

Meeting Minutes
Zoning Board of Adjustment
Tuesday, October 3, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the October 3, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE SEPTEMBER 19, 2023 REGULAR MEETING

Motion by J.Baxter to approve the September 19, 2023 meeting minutes as submitted. Second by N.Sungren.
All voted aye. Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#23-17

Casey's Retail Company

for property located at

1602 W 1st Street

Lot 1, Handimart Plat No. 1

RE: Variance – Open Space

Chair M.Ott opened the public hearing.

Aaron Wolfe, Casey's Retail Company, 3305 SE Delaware Avenue, Ankeny said that they bought the building in 2010, which was originally a Handimart Gas Station/Convenience Store and rebranded the property as a Casey's. He noted that history shows that the developer at that time was mandated to dedicate right-of-way to the City, adjacent to both street frontages, which reduced the site by 20 percent. The developer sought and was granted three variances to build on the site. He said, at this time, they would like to expand the services that Casey's offers to the neighborhood by remodeling and adding a full kitchen onto the east side of the building. He noted that the expansion would increase the gross floor area by approximately 300 sf, which would increase the number of code required parking stalls on site. Aaron Wolfe stated that they can accommodate the parking requirement if they were granted a variance to the Open Space requirement. Their request is for 12 percent of open space on the site. He explained that they have exhausted other options, such as approaching neighboring property owners about acquiring property from them, asking the City if they could acquire an easement to park within the unused right-of-way, or purchasing unused right-of-way that was previously dedicated to the City. Aaron Wolfe expressed to the Board that an already exceptionally tight site was previously hindered by the City's acquisition of right-of-way and the continued use of this property for any use intended for this zoning district would be hindered without the variance. He commented that the requested variance for open space would not have a negative impact on the neighboring property owners. He asked the Board if they had any questions.

J.Heil reported that the applicant is requesting a variance to Ankeny Municipal Code Section 191.15, that requires sites to have a minimum of 20 percent open space, allowing a minimum of 12 percent open space on the site located at 1602 W 1st Street. The property is located north of W 1st Street and west of NW State Street, is zoned C-1, Neighborhood Retail Commercial District and contains a 2,632-sf convenience store with

3 gas pumps. He stated the property is approximately .424 acres in size and is considered a corner lot with two front yards; one to the south adjacent to W 1st Street and the other to the east adjacent to NW State Street. J.Heil explained that on May 4, 1999, the Zoning Board of Adjustment granted a 30-foot rear yard setback variance, an 18-foot front yard setback variance at the south property line and a 15-foot variance at the east property line, and an 18 percent open space minimum for the site. The open space reduction was granted due to the hardship caused when the City of Ankeny acquired additional right-of-way for future turn lanes. J.Heil stated that Casey's Retail Company has proposed a building addition, which would increase the current store by 320 sf to accommodate a kitchen. The total site area is 18,475 sf, which would require 3,695 sf of open space at the 20 percent required by City code and Casey's has proposed 2,202 sf of open space on the site, which would be 12 percent open space. He noted that with the proposed addition, the site would require 20 parking stalls. The proposed site plan shows 18 parking stalls on the site, at the cost of some of the existing open space. Staff believes that the reduction of developable area on the site due to the City acquiring additional right-of-way has caused an exceptional narrowness/shallowness hardship for the site to provide the necessary 20 percent open space required by code. The open space on the site is further affected with the site meeting the minimum parking requirements. He stated that in the past; the Board has required additional landscaping due to the reduction in open space. Staff would recommend that the Board require additional landscaping with the open space variance, if granted. Staff notified all property owners within 250' of the property and to date, staff has not received any communication for or against the request. The staff position is to grant a variance to Ankeny Municipal Code Section 191.15, to allow a minimum of 12 percent open space at 1602 W 1st Street, subject to landscaping being provided which exceeds the minimum landscaping requirements of the zoning ordinance to be determined by staff. Staff's position is based on a determination that the decreased open space requirement from the resulting building addition 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 documents. Second by J.Baxter. All voted aye. Motion carried 3 – 0.

Board Action on Filing #23-17 property located at 1602 W 1st Street

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.15, to allow a minimum of 12 percent open space at 1602 W 1st Street, subject to landscaping being provided, which exceeds the minimum landscaping requirements of the zoning ordinance to be determined by Staff. The Board's position is based on a determination that the decreased open space requirement from the resulting building addition 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 N.Sungren. All voted aye. Motion carried 3 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#08-23 Buffalo Wild Wings Grill & Bar, 1690 SE Delaware Avenue

#15-14 Benchwarmers Ankeny Inc., 705 S Ankeny Boulevard

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



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment