

Meeting Minutes
Zoning Board of Adjustment
Tuesday, December 2, 2025
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the December 2, 2025 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

Chair Matt Ott read the Zoning Board of Adjustment Opening Statement.

ROLL CALL

Members present: Matt Ott, Jeff Baxter, Nichole Sungren, Brett Walker, and Eric Strom.
Staff: E. Jensen, E. Carstens, B. Morrissey, L. Hutzell, R. Kirschman, M. Flynn, and B. Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE OCTOBER 21, 2025 REGULAR MEETING

Motion by N. Sungren to approve the meeting minutes as submitted. Second by J. Baxter. Motion carried 5 – 0.

COMMUNICATIONS / CORRESPONDENCE

Chair Matt Ott noted that correspondence was received for appeal #25-13 from Marilyn Shay, 11700 NE 6th Street, Ankeny in opposition of the request and for appeal #25-14 from Josey and Stephany Hanes, 1602 NW Northcreek Drive, Ankeny in opposition of the request. He stated that all correspondence will be received and filed during each public hearing.

PUBLIC HEARINGS:

#25-13 MidAmerican Energy Company
for property located at
Parcel 2021-249, Parcel 2023-135, and Parcel 2025-11
RE: Special Use Permit

Chair M. Ott opened the public hearing.

Marty Dostalík, Civil Engineering Consultants, Inc. 2400 86th Street #12, Urbandale and Hunter Graveel, MidAmerican Energy Company, 106 East 2nd Street, Davenport. Marty Dostalík reported MidAmerican Energy proposes to build a substation on a 9-acre piece of land, to include Parcel 2021-249, Parcel 2023-135, and Parcel 2025-11. The site is set 35 feet from the setback line and 200 feet from the existing road. These parcels were recently annexed into Ankeny to help support the city's growth. The site plan review has been completed and met all staff requirements; however, the plan requires a Special Use Permit which they are seeking approval. The site will contain a two-toned 10 ft security wall surrounding the substation, 18-20ft high bus bars, a retention pond, some taller structures for lightning suppression, and extensive landscaping to help hide the site.

M. Ott stated for the record that he did work on this project for MidAmerican several years ago; however, does not have financial ties to the company or project and is no longer with the company.

M. Ott asked for clarification and photos of the two-toned color palate for the security wall; which were not available. Marty offered that any Sherwin Williams colors could be used.

E. Strom asked why MidAmerican chose this location. M. Dostalík explained MidAmerican has owned the land for approximately 10 years with plans to use for this purpose. The company cites the need to be close to a transmission point and have easy access to where growth for the city is expected.

B. Morrissey reported MidAmerican Energy Company is requesting a Special Use Permit to allow for an electrical utility substation to be located on Parcels 2021-249, 2023-135, and 2025-11, located off NW Ash Drive, just south of NW 54th Street. Chapter 196.02 of Municipal Code requires the Zoning Board Adjustments to authorize a Special Use Permit prior to any developments of any electrical or telephone utility service in any district which is what they are requesting at this hearing. B. Morrissey noted the location of the access drive, detention basin planned to help mitigate any storm water run-off, and extensive landscaping. The Future Land Use Map was presented by B. Morrissey which showed the projected use of the land in the adjacent and surrounding areas for housing. Staff recognizes the need for the substation to substantiate growth over time and finds the location to be appropriate as the area develops as opposed to placing it within an already established neighborhood.

Staff recommends that the Zoning Board of Adjustment grant a Special Use Permit in accordance with Section 196.02 to MidAmerican Energy Company on Parcels 2021-249, 2023-135, and 2025-11 for an electrical utility substation with associated equipment provided that the following conditions are met:

1. That the associated Site Plan be approved by the Plan and Zoning Commission.
2. That the security wall surrounding the substation be comprised of at least two earth-toned colors.
3. That the final site and landscaping design as approved by the Plan and Zoning Commission is installed and maintained throughout the use of such facility.

This is based on the determination that the requested Special Use Permit for the electrical utility substation preserves the intent and purpose of the Zoning Ordinance to promote public health, safety, morals, and general welfare.

M. Ott asked for clarification on landscaping plans and asked that a statement requiring continued maintenance of the landscaping be added to the request.

M. Ott noted one piece of correspondence received from Marilyn Shay in opposition. He asked B. Morrissey to note the location of the neighbor's property on the aerial map for the Board. The home is located approximately .25 miles North of the site. The areas surrounding the site were zoned R-1 when annexed by the City of Ankeny; there is a nearby plot still unincorporated.

LaVon Griffieon, 11655 NE 6th Street Ankeny, thanked the council for inviting the public to this hearing. LaVon stated that this is the first public hearing they had been made aware. She states they are not MidAmerican customers and receive services from Consumer Energy in Marshalltown. L. Griffieon noted concerns regarding the voltage output of the substation and allotted proximity for an electrical substation to a home citing concerns over how this may impact their property value. L. Griffieon also noted a concern for the transformer decibel levels, the noise produced from the station, and the potential for an explosion which could result in debris damaging their property and livestock. She listed concerns

that the substation will attract lightning resulting in potential for property damage and fire. The Griffieon family requested MidAmerican provide verification that stray voltage will not impact their farm or livestock. According to the Griffieons, MidAmerican has stated they would not be responsible for damage to the Griffieon's buildings. Additionally, she notes concerns over the EMF, Electromagnetic field and the wide array of adverse health effects resulting from both short- and long-term exposure to an Electromagnetic Field. She asks the council to consider these concerns before approving.

Craig Griffieon, 11655 NE 6th Street Ankeny, corrected the city staff about the acreages stating that it is a Century Farm designation and a working farm. He stated concerns over the detention pond and the existing ponds upstream from his homestead. He would like to know what happens when the retention pond fills and runs over citing specific concerns with the potential for flooding in his basement. C. Griffieon stated that he is a new member of the Consumer Energy Board out of Marshalltown and during their last meeting the board indicated they were not made aware of the substation being placed in the current location. He asked what sort of variances would be offered to them.

M. Ott asked MidAmerican to clarify the pond design and what type of rain it can handle. M. Dostalík states the detention ponds are capable of handling a 100-year storm.

E. Strom asks if the other utility companies were contacted. H. Grabeel stated they were not contacted. M. Dostalík confirms they were not contacted because MidAmerican owns the property and they do not intend to serve any of the Consumer Energy customers. M. Dostalík addressed the property value concerns, stating that typically the housing development is built right up to the substation and those homes sell.

C. Griffieon wished to restate his concern that the line intake will cause the water to back up into his basement.

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

BOARD DISCUSSION

M. Ott recognized the challenge of these types of infrastructure as an unfortunate necessity and recognized the effort to coordinate with city staff to provide adequate screening. M. Ott requested a condition of approval that the applicant maintain the landscaping they've indicated in their landscaping plan when finalized by Plan and Zoning Commission. There were no further concerns by the Board.

Board Action on Filing #25-13 for property located at Parcel 2021-249, Parcel 2023-135, and Parcel 2025-11

Motion by M. Ott that the Zoning Board of Adjustment grant a Special Use Permit in accordance with Section 196.02 to MidAmerican Energy Company on Parcels 2021-249, 2023-135, and 2025-11 for an electrical utility substation with associated equipment provided that the following conditions are met:

1. That the associated Site Plan be approved by the Plan and Zoning Commission.
2. That the security wall surrounding the substation be comprised of at least two earth-toned colors.

3. That the final site and landscaping design as approved by the Plan and Zoning Commission is installed and maintained throughout the use of such facility.

The Board's decision is based on the determination that the requested Special Use Permit for the electrical utility substation preserves the intent and purpose of the Zoning Ordinance to promote public health, safety, morals, and general welfare. Second by J. Baxter. All voted aye. Motion carried 5 – 0.

#25-14

**Harold Fitzgerald LLC – Dogtopia Ankeny
on behalf of Dayton Park, LLC**

for property located at

1606 NW Irvinedale Drive

RE: Variance – Permitted Uses

Chair M. Ott opened the public hearing.

Jordan and Carson Adams, Dogtopia Owners, 1606 NW Irvinedale Drive Ankeny. Carson Adams stated they request a variance for the property located at 1606 NW Irvinedale Dr. Ankeny to allow an outdoor dog run that is located 160 feet to the nearest residential block; as opposed to 200 feet from the nearest residential block. The area will have an 8 ft noise reducing fence to allow dogs to come out intermittently for periods of 20 to 30 minutes at a time between the hours of 8:00 am and 6:00 p.m. Landscaping is planned to provide aesthetic value and they are hoping to be a positive addition to the neighborhood. They noted the space was previously used as a childcare facility.

M. Ott requested clarification for use of the outdoor space clarifying if it is strictly for animal relief or if it would be used for play as well. C. Adams indicated the intent is for fully supervised play time that will occur at several 20–30-minute time blocks with 10-15 dogs participating during each period of play. There are typically 30 dogs in attendance at the facility; thus, there are anticipated to be roughly 3 cycles of play during the morning hours and 3 cycles of play periods during the afternoon. C. Adams also stated the outdoor turf will be regularly cleaned and sanitized and animal waste will be sealed and disposed of properly. It is noted that the play area will face NW Irvinedale Drive.

R. Kirschman reported applicant Harold Fitzgerald is here on behalf of the Park LLC, requesting a variance on Municipal Code 192.91 B which requires animal hospitals, veterinary clinics, or kennels provided exercise runway is at least 200 feet from our district boundary. The property is located on the corner of NW 18th Street and NW Irvinedale Drive. It is currently a multi-tenant building which includes Ziggy's coffee. The building immediately to the South has a veterinary hospital and apartments. The zoning surrounding the property to the North is mixed with residential and some commercial properties; to the East and West is single-family housing. Staff understand the noise from the animals using the outdoor exercise area is the reason for the 200-foot required separation from residential buildings and noted that animal boarding is permitted in C2 district as a principle permitted use and therefore only the enclosure necessitates the need for this variance. He also notes a similar variance was approved by the board in April 2024 for a dog run along South Ankeny Blvd. All property owners within 250 feet of the subject property were notified by mail and there is one letter of correspondence against the proposed variance.

Staff recommends approval for a variance to Ankeny Municipal Code Section 192.09(1)8(1) to allow the proposed use of an outdoor animal exercise area on the east side of the building at 1606 NW Irvinedale Drive as shown on the attached site plan with four conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed in response to a complaint related to the outdoor animal exercise area.
4. That the use is limited to the proposed hours of operation which are 7:00 am to 7:00 pm.

The Board's position is based on a determination that an animal grooming and animal boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, 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 receive and file documents and close the public hearing. Second by J. Baxter. All voted aye. Motion carried 5 – 0.

BOARD DISCUSSION

N. Sugren asked if notices went out to all business owners or only property owners noting potential complaints from other business included in that commercial property; specifically Ziggy's Coffee. J. Adams stated that the company Herald Fitzgerald purchased the full property and has a vested interest in the success of all surrounding businesses.

Strom asked what the investment into the expansion would be and M. Ott confirmed that the owners would be willing to accept the potential to lose use of the space should there be complaints, as noted in the variance. J. Adams stated the addition would cost around \$10,000 - \$15,000; however, they are confident there will not be complaints and are willing to accept the risk.

J. Baxter asked to see where the property in opposition to the variance was located, in relation to the business. It was determined the property was well over 200 ft from the addition. Strom inquired if the facility was only for dogs, no cats. J. Adams confirmed, only dogs. There were no further concerns by the Board.

M. Ott requested a condition of use be added that states use is only permitted during operational hours of 7:00 am until 7:00 p.m. J. Baxter noted the business will still need to comply with all sound ordinances. There were no further concerns by the Board.

Motion by M. Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the proposed use of an outdoor animal exercise area on the east side of the building at 1606 NW Irvinedale Drive as shown on the attached site plan with four conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
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REPORTS

There were no reports.

ADJOURNMENT

There being no further business motion made by M. Ott to adjourn the meeting. Meeting adjourned at 5:59 p.m.



Submitted by Megan Flynn, Recording Secretary
Zoning Board of Adjustment