



ZONING BOARD OF ADJUSTMENT

Meeting Agenda
Tuesday, September 17, 2024
5:00 PM

City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

Zoning Board of Adjustment regular meetings are held at 5:00 p.m. on the first and third Tuesday of each month, following the Monday City Council meetings. All Board of Adjustment meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing.

CALL TO ORDER

A. ROLL CALL:

B. AMENDMENTS TO AGENDA:

C. MINUTES:

Minutes of the August 20, 2024 regular meeting.

D. COMMUNICATIONS:

Appeals #24-15 and #24-16: Correspondence received from Chris Murray, Denny Elwell Company/Denny Elwell Family LC, 2401 SE Tones Drive, Ste. 17.

E. PUBLIC HEARINGS:

#24-14

Matt Pullen

for property located at
4118 SW Snyder Boulevard
Lot 43, Sienna Falls Plat 1

RE: Variance - Rear Yard Setback - Covered Deck

#24-17

Randy and Christina Hass

for property located at

2115 NW Reinhart Drive

Lot 17, Centennial Pointe Plat 6

RE: Variance - Rear Yard Setback - Covered Deck

#24-15 and #24-16

Kwik Trip, Inc (Kwik Star)

for property located at

6155 SE Delaware Avenue

Lot 1, Kwik Trip 1707 Plat 1

RE: #24-15 Variance - Sign Height

#24-16 Variance - Sign Copy Area

F. REPORTS:

Renewed Special Use Permits

#17-02 Anchors Away, 106 SW State Street, Ste 100

#19-10 Cancun Grill and Cantina 2, 2785 N Ankeny Blvd., Ste. 11 & 12

#16-13 Cabaret, 2785 N Ankeny Blvd.

G. ADJOURNMENT:

Meeting Minutes
Zoning Board of Adjustment
Tuesday, August 20, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the August 20, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Matt Ott, Jeff Baxter, Kristi Tomlinson, and Brett Walker. Absent: Nichole Sungren
Staff: E.Jensen, E.Carstens, L.Hutzell, J.Heil, B.Morrissey, R.Kirschman, and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE AUGUST 6, 2024 REGULAR MEETING

Motion by J.Baxter to approve the meeting minutes as submitted. Second by K.Tomlinson. Motion carried 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-12

Central Iowa Contractor Services

on behalf of Matthew Grgurich

for property located at

2211 NW Abilene Road

Lot 7, Centennial Pointe West Plat 3

RE: Variance – Rear Yard Setback - Covered Deck

Chair M.Ott opened the public hearing.

Hoss Kolbehdari, Central Iowa Contractor Services, 3212 56th Street, Des Moines, Iowa on behalf of Matthew Grgurich at 2211 NW Abilene Road said the request is for a variance to place a cover over the deck.

J.Baxter asked if it was over the current footprint of the existing deck. Hoss Kolbehdari responded, yes.

L.Hutzell reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.03(3)(E) that requires Rear Yard: 35-feet, allowing a 28-foot rear yard setback for a covered deck at 2211 NW Abilene Road. She stated that the subject property is generally located north of NW 18th Street and west of NW State Street and is zoned R-2, One and Two-Family Residence District. L.Hutzell said the applicant is requesting a variance to encroach approximately seven feet into the thirty-five-foot rear yard setback to allow the owners to cover the existing 12x12' deck that is attached to the rear of their home. Per Code, unenclosed decks are allowed to extend into setbacks, however, once the deck is covered it is considered a part of the primary structure on the lot, and therefore needs to comply with the setback requirements of the Code. She noted that should the request for the variance be approved, a twenty-eight-foot rear yard setback would be the resulting setback on the east side of the subject property. L.Hutzell said that staff is not overly concerned with the applicant converting the unenclosed deck to a covered deck, primarily because the structure will be staying in its current location and will not be expanded upon and the lot on the east end is somewhat irregularly shaped. The staff position is to grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 28-foot rear yard setback for a covered deck at 2211 NW Abilene Rd. Staff's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

J.Baxter asked if the covered deck on the house to the south of the subject property was located in the setback. L.Hutzell said that it appears it could be, but was uncertain whether the cover on the deck was built with the house or built later.

There was no one in the audience to speak for or against the request.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by K.Tomlinson. All voted aye. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #24-12 for property located at 2211 NW Abilene Road

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 28-foot rear yard setback for a covered deck at 2211 NW Abilene Rd. The Board's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by B.Walker. Motion carried 4 – 0.

#24-13

**Larry and Nadeen Parman
for property located at
2102 NW 31st Street**

Lot 27, Centennial Pointe Plat 5

RE: Variance – Rear Yard Setback – Four Seasons Porch

Chair M.Ott opened the public hearing.

Troy Deaton, Midwest Construction, 1601 South Taft Avenue, Mason City, Iowa on behalf of Larry Parman, 2102 NW 31st Street, Ankeny said that they are requesting a 25-foot setback to construct an all seasons sunroom, which will be heated and cooled. He stated that this is to maintain additional space on the main floor as they have experienced some medical issues that makes getting downstairs not much of an option anymore. This sunroom will provide them more living space on the main floor of their home. Troy Deaton said in their application they did provide approvals from their adjacent neighbors, neighbors from across the street and approval from their Association. He noted that directly behind the home is an apartment complex.

There were no questions from the Board.

J.Heil reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 25-foot rear yard setback for a four seasons porch at 2102 NW 31st Street. J.Heil stated the subject property is situated on Lot 27, Centennial Pointe Plat 5 and is generally located north of NW 31st Street and east of NW Abilene Road and is zoned PUD, Planned Unit Development. He noted that the surrounding properties to the north, east and west are similarly zoned, while properties to the south are zoned R-3, Multiple-Family Residence District with restrictions. J.Heil said that the applicant is requesting a variance to encroach approximately 10 feet into the 35-foot rear yard setback, to replace the existing 12x12' deck with a 16x12' four seasons porch attached to the rear of the home. Per Code, unenclosed decks are allowed to extend into setbacks, however, once the deck is covered it is considered a part of the primary structure on the lot, and therefore needs to comply with the setback requirements of the Code. He noted that should the request for the variance be approved, a 25-foot rear yard setback would be the resulting setback on the north side of the subject property. J.Heil stated that staff is not overly concerned with the applicant constructing a four seasons porch, primarily because the structure will be staying in its current location, and will be minimally expanded to the east and west and not any further into the rear yard setback. The staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 25-foot rear yard setback for a four seasons porch at 2102 NW 31st Street. Staff's position is based on a determination that the decreased rear yard setback from the four seasons porch would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

There was no one in the audience to speak for or against the request.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by J.Baxter. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #24-13 for property located at 2102 NW 31st Street

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 25-foot rear yard setback for a four seasons porch at 2102 NW 31st Street. The Board's position is based on a determination that the decreased rear yard setback from the resulting four seasons porch would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by K.Tomlinson. Motion carried 4 – 0.

REPORTS

Renewed Special Use Permits
#15-14 Benchwarmers, 705 S Ankeny Blvd.

There being no further business, meeting adjourned at 5:17 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

September 17, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

Appeals #24-15 and #24-16: Correspondence received from Chris Murray, Denny Elwell Company/Denny Elwell Family LC, 2401 SE Tones Drive, Ste. 17.

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED
Motion
LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. Correspondence - Chris Murray 9-11-2024



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

September 17, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

#24-14
Matt Pullen
for property located at
4118 SW Snyder Boulevard
Lot 43, Sienna Falls Plat 1
RE: Variance - Rear Yard Setback - Covered Deck

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED

LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. #24-14 Applicant Submittal
2. #24-14 Staff Report & Map



**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Ryan Kirschman, Planner
Filing #: 24-14 *EJC*
Meeting Date: September 17, 2024
Address: 4118 SW Snyder Boulevard

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.04(3)(E) that requires Rear Yard: 35-feet, allowing a 31.5-foot rear yard setback for a covered deck at 4118 SW Snyder Boulevard.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 31.5-foot rear yard setback for the construction of a covered deck at 4118 SW Snyder Boulevard.

The staff position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

PROJECT SUMMARY

The subject property is located at 4118 SW Snyder Boulevard, south of SW Oralabor Road and west of S Ankeny Boulevard within the southwestern quadrant of Ankeny. The subject property is a .22-acre lot that is zoned PUD, Siena Hills PUD and is situated on Lot 43 Sienna Falls Plat 1.

The applicant is requesting a variance to encroach approximately 3.5-feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. The deck was constructed with the home in 2014 according to permit records. Should the variance for the covered deck be approved, a 31.5-foot rear yard setback will be the resulting setback on the northwest side of the property.

PROJECT REPORT

Criteria for Variance

197.01(4) Powers and Duties.

B. To grant a variation in the regulations when a property owner can show ... that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this title actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this title would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title.

FINDINGS OF FACT

The subject property is located at 4118 SW Snyder Boulevard, south of SW Oralabor Road and west of S Ankeny Boulevard within the southwestern quadrant of Ankeny. The subject property is zoned PUD, Siena Hills PUD and contains a single-family home with an attached deck on the northwest side of the .22-acre lot. Neighboring properties in all directions are similarly zoned PUD, Siena Hills PUD. Permit records show the house was constructed in 2014. Per Ankeny Municipal Code Section 196.03(2)(B) unenclosed decks are allowed to extend up to twelve feet into the rear yard setbacks, while covered decks are not permitted in rear yard setbacks.

As indicated by the applicant on their submitted site plan, at its furthest point the proposed covered deck extends approximately 3.5' into the rear yard setback leaving approximately 31.5' between the deck and the rear property line. The covered deck should not have any measurable impact on surrounding residences.

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being in August of 2024, which allowed a covered deck to extend 7-feet into the rear yard setback.

As is standard procedure for these kinds of requests, all property owners within 250' of the subject property were notified of the proposed variance by mail, and to date, staff has not received any correspondence for or against the proposed variance at 4118 SW Snyder Boulevard.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 31.5-foot rear yard setback for the construction of a covered deck at 4118 SW Snyder Boulevard. Staff's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

192.04(3)(E) Size and Area Regulations.

C. Rear Yard: 35 feet

196.03(2)(B) Yard Setback Exceptions

(2) Rear Yard. Unenclosed, above and below, decks which project not more than 12-feet into the required rear yard.



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

September 17, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

#24-17
Randy and Christina Hass
for property located at
2115 NW Reinhart Drive
Lot 17, Centennial Pointe Plat 6
RE: Variance - Rear Yard Setback - Covered Deck

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED
Motion
LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

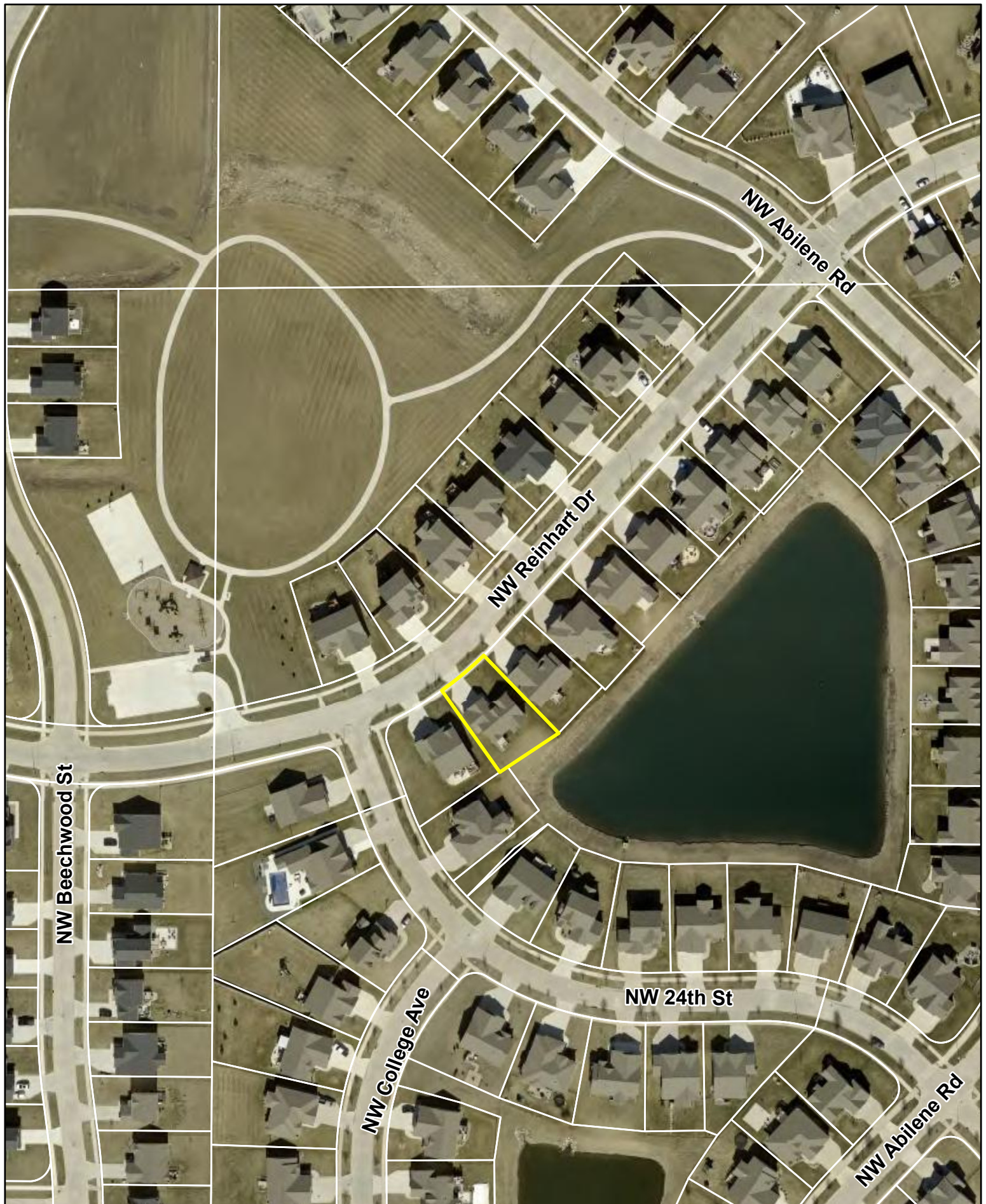
FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. #24-17 Applicant Submittal
2. #24-17 Staff Report & Map



**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Ryan Kirschman, Planner
Filing #: 24-17
Meeting Date: September 17, 2024
Address: 2115 NW Reinhart Drive

ESC

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 28-foot rear yard setback for a covered deck at 2115 NW Reinhart Drive.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 28-foot rear yard setback for the construction of a covered deck at 2115 NW Reinhart Drive.

The staff position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

PROJECT SUMMARY

The subject property is located at 2115 NW Reinhart Drive, north of NW 18th Street, south of NW 36th Street, and west of NW State Street within the northwestern quadrant of Ankeny. The subject property is a .213-acre lot that is zoned R-2, One-Family and Two-Family Residence District and is situated on Lot 17 Centennial Pointe Plat 6.

The applicant is requesting a variance to encroach approximately 7-feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. The deck was constructed with the home in 2019 according to permit records. Should the variance for the covered deck be approved, a 28-foot rear yard setback will be the resulting setback on the southeast side of the property.

PROJECT REPORT

Criteria for Variance

197.01(4) Powers and Duties.

B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this title actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this title would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title.

FINDINGS OF FACT

The subject property is located at 2115 NW Reinhart Drive, north of NW 18th Street, south of NW 36th Street, and west of NW State Street within the northwestern quadrant of Ankeny. The subject property is zoned R-2, One-Family and Two-Family Residence District and contains a single-family home with an attached deck on the southeast side of the .213-acre lot. Neighboring properties in all directions are similarly zoned R-2, One-Family and Two-Family Residence District. Permit records show the house was constructed in 2019. Per Ankeny Municipal Code Section 196.03(2)(B) unenclosed decks are allowed to extend up to twelve feet into the rear yard setbacks, while covered decks are not permitted in rear yard setbacks.

As indicated by the applicant on their submitted site plan, at its furthest point the proposed covered deck extends approximately 7' into the rear yard setback leaving approximately 28' between the deck and the rear property line. The covered deck should not have any measurable impact on surrounding residences.

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being in August of 2024, which allowed a covered deck to extend 7-feet into the rear yard setback.

As is standard procedure for these kinds of requests, all property owners within 250' of the subject property were notified of the proposed variance by mail, and to date, staff has not received any correspondence for or against the proposed variance at 2115 NW Reinhart Drive.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 28-foot rear yard setback for the construction of a covered deck at 2115 NW Reinhart Drive. Staff's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

192.05(3)(E) Size and Area Regulations.

C. Rear Yard: 35 feet

196.03(2)(B) Yard Setback Exceptions

(2) Rear Yard. Unenclosed, above and below, decks which project not more than 12-feet into the required rear yard.



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

September 17, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

#24-15 and #24-16
Kwik Trip, Inc (Kwik Star)
for property located at
6155 SE Delaware Avenue
Lot 1, Kwik Trip 1707 Plat 1
RE: #24-15 Variance - Sign Height
#24-16 Variance - Sign Copy Area

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED
Motion
LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. #24-15 and #24-16 Applicant Submittal
2. Applicant Additional Information -Sign Survey-Ankeny IA
3. #24-15-#24-16 Staff Report & Map
4. Comparison Distance Maps
5. Zoning Map

February 27th, 2024

Re: Kwik Trip / Kwik Star Sign Survey – Ankeny, IA

Property Location: Northwest quadrant of I-35 and NE 66th Ave. Intersection; Exit 89

Survey Date: February 1st, 2024

Blimp Information: Located on the Northeast corner of the property, 70' OAH
Latitude: 41.683869 / Longitude: 93.577364 / Google Earth Elevation: 933'

The blimp used in this survey was at 70' OAH located at the Northeast corner of the property. The Hi-Rise sign superimposed in this survey reflects a structure that is 60' OAH located at the same spot of the property.

Northbound traffic will have their initial full read on the sign at 3-tenths of a mile from the exit. They will continue to have a full read of the sign structure until they reach 1-tenth of a mile. An exiting highway sign will briefly obstruct their read on the sign at 1-tenth of a mile, but they will have a full read again as they continue to the off-ramp exit.

Southbound traffic will have their initial full read on the sign at 3-tenths of a mile from the exit. There is a group of trees that will obstruct their read on the sign as they travel between 4-tenths and 3-tenths of a mile. At 3-tenths of a mile they will have a full read on the sign until they reach 2-tenths where trees will again obstruct their read on the sign. Traffic will not have another read on the sign until they are at the off-ramp exit where they will have a full read on the sign as they exit.

A preliminary filing with the FAA was submitted and we were advised that a formal filing was required. We have submitted the formal filing, and we will forward the results once we receive them. Note that any height and/or location change of the structure would require an additional filing to confirm compliance with the FAA requirements.

Once you have had a chance to review the information, please let us know if you have any questions.

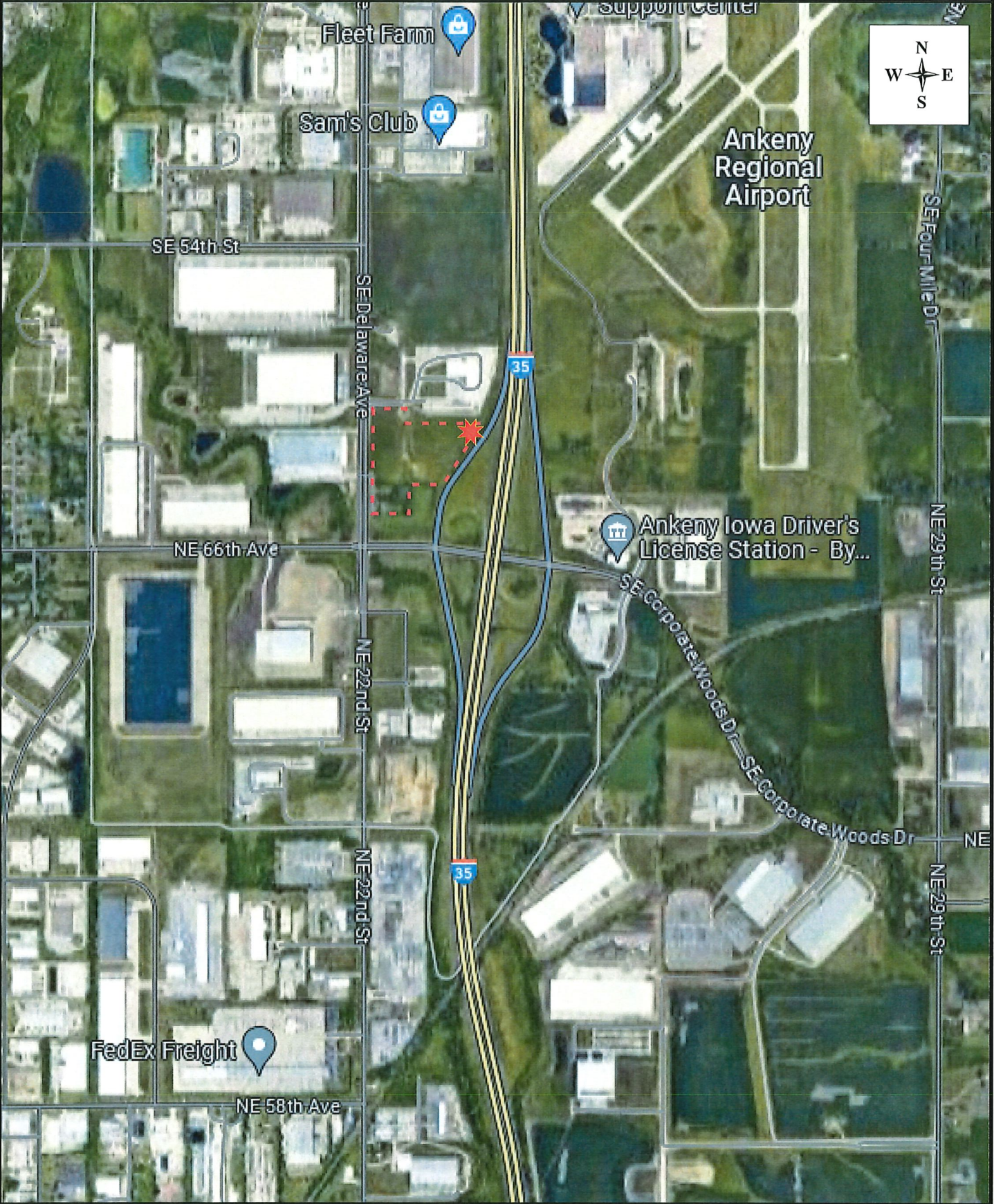
Thank You,

A handwritten signature in blue ink, appearing to read "Kevin Keup", is written over a horizontal line.

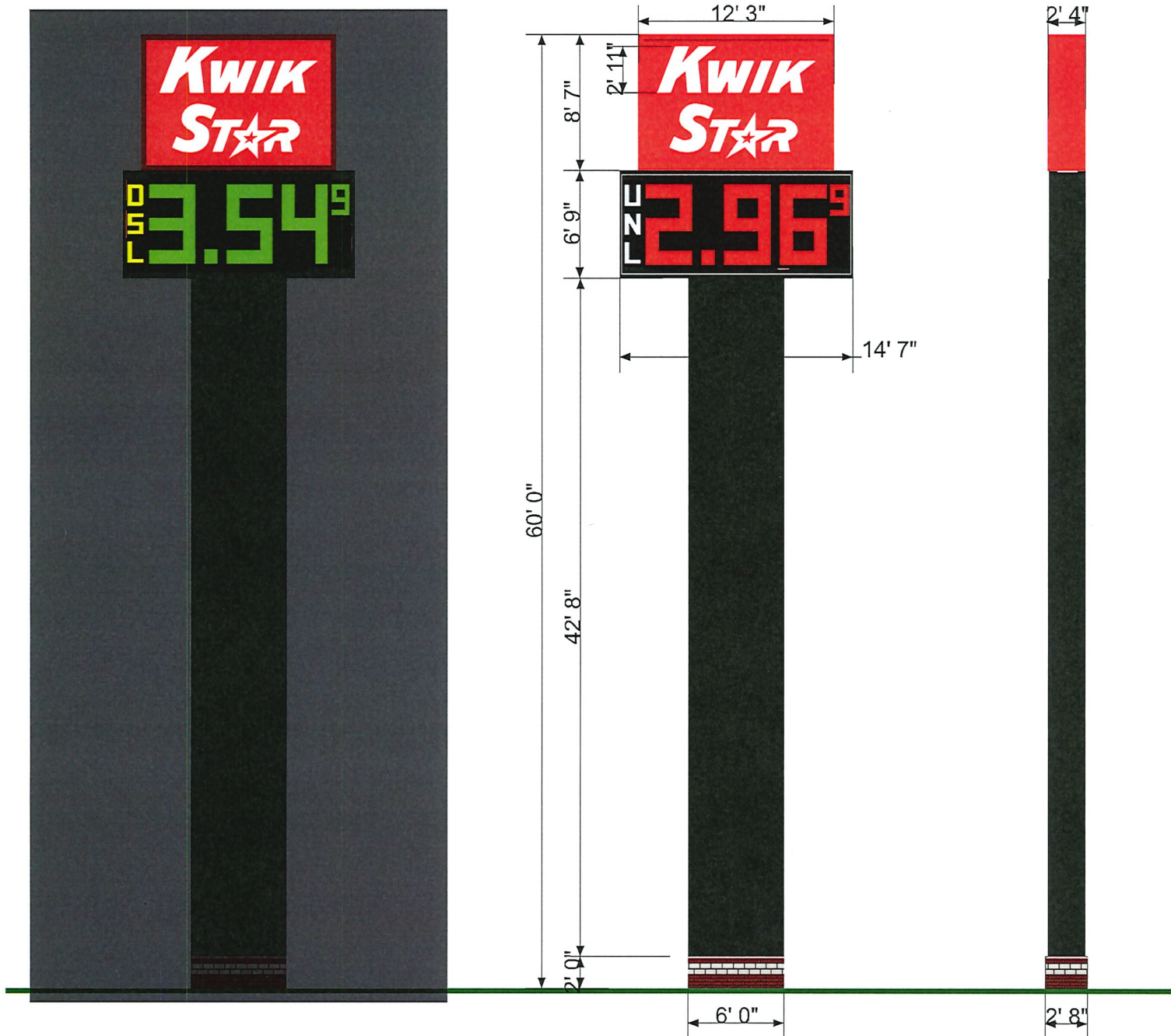
Kevin Keup
Effective Images, Inc.

Emailed: Matthew Lepke, Kari Keup

KWIK STAR - ANKENY, IA



★ = BLIMP & PROPOSED SIGN LOCATION



La Crosse Sign Group
lacrossesign.com

1450 Oak Forest Drive Onalaska, WI 54650 608-781-1450
2242 Mustang Way Madison, WI 53718 608-222-5353
2502 Melby Street Eau Claire, WI 54703 715-835-6189

This artwork is copyright La Crosse Sign Group and may not otherwise be used without permission. It is the property of La Crosse Sign Group and must be returned to them upon request.

Client

Kwik Trip #1707

Ankeny, IA

Project

A - Highrise

Consultant Design Art

Kelly Voegelé Danielle Hadley

Sign Specifications

MAIN ID:

-Construction: fabricated aluminum

-Faces: LED illuminated

-Capital Letter Height: 2' 11" tall

EMC PRICE CABINET

-Model: Dak GS6, 80x180 19.8mm

-Cabinet Size: 6' 9" x 14' 7"

-Active Size: 6' 3" x 14' 4"

CLADDING

-Construction: fabricated aluminum

-Finish: textured finish to resemble

stucco

Area

-Main ID: 105.15 sq. ft.

-EMC Cabinet: 98.44 sq. ft.

Active: 89.58 sq. ft.

-Total Active: 194.73 sq. ft.

Color Key

① Black

② Red

③ White

Job Number

124283

Creation Date

2/8/2024

Revision Date Revision Number

9/3/2024 12

File Path

1 - Kwik Trip\Ankeny, IA 1707\124283- Artwork for
KT1707 Ankeny\Design\1707 Ankeny Art 124283
Pylon Option 12

Approved by: _____ Date: _____ Landlord: _____ Date: _____

*Colors on sketch are only a representation, actual color of finished product may differ from this sketch.

*To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

**NORTHBOUND
0.4 MILES FROM EXIT**



**NORTHBOUND
0.3 MILES FROM EXIT**



**NORTHBOUND
0.2 MILES FROM EXIT**



**NORTHBOUND
0.1 MILES FROM EXIT**



**NORTHBOUND
AT EXIT**



**SOUTHBOUND
0.4 MILES FROM EXIT**



**SOUTHBOUND
0.3 MILES FROM EXIT**



**SOUTHBOUND
0.2 MILES FROM EXIT**



**SOUTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
AT EXIT**





NOT FOR CONSTRUCTION. NOT APPROVED BY LOCAL JURISDICTION





N

1 inch = 1,000 feet

Date: 7/12/2024

Kwik Star 1707

Aerial

**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Laura Hutzell, Associate Planner
Filing #: 24-15, 24-16
Meeting Date: September 17, 2024 *ESC*
Address: 6155 SE Delaware Avenue

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 195 Appendix C that restricts: Maximum Height: 30 feet, allowing a 60-foot height for a pylon sign.

A variance to Ankeny Municipal Code Section 195 Appendix B that restricts: Copy Area: 80 square feet, allowing a 195 square foot copy area on a pylon sign.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Section 195 Appendix C to allow a 60-foot sign for a modified pylon sign.

Staff recommends the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Section 195 Appendix B to allow 195 square feet of copy area on a modified pylon sign.

Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property.

PROJECT SUMMARY

The subject property is located at 6155 SE Delaware Avenue, east of SE Delaware Avenue, north of SE Corporate Woods Drive and west of I-35 in the southeast quadrant of Ankeny. The property is zoned C-2 General Retail, Highway Oriented and Central Business Commercial District and is situated on Lot 1 Kwik Trip 1707 Plat 1.

The applicant is requesting a variance to increase the height of a pylon sign to be located along the Interstate 35 right-of way to increase the maximum height of 30 feet, to a height of 60 feet. The applicant is also seeking a second variance to increase the copy area maximum from 80 square feet to allow for a copy area totaling 195 square feet.

PROJECT REPORT

Criteria for Variance

197.01(4) Powers and Duties.

B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict

application of the terms of this title actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this title would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title.

195.08.5 Variances Authorized.

To provide reasonable flexibility in the sign regulations, the Board of Adjustment may approve a variance for a sign otherwise not permitted by these regulations where an exception would not be inconsistent with the intent of the sign regulations.

195.01 Intent.

It is the intent of the provisions of this chapter to achieve the following objectives:

- 1. To establish standards which would permit businesses in the City a reasonable and equitable opportunity to identify themselves;*
- 2. To preserve and promote civic beauty and not allow signs which would detract from this objective because of unusual size, shape, height, location, condition, cluttering, or illumination;*
- 3. To ensure that signs in the City do not create a safety hazard;*
- 4. To preserve and protect the value of land and buildings, and to preserve and protect landscapes;*
- 5. To ensure that every sign has good scale and proportion in relationship to its site and function, as well as to the signage and use of neighboring properties; and*
- 6. To ensure that signs are designed as an integral architectural element of the building and site.*

195.08.6 Variances; Conditions to Granting.

No variance shall be granted unless the Zoning Board of Adjustment shall find that either of the conditions outlined in paragraph A and B exists:

A. All of the following requirements must be met:

- (1) Special conditions exist which are peculiar to the land, structure, and building involved and which are not applicable to other lands, structures, or buildings in the same district;*
- (2) The special conditions and circumstances do not result from the actions of the applicant;*
- (3) A literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district and the terms of these sign regulations;*
- (4) That granting the variance requested would not confer on the applicant any special privilege for a use not common to other lands, structures or buildings in the same district; and*
- (5) The proposed use of the property shall have an appearance that will not have an adverse effect upon adjacent properties and there will be no deterrence to development of vacant land.*

B. Any proposed signage beyond the maximum square footage permitted would have the primary function of providing a public service.

FINDINGS OF FACT

The subject property is located at 6155 SE Delaware Avenue and is the future site of Kwik Star store #1707. The site is located east of SE Delaware Avenue, north of SE Corporate Woods Drive and abuts Interstate 35 to the east, all within the SE quadrant of Ankeny. The property is zoned C-2 General Retail, Highway Oriented and Central Business Commercial District and is situated on Lot 1 Kwik Trip 1707 Plat 1. Properties to the north are similarly zoned C-2 General Retail, Highway Oriented, and Central Business District. Properties to the east of the subject property are zoned M-1, Light Industrial and properties to the south are zoned R-1, Single Family Residence District. A site plan for Kwik Star #1707 was brought before the Plan and Zoning Commission on July 11, 2024. At the time, no details or renderings for signage were provided as signage is a separate permit application and details for Ordinance conforming signage is provided at the time of permitting. On August 23rd, staff received a variance request for a modified pylon sign for the proposed Kwik Star development. The proposed sign measures 60 feet in height with a 195 square feet of copy area and is proposed to be located at the far NE corner of the site.

Per Ankeny Municipal Sign Code adopted in 2008, Section 195 Appendix B, states that ground signs for single tenant commercial properties can have up to 80 square feet of copy area, and per Section 195 Appendix C, pylon signs shall have a maximum height of 30 feet.

The location for the proposed sign is the far NE corner of the Kwik Star site adjacent to Interstate 35. At this location, the proposed sign is approximately 395 feet from the northbound I-35 center lane and 312 feet from the southbound center lane when measured directly east. The elevation of the Interstate at this same location is approximately 936 feet high and the elevation for the proposed sign location is also approximately 936 feet high.

While staff does take into consideration the bend in the interstate, the nearby overpass, and the proximity of neighboring commercial sites, staff does not believe these hardships warrant granting a variance request as all were characteristics of the site prior to the applicant purchasing the property.

In the applications submitted, a number of comparisons were made in regard to the signage of other commercial entities along the I-35 corridor, in particular those with signs that do not meet the current code.

- **Target/Home Depot:** 2000. This is also a shared sign.
- **Karl Chevrolet** – 1983, 2008 Note: This site is legally, three separate lots all with interstate frontage and was therefore originally afforded more signage than other sites. The history of signage on these parcels dates back to 1983 when the sign referenced by the applicant was approved by the Zoning Board of Adjustment. In 2008, during the same time the current sign code was being written, it was requested they be allowed to relocate the tallest sign to its current position along the interstate with the condition that they remove three other signs and that the variance not run with the land. Due to the size, history and number of variance approvals over the past 25+ years, staff does not believe this is a valid comparison.
- **Mills Fleet Farm** – 2007
- **Bob Brown GMC** – 2004
- **Kohls** – 2002
- **Sams Club** – 2014. Note: Sam's Club was denied their initial request for a 176 square foot sign. Ultimately, a decision was made that this site was allowed up to 150 square feet of copy area because the building exceeds 50,000 square feet per code. The height of this sign meets code at 30' tall.

Staff believes it's important to note that a majority of these signs were permitted and or granted variances between 1983 and 2008, before the current sign code was adopted. It's also important to note a majority of these signs could not be rebuilt today if they were to be removed or destroyed and would need to be replaced with conforming signs.

A comparison was made to the Casey's site located at 1515 SE Corporate Woods Drive. Staff believes that this is not a comparable example as the Casey's sign was approved as part of a PUD rezoning request. Staff also believes that when elevation and distance from the interstate is compared between the two sites, there is a significant difference. The elevation of the location of the Casey's sign according to the grading plan provided in the approved site plan, is roughly 898 feet high, and the interstate elevation at this location is roughly 920 feet, meaning the Casey's sign sits roughly 22 feet below the interstate. Kwik Star's sign would sit at roughly the same elevation as the Interstate. Casey's sign is also roughly 840 feet east of the I-35 north bound center lane, and roughly 925 feet from the sound bound center lane.

Kwik Star's proposed sign has a much closer proximity to the interstate sitting at approximately 312 feet from the southbound I-35 center lane and approximately 395 feet from the northbound center lane.

Also unmentioned is a similar variance request (docket #11-21) involving Kum and Go on the NE side of Ankeny, which was considered and denied a variance request for a 45-foot tall sign with 150 square feet of copy area in 2011. Staff believes these two cases are very similar and thus a more direct comparison than the others mentioned above. Kum and Go is approximately 410 feet from the southbound I-35 center lane and 488 feet from the north bound center lane adjacent to their site. According to contour maps, the elevation of the pylon sign sits approximately 10 feet below interstate grade at this location. The Board denied the variance request.

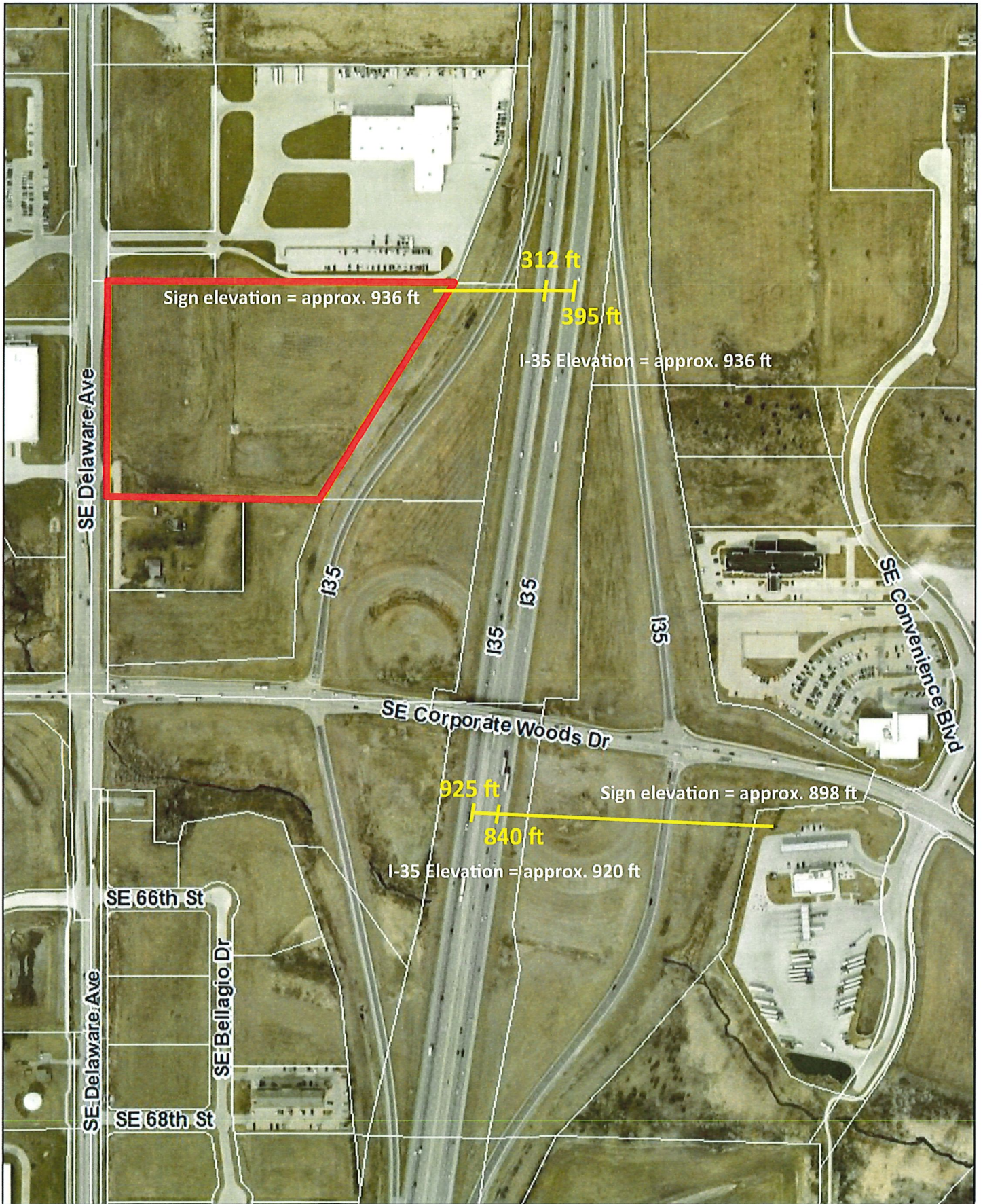
A second unmentioned request (docket #23-03, #23-04), was made by Uhaul for a 35-foot high sign with a 249 square foot copy area in 2023. The Board determined that the proposed sign was not consistent with the intent of the sign code and that no extraordinary circumstances or unnecessary hardships existed and denied the variance requests.

Generally speaking, since the adoption of the current sign code in 2008, the Board has not approved any variances for the maximum height or copy area of a proposed pylon sign in the I-35 corridor. While there are some signs in the corridor that exceed the required maximums of the current code, as stated earlier, most of those signs are non-conforming and could not be replaced if they were removed or destroyed and would need to be replaced with conforming signs. Staff also believes there are additional means of locating the Kwik Star site in addition to a pylon sign, including the use of interstate informational signs and GPS.

As is standard procedure for these kinds of requests, all property owners within 250' of the subject property were notified of the proposed variances by mail, and to date, staff has received one piece of correspondence supporting the variance.

The staff position is to deny a variance to Ankeny Municipal Code Section 195 Appendix C to allow a 60'tall modified pylon sign. Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

The staff position is to also deny a variance to Ankeny Municipal Code Section 195 Appendix B to allow 195 square feet of copy area on a modified pylon sign. Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.



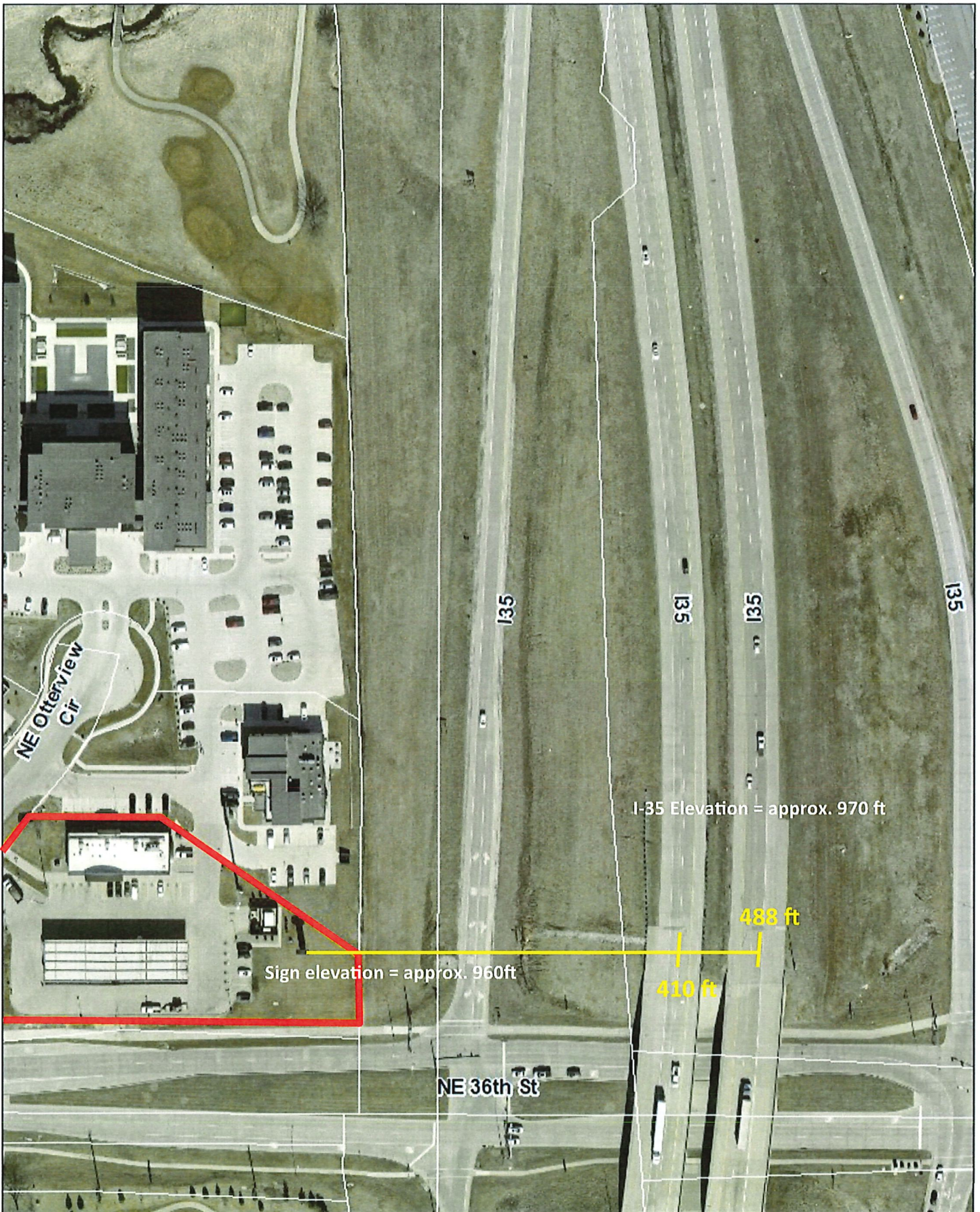
1 inch = 371 feet

Date: 9/9/2024

I-35 DISTANCE COMPARISON

KWIK STAR VS CASEYS





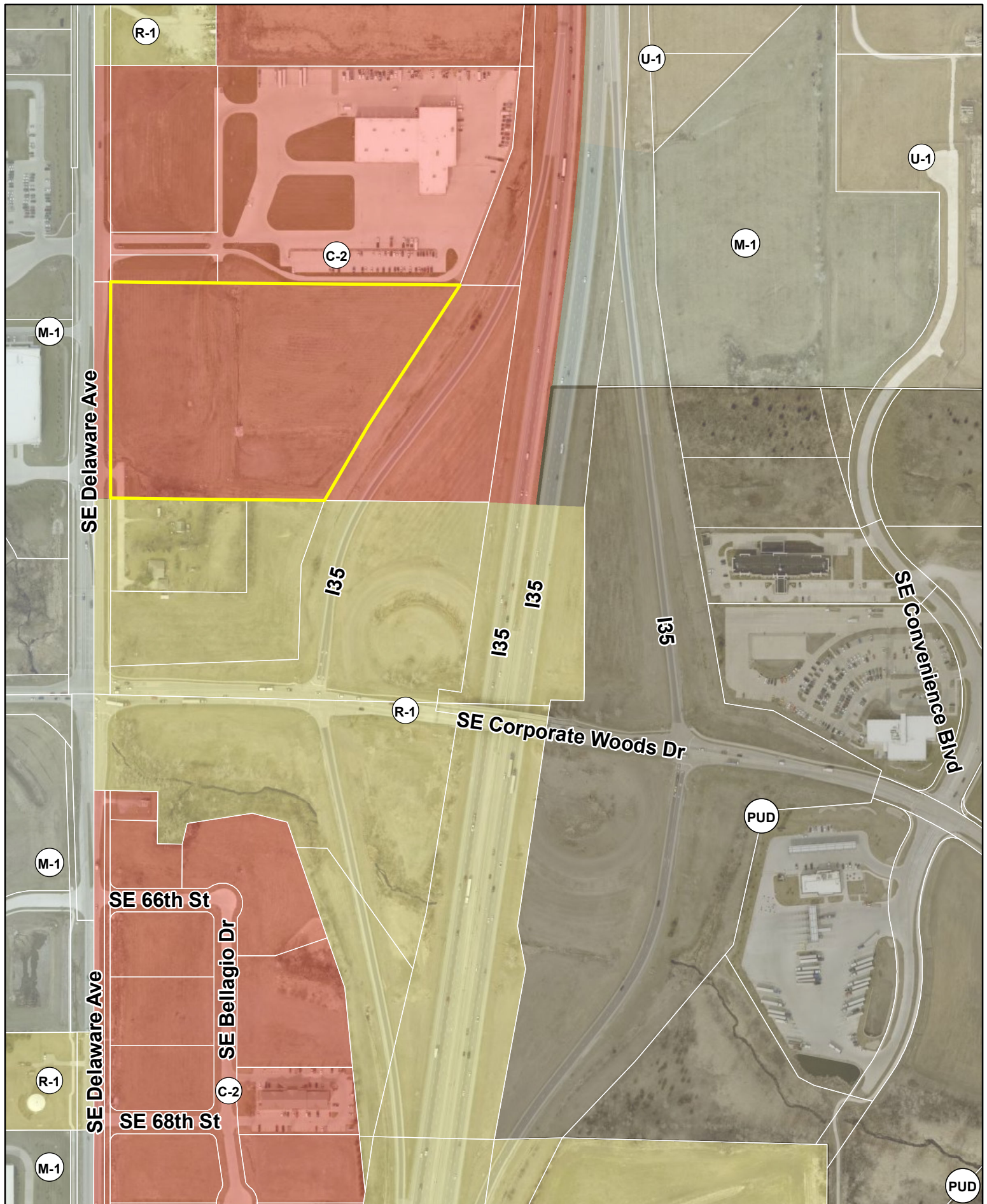
1 inch = 133 feet

Date: 9/10/2024

I-35 DISTANCE COMPARISON

Kum and Go







ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

September 17, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

Renewed Special Use Permits

#17-02 Anchors Away, 106 SW State Street, Ste 100

#19-10 Cancun Grill and Cantina 2, 2785 N Ankeny Blvd., Ste. 11 & 12

#16-13 Cabaret, 2785 N Ankeny Blvd.

ORIGINATING DEPARTMENT

Community Development

COUNCIL GOAL

ACTION REQUESTED

LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. 2024 Renewal - Anchor's Away



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 17-02**

Approved May 2, 2017

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: CKW Enterprises, LLC
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Anchors Away

Address of Premise: 106 SW State Street, Suite 100

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes ☒ No

If yes, what changes have been made. (Please include a sketch)

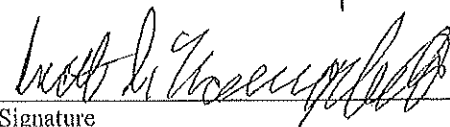
- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes ☒ No

Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)

I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.

The applicant hereby swears or affirms that all statements set forth herein are true and correct.



Signature
Scott S. Koenigsfeld

Name of Applicant (printed)

8/21/2024

Date

ADMINISTRATIVELY
 **APPROVED**
8/26/24 EJC



City of Ankeny

Outdoor Service Area Renewal Application

*Special Permit Resolution # 19-10

Passed September 4, 2019

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: Cancun Grill and Cantina 2 Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Cancun Grill and Cantina 2

Address of Premise: 2785 N Ankeny Boulevard, Suites 11 & 12

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes ☒ No

If yes, what changes have been made. (Please include a sketch)

- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes ☒ No

Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)

I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.

The applicant hereby swears or affirms that all statements set forth herein are true and correct.

Candelario Ceballos Leon
Signature

08-08-24
Date

Candelario C. L
Name of Applicant (printed)

ADMINISTRATIVELY



APPROVED

8/20/24 Etc

Contact Person
Antonio Ruiz - 706.913.5590
pericoahr@gmail.com



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution # 16-13,**

Issued: September 5, 2018

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: **CABARET ANKENY, LLC**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **CABARET**

Address of Premise: **2785 NORTH ANKENY BLVD., ANKENY, IOWA 50023**

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes ☒ No

If yes, what changes have been made? (Please include a sketch)

- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes ☒ No

Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)

I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.

The applicant hereby swears or affirms that all statements set forth herein are true and correct.

Signature

Name of Applicant (printed)

Date

9-2-24

ADMINISTRATIVELY
 **APPROVED**
9/6/24 EJC