

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_12-07-2022

Chairperson Stevens called to order the December 7, 2022, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. in Council Chambers, West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, Iowa, and electronically through Zoom.

Roll Call: Blaser, Cunningham, Pfannkuch, Stevens.....Present
Christiansen.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of November 16, 2022

Chairperson Stevens asked for any corrections to the meeting minutes of November 16, 2022.. Hearing none, Chair Stevens declared the minutes approved as presented.

Item 2 – Old Business

There were no Old Business items.

Item 3 – Public Hearings

Item 3a – Dave & Buster’s, 190 S. Jordan Creek Parkway – Variance of the maximum six-foot-high logo size regulation to accommodate a 12-foot-high logo sign – Dave & Buster’s – VAR-005846-2022

Chairperson Stevens 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 November 18, 2022, in the Des Moines Register.

Moved by Board Member Pfannkuch, seconded by Board Member Christiansen, the Board of Adjustment accepted and made a part of the record all testimony and documents received at this public hearing.

Vote: Blaser, Cunningham, Pfannkuch, StevensYes
Christiansen.....Absent

Motion carried.

Jason Kyle and James Wendehost, First & Main Signs, 2340 Shepler Church Avenue, Canton, OH, presented on behalf of Dave & Buster’s a request for a variance to allow their 12 foot logo sign in the Jordan Creek Town Center’s site. Mr. Kyle emphasized the importance of the logo for their branding. Mr. Kyle indicated the letter heights are 1/3 of the sign and the distance to the main intersection is 800 feet. He asserted that allowance of the 12 foot logo sign with their additional building signs fits within the total allowed square footage of wall signage for the building size, therefore they believe it meets the intent of the sign code requirement, as well as the spirit of the code. He asserted that they want to be consistent with the surrounding area, and blend in well. They stated they did not want Dave & Buster’s to be at a disadvantage within this entertainment district from other tenants located within the shopping center.

Mr. Wendehost provided a sketch of a six foot high sign stating that the 12’ sign is more proportional to the building, and reminding the Board that even with the 12 foot logo, they are still under the allowed

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square footage.

Chair Stevens asked if that calculation had been provided. Sign Administrator Kevin Wilde provided the total building square footage is 17,799 sf.

Board Member Blaser noted the logo is 12 feet, and asked if it is illuminated. Mr. Kyle replied that it is typically illuminated but it had to be modified from the typical cabinet sign to meet the city requirements. The blue circle outline and letters will be illuminated.

Board Member Cunningham asked if the drawings provided were accurate in what the building would look like. Mr. Kyle responded that the drawings accurately represented what the building would look like.

Board Member Blaser noted this building is located within the area of the theatre complex.

Mr. Kyle stated they had reviewed the PUD, and different parts of the development had different sign regulations than that applying to them.

Board Member Cunningham commented that allowable logo sizes differed based on applicant's tenancy or ownership of building, size of building, and specific PUD regulations. Mr. Cunningham mentioned reviewing an application for a variance for Dick's Sporting Goods which the Board had denied. Sign and Zoning Administrator Wilde noted that Dick's is located and governed within a different PUD.

Chair Stevens clarified that there has been no history of sign variances allowed in this particular PUD. Mr. Wilde stated his research found no variances but recalled one example where Best Buy had been allowed to have a panel sign which was written into the PUD, but the cabinet had to be inset into and flush with the wall. That discussion occurred at the City Council as part of a sign exception as part of the site plan process, but he was unable to find the records to clarify if that was an actual variance. In 2017 the sign code was updated and clarified that sign variances would be reviewed by the Board of Adjustment rather than the City Council.

Chair Stevens asked about another proposed Dave & Buster's sign, the "Fun This Way" sign, the square footage being included in the total. She asked if the letters could be enlarged on the signs at the other corners of the building. Mr. Kyle responded that the "Fun This Way" sign was in compliance; however Dave & Buster's wanted a larger sign to identify the logo, stressing that this is a significant part of the branding.

Chair Stevens noted she had researched signs Dave & Buster's used at other locations and some are backlit. Mr. Kyle responded that the proposed logo sign will be backlit and was designed to comply with the requirement of the city's sign code different than what may have been allowed at other locations.

Chair Stevens commented that many of the logo signs she reviewed on other store locations appeared to be closer to 6-8 feet in size, rather than 12. Mr. Kyle stated that the majority are larger than 6 feet, and that it varies across the country at their 150 locations. Mr. Wilde inserted that different jurisdictions have differing sign regulations.

Board Member Cunningham asked if Dave & Buster's had considered other options. Mr. Kyle responded that they had, but that this was what they wanted for this store.

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Board Member Pfannkuch stated the Staff Report noted that Staff had provided comments about signage throughout the review process, and that Dave & Buster's had addressed those comments and agreed to the regulations. Mr. Kyle agreed, noting that as the project developed through different stages they had reached this point of requesting the larger sign.

Board Member Blaser commented that Dave & Buster's is a new project for this part of Iowa but he doesn't believe it will be a problem for people to find the location.

Chairperson Stevens asked for questions or comments from the audience.

Randy Tennison, General Manager of Jordan Creek Town Center, 101 Jordan Creek Parkway, expressed his strong support for the variance to be approved. Mr. Tennison commended Dave & Buster's for accommodations already made to meet design criteria, concluding that it is a beautiful store. The location does not face main roads, and he considers this internal signage rather than external. He concluded that he is very much in favor of supporting the variance.

As there were no further questions from the audience, Chair Stevens declared the public hearing item closed.

Kevin Wilde, Development Services Sign and Zoning Administrator, stressed his communication through the application and review process to inform the applicant of the sign regulations and options available to them. He stated that he did not believe their request met the burden of being a hardship, as he had presented many options to them which are still available including changing the size of the lettering, changing the type and number and locations of signs around the building. Mr. Wilde commented that many businesses would like a larger sign, but for a variance to be approved, a hardship must exist. The sign is proposed to be on the north side of the building facing the mall. The distance from the sign to the internal east-west drive is only 325 feet and only 500 feet from the doors into the mall near the theater. As a variance, there must be findings made for a hardship that the variance would remedy, but the PUD regulations governing Dave & Buster's allow the same calculations for square footage as the restaurant on the west side of the lake that are similarly located. There is also a number of other sign options that could be considered to address the intent of identification of Dave & Busters that would be allowed.

In response to a question regarding the "Fun This Way" sign posed by Chair Stevens earlier, Mr. Wilde noted that although the sign is inside the building, it is being counted as part of the exterior signage due to visibility. He compared this to Walgreens which put a sign inside the building in a tower which could only be viewed from outside of the building. The code counts those signs as exterior signage, since it is clearly not meant to be seen when within the building.

Mr. Wilde mentioned other options available to Dave & Buster's including using 6 foot letters and/or directional signage within the Town Center to direct customers through the development. There had been discussion about the logo being a panel sign, however they have modified the design to comply with code in regards to design. He questioned whether Dave & Buster's met the burden of being a unique enough situation that a restaurant across the pond couldn't also be granted a 12 foot logo. Due to the options available and lack of hardship, he concluded that Staff opposed approval of the variance.

Board Member Pfannkuch agreed that having a separate monument sign was a good recommendation. She questioned whether they could also add a sign to the North side of the building. Mr. Wilde commented that they could add additional signage as long as they did not exceed the total square footage allowed on that wall.

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Board Member Pfannkuch clarified that a building would have to be 100,000 square feet to be allowed an 8 foot logo, and this building is 17,000 square feet in size. Mr. Wilde agreed.

Board Member Cunningham asked if special circumstances authorization applied in this situation. Director Twedt responded that Zoning Exceptions are allowed for single family residential properties only.

Board Member Pfannkuch asked what the term “color wall features” referred to. Mr. Wilde explained that as a part of the site plan review, we had reviewed images of other Dave & Busters locations where there were architectural features that drew attention to the use, but were part of the architecture and not signage. Mr. Wilde shared some images of other locations that had a blue up-lighted wall, orange patterning, and colored murals that could have been allowed as part of the architecture and not counted as signage.

Chair Stevens asked if the large “X” elements in the walls would be considered signage. Mr. Wilde responded that this would be considered part of the architecture and reviewed by Planning as part of the site plan rather than under the sign code.

Mr. Kyle inserted that there are a lot of other options, but all deviate from the logo which they consider to be paramount to their branding and that they aren’t being allowed to make the letters in the logo any larger.

Board Member Pfannkuch responded that they are being allowed a lot of square footage for signage at 340 sf, which is much more than is allowed in many other cities in the metro area. She stated she couldn’t find a hardship in it, and recommended denial based on Staff findings.

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

Moved by Board Member Pfannkuch, seconded by Board Member Blaser, the Board of Adjustment adopted a resolution to deny the variance based on Staff findings.

Vote: Blaser, Cunningham, Pfannkuch, StevensYes
Christiansen.....Absent

Motion carried.

Item 4 – New Business

There were no New Business items.

Item 5 – Staff Reports

There were no Staff Reports. The next meeting with agenda items is scheduled for December 12, 2022. Board Member Pfannkuch indicated her absence from that meeting. Chair Stevens and Board Members Blaser and Cunningham indicated they would be present.

Item 6 – Adjournment

Chairperson Stevens asked for a motion to adjourn the meeting.

Moved by Board Member Pfannkuch, seconded by Board Member Cunningham, the Board of Adjustment meeting adjourned at 6:11 PM.

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Michele Stevens, Chairperson

Jennifer Canaday, Recording Secretary