



CITY OF DES MOINES'
ZONING BOARD OF ADJUSTMENT
AGENDA
FOR THE MEETING SCHEDULED FOR
JUNE 24, 2020
1:00 PM

Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given Mayor Cownie's March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property during the COVID19 outbreak and further given Section One Thirty Nine of the Governor's May 26, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Board of Adjustment meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City's normal course of business.

If you intend to participate in the virtual Zoom meeting via internet or by telephone, the City's Community Development Department requests that you please send an email to Planning@dmgov.org or call (515) 689-9485 at least 24 hours prior to the start of the scheduled meeting, to alert the meeting's moderator that you intend to address the Board. When sending an email or leaving a voice-mail message, please include your name, address, telephone number and the item number that you wish to speak on, state whether you wish to speak in support or in opposition, and attach or identify any evidence (photos, documents, etc.) that you would like the Board members to review. Participants will be allowed to join the virtual Zoom meeting via internet or by telephone at the scheduled time of the meeting, whether or not such prior notice is given to the Community Development Department.

To join the Zoom meeting using internet access, go to the following link:

<https://zoom.us/j/93587687956?pwd=OTg2dTUxNzljZmU4YkZhdDZOYlJSUT09>
Meeting ID: 935 8768 7956
Password: 020917

To join the Zoom meeting using One tap access (using mobile device with internet access):

[+13126266799,,93587687956#](tel:+13126266799,,93587687956#) US (Chicago)

To join the meeting by telephone without internet access please dial the following number and then enter the meeting ID number listed below:

1(888) 475-4499 US Toll-free
Meeting ID: 935 8768 7956

You will be muted upon arrival in the meeting. To request to speak during the hearing you please use the "raise hand" function on Zoom via internet or dial *9 on your telephone.

Hearing date is subject to change. Please see <https://www.DSM.city/covid19> and scroll down to the "Public Meetings" link under the heading "City of Des Moines Services impact" or call (515) 689-9485 for the most current information public hearings and public meetings.

PURPOSE OF BOARD OF ADJUSTMENT:

The Zoning Board of Adjustment has the power under Iowa law and the Zoning Ordinance of the City of Des Moines (City Code Chapter 134) to hear requests and make decisions on matters such as Variances and Exceptions from the regulations in the Zoning Ordinance, Conditional Use Permits, Special Permits, and appeals of the decisions of City staff in the administration of the Zoning Ordinance.

MEETING PROCEDURE:

The Board members receive copies of the agenda and staff recommendations before the meeting. Copies of the agenda and staff recommendations are available to the general public.

The Board is required to base its decision on each case upon the criteria established by law for the type of relief sought by the applicant. The law applicable to each case is identified in the written staff report. If the facts, as determined by the Board, demonstrate that the criteria established by law for granting the request have been satisfied, then the Board must grant the request. Otherwise, the Board must deny the request. All speakers are requested to focus their comments upon those facts that demonstrate whether or not the criteria established by law have been satisfied. *All material used as part of any presentation must be submitted as a part of the permanent record and will not be returned.*

Items listed on the Consent Public Hearing Items portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report, unless an individual or member of the Board requests that the Item be removed from the Consent Public Hearing Items portion agenda and separately considered under the Non-Consent Public Hearing Items portion of the agenda. Each appeal will be announced in the order it appears on the agenda and then City staff will present a brief explanation of the appeal. Any written comments received by staff prior to the hearing will be distributed to the Board for review.

All speakers are requested to start their presentation by giving their name and address. After staff introduces a request, the appellant or a representative of the appellant is allowed to speak first, and will be allowed ten minutes to present the appeal. Anyone else speaking in support of the appeal will then each be allowed five minutes to present their comments. Anyone speaking in opposition to the appeal will then be allowed five minutes each to present their comments. The appellant/representative will then be allowed three minutes for rebuttal or other closing comments. The hearing will then be closed to public comment and the Board will make a decision. The decision and the reason will be announced.

The Board has 7 members. It takes the affirmative vote of at least 4 members to grant any appeal, regardless of the number of members actually present at any meeting. If 5 or fewer members of the Board are present when the Chair calls an Item, the applicant may request that the Item be continued until the next monthly meeting to have the opportunity to present the matter to a full Board. The request should be made as soon as the Chair calls the Item and before the staff report is given. The Board has discretion to grant or deny any such request. If a continuance is granted, there is no guarantee that more members of the Board will be present at the next meeting.

Following the meeting, any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment under the provisions of this chapter, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

If you have questions, please contact City staff at 515-283-4257 or visit the Zoning Board of Adjustment's website at <http://www.dmgov.org/government/boards/ZoningBoardofAdjustment>.

***** **BEGIN CONSENT PUBLIC HEARING ITEMS** *****
***** **ITEMS 1 through 3** *****

Each item listed on this portion of the agenda will be reviewed in turn by the Board, at which time the Item will either be approved or forwarded to the Non-Consent Public Hearing portion of the agenda for further discussion and action.

Item 1 ZON 2020-00054 Principal Mutual Life Insurance Company
Vicinity of 680 8th Street Type 1 & Type 2 Zoning Exceptions

Appellant: Principal Mutual Life Insurance Company, represented by Diana Greensen, 711 High Street, Des Moines, 50392.
Premises Affected: Vicinity of 680 8th Street.
Legal Description: On file with the Community Development Department.
Retired Zoning: "DX1" Downtown District.
Applicable Neighborhood Association: Downtown Des Moines Neighborhood Association.

Proposal: Installation of a 10-foot tall by 4-foot wide (40 square feet) sign atop a 2-foot tall limestone base, resulting in a monument sign with total sign height of 12 feet, where the sign would be within 25 feet of the front property lines along both 9th Street to the west and Keosauqua Way to the north.

Appeal(s): Type 2 Zoning Exception (per 134-6.6.2.1) for 4 feet over the maximum 8 feet of height allowed for a freestanding monument sign that is within 25 feet of a front property line.

Type 2 Zoning Exception (per 134-6.6.2.1) of 15 square feet over the maximum 25 square feet of signage area allowed for a freestanding monument sign in a "DX1" District.

Type 1 Zoning Exception (per 134-6.5.2.5) of 1 foot less than the minimum 3 feet of height required for the base of a monument height with an overall height of 12 feet (base must be 25% of overall sign height).

Required by City Code Table 134-5.6-1 & City Code Sections 134-5.5.4.B.1 & 134-5.6.5(B)(1)

Item 2 ZON 2020-00057 Teachout Properties, LLC, 432 East Locust Street
Conditional Use

Appellant: Teachout Properties, LLC, represented by Doreen & Kaitlin Blunck, 5223 Waterbury Road, Des Moines, IA 50312. The business would be operated by Isaac Joseph Alaniz, 504 East Locust Street, Des Moines, IA 50309.
Premises Affected: 432 East Locust Street.
Legal Description: On file with Community Development Department.
Current Zoning: "DX2" Downtown Mixed-Use District.
Applicable Neighborhood Association: Historic East Village Neighborhood Association.

Proposal: Use of the entire ground level of the building for a "bar" use with sales of alcoholic liquor, wine, and/or beer for on-premise consumption.

Appeal(s): Conditional Use for a "bar" selling alcoholic liquor, wine, and/or beer.

Required by City Code Section 134-3.8

**Item 7 ZON 2020-00012 Lamar Outdoor Advertising of Iowa, Inc.
3519 Hubbell Avenue Appeal Determination**

This item was continued from the April 22, 2020 Board of Adjustment meeting agenda. The applicant has since requested that it be further continued to the July 22, 2020 Board of Adjustment meeting.

Appellant: Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109th Street, Urbandale, IA 50322. The property is owned by Joseph & Kelly Tollari.
Premises Affected: 3519 Hubbell Avenue.
Legal Description: On file with Community Development Department.
Zoning at Time of Application: “MX3” Mixed Use Commercial District. (The property was zoned “C-2” General Retail and Highway-Oriented Commercial District prior to December 16, 2019.)
Applicable Neighborhood Association: Sheridan Gardens Neighborhood Association.

Proposal: Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 3519 Hubbell Avenue. The application was submitted on November 15, 2019 by the applicant, and denied by the City on January 13, 2020.

Appeal(s): Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 3519 Hubbell Avenue. The application was submitted on November 15, 2019 by the applicant, and denied by the City on January 13, 2020.

Required by City Code Sections 134-5.7, 134-5.8, & 134-7.3

**Item 8 ZON 2020-00013 Lamar Outdoor Advertising of Iowa, Inc.
215 University Avenue Appeal Determination**

This item was continued from the April 22, 2020 Board of Adjustment meeting agenda. The applicant has since requested that it be further continued to the July 22, 2020 Board of Adjustment meeting.

Appellant: Lamar Outdoor Advertising of Iowa, Inc, represented by Jason Pomrenke, 4131 109th Street, Urbandale, IA 50322. The property is owned by Lakeview Lane 1, LLC.
Premises Affected: 215 University Avenue.
Legal Description: On file with Community Development Department.
Zoning at Time of Application: “RX2” Mixed Use District. (The property was zoned “M-1” Light Industrial District prior to December 16, 2019.)
Applicable Neighborhood Association: River Bend Neighborhood Association.

Proposal: Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 215 University Avenue. The application was submitted on November 15, 2019 by the applicant, and denied by the City on January 13, 2020.

Appeal(s): Appeal of denial of application submitted by Lamar Advertising of Iowa, Inc. (“Lamar”) for sign permit for a sign located at 215 University Avenue. The application was submitted on November 15, 2019 by the applicant, and denied by the City on January 13, 2020.

Required by City Code Sections 134-5.7, 134-5.8, & 134-7.3

Item 9	ZON 2020-00055	6011 Grand, LLC, & Woods/Schwarz/Herndon/et al.	Conditional Use
	6011 & 6015 Grand Avenue		

Appellant: 6011 Grand, LLC, represented by William Elson, 6000 Grand Avenue, Suite B, Des Moines, IA 50312, and Woods/Schwarz/Herndon/et al., represented by David Woods, 8421 Meadow Lane, Leawood, KS 66206. The business would be operated by Willow on Grand, represented by Taylor Boesen, 3801 Ingersoll Avenue, Des Moines, IA 50312.

Premises Affected: 6011 & 6015 Grand Avenue.

Legal Description: On file with Community Development Department.

Current Zoning: “MX1” Mixed-Use District & “F” Flood District.

Applicable Neighborhood Association: Waterbury Neighborhood Association.

Proposal: Construction of a building for use as an “Assembly & Entertainment, Small” (event center) business, where the required off-street parking lot would be located in an “F” Flood District. The business would sell alcoholic liquor, wine, and/or beer, and be required to operate in accordance with the conditions contained in Ordinance 15,892.

Appeal(s): Conditional Use for an “Assembly & Entertainment, Small” use in an “MX1” District.

Conditional Use for a “Surface Parking Lot” use in an “F” Flood District.

Conditional Use for a business selling alcoholic liquor, wine, and/or beer in an “MX1” District.

Required by City Code Section 134-3.8 & Table 134-3.1-1

Item 10	ZON 2020-00056	Phothisomphan Meditation Monastery	Special Permit
	2560 Southeast 14th Street		

Appellant: Phothisomphan Meditation Monastery, represented by Phonexay Vilavongsa, 2560 Southeast 14th Street, Des Moines, IA 50320.

Premises Affected: 2560 Southeast 14th Street.

Legal Description: On file with the Community Development Department.

Retired Zoning: “C-2” General Retail and Highway-Oriented Commercial District & “R1-60” One-Family Low-Density Residential District.

Current Zoning: “P2” Public, Civic, & Institutional District

Applicable Neighborhood Association: Indianola Hills Neighborhood Association.

Item 10 has been removed from the agenda.

****Approval of Minutes for the May 27, 2020 Zoning Board of Adjustment meeting.**