



ZONING BOARD OF ADJUSTMENT

**Meeting Agenda
Tuesday, December 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 November 5, 2024 regular meeting.

D. COMMUNICATIONS:

Appeal #24-20: Correspondence received from Jennifer Van Thomme, 2323 SW Abilene Rd.

E. PUBLIC HEARINGS:

#24-20
Cody Moravec
for property located at
2324 SW Abilene Road
Lot 14, Estates at Prairie Trail Plat 3
RE: Variance - Fence

F. REPORTS:

Renewed Special Use Permits

#10-06 Lindo Jalisco Mexican, 1810 SW White Birch Cir., Suite. 118

#12-02 The Sports Page, 1701 N Ankeny Blvd.

#15-01 Main Street Cafe & Bakery, 2510 SW White Birch Dr., Suites 1 & 2

G. ADJOURNMENT:

Motion to adjourn the meeting.



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ITEM NAME

Minutes of the November 5, 2024 regular meeting.

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL
Ensure Economic Vitality

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. ZBOA Minutes 2024-11-05

Meeting Minutes
Zoning Board of Adjustment
Tuesday, November 5, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the November 5, 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, Nichole Sungren and Brett Walker. Staff: E.Jensen, E.Carstens, Derek Silverthorn, J.Heil, L.Hutzell, R.Kirschman and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE OCTOBER 22, 2024 REGULAR MEETING

Motion by N.Sungren to approve the meeting minutes as submitted. Second by M.Ott. Motion carried 4 – 0 – 1 (Abstain: K.Tomlinson).

COMMUNICATIONS / CORRESPONDENCE

The Board received correspondence dated October 24, 2024 from Patricia Battani requesting to withdraw her application for Appeal #24-18, Accessory Building Variance, which the Board of Adjustment tabled on October 22, 2024.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-19

Patricia Battani

for property located at

306 SE Park View Drive

E 1/2 LT 16 & ALL LT 17 EAST LAWN PLACE

RE: Accessory Building – Side Yard Setback

Chair M.Ott opened the public hearing.

Dan Battani, 306 SE Park View Drive, Ankeny said their request is for a 2-foot side yard setback variance, which would allow them to attach their existing garage to the home.

M.Ott confirmed with Dan Battani that their neighbors who were in support of Appeal #24-18 continue to be in favor of this request. He responded, yes.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.03(3)(D) that requires Side Yard: 8 Feet, allowing a 2-foot side yard setback to connect an existing detached garage to the existing single-family dwelling. He said that the subject property is located at 306 SE Park View Drive, east of S Ankeny Boulevard and south of E 1st Street in the southeast quadrant of Ankeny. The property is zoned R-1, One-Family Residence District and the surrounding properties are similarly zoned R-1. R.Kirschman stated that currently, the detached garage is two feet off of the west property line, where it was permitted and constructed in 1985. He explained that the applicant is requesting to maintain the current conditions in regard to the side yard setback with this proposal as there does not appear to be any new measurable impact on adjacent property owners. He noted that building and fire code requirements will need to be met in regards to proximity to the property line and the proposed connection of the garage to the house. Staff

recommends the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.03(3)(D) to allow a 2-foot side yard setback for the connection of an existing detached garage to the existing single-family dwelling, as well as an addition to the garage which will not encroach any further into the current setback. The staff position is based on a determination that the decreased side yard setback from the resulting connection of the existing detached garage to the existing single-family dwelling 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.

Dan Battani thanked the Board for their time and said if this request is approved it will be a great improvement to their property.

Motion by M.Ott to close the public hearing, receive and file correspondence. Second by J.Baxter. All voted aye. Motion carried 5 – 0.

The Board had no concerns with the request.

Board Action on Filing #24-19 for property located at 306 SE Park View Drive

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(D) to allow a 2-foot side yard setback for the connection of an existing detached garage to the existing single-family dwelling, as well as an addition to the garage which will not encroach any further into the current setback. The Board's position is based on a determination that the decreased side yard setback from the resulting connection of the existing detached garage to the existing single-family dwelling 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 M.Ott. Motion carried 5 – 0.

REPORTS

Renewed Special Use Permits

#22-03 Silk Elephant, 2410 SW White Birch Dr., Suite 108

#21-20 36th Street Tavern, 1300 NW 36th St., Suite 101

There being no further business, meeting adjourned at 5:08 p.m.



Submitted by Brenda Fuglsang, Recording Secretary
Zoning Board of Adjustment



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ITEM NAME

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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. Correspondence - Jen Van Thomme 12-11-2024



ZONING BOARD OF ADJUSTMENT

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ITEM NAME

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ACTION REQUESTED

ATTACHMENTS

1. #24-20 Applicant Submittal
2. Aerial Map
3. #24-20 Staff Report



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

To: Members of the Zoning Board of Adjustment
From: Eric C. Jensen, AICP *ECS*
Director of Community Development
Filing #: 24-20
Meeting Date: December 17, 2024
Address: 2324 SW Abilene Road

APPELLANT REQUEST

A Variance to the Prairie Trail Planned Unit Development (PUD) Ordinance, specifically Section 7.E.3.b.i. of the PUD, which limits the height of fences located within front and side yards adjacent to public street right-of-way to 42 inches, to allow a six-foot tall privacy fence to be constructed two feet from the sidewalk (approximately one foot from the southern property line) adjacent to SW Plaza Parkway at 2324 SW Abilene Road.

STAFF POSITION

Staff's position is that the Zoning Board of Adjustment deny a Variance to the Prairie Trail Planned Unit Development (PUD) Ordinance, specifically Section 7.E.3.b.i. of the PUD, which limits the height of fences located within front and side yards adjacent to public street right-of-way to 42 inches, to allow a six-foot tall privacy fence to be constructed approximately two feet from the sidewalk (approximately one foot from the southern property line) adjacent to SW Plaza Parkway at 2324 SW Abilene Road.

The staff position is based on a determination that the reduced setback and increased fence height along the public street right-of-way is not in harmony with the intended spirit and purpose of the Zoning Ordinance and the Prairie Trail PUD.

PROJECT SUMMARY

The subject property is located at 2324 SW Abilene Road in the Prairie Trail PUD and contains a single-family house on the lot. The property is approximately 15,684 sq. ft. or 0.36 acres in size and is considered a corner lot with a front yard to the east, adjacent to SW Abilene Road and a street side yard to the south, adjacent to SW Plaza Parkway. The applicant is requesting a Variance to allow for a six-foot tall privacy fence to be constructed approximately 20 feet into the street side yard setback adjacent to the southern property line. Per the Prairie Trail PUD, fences located within front and side yards adjacent to public street right-of-way shall not exceed 42 inches in height. Fences taller than 42 inches in height must be setback at a minimum as far as the side façade of the house.

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 his property was acquired in good faith; 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 Zoning Ordinance 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 Zoning Ordinance.

Findings of Fact

The subject property is located at 2324 SW Abilene Road, is legally described as Lot 14, Estates at Prairie Trail Plat 3 and is classified as an Estate Lot in Prairie Trail. The property is situated on a corner lot and the home faces SW Abilene Road. As a corner lot in the Prairie Trail PUD, the property has one front yard setback to the east adjacent to SW Abilene Road and a street side yard setback to the south adjacent to SW Plaza Parkway. The front setback requirements for Estate Lots is a minimum of 25 feet and a maximum of 40 feet. The street side yard setback requirements for Estate Lots is a minimum of 10 feet and a maximum of 25 feet. The house is set back 27 feet from the front property line along SW Abilene Road and 20 feet from the street side yard property line along SW Plaza Parkway. The subject property is approximately 15,684 sq. ft. or 0.36 acres in size.

The subject site is zoned and located within the Prairie Trail PUD which was approved in 2007, and the surrounding properties are similarly located within the PUD. The subject property as well as the properties to the north, south and west are included in the Southwest Neighborhood Plan which was approved in June 2014. The properties to the east were included in the Chatauqua Park Neighborhood Plan which was approved in December 2013. The properties to the north, east and west are single family homes and the property to the south is the Sterling at Prairie Trail multifamily community.

The lot was platted in 2014 and the residence on the property was constructed in 2015 – 2016. According to the Polk County Assessor's records, the applicant purchased the home in September 2016. As of today, there is not currently a fence on the property.

A fence permit application was submitted in November of this year to construct a six-foot tall vinyl privacy fence that would enclose the rear and street side yard of the lot. The proposed fence would extend southward from the southwest corner of the existing home to within approximately two feet of the sidewalk (which is typically one foot outside of the property line), then extending westward along that line approximately two feet off the sidewalk and continuing around the property to the northwest corner of the home. The fence permit was denied and the applicant was informed that the proposed privacy fence would not be allowed due to the fence regulations of the Prairie Trail PUD. Additionally, the applicant was informed that the proposed fence was also likely in conflict with the private covenants of the Prairie Trail Development. As a reminder to the Board, private covenants are rules established by the private development that may be more or less restrictive than the City's Zoning requirements. The City does not administer private covenants, but staff does try to monitor them and notify property owners if they may be in violation.

Upon denial of the fence permit, the applicant submitted a Variance application.

Prairie Trail Background

Prairie Trail is a 1,000+ acre development that was a partnership between the developer, DRA Properties, and the City of Ankeny. It is based on the development philosophies of New Urbanism which prioritizes pedestrian-friendly development and promotes a strong sense of community. The Prairie Trail Master Plan was completed and adopted by the Ankeny City Council in 2006, after a more than year-long process that involved extensive public participation and included stakeholders from DMACC, John Deere, the Ankeny Community School District, DRA Properties and the City of Ankeny, among others. The Master Plan process was led by Urban Design Associates (UDA) a nationally recognized consulting firm. The master planning effort was extensive and included all facets of the development, such as, land use, transportation, parks and trails, architectural design, storm water management, etc. The intent of the Master Plan was to set the groundwork for the development and design regulations that would be created later.

After the Master Plan was completed, UDA then prepared the Pattern Book for Prairie Trail. The Pattern Book establishes specific guidelines for the design fundamentals of the development, including neighborhood character, building architecture, lot design and landscape elements. With regard to the case before the Board, the Pattern Book includes specific guidelines for fencing. For this specific case, the relevant sections are located on Page F-22, which states "For side yards along public streets, fences shall have a maximum height of 48 inches..." and on Page F-18, which is specific for Estate Lots that are also corner lots, such as the subject property, it states that fences can be a "...36 or 48-inch fence along side property line."

Based on the Master Plan and the Pattern Book, the PUD Ordinance was created and first adopted by the City Council on March 19, 2007. Like most PUDs, the Prairie Trail PUD contains the Zoning requirements such as setbacks, height limitations, parking standards, etc. However, because there was a major master planning effort for the development, it was intended that the Prairie Trail PUD would be much more extensive than typical PUDs. As such, the Prairie Trail PUD is much more detailed than typical PUDs and contains specific regulations for essentially all aspects of the development. All of those regulations work together to help create the overall development vision of Prairie Trail. Specifically with regard to fencing, the original PUD document contained the following requirements:

- “Fences and Hedges are encouraged on corner lots and must respect the visibility at street and sidewalk intersections. Front yard and street side yard locations may not exceed 48” and need to adhere closely to the landscaping character established by Section D of the Pattern Book. Fencing in the rear yard locations and exceeding 48” in height is required to be a two pattern fence with the top two feet being open weave of 50% opacity.”

The relevant section of the original PUD fence language above states that fences may not exceed 48” in front yard and street side yard locations. In 2011, the PUD was amended and the fencing language was updated to be clearer and rely less on references to the Pattern Book. The new language section relevant to the current Variance request is as follows:

- Fences shall be permitted in any yard.
 - o Fences located in front and side yards adjacent to a public street right-of-way shall not exceed 42 inches in height.

Shortly after adoption of these new standards, it was noted that the original PUD allowed 48-inch fences in front yards and street side yard locations and that the new language limited those fences to only 42 inches. As indicated previously, the Pattern Book guidelines also allowed up to 48-inch fences in these situations. Because it is clear that the original intent of the Pattern Book and the PUD was that 48-inch fences should be allowed in front and street side yards, staff has administratively allowed 48-inch fences in those circumstances.

To date, there has not been a Variance, of any kind, applied for in Prairie Trail. The Board has approved several Special Use Permits in Prairie Trail, which is one of the Board’s duties outlined in the PUD. But, no Variances have been requested. Largely this is because the Prairie Trail regulating documents (Master Plan, Pattern Book and PUD) are extremely detailed and work together to create the vision intended by the developer and the City. Varying one aspect of those regulations could have an impact on the overall development. This is one area that makes Prairie Trail unique compared to other developments in Ankeny.

Further, the additional design requirements are not limited to fences in Prairie Trail. Nearly all aspects of the built environment are regulated. For instance, for residential properties, there are only four architectural styles allowed in Prairie Trail – Arts and Crafts, Victorian, European Romantic and Colonial. Every home, home addition, shed, garage, pool house, etc. is required to meet these architectural standards. There is a design review process through an Architectural Review Board (ARB) who reviews the structures pursuant to the design regulations (Master Plan, Pattern Book and PUD). These structures cannot be constructed without the approval of the ARB. Even the initial paint colors for every single home has to be approved by the ARB. The design scrutiny is one of the factors a property owner buys into when they choose to purchase property in Prairie Trail. The trade-off is that all the properties in Prairie Trail are also governed by the same, specific regulations. Therefore, a property owner is restricted from putting up something that is out of character in the neighborhood.

Analysis of Variance Criteria

The following is City staff's analysis of the proposed Variance with the adopted criteria necessary for approving any Variance request.

197.01.4.B. To grant a variation in the regulations the Zoning Board of Adjustment shall find that:

1. This property was acquired in good faith.

- Assessor records indicate that the property owner purchased the subject property in 2016. The Prairie Trail Master Plan was approved in 2006, the Pattern Book in 2007 and the PUD also in 2007. The existing conditions of the lot and the current fence regulations were in place at the time that the applicant acquired the property. Additionally, a quick drive, or walk, around the Prairie Trail neighborhood will show that despite there being many corner lot situations (more than 150), there are no other lots located in Prairie Trail that have a six-foot tall privacy fence out to the property line. As such, it is staff's opinion that the request does not meet this criteria.

2. 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 Zoning Ordinance actually prohibits the use of this property in the district.

- There are no conditions of exceptional narrowness, shallowness, or shape or any exceptional topographical conditions or any other extraordinary or exceptional situations associated with this property that a strict application of the Zoning Ordinance would prohibit the use of this property. This property is large in size, relatively flat and generally at the same elevation as the adjoining roadways and neighboring properties. In staff's opinion, this property is consistent with other properties similarly situated in Prairie Trail.

3. A literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship.

- Again, the property is large in size and consistent with other properties similarly situated in Prairie Trail. The property is relatively flat with generally the same elevation as the abutting roadways and neighboring properties. The primary permitted use for this lot is single family residential. The applicant is able to use the property for its primary permitted use, as demonstrated since 2016. Fences are considered an accessory use and the property owner has options for enclosing their lot with a fence. The applicant could construct a 48-inch fence out to the property line, a 72-inch fence set back at the main façade of the house or a combination of both. In staff's opinion, there is nothing unique about this property that a literal enforcement of this Zoning Ordinance would result in an unnecessary hardship.

4. Such Variance shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.

- Section 192.15 of the Zoning Ordinance, which is the enabling legislation for PUDs, states, "The purpose of this district is to promote and encourage development or redevelopment of tracts of land on a planned, unified basis..." and further, "...regulations adapted to such unified planning and development are intended both to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots." This property is located within the Prairie Trail Development, which is governed by a Master Plan, Pattern Book and PUD. These documents contain specific regulations for various design features, including fencing location and size. To date, there has been no fence permitted that is in violation of those regulations. Further, the Board has not granted any Variance in the Prairie Trail development to allow a similar fence as the one proposed. If approved, this fence would be an outlier and out of character with the remainder of the properties in Prairie Trail and may set a precedent for future requests. Therefore, in staff's opinion, granting the Variance would not be in harmony with the intended spirit and purpose of the Zoning Ordinance or the Prairie Trail PUD.

SUMMARY AND STAFF POSITION

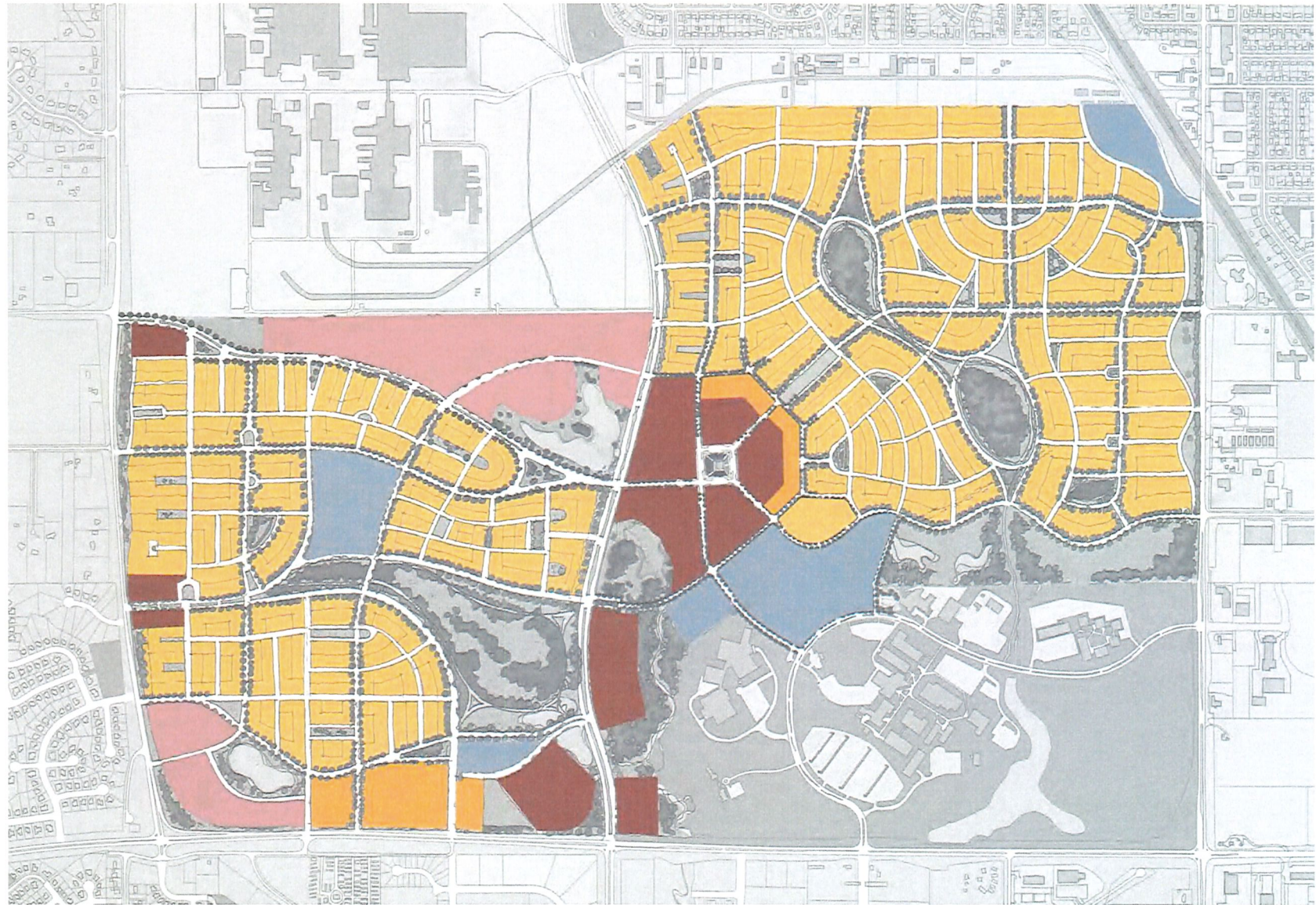
As mentioned previously, the subject site is located in the Prairie Trail development. Prairie Trail is a master planned neighborhood in which extensive planning was undertaken regarding the overall development. The timeline for the development, in relation to the subject property and request is as follows:

- 2004 – the master planning process was initiated between the developer and the City.
- 2006 – the Prairie Trail Master Plan was completed
- 2007 – the Pattern Book was completed
- 2007 – the Planned Unit Development Ordinance was completed
- 2014 – the Southwest Neighborhood Plan was approved
- 2014 – the Estates at Prairie Trail Plat 3 Final Plat was approved
- 2015 – 2016 the home was constructed
- 2016 – the applicant purchased the home
- November 2024 – the applicant requested a fence permit, which was denied
- November 2024 – the applicant applied for a Variance

The development standards outlined in the Master Plan, the Pattern Book and the PUD all work together to ensure development of the Prairie Trail neighborhood according to the overall vision for the development. Varying one aspect of those regulations could have an impact on other elements and the overall development. The fence regulations are one component of those requirements. To date, there have been no fences erected that contradict the approved fence regulations of Prairie Trail. Even the six-foot fencing around Prairie Trail Elementary is set back at the 25-foot setback line to adhere to these regulations. Allowing this fence would be contrary to the overall development philosophy of Prairie Trail.

As is standard procedure for these requests, all property owners within 250' of the subject property were notified of the proposed Variance by mail. Staff has received correspondence from the Estates at Prairie Trail Homeowner's Association and from DRA Properties, the declarant of the master association covering all of Prairie Trail. Both letters are attached and indicate that the associations do not support the Variance request as it is not consistent with the private covenants approved for the development. Again, the private covenants are independent from the City's Zoning and the City does not regulate them.

Based on the criteria for review dictated by the Zoning Ordinance and the reasons outlined in the report, it is staff's position that the Zoning Board of Adjustment deny a Variance to the Prairie Trail Planned Unit Development (PUD) Ordinance, specifically Section 7.E.3.b.i. of the PUD, which limits the height of fences located within front and side yards adjacent to public street right-of-way to 42 inches, to allow a six-foot tall privacy fence to be constructed two feet from the sidewalk (approximately one foot from the southern property line) adjacent to SW Plaza Parkway at 2324 SW Abilene Road. The staff position is based on a determination that the reduced setback and increased fence height along the public right-of-way is not in harmony with the intended spirit and purpose of the Zoning Ordinance and the Prairie Trail PUD.

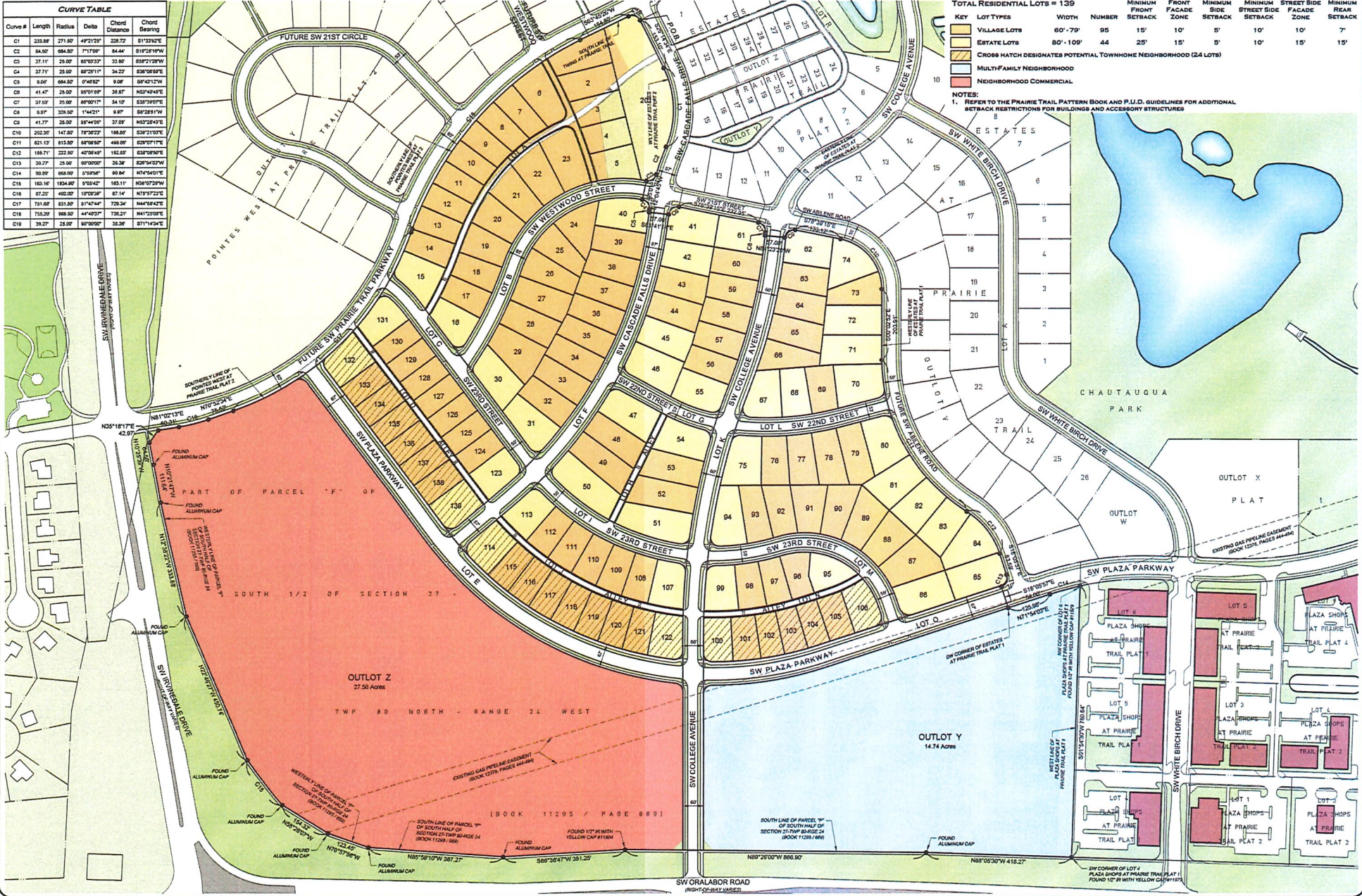


Prairie Trial Master Plan - 2007



Prairie Trail Southwest Neighborhood

CURVE TABLE					
Curve #	Length	Radius	Delta	Chord Distance	Chord Bearing
C1	235.88	271.80	49°21'23"	335.72	S7°32'52"E
C2	84.80	188.87	7°17'52"	84.84	S17°57'39"W
C3	37.11	25.00	85°32'37"	33.80	S85°32'37"W
C4	37.71	25.00	85°32'11"	34.22	S85°30'58"E
C5	9.06	684.82	0°48'52"	9.06	S8°42'12"W
C6	41.47	25.00	15°01'59"	38.87	S52°43'45"E
C7	37.02	25.00	85°00'17"	34.10	S33°32'05"E
C8	9.57	329.32	1°42'21"	9.67	S6°28'51"W
C9	41.77	25.00	95°44'55"	37.05	N52°32'42"E
C10	202.35	147.50	78°36'22"	186.88	S32°21'05"E
C11	625.12	813.85	66°06'55"	468.09	S25°07'17"E
C12	188.71	225.50	40°50'42"	162.50	S23°05'05"E
C13	35.27	25.00	90°00'00"	35.36	S25°36'29"W
C14	90.89	666.00	0°33'58"	90.84	N75°45'01"E
C15	183.16	1934.89	0°50'42"	183.11	N58°32'29"W
C16	87.20	482.00	10°09'59"	87.14	N79°37'22"E
C17	731.68	831.50	51°47'44"	728.34	N44°56'42"E
C18	718.29	988.50	44°49'27"	716.21	N41°23'58"E
C19	38.27	25.00	90°00'00"	38.36	S71°44'24"E



TOTAL RESIDENTIAL LOTS = 139					
KEY LOT TYPES	WIDTH	NUMBER	MINIMUM FRONT SETBACK	FRONT FACADE ZONE	MINIMUM SIDE SETBACK
VILLAGE LOTS	60' - 79'	95	15'	10'	5'
ESTATE LOTS	80' - 109'	44	25'	15'	10'
CROSS HATCH DESIGNATES POTENTIAL TOWNHOME NEIGHBORHOOD (24 LOTS)					
MULTI-FAMILY NEIGHBORHOOD					
NEIGHBORHOOD COMMERCIAL					

NOTES:
1. REFER TO THE PRAIRIE TRAIL PATTERN BOOK AND P.U.D. GUIDELINES FOR ADDITIONAL SETBACK RESTRICTIONS FOR BUILDINGS AND ACCESSORY STRUCTURES

2023 HANSEN BLVD., SUITE 121
ANKENY, IOWA 50023-4103
PHONE: (515) 965-0123 FAX: (515) 965-3322
www.nillesassociates.com
NILLES ASSOCIATES
LANDSCAPE ARCHITECTURE

PREPARED BY:
NILES ASSOCIATES, INC.
2100 WEST 15TH AVENUE, SUITE 100
DENVER, CO 80202
NILES ASSOCIATES, INC.
2100 WEST 15TH AVENUE, SUITE 100
DENVER, CO 80202
NILES ASSOCIATES, INC.
2100 WEST 15TH AVENUE, SUITE 100
DENVER, CO 80202

PROJECT NAME:
PRAIRIE TRAIL SOUTHWEST NEIGHBORHOOD
PRELIMINARY PLAT - OVERALL

DATE: 04/21/14
DRAWN BY: TAYLOR
CHECKED BY: GMP
SCALE: AS NOTED
SHEET NO.: NP-3
3/13

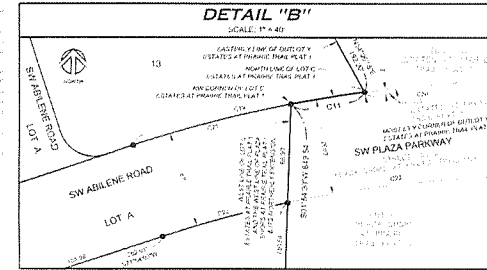
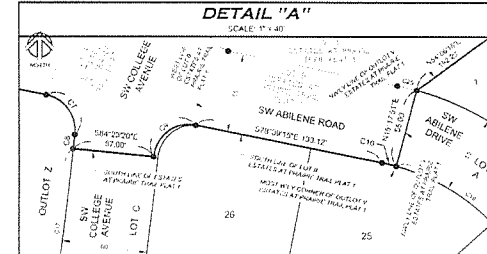
ESTATES AT PRAIRIE TRAIL PLAT 3

LEGEND

- Found monument 5/8" IR with red cap #11530 unless otherwise noted
- Found monument 1/2" IR with orange cap #11579 unless otherwise noted
- Set monument 5/8" IR with red cap #11530 unless otherwise noted
- Round iron rebar (outside diameter)
- Round iron pipe (outside diameter)
- Minimum Protection Elevation
- Record dimension
- Electric easement
- Public utility easement
- Storm sewer easement
- Surface water flowage easement
- Subject boundary line
- Proposed boundary line
- Proposed easement line
- Existing boundary line
- Existing easement line



SCALE: 1" = 120'



PART OF PARCEL 7" OF THAT PART OF NORTHWEST QUARTER SECTION 27 TOWNSHIP 80 NORTH, RANGE 24 WEST (BOOK 11205) (PAGE 668)

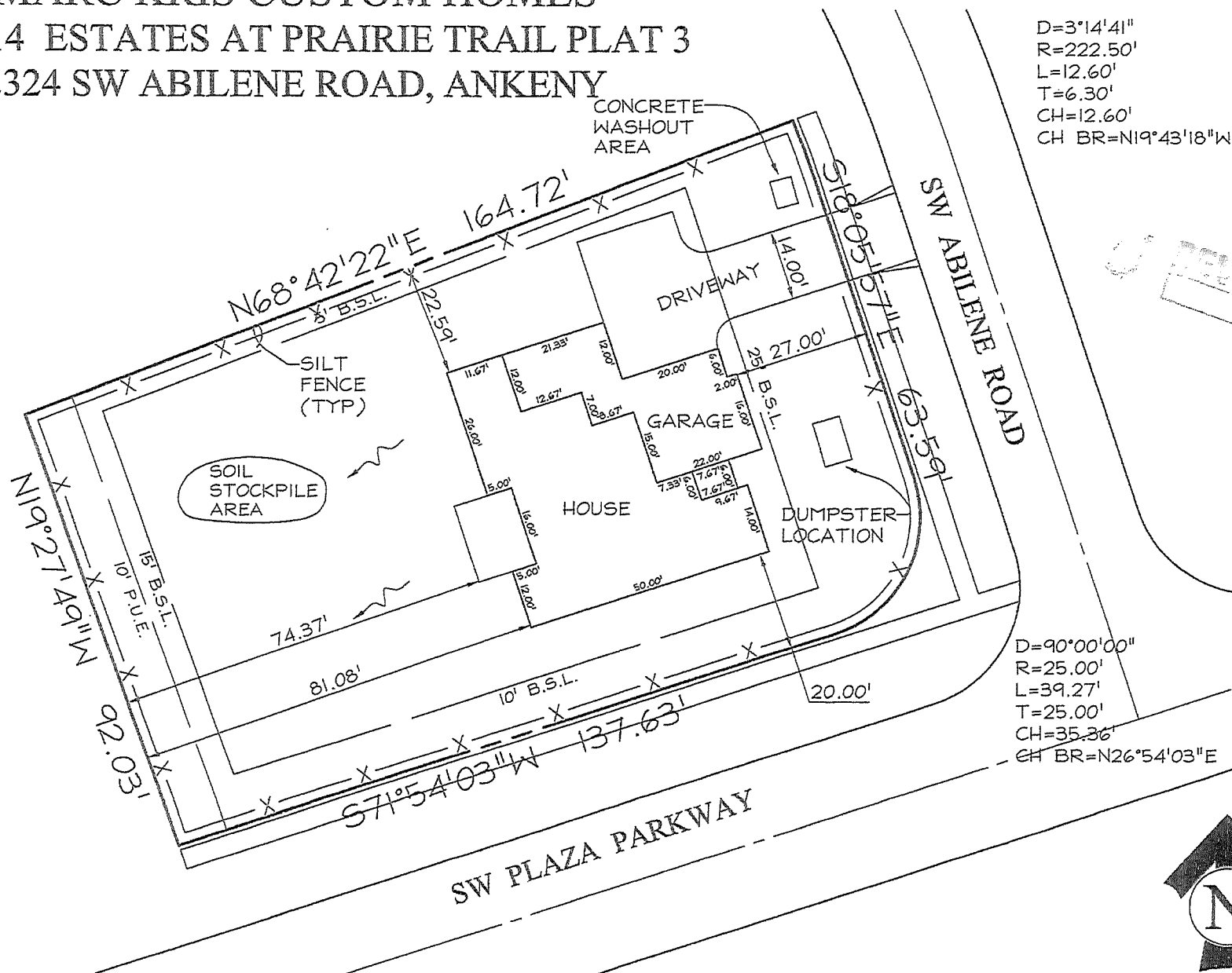
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C1	233.89	271.50	49°22'30"	176.27	S47°35'15"E
C1 (R)	233.89	271.50	49°22'30"	207.92	N47°35'15"W
C2	68.52	464.52	7°17'00"	68.48	S70°50'00"W
C2 (R)	68.52	464.52	7°17'00"	84.44	N70°20'00"E
C3	37.17	75.00	65°03'33"	33.80	S55°21'29"W
C3 (R)	37.17	75.00	65°03'33"	55.80	N44°38'11"E
C4	37.77	25.00	80°22'11"	34.23	S80°08'51"E
C4 (R)	37.77	25.00	80°22'11"	34.23	N10°51'09"W
C5	91.05	684.52	6°40'32"	91.05	S74°42'12"W
C5 (R)	91.05	684.52	6°40'32"	83.00	N74°42'12"E
C6	41.47	25.00	80°22'11"	34.23	S80°08'51"E
C6 (R)	41.47	25.00	80°22'11"	34.23	N10°51'09"W
C7	37.17	75.00	65°03'33"	33.80	S55°21'29"W
C7 (R)	37.17	75.00	65°03'33"	55.80	N44°38'11"E
C8	41.77	25.00	80°22'11"	34.23	S80°08'51"E
C8 (R)	41.77	25.00	80°22'11"	34.23	N10°51'09"W
C9	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C9 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C10	50.17	147.50	25°57'00"	50.17	S75°00'00"W
C10 (R)	50.17	147.50	25°57'00"	50.17	N75°00'00"E
C11	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C11 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C12	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C12 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C13	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C13 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C14	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C14 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C15	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C15 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C16	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C16 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C17	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C17 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C18	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C18 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C19	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C19 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C20	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C20 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C21	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C21 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C22	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C22 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C23	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C23 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C24	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C24 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E
C25	103.40	103.40	90°00'00"	103.40	S45°11'29"W
C25 (R)	103.40	103.40	90°00'00"	103.40	N44°48'31"E

NILES ASSOCIATES

ESTATES AT PRAIRIE TRAIL PLAT 3

FINAL PLAT

MARC KRIS CUSTOM HOMES
 LOT 14 ESTATES AT PRAIRIE TRAIL PLAT 3
 2324 SW ABILENE ROAD, ANKENY



DISCLAIMER:

ANY F.F.E., G.F.E., OR B.F.E. SHOWN ON THIS PLAN IS FOR REFERENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ELEVATIONS WITH THE BUILDING PLANS AND SEWER DEPTH.

SETBACKS

FRONT - 25' min./40' max.
 10' min./25' max.
 REAR - 15'
 SIDE - 5'

COOPER CRAWFORD

& ASSOCIATES, L.L.C.

CIVIL ENGINEERS

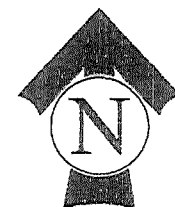
475 S. 50th Street, Suite 800, West Des Moines, IA 50265

Phone: (515) 224-1344 Fax: (515) 224-1345

0 15 30

SCALE: 1"=30'
 DATE: 7-22-2015

JOB NUMBER
 CH
 4960





To whom it may concern,

This letter is to correct an error made in granting permission from the Board of Directors for the Estates at Prairie Trail HOA to Cody Moravec residing at 2324 SW Abilene Road, Ankeny, Iowa 50023 to erect a 6 foot white vinyl fence around the perimeter of his back yard.

It was mistakenly stated that the Covenants of the Estates allows for this exception as his property does not back up to a main street and only contacts the main street along the side of his property. This information was incorrect and the Board stance, which is supported by the Covenants, is that a 6 foot fence **can not** be erected in a front or **side** yard adjacent to a public street right of away with the maximum height for a fence in those street adjacent yards being 42 inches.

Thank you,

Matt Hudson

Hudson Property Management
1200 SW State St. Suite A
Ankeny, IA 50023

RECEIVED

DEC 02 2024

CITY OF ANKENY

From: [Eric Jensen](#)
To: [Eric Carstens](#); [Deb Gervais](#); [Laura Hutzell](#)
Subject: FW: [External] 2324 SW Abilene Rd - Variance Inquiry
Date: Monday, December 2, 2024 10:44:42 AM

FYI, For the file.

Eric C. Jensen, AICP | Director of Community Development
City of Ankeny

From: Ashley Johnson [US] <ashleyj@draprop.com>
Sent: Monday, December 2, 2024 10:24 AM
To: Eric Jensen <EJensen@Ankenylowa.gov>; Adam Schoeppner <adams@nillesinc.com>; alexh@ptpmgmt.com
Cc: Tara Meredith [US] <taram@albaughllc.com>; Marian White <MarianW@Ptpmgmt.com>
Subject: RE: [External] 2324 SW Abilene Rd - Variance Inquiry

CAUTION: This email is from an **EXTERNAL** sender. Look closely at the **SENDER** address. Do not open **ATTACHMENTS** unless expected. Check for **INDICATORS** of phishing. Hover over **LINKS** before clicking. When uncertain, use caution and reach out to the sender from a known trusted communication method before proceeding. Just because you know the sender, does not mean this specific email is safe.

Eric,

Feel free to also share this email with the Zoning Board to confirm the declarant and current board of the master association is in full agreement that this violates the covenants for Prairie Trail Property, Inc. We appreciate you bringing this to our attention.

Thanks!
Ashley



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

December 17, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

Renewed Special Use Permits

#10-06 Lindo Jalisco Mexican, 1810 SW White Birch Cir., Suite. 118

#12-02 The Sports Page, 1701 N Ankeny Blvd.

#15-01 Main Street Cafe & Bakery, 2510 SW White Birch Dr., Suites 1 & 2

ORIGINATING DEPARTMENT

Community Development

COUNCIL GOAL

ACTION REQUESTED

Approve

LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. Renewal - Lindo Jalisco Mexican
2. Renewal - The Sports Page
3. Renewal - Main Street Cafe & Bakery



City of Ankeny

Outdoor Service Area Renewal Application

*Original Special Permit Resolution # 10-06

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: Primos Iowa, LLC
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Lindo Jalisco Mexican

Address of Premise: 1810 SW White Birch Cir., Ste. 118

- 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
Abraham Murguia
Name of Applicant (printed)

11/13/24

Date

ADMINISTRATIVELY
☒ **APPROVED**

11/20/24 EJC



City of Ankeny

Outdoor Service Area Renewal Application

*Special Permit Resolution # 12-02

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 (963-1850) regarding the required Board of Adjustment approval.

Name of Applicant: SPG-Ankeny, Inc
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): The Sports Page

Address of Premise: 1701 North Ankeny Blvd.

➤ 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 3)

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.

John Hudson

Signature

John Hudson

Name of Applicant (printed)

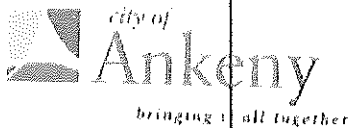
11/14/2024
Date

ADMINISTRATIVELY



APPROVED

11/20/24 ESL



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution # 15-01**

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: Main Street Café & Bakery, Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Main Street Café & Bakery

Address of Premise: 2510 SW White Birch Dr., Suite 1 & 2

- 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

ADMINISTRATIVELY



APPROVED

12/9/24 EJC



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

December 17, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

Motion to adjourn the meeting.

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

None