings, and freestanding buildings. Dave & Buster's is a freestanding building which would be allowed two (2) square feet of signage per linear foot of their longest wall, consistent with the restaurant buildings around the lake.

There were several possible locations considered for where Dave & Buster's would be located within the Jordan Creek Town Center prior to the decision of the current location. For each of those locations, staff provided review comments, including code provisions regarding the allowed signage. The applicant chose a freestanding building, currently under construction, which was approved with a phased site plan on a lot being created on the east side of the lake near the center of Jordan Creek Town Center. The pad and utilities for the building were approved by the City Council on March 7, 2022, the building architecture and full site plan were approved by Council on July 5, 2022, and the conditions of approval from that action were modified at the September 28, 2022, City Council meeting to allow the building construction to commence prior to the filing of the final plat for subdivision of their lot, but required the final plat to be recorded prior to the issuance of an occupancy permit.

Staff Review and Comment: Staff would summarize the following key points of interest:

- **City Code Regulation as Relates to Request:** Per Code section 9-18-16: Wall Signs, Paragraph C4 states: *Maximum Size Of Letters, Graphics, And Logos: No letter, graphic or logo dimension greater than six feet (6') shall be allowed, except in those situations in which a use occupies in excess of one hundred thousand (100,000) square feet of building area. In these instances, individual letters, graphics or logos may be up to, but shall not exceed eight feet (8') in height.*

Based upon the size of the proposed building, the maximum height allowed for a logo sign would be six feet (6') high.

- Amount of signage and placement: As noted above, the Dave and Buster's building is allowed two (2) square feet of wall signage per linear foot of their longest wall. Based upon their foundation plan submitted for the building permit, their longest wall is 171' 8", which would allow them to have 343.34 total square feet of wall signage. Including the 12' diameter logo, they have used 313.91 sf of that total, so the total amount of signage used is within the allowable amount. A set of channel letters with the name, "Dave & Buster's" is proposed to be placed on the eastern wall of the building and two signs facing out of the windows on the northeast corner of the building and the logo sign is proposed to be placed on western end of the north wall generally facing towards the mall. The applicant's submittal shows that the building is approximately 800' from the western loop drive within the Town Center Development, approximately 650 feet from the south drive and approximately 700 feet from S 68th Street. However, the direction that the logo sign is facing is not labeled and would be approximately 325' from the east-west drive between the mall and the lake and less than 500 feet from the entrance into the mall near the food court and theater.
- Various sign options: While the City Code limits the maximum height of a logo sign for a building under 100,000 sf to six feet (6') in height, there are other options that could be considered to provide additional identification of the use. As noted above, there is a set of channel letters that are proposed on the eastern façade of the building that are within code regulations and could be used instead or in addition to a 6' high logo sign.

With the current sign package proposal, signage would only be placed on the north and east side of the building. With a reduced logo sign, additional signs could be added to other sides of the building for additional visibility and still remain under the maximum sign allocation allowed by the PUD and Code.

The Jordan Creek Town Center PUD include a provision that states: "*E. Monument Signs: Internal monument signage may be allowed for individual tenants or occupants to identify their location off internal driveways with the approval of a sign permit. Internal monument signs shall be a maximum of five feet (5') in height and shall contain a maximum of thirty-five (35) square feet of structure.*" Assuming that the mall ownership would be willing to support this option, a monument sign could be placed along the interior roadway to help guide visitors to Dave & Buster's without a variance being required.

- Prior Knowledge of Code Restriction: During the site plan review for this project, staff commented several times regarding the design of the signs shown on the site plan elevations and in the comment letter dated May 5, 2022, staff noted: *Signage will need to be designed to comply with code which would prohibit panel signs and the maximum size of any logo or sign for a building or tenant space this size is 6' high. Please ensure that Dave & Buster's understands this prior to sign permit submittals.*

The applicant's representative for the site plan submittal responded, "*Dave and Buster's will design signage to comply with current code; which prohibits panel signs and the maximum size of any logo or sign for a building or tenant space this size to be 6' high. Signage will be provided in a separate submittal.*"

It should be noted that the applicant has redesigned the logo sign such that it is not a panel sign and thus its design would be allowed by the sign code, but the size of the logo remains in excess of what is allowed by the sign code, which is the subject of this variance request.

City Council Subcommittee: This item was not presented to the Development and Planning City Council Subcommittee as they have no authority in variance requests.

Variance Findings: To grant the variance, all of the following findings must be made, or conditions and limitations, as the Board deems necessary, imposed to allow it to make said findings.

1. That the granting of the variance shall not be contrary to the public interest.
2. That without the granting of the variance, and due to special conditions, a strict application of the zoning regulations as they apply to the subject property will result in an unnecessary hardship. An “unnecessary hardship” exists when:
 - a. The subject property cannot yield a reasonable return from any use or improvement permitted by the subject zoning regulations. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the subject property. It is not sufficient to merely show that the value of the land has been depreciated by the regulations or that a zoning variance would permit the owner to increase the value in the subject property;
 - b. The plight of the owner is due to unique circumstances not of the owner's making and not due to the general conditions in the neighborhood; and
 - c. The use or construction to be authorized by the variance will not alter the essential character of the neighborhood.
3. That the spirit of the ordinance shall be observed when the variance is granted; and
4. Substantial justice shall be done as a result of granting the variance.

It is the responsibility of the applicant to prove to the satisfaction of the Board that the above findings can be made. The applicant’s findings to grant the variance and staff’s findings, are included herein for the Board’s consideration in making their decision.

Lead Staff Member: Kevin Wilde *KW*

Staff Report Reviews:

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

Published In:	Des Moines Register
Date(s) Published	November 18, 2022
Date(s) of Mailed Notices	November 17, 2022

Prepared for:

Dave & Buster's

190 South Jordan Creek Parkway
West Des Moines, IA 50266



JOE MUELLER
j.mueller@firstmaindesigns.com

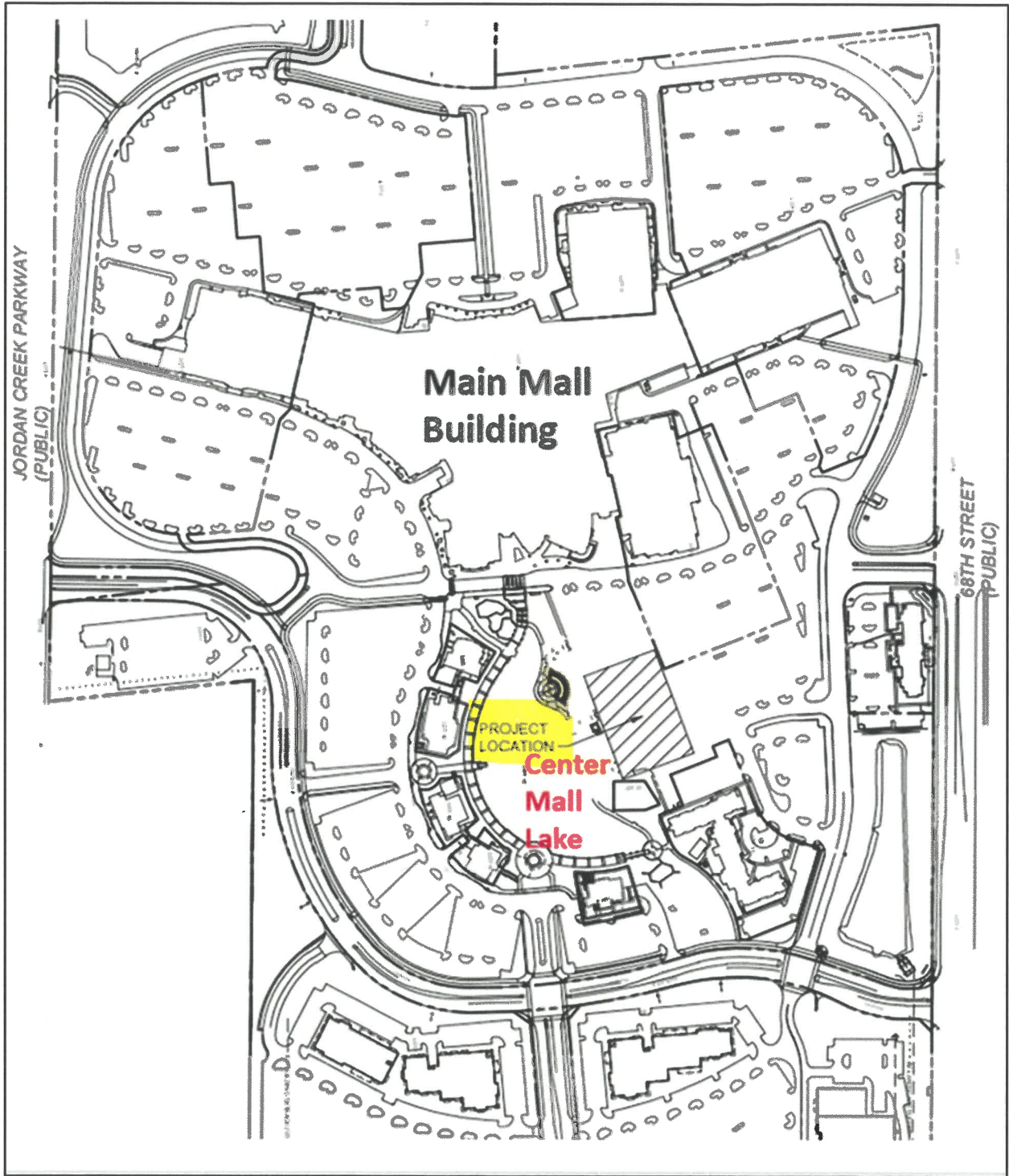
234.458.0990

Ohio California Colorado Indiana Oklahoma

EASE | INTEGRITY | PERFORMANCE

#22-1476-R04

Subject Property



Location:

Dave & Buster's
190 South Jordan Creek Pkwy
West Des Moines, IA 50266

Revisions:

- 1) 06/27/22 Add signs to C1, C2, del 6 legs, add setback dims
- 2) 06/27/22 Updated elevations and added wall sections.
- 3) 06/28/22 Rev always per redlines not'd from 1st rev
- 4) 07/07/22 Revised Sign C1 and Sign C2 elevation marked and details

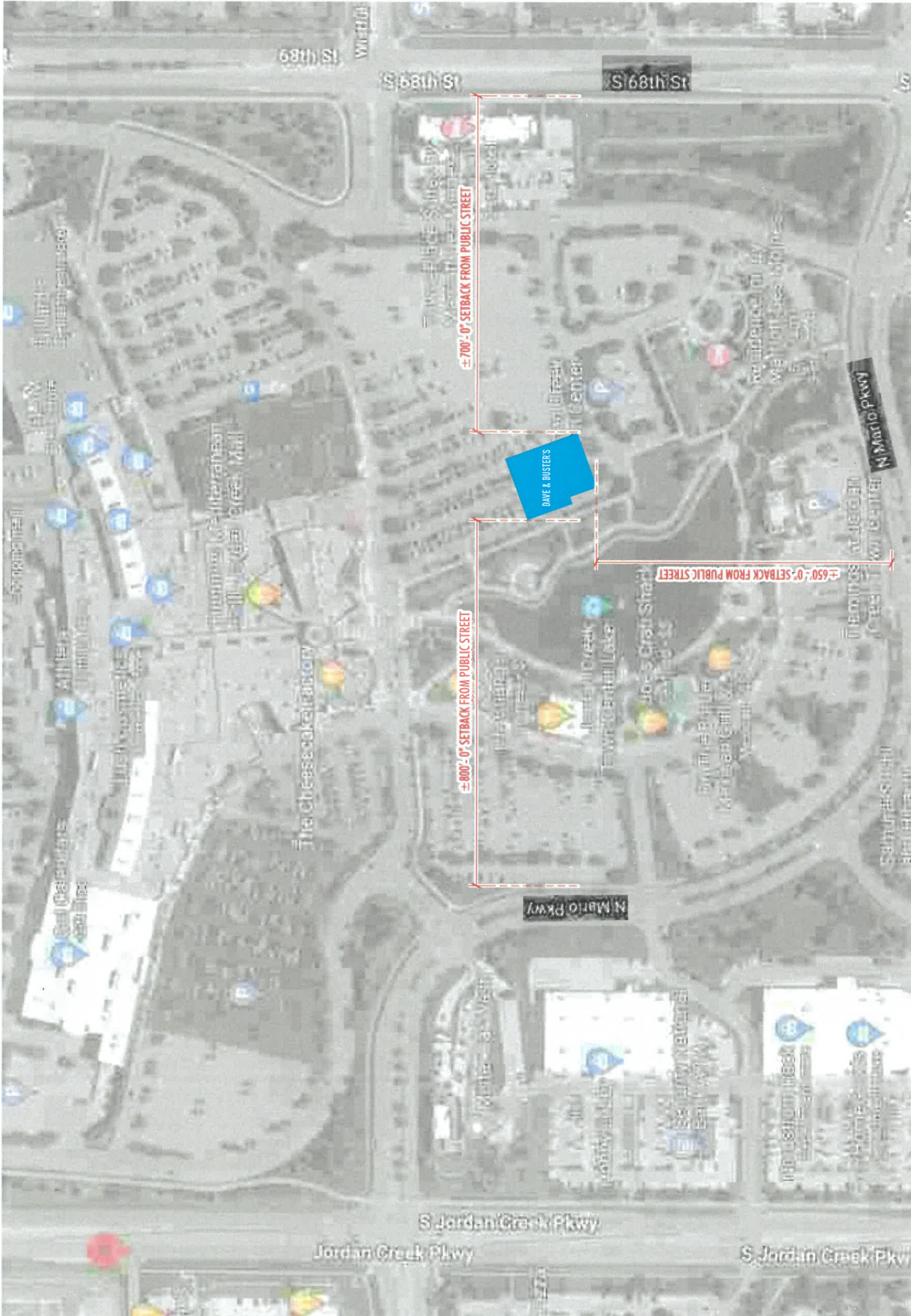
- Approved
- Approved as Noted
- Revise & Resubmit

Drawing No: 22-1476-R04

Date: 07.12.2022

Page No: SP2.00

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1 SITE PLAN - SETBACK DIMENSIONS FROM PUBLIC STREETS
SCALE: 1" = 200'-0"

Location:

Dave & Buster's
190 South Jordan Creek Pkwy
West Des Moines, IA 50266

Revisions:

- 1) 06/17/22 Add sign B, C1, C2, add 6' height, add setback dims.
- 2) 06/17/22 Updated elevations and utility wall sections.
- 3) 06/28/22 Rev. dims per redlines rec'd from Arco
- 4) 07/11/22 Revised Sign C and Sign A dimensions and setbacks.

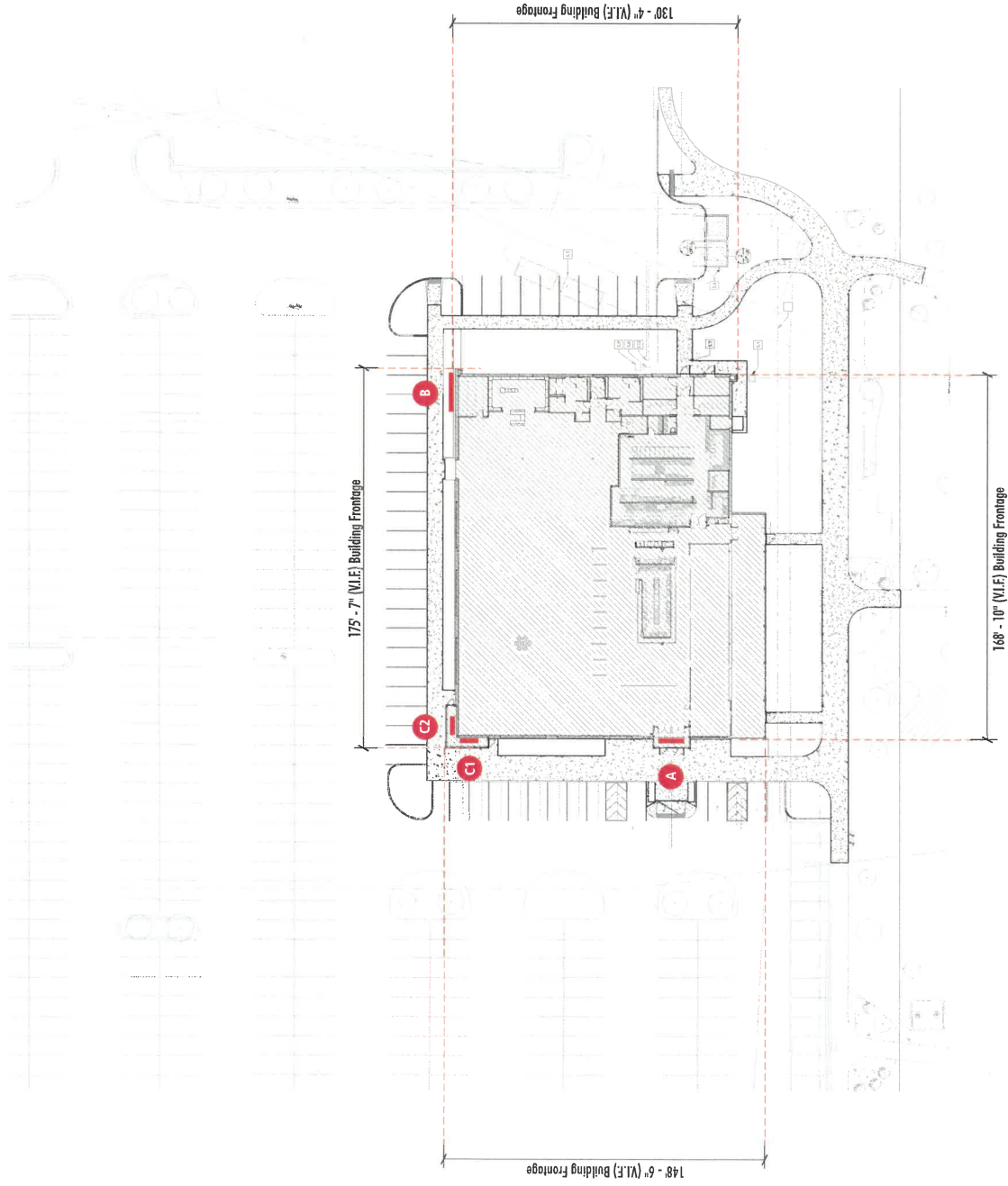
- Approved
- Approved as Noted
- Review & Resubmit

Drawing No: 22-1476-R04

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1 SITE PLAN
SCALE: 1" = 50'-0"



Location

Dave & Buster's
190 South Jordan Creek Pkwy
West Des Moines, IA 50266

Revisions:

- 1) 06/27/24/22: Affs sign & C1, C2, del K' logo, add setback dims.
- 2) 06/27/22: Updated elevations and added wall sections.
- 3) 06/28/17/22: New design per reference set C from Affs
- 4) 06/13/17/22: Revised sign color and sign attachment method per Affs

Approved

Approved vs. Model

Review & Resubmit

Drawing No. 22-1476-R04

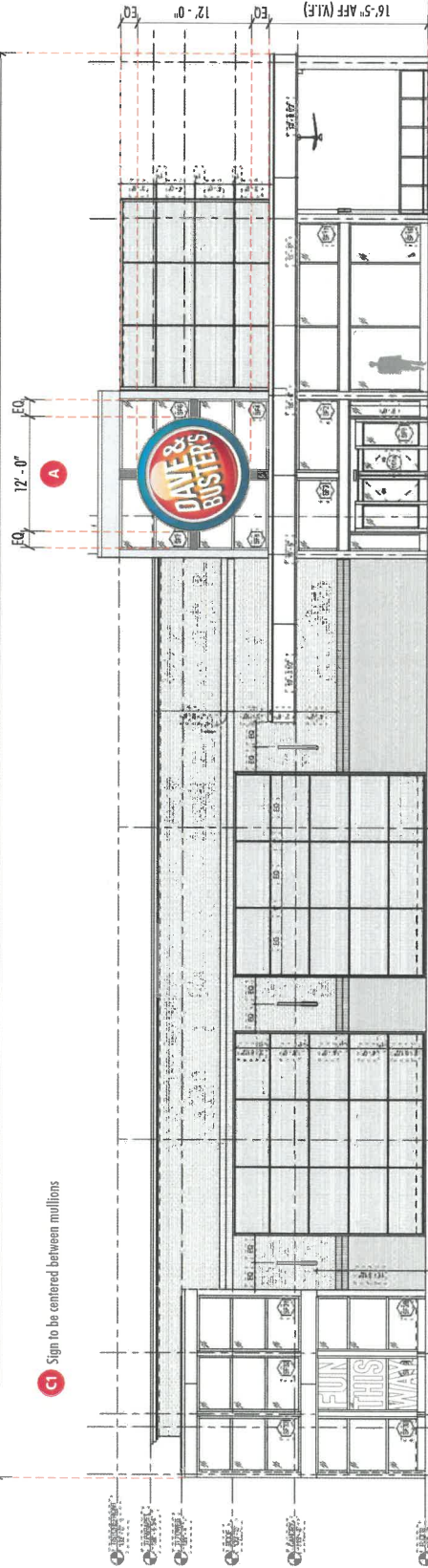
Date: 07.12.2022

Page No. 1.00

MS

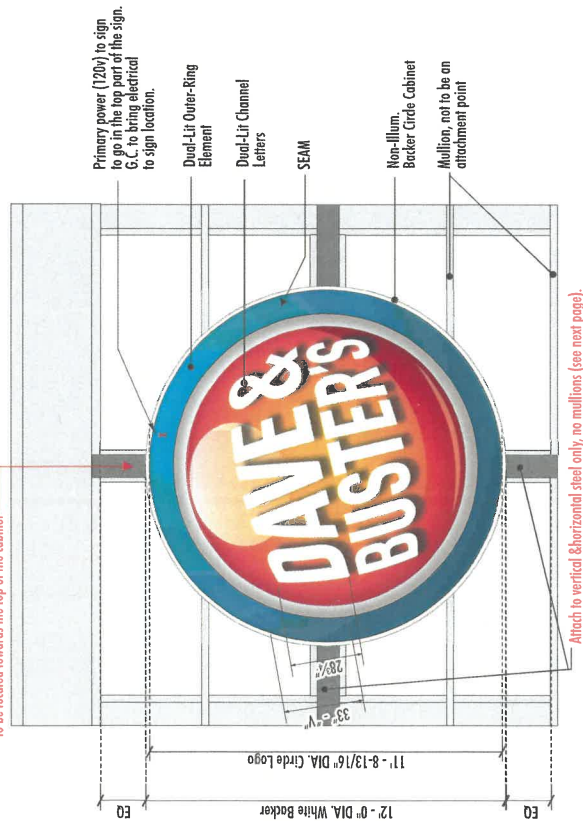
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148' - 6" Building Frontage



1 NORTH ELEVATION
SCALE: 1" = 12' - 0"

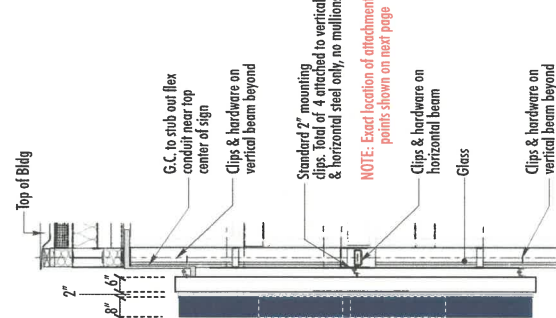
NOTE: Power supplies, on-off switch, and access panels to be located towards the top of the cabinet



A ELEVATION - FRONT VIEW
 Qty: One (1)
 SCALE: 1/4" = 1'-0"
 Sq. Ft. = 113.09



1 ISOMETRIC VIEW
 SCALE: 1/4" = 1'-0"



END VIEW

NOTE: ALL DRAIN HOLES TO HAVE LIGHT BAFFLES FOR NO LIGHT LEAKS

Location:
Dave & Buster's
 190 South Jordan Creek Pkwy
 West Des Moines, IA 50266

Revisions:
 1) 06/17/21 Updated sign B, C, D, del. 6" legs, add second firm.
 2) 07/27/21 Updated elevations and added wall sections.
 3) 08/01/21 Rev design per guidelines rec'd from John
 4) 09/10/21 Revised Sign C, D and Sign A attachment method and details

Approved
 Approved as Noted
 Revise & Resubmit

Drawing No: 22-1476-R04
 Date: 07.12.2022
 Page No: 2.00

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NOTE: NIGHT VERSION

NON-ILLUMINATED BACKER CIRCLE CABINET SPECS

- Fabricated 6" deep backer circle cabinet, face and returns painted white (soft finish).
- Cabinet to be mounted flush to structure.
- Cabinet to be UL Listed with a Disconnect Switch at top.
- Face and returns to be aluminum.
- Apply 1st surface UV digitally printed vinyl (orange graphic) at the center of the face.
- Cabinet to house all self-contained 12V power supplies.

DUAL-LIT CHANNEL LETTER SPECS (DAVE & BUSTER'S)

- Fabricated 8" deep, dual-lit, channel letters.
- Letters to be mounted 2" off of white backer cabinet.
- Faces to be White (7328) acrylic.
- Trim and returns to be painted to match Pantone Orange #180C.
- Illumination to be white LED's.
- Face - Illuminated white
- Backs - Halo lit white
- Backer to be Clear Polycarbonate w/2nd surface white diffuser

DUAL-LIT OUTER-RING ELEMENT SPECIFICATIONS

- Fabricated 8" deep, dual-lit, circular channel cabinet ring.
- Outer ring to be mounted 2" off of white backer cabinet.
- Face to be acrylic with 1st surface applied UV digitally printed gradient blue, translucent vinyl (D&B Blue).
- Fabricated aluminum retainer. Retainer on returns to be painted to match PMS Blue #654C. Face of retainers to have continuation of digitally printed gradient blue translucent vinyl that is on the face.
- Illumination to be White LED's.
- Backer to be clear polycarbonate w/1st surface 3M white diffuser vinyl, applied to inside of channel cabinet ring, for white halo effect

Location:

Dave & Buster's
190 South Jordan Creek Pkwy
West Des Moines, IA 50266

Revisions:

- 1) 06/29/22 Mid sign & C1, C2, del '6' sign, add setback dims
- 2) 06/27/22 Updated elevations and added wall sections
- 3) 06/28/22 Rev'd signs per redlines rec'd from Arch
- 4) 06/29/22 Revised Sign Case and Sign Attachment number and deck

- Approved
- Approved as Noted
- Resub & Resubmit

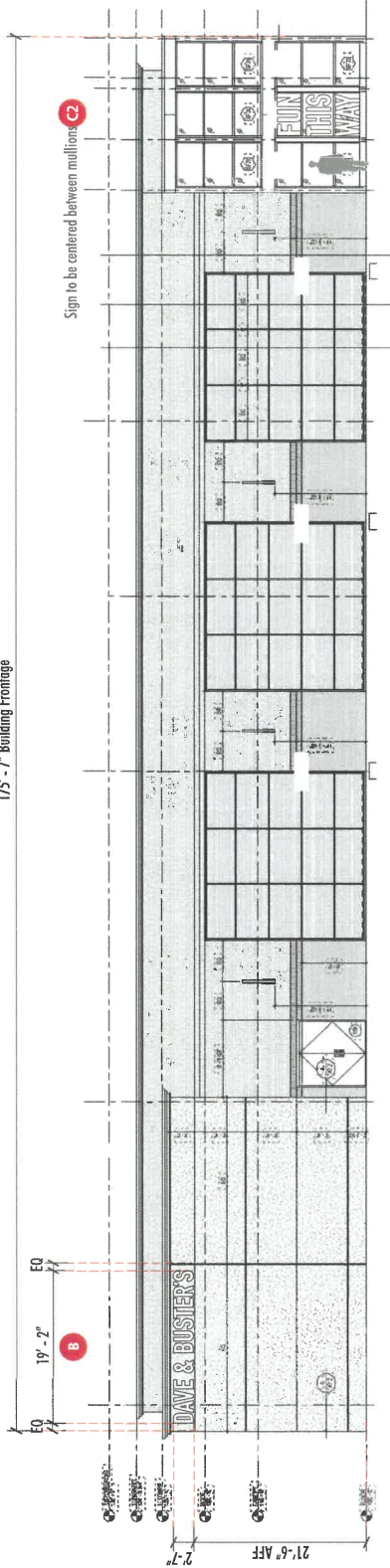
Drawing No.: 22-1476-R04

Date: 07.12.2022

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175' - 7" Building Frontage



1 EAST ELEVATION
SCALE: 1" = 15' - 0"



2 SOUTHEAST ELEVATION (NIGHT VIEW) - ARTIST RENDERING
SCALE: NTS



3 NORTHEAST ELEVATION (NIGHT VIEW) - ARTIST RENDERING
SCALE: NTS

Location:

Dave & Buster's
190 South Jordan Creek Pkwy
West Des Moines, IA 50266

Revisions:

- 1) 06/27/22 Met sign & C.I.C. del 6' legs, add setback dims
- 2) 06/27/22 Updated aluminum and edgel wall sections.
- 3) 06/28/22 Rev design per redlines rec'd from Arjo
- 4) 06/10/22 Rev Sign C, rev end sign attachment method double

Approved

Approved as Ruled

Revise & Resubmit

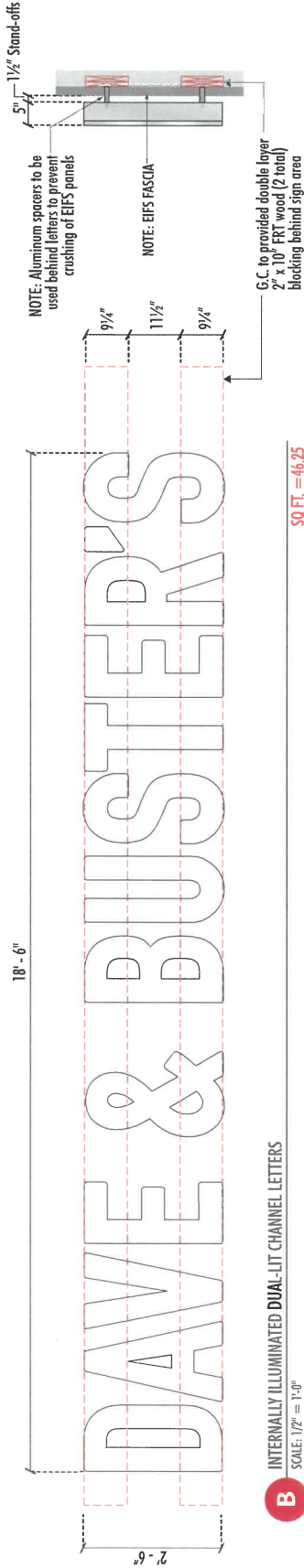
Drawing No: 22-1476-R04

Date: 07.12.2022

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Page No: 4.00

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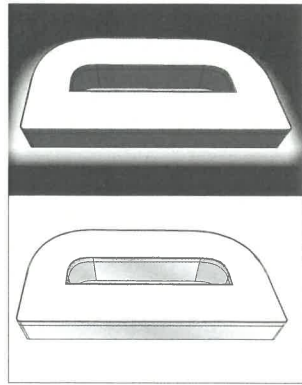
B INTERNALLY ILLUMINATED DUAL-LIT CHANNEL LETTERS

SCALE: 1/2" = 1'-0"

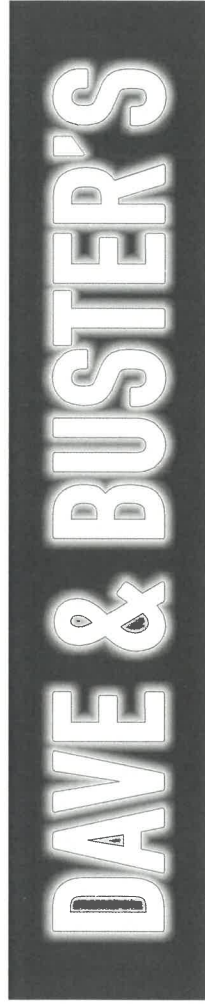
ONE (1) REQUIRED - MANUFACTURE AND INSTALL

SPECIFICATIONS

- Fabricated aluminum, 5" deep, internally illuminated dual-lit, channel letters.
- Returns - Brushed Aluminum.
- Aluminum retainer - Silver-Metallic.
- Face - White (2406) acrylic
- Backs - Clear polycarbonate w/white diffuser film
- Letters to be internally illuminated with 7100k white LED's.
- Power supply (12v) to be remotely located in LED enclosure box behind EFS fascia. G.C. to provide access for installation and future servicing.
- Primary power (120v) to sign to be provided by G.C. with 8'-0" leads.
- Letters mounted 1 1/2" off EFS fascia with aluminum spacers. Spacers painted (Color TBV).
- G.C. to provide adequate wood blocking (2" x 10" FRT wood blocking) for signage



DAYTIME



NIGHTTIME

NIGHT VIEW

Location:

Dave & Buster's
190 South Jordan Creek Pkwy
West Des Moines, IA 50266

Revisions:

- 1) Nov 7/24/22 Add Sign 3, C1, C2, Add 6" Neg. and setback dims.
- 2) 7/6/22 Updated elevations and added wall sections.
- 3) 10/6/21 1/2" Row drops per redlines rec'd from client
- 4) 11/19/21 Revised Sign Colors and Sign Attachment method and details

Approved

Approved as Noted

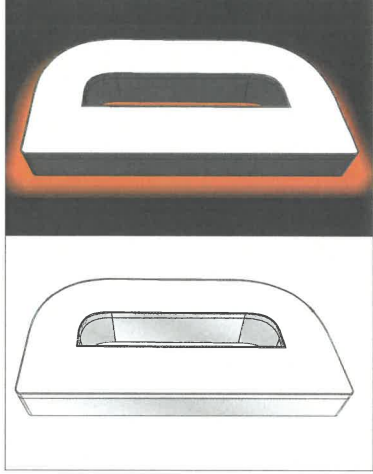
Write & Resubmit

Drawing No. 22-1476-R04

Date: 07.12.2022

Page No: 5.00

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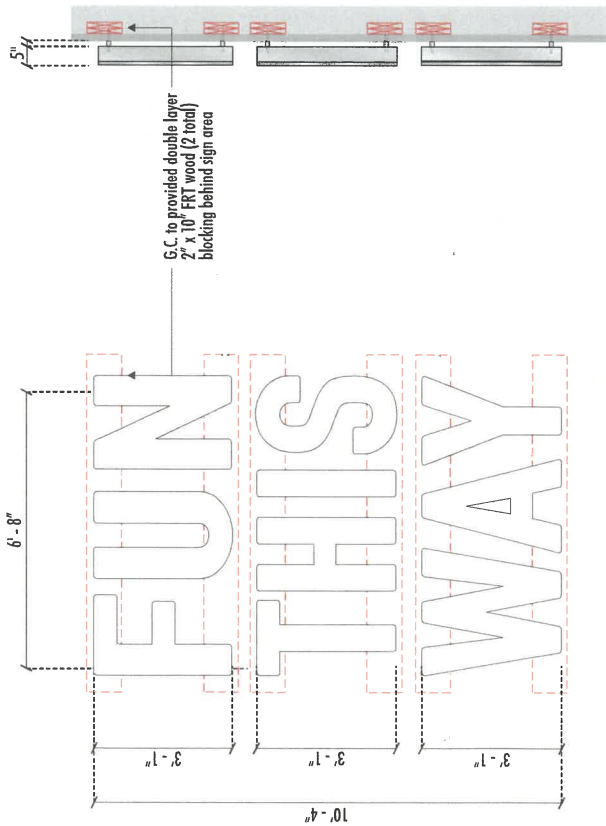


TYPICAL LETTER CONSTRUCTION
DAYTIME

TYPICAL LETTER CONSTRUCTION
NIGHTTIME



NIGHT VIEW



C1 C2 INTERNALLY ILLUMINATED FACE-LIT CHANNEL LETTERS

SCALE: 3/8" = 1'-0"

50 FT. = 68.89 (Eq. Sign)

TWO (2) REQUIRED - MANUFACTURE AND INSTALL

END VIEW

SPECIFICATIONS

- Fabricated aluminum, 5" deep, internally illuminated dual-lit, channel letters.
- Returns - Brushed Aluminum.
- Trimcap - Silver Metallic.
- Face - White (2406) acrylic
- Backs - Clear polycarbonate with 1st surface 3M Orange (3630-44) vinyl, applied to the inside of channel letters, for orange halo effect.
- Letters to be internally illuminated with 7100K white LED's.
- Power supply (12v) to be remotely located in LED endstore box behind fascia. G.C. to provide access for installation and future servicing.
- Letters to stand-off 1/2" from fascia to be provided by G.C. with 8'-0" leads.
- Use non-corrosive mounting hardware (typ).
- G.C. to provide adequate wood blocking (2" x 10" FRT wood blocking) for signage

Spacers painted to match fascia (color TBD)

Applicant's Findings

A variance shall only be granted if all of the following findings are made; or if conditions and limitations, as the Board deems necessary, are imposed to allow it to make said findings. **It shall be the responsibility of the applicant to prove to the satisfaction of the Board that the following findings can be made:**

1. That the granting of the variance shall not be contrary to the public interest:
APPLICANT RESPONSE: *It is in the public's interest to be able to easily locate and identify this Dave & Buster's location.*

2. That without the granting of the variance, and due to special conditions, a strict application of the zoning regulations as they apply to the subject property will result in an unnecessary hardship. An "unnecessary hardship" exists when:
 - a. The subject property cannot yield a reasonable return from any use or improvement permitted by the subject zoning regulations. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the subject property. It is not sufficient to merely show that the value of the land has been depreciated by the regulations or that a zoning variance would permit the owner to increase the value in the subject property; and
 - b. The plight of the owner is due to unique circumstances not of the owner's making and not due to the general conditions in the neighborhood; and
 - c. The use or construction to be authorized by the variance will not alter the essential character of the neighborhood.

APPLICANT RESPONSE:

- a. *Dave & Buster's is new to this market so brand awareness is key to its success. While D&B locations typically draw from a 25-30 minute radius, this site was selected because the company felt it had a regional draw as well. Dave & Buster's anticipates people driving to this location from 50 + minutes away. Visible signage will be essential to visitors unfamiliar with the area.*
 - b. *This situation is unique to Dave & Buster's as they are an entertainment destination, much like a movie theater. Just like the Century 20 located in Jordan Creek was allotted larger signage through the PUD, a comparable approach should be adopted for Dave & Busters as it provides a similar type of entertainment service; and*
 - c. *The style of the signage blends well with the rest of the neighboring establishments*

3. That the spirit of the ordinance shall be observed when the variance is granted; and
APPLICANT RESPONSE: *Per the code, Dave and Buster's is well within their signage allowance with the exception of the full logo height. Additionally, the taller letter within the logo is 33" h with the logo at 12 ft. By implementing a solution that is both tasteful to the architecture and visibility of the building rather than one that simply maximizes the signage allowance per elevations, the spirit of the code would be observed.*

4. Substantial justice shall be done as a result of the granting of the variance.
APPLICANT RESPONSE: *This variance will provide Dave & Buster's to effectively use the sign allowance it has been given. Due to the round shape of the logo, a 6ft height restriction would limit the most recognizable brand feature to 36 sf of the 250 sf allowance.*

Staff's Findings

A variance shall only be granted if all of the following findings are made; or if conditions and limitations, as the Board deems necessary, are imposed to allow it to make said findings. **It shall be the responsibility of the applicant to prove to the satisfaction of the Board that the following findings can be made:**

1. That the granting of the variance shall not be contrary to the public interest:
STAFF'S RESPONSE: *The granting of this variance is not contrary to the public interest.*

2. That without the granting of the variance, and due to special conditions, a strict application of the zoning regulations as they apply to the subject property will result in an unnecessary hardship. An "unnecessary hardship" exists when:
 - a. The subject property cannot yield a reasonable return from any use or improvement permitted by the subject zoning regulations. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the subject property. It is not sufficient to merely show that the value of the land has been depreciated by the regulations or that a zoning variance would permit the owner to increase the value in the subject property; and
 - b. The plight of the owner is due to unique circumstances not of the owner's making and not due to the general conditions in the neighborhood; and
 - c. The use or construction to be authorized by the variance will not alter the essential character of the neighborhood.

STAFF'S RESPONSE:

- a. *Staff does not believe an "unnecessary hardship" exists as the subject site was chosen by the applicant after consideration of several other possible location within the Jordan Creek Town Center development because of the location near the lake and the center of the development with the idea that it would be a productive location, with visibility and connections to the main mall area, but a relationship to the lake district and the outdoor use areas (restaurants, amphitheater, and the lake walkways)*
 - b. *The location has many similarities to the hotel and the restaurants around the lake with greater visibility from the primary south entrance to the mall. The entertainment use, also may serve a broader cross section of customers, being both a destination use and a spontaneous use. As noted in prior comments, other options for identification are available that is believed would remedy many of the concerns for which the larger logo sign is being proposed to address.*
 - c. *Staff does not believe that by allowing the variance the essential character of the neighborhood would be altered as there are other large signs that were granted as part of the Jordan Creek Town Center PUD, i.e. the theater blade sign. It should be noted that as a part of the site plan process, staff had encouraged the applicant to look at architectural elements that would aid in the identification of the use as "entertainment" such as lighting, colored wall features, etc. that would not be considered part of the signage.*
-
3. That the spirit of the ordinance shall be observed when the variance is granted; and
STAFF'S RESPONSE: *It is hard to determine this finding as there could be a precedent established in the granting of this variance that could be used in the future, thereby altering the spirit of the ordinance.*

4. Substantial justice shall be done as a result of the granting of the variance.

STAFF'S RESPONSE: *Since staff believes there isn't a hardship, the placement of the building was the choice of the applicant, the location is not too dissimilar to other uses within the development, and there are ample existing options for identification of the use, staff does not believe that there is an injustice to be corrected by the granting of the variance.*

Prepared by: Kevin Wilde, City of West Des Moines Development Services Dept., PO Box 65320,
West Des Moines, Iowa 50265-0320 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-2022-21

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES,
(APPROVING / DENYING) THE VARIANCE REQUEST TO ALLOW A
SIX (6) FOOT VARIANCE OF THE MAXIMUM SIX (6) FOOT SIGN HEIGHT REGULATION
TO ALLOW A TWELVE (12) FOOT LOGO SIGN FOR THAT PROPERTY
LOCATED AT 190 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, Dave & Busters, has requested approval of a Variance from Title 9, (*Zoning*), Chapter 18 (*Signs*), Section 16 (*Wall Signs*), Subsection C4 (*Maximum Size Of Letters, Graphics, And Logos*), of six feet (6') of the six feet (6') restriction resulting in twelve feet (12') for the installation of logo sign on the property located at 190 S Jordan Creek Parkway and legally described as:

**LOT 19, REPLAT OF LOT 18, JORDAN CREEK TOWN CENTER PLAT 1
REPLAT 1, AN OFFICIAL PLAT NOW WITHIN 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; and

WHEREAS, on December 7, 2022, the Board of Adjustment held a duly noticed public hearing to consider the application for a Variance (VAR-005846 -2022).

WHEREAS, based upon a review of the submitted variance request, the Board of Adjustment finds (**In Favor of Applicant's Findings, In Favor of Staff Findings, or in Favor of the Board's Findings**) _____ as attached at Exhibit B;

NOW, THEREFORE, the Board Of Adjustment of the City of West Des Moines does resolve that a Variance Request to allow a variance of six feet (6') of the six foot (6') restriction resulting in a twelve foot (12') logo sign is (**approved / denied**).

PASSED AND ADOPTED on December 7, 2022.

Michele Stevens, Chair

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 December 7, 2022, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. None

Exhibit B
Board of Adjustment Findings