

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_04-19-2023

Vice Chair Pfannkuch called to order the April 19, 2023, 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, Christiansen, Pfannkuch.....Present
Cunningham, Stevens.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of April 5, 2023

Vice Chair Pfannkuch asked for any corrections to the meeting minutes of April 5, 2023. Hearing none, Vice Chair Pfannkuch declared the minutes approved as presented.

Item 2 – Old Business

There were no Old Business items.

Item 3 – Public Hearings

Item 3a – Winchester Public House, 224 5th Street – Approval to establish a bar/restaurant – The Silvers Building, LLC – PC-005956-2023

Vice Chair Pfannkuch 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 April 5, 2023, in the Des Moines Register.

Moved by Board Member Blaser, 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, Christiansen, Pfannkuch.....Yes
Cunningham, Stevens.....Absent
Motion carried.

Justin Clark, Lotus Homes, PO Box 65918, West Des Moines, presented the application for bar use at 224 5th Street, noting that this is an expansion of an earlier approved use at this location.

Vice Chair Pfannkuch asked for any other questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Kate DeVine, Development Services Associate Planner, informed that the bar/restaurant use was approved in September 2017. She summarized the conditions of approval which require further approvals for any additional expansion or exterior modifications.

Vice Chair Pfannkuch asked for continued discussion or a motion and a second for this item.

Moved by Board Member Christiansen, seconded by Board Member Blaser, the Board of Adjustment adopted a resolution to approve the conditional use permit, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

BOARD OF ADJUSTMENT MEETING MINUTES

- 1. This approval is only for the uses allowed in the building. If at any time, the applicant would like to make modifications to the building or site, they shall apply for the appropriate planning and/or building permit application. Permits shall be obtained prior to initiation of any work.

Vote: Blaser, Christiansen, Pfannkuch.....Yes
Cunningham, Stevens.....Absent

Motion carried.

Item 3b – Stone Cross Lawn & Landscape 3410 SE 22nd Street – Approval to establish a Landscape Contractor business with a warehouse component and paved outdoor storage area – Stone Cros Properties, LLC – PC-005971-2023

Vice Chair Pfannkuch 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 April 7, 2023, in the Des Moines Register.

Moved by Board Member Blaser, 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, Christiansen, Pfannkuch.....Yes
Cunningham, Stevens.....Absent

Motion carried.

Ed Pelds, Pelds Design Service, 2323 Dixon St, Des Moines, presented the request for outdoor storage use on behalf of Stone Cross. The outdoor storage will be north and east of the existing building and will be screened from all public sight.

Board Member Christiansen asked if they had reviewed Staff recommendations and conditions of approval. Mr. Pelds stated they had and are in agreement.

Vice Chair Pfannkuch asked for any other questions or comments from the audience.

Mark Lee, Lee Chamberlin Consultant Engineers, 10430 New York Avenue, Urbandale, informed that he was present with Misty Wittern Lee, on behalf of Wittern Properties, and had several questions.

Mr. Lee asked if this request is to allow "Standard Industrial Classification: Building Construction, Contractor and Operative Builders Offices use for a Landscape Contractor Business, including a warehouse building component and paved outdoor storage area" Vice Chair Pfannkuch confirmed that the request is just for the use, and that City Staff would respond to Mr. Lee's questions.

Mr. Lee asked whether this use was permitted by right in any other zoning districts. He commented that they had not been notified of the rezoning of this property and asked if the rezoning fit the newly adopted Comprehensive Plan.

Planner Karen Marren responded to Mr. Lee's questions, affirming that he was correct about the use, and noting that General Industrial zoning districts allow outdoor storage by right, however Light Industrial require a conditional use permit. She stated that the comprehensive plan land use approved for this area is mixed use, which allows light industrial.

Vice Chair Pfannkuch asked if there were any additional comments from the audience, and upon hearing none, declared the public hearing item closed.

BOARD OF ADJUSTMENT MEETING MINUTES

Karen Marren, Development Services Planner, explained the two conditions of approval.

Vice Chair Pfannkuch clarified that the 6' fence would provide the required screening, or other screening would be provided. Planner Marren agreed they would deal with the actual screening component with the major modification.

Board Member Christiansen asked Staff to check on Mr. Lee's concern about not being noticed regarding the rezoning. Staff affirmed that they will.

Vice Chair Pfannkuch asked for continued discussion or a motion and a second for this item.

Moved by Board Member Blaser, seconded by Board Member Christiansen, the Board of Adjustment adopted a resolution to approve the conditional use permit, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. The applicant acknowledging that this Permitted Conditional Use Permit is subject to rezoning of the property to the Light Industrial Zoning District through the rezoning review and approval process with the Planning and Zoning Commission and City Council.
2. The applicant acknowledging that the Board of Adjustment is only considering approval of the contractor's use with a warehouse and outdoor storage components. Review of screening, vehicle drive accesses, parking and other site features, and site improvements are not included in the Board of Adjustment's action but rather will be considered by the Planning and Zoning Commission and City Council as part of the Major Modification review and approval process.

Vote: Blaser, Christiansen, Pfannkuch.....Yes
 Cunningham, Stevens.....Absent
 Motion carried.

Item 4 – New Business

4a – Election of Officers

There was a general discussion regarding filling the terms of Chair and Vice Chair for the 2023-2024 year. It was agreed by affirmation that Angie Pfannkuch will serve as Chair, and Mike Blaser. will serve as Vice Chair.

Item 5 – Staff Reports

Development Coordinator Schemmel reported that the next meeting is scheduled for May 3, 2023.

Item 6 – Adjournment

Vice Chair Pfannkuch asked for a motion to adjourn the meeting.

Moved by Board Member Blaser, seconded by Board Member Christiansen, the Board of Adjustment meeting adjourned at 5:46 PM.



 Angie Pfannkuch, Chair



 Jennifer Canaday, Recording Secretary