



Meeting Agenda

Zoning Board of Adjustment

Tuesday, August 16, 2022

5:00 PM

Ankeny 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 the first and third Tuesday of each month at 5:00 p.m. 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 June 7, 2022 and June 21, 2022 regular meetings.

D. COMMUNICATIONS/CORRESPONDENCE

E. BUSINESS ITEMS

PUBLIC HEARINGS Public Hearings are held during the Zoning Board of Adjustment's regular meetings. Those who wish to speak will be requested to provide their name and address for the record when called upon. The order of proceedings for each application will be as follows: 1). The applicant will present testimony and evidence regarding their request; 2). City staff will summarize the project and present their findings; 3). Testimony may be heard from any members of the audience who wish to speak in support of or in opposition to the appeal; 4). The Board will give the applicant and the city staff an opportunity to present concluding summaries and arguments. At the conclusion of all public testimony, the Board will close the public hearing. The Board will discuss the issues and evidence and come to a decision. The applicant or appellant may withdraw their application or appeal at any time prior to the decision by the Zoning Board of Adjustment.

#22-13

Hurd Ankeny LLC
for property located at
1055 & 1075 SW Orallabor Road
Lot 2, Highpointe North Plat 2
RE: Variance - Side Yard Setback

F. OLD BUSINESS:

G. NEW BUSINESS

H. REPORTS

Renewed Special Use Permits
#19-10 Cancun Grill and Cantina 2 - 2785 N Ankeny Blvd., Suites 11 and 12

I. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

August 16, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the June 7, 2022 and June 21, 2022 regular meetings.

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

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[ZBOA Minutes 2022-06-07](#)

[ZBOA Minutes 2022-06-21](#)

Meeting Minutes

Zoning Board of Adjustment

Tuesday, June 7, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the June 7, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MAY 3, REGULAR MEETINGS

Motion by M.Ott to approve the May 3, 2022 meeting minutes as submitted. Second by K.Tomlinson. Motion carried 3 – 0 – 1 (Abstain: N.Sungren).

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#21-06 (2022)

El Molcajete Mexican Restaurant & Cantina
for property located at
301 East 1st Street
Lot 5 & -EX E 75F- Lot 6 NAPA Manor
RE: Special Use Permit

Chair M.Ott opened the public hearing.

Associate Planner Jake Heil read the Applicant's statement to the Board. The statement read as follows:

The applicant is requesting a permit to comply with Ankeny Municipal Code Chapter 44, Noise control for an outdoor serve area with hours of operation from 11:00 a.m. – 10:30 p.m., 7 days a week, with seating for 8 tables up to 34 chairs, with amplified sound utilized solely to provide light background music. The variance is being requested for the business entity "El Molcajete Restaurant" located at 301 E 1st Street in Ankeny, Iowa 50021. We appreciate your consideration and time. Sincerely, Abraham Murguia.

There were no questions from the Board.

J.Heil reported El Molcajete Restaurant and Cantina located at 301 East 1st Street is requesting a Special Use Permit to allow alcohol to be served and a speaker for sound on their proposed outdoor patio. He said that the patio was installed approximately one year ago and the property is zoned C-1, Neighborhood Retail Commercial District. J.Heil stated that the subject property is within 500 feet of residentially zoned property, with properties directly to the north and south of the subject property zoned R-1, One-Family Residential District. He commented that the proximity of the outdoor service area to a residential zoning district is the condition which requires the establishment to obtain a Special Use Permit. J.Heil presented a drawing showing the patio's location on the north side of the building, in-front of El Molcajete Restaurant and Cantina, and along E 1st Street. The drawing submitted shows a patio area with seven tables and seats for 28 patrons. There is a 36-inch fence that surrounds the patio. He stated that the original request was for seating of 28 patrons and the applicant is now asking for seating up to 34 people with their renewal, which is the only change from their original request. Staff confirmed that there is ample parking to accommodate the additional table and was informed by City Police and Fire that there have been no complaints or issues since the patio was installed. The staff position for the request of a

Special Use Permit for an outdoor service area for El Molcajete Restaurant and Cantina is to recommend approval by the Board of Adjustment with the following conditions:

1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Permit and those hours shall be specifically set out in the Noise Permit.
2. Seating on the patio for 34 persons.
3. Hours of operation 11:00 a.m. to 10:30 p.m. daily.
4. This Special Use Permit may be reviewed annually by staff for approval.

The Board had no questions.

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 N.Sungren. All voted aye. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #21-06 (2022) property located at 301 East 1st Street

Motion by B.Walker that the Zoning Board of Adjustment grant a Special Use Permit for an outdoor service area in accordance with Sections 130.07 and 196.02 (1) (I) to El Molcajete Mexican Restaurant and Cantina at 301 E 1st Street, to run concurrently and terminate with a liquor license for said establishment provided the following conditions are met:

1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Permit and those hours shall be specifically set out in the Noise Permit.
2. Seating on the patio for 34 persons.
3. Hours of operation 11:00 a.m. to 10:30 p.m. daily.
4. This Special Use Permit may be reviewed annually by staff for approval.

Second by M.Ott. All voted aye. Motion carried. 4 – 0.

#22-09

Rodney Knox

for property located at

809 NE Vail Court

Lot 22, Fountain View Estates Plat 3

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Rodney Knox, 413 SW Cherry Street, said they are proposing to place an addition on the back side of their home. He said the angle of their property lines along with where the home is placed on the lot, the addition would be encroaching 2.9-feet into the rear yard setback. He asked the Board to consider granting the variance for the addition.

There were no questions from the Board.

L.Hutzell reported the variance request is for property located at 809 NE Vail Court located within the Fountain View Estates development located in the NE quadrant of Ankeny. She said the subject property, along with neighboring properties are zoned R-1, One-Family Residence District. L.Hutzell stated the applicant is proposing to remove the existing deck and construct a 348 square foot four seasons porch at the rear of the home. She said the four seasons porch will encroach into the 35-foot rear yard setback approximately 1.6 feet at the rear, east most corner, and 2.9 feet at the rear southeast most corner. She explained that after review, Staff determined that asking for one variance for the larger of the two at 2.9-feet is a more appropriate request as it encompasses the entirety of this project. She stated that since the proposed porch will be enclosed and connected to the primary residence on the site, the structure will need to adhere to the building setback requirements of the Code; and

should the 2.9-foot variance for the four seasons porch be granted, a 32-foot 1-inch setback will be the resulting rear yard setback. L.Hutzell noted that the lot is somewhat unique, the rear property lines back up to a trail and pond, and the property sits on a cul-de-sac. Staff has not received any correspondence from any neighboring property owners regarding the request. Staff's position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 32-foot 1-inch rear yard setback for the construction of a four seasons porch at 809 NE Vail Ct, subject to the applicant acquiring all necessary building permits. Staff'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.

There were no questions from the Board.

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 K.Tomlinson. All voted aye. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #22-09 for property located at 809 NE Vail Court

Motion by K.Tomlinson that the Zoning Board of Adjustment grant a 2.9-foot variance to Ankeny Municipal Code Chapter 192.04.3.E, allowing a 32.1-foot rear yard setback for the construction of a four seasons porch at 809 NE Vail Court. The Board's position is based on a determination that the variance would adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; 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. 4 – 0.

#22-10

Screenbuilders

for property located at

2514 NW Abilene Road

Lot 25, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Dave Brunell, 2514 NW Abilene Road said that they are proposing to build a four seasons room on the back of their home, which would replace their existing deck. They would like the Board's consideration on their 2'6" variance request.

There were no questions from the Board.

D.Silverthorn reported that the appellant is requesting a variance to the minimum required rear yard setback of 35-feet within an R-2 zoning district, in order to enclose the existing deck creating an addition to the house for property located at 2514 NW Abilene Road. He stated that the proposed addition would encroach 2'6" into the minimum required 35-foot rear yard setback, resulting in a 32'6" rear yard setback. He said all the surrounding properties are also zoned R-2. He presented the current zoning map and an aerial map showing the subject property. D.Silverthorn stated that the house is set back from the rear property line approximately 44 feet, and the existing deck, including the staircase, projects 7'6" into the minimum required 35-foot rear yard setback, which is allowed by code. He noted that the property is surrounded by single-family residences to the north and south and the rear property line abuts a stormwater detention pond. He explained that the property currently provides a 9'8" setback from the closest point of the house to the southern property line, and a 7'6" setback from the closest point of the deck to the southern property line. He stated the proposed building addition, if approved, would result in a 7'6" setback from the southern property line, which would provide a minimum side yard setback of 7 feet, and a total side yard setback of 15 feet from the north and south property lines, as required in the R-2 zoning district. The neighboring house to the south, closest to the proposed building addition, is currently located 19 feet from the subject house, and, if approved, the proposed building addition would provide 18 feet of separation between the

two. He further said the appellant is also proposing to construct a new deck, which will be located along the rear of the existing home and north of the proposed building addition. Staff has not received any correspondence from any neighboring property owners regarding the request. Staff's position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.04.3.E, allowing a 32'6" rear yard setback for the property located at 2514 NW Abilene Road. This position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

There were no questions from the Board.

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 B.Walker. All voted aye. Motion carried 4 – 0.

K.Tomlinson commented that the addition seems too close to the neighbor's home to the south, but if it is allowed by Code she has no concern. M.Ott agreed. There were no further questions from the Board.

Board Action on Filing #22-10 for property located at 2514 NW Abilene Road

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.04.3.E, allowing a 32'6" rear yard setback for the property located at 2514 NW Abilene Road. The Board's position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by B.Walker. All voted aye. Motion carried. 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#16-16 Guadalajara Mexican Restaurant - 202 SE Delaware Avenue

There being no further business, the meeting adjourned at 5:28 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment

Meeting Minutes

Zoning Board of Adjustment

Tuesday, June 21, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the June 21, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JUNE 7, 2022 REGULAR MEETINGS

Vice Chair J.Baxter tabled the June 7, 2022 regular meeting minutes until the next Zoning Board of Adjustment meeting due to not having a quorum for the vote.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#22-11 Polk County Aviation Authority
for property located at
3700 SE Convenience Boulevard
S 1/2 NE 1/4 SEC 30-80-23
RE: Variance - Side Yard Setback

Vice Chair J.Baxter opened the public hearing.

Paul Moritz, Airport Board Manager for the Polk County Aviation Authority, Ankeny Regional Airport, 410 W 1st Street, stated that the Airport Capital Improvements Plan provides for the development of a new row of box hangars on the north end of the airport and he said there is a huge need for box hangars at the airport. He explained that they have worked with the FFA on a preliminary layout and a plan on how to get seven box hangars to fit on the property along the north taxi lane. He noted that the proposed hangars are approximately 50-feet wide and 42-feet deep. He said that the current zoning setback for this property is 50-feet; and to make the project work, they would need to build the hangars 40-feet from the north property line, which is their reason for requesting the variance. Paul Moritz commented that he contacted Tom Phillips, President of SPAL USA, Inc. about their variance request and after some discussions, President Tom Phillips provided a letter of support. He said he would appreciate the Board's consideration of their request and would answer any questions they may have.

There were no questions from the Board.

D.Silverthorn reported the Polk County Aviation Authority is requesting a variance to the minimum required side yard setback of 50 feet within the U-1, Conservation and Public Utility District, in order to construct a new row of box hangars at the north end of the Ankeny Regional Airport. The proposed hangars would encroach 10 feet into the minimum required 50-foot side yard setback, resulting in a 40-foot side yard setback. The property is zoned U-1, Conservation and Public Utility District, as is additional airport property to the south. Other surrounding properties to the north are zoned R-1, One-Family Residence District, and M-1, Light Industrial District; while properties to the west are also zoned M-1, Light Industrial District. He further noted that the property to the east is currently undergoing annexation into the City of Ankeny, and, if approved, would be zoned R-1, One-Family Residence District by default.

D.Silverthorn stated that Chapter 192.16 of the Ankeny Municipal Code states that the U-1 zoning district "... is intended to provide for the development of major public utility facilities where required to serve the needs of the community." He noted that the Ankeny Regional Airport has had numerous expansions as the community, metro, and aviation demand has grown since its inception that have made it the third-busiest airport in the state, as well as the designated reliever airport for Des Moines International. He said there is a waiting list for hangar space so there is a demonstrated need to fulfill the needs of the community. D.Silverthorn explained the bulk regulations within the U-1 and M-1 zoning districts. He presented a site plan drawing of the neighboring SPAL property, which represented future warehouse and hangar space. D.Silverthorn stated that if SPAL would proceed to expand in the future, and this variance request is approved, there would be a total of 80 feet of separation between the two structures. Staff finds that it is sufficient for this purpose and this would be more than what is normally provided within the surrounding M-1 zoning districts. The staff position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.16.3.B, allowing a 40-foot side yard setback for the property located at 3700 SE Convenience Boulevard. This position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

J.Baxter asked staff that if SPAL came back with a new site plan showing the new addition located right up to the property line, which he understands is allowed in an M-1 zoning district; and this variance request is approved allowing the 40-foot side yard setback, would the 40 feet setback be sufficient. D.Silverthorn said it would be allowed for this purpose. With an adjacent M-1 district, they both could be butted up to the property line as long as they meet fire resistant control measures.

The Board had no further questions.

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

Motion by J.Baxter to close the public hearing, and receive and file documents. Second by K.Tomlinson. All voted aye. Motion carried 3 – 0.

The Board had no concerns.

Board Action on Filing #22-11 property located at 3700 SE Convenience Boulevard

Motion by K.Tomlinson that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.16.3.B, allowing a 40-foot side yard setback for the property located at 3700 SE Convenience Boulevard. The Board's position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by B.Walker. All voted aye. Motion carried. 3 – 0.

#22-12 Nicholas Blocker

for property located at

2212 NW Abilene Road

Lot 38, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback

Vice Chair J.Baxter opened the public hearing.

Nicholas Blocker, 2212 NW Abilene Road, stated that their request is for a 10-foot 8-inch variance to add a roof over their existing deck. He said their plan is to replace the existing deck with composite and add a roof over the deck. He shared that by adding the roof, they would be encroaching 10-feet 8-inches into the 35-foot rear yard setback. He asked the Board for consideration on his request.

There were no questions from the Board.

B.Morrissey reported that the subject property is located at 2212 NW Abilene Road, generally north of NW 18th Street and west of Ankeny Centennial High School in the northwest quadrant of Ankeny. He stated the property is zoned R-2, One-Family & Two-Family Residence District, as is the neighboring properties. He said the unenclosed existing deck is approximately 144 square-feet, on the west side of the home and it backs up to the rear property line. He explained that the existing deck extends approximately 10-feet 8-inches into the 35-foot rear yard setback; however, this is allowed by Code as unenclosed decks are allowed to extend up to 12 feet into the rear yard setback. B.Morrissey noted that because the property owners are proposing to cover the deck, the enclosed structure will need to adhere to the building setback requirements of the Code. He said should the variance for the covered deck be granted, a 24-foot 4-inch setback will be the resulting rear yard setback for the subject property. He commented that the lot backs up to a detention pond and leaves approximately 200 feet between the deck and the neighboring properties on the west side of the detention pond. Staff does not feel that this would be an issue for the neighboring properties on the west side of the detention pond due to the distance. He said staff has not received any correspondence from neighboring property owners. The staff position is to grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 24-foot 4-inch rear yard setback for the construction of a covered deck at 2212 NW Abilene Road, subject to the applicant acquiring all necessary building permits. 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.

There were no questions from the Board.

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

Motion by J.Baxter to close the public hearing, and receive and file documents. Second by B.Walker. All voted aye. Motion carried 3 – 0.

The Board had no concerns.

Board Action on Filing #22-12 for property located at 2212 NW Abilene Road

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 24-foot 4-inch rear yard setback for the construction of a covered deck at 2212 NW Abilene Road, subject to the applicant acquiring all necessary building permits. 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. All voted aye. Motion carried. 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#20-07 Tavern 180 – 1975 N Ankeny Blvd. Suite 117

There being no further business, the meeting adjourned at 5:21 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

August 16, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-13

Hurd Ankeny LLC

for property located at

1055 & 1075 SW Oralabor Road

Lot 2, Highpointe North Plat 2

RE: Variance - Side Yard Setback

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

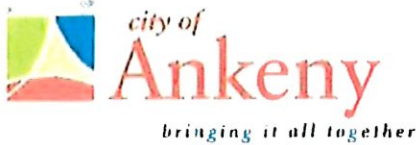
PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-13
 Staff Report



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Hurd Ankeny LLC

Address / Phone # 2000 Fuller Road, West Des Moines, Iowa 50265-5601

E-mail richard.hurd@hurdrealty.com

Property Owner Hurd Ankeny LLC

Address / Phone # 2000 Fuller Road, West Des Moines, Iowa 50262-5601

E-mail richard.hurd@hurdrealty.com

(Owner must sign the application or submit a letter of authorization)

To the Members of the Board of Adjustment:

I hereby appeal from the decision of the Zoning Administrator rendered on _____ day of _____, 20____

Location (address) of the proposed variance 1075 SW Oralabor road, Ankeny, Iowa

Legal description (Plat & Lot #) Highpointe North Plat #2, Lot 2

Zoning PUD (C-2) Principal Use of property Medical Office

I request a variation from the current zoning requirement for:

☐ Front Yard ☒ Side Yard ☐ Rear Yard ☐ Fence ☐ Sign ☐ Parking ☐ Height
☐ Other _____

Ankeny Zoning code Section # 192.15 which state(s) Per the Highpointe North PUD, the required side yard setback is 25'.

I would propose the following in lieu of that required: An internal side yard setback of 10'.

Attached hereto and made a part of this appeal, I submit the following:

- A statement indicating the reasons for my appeal.
- A drawing showing proposed variance requested.
- A letter of authorization from the owner or lessee, if applicable.

Complete submittals are required for review.

AFFIDAVIT

State of Iowa)ss
County of Polk)

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

(Signature of Applicant)

RECEIVED

JUL 20 2022



COURTNEY I. SCHULTZ
Commission No. 634712
My Commission Expires
September 27, 2024

Signed and sworn to before me, this
18 day of July, 2022.

(Notary Public)

Date received CITY OF ANKENY

Filing # 22-13

Paid ☐ Cash ☒ Check # 6939 *240.00 Office Use Only

Scheduled Meeting Date August 16, 2022



CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,
PLANNERS & SURVEYORS

July 20, 2022

City of Ankeny, Public Services Building
Community Development Department
Attn: Eric Carstens
1210 NW Prairie Ridge Drive
Ankeny, Iowa 50023

RE: Heartland Dental Clinic – Variance Application Submittal #1

Dear Mr. Carstens:

On behalf of Hurd Ankeny, LLC, we respectfully submit the enclosed Variance Application and supporting documents for 1055 SW Oralabor Road. With this Variance Application, we are requesting a reduced internal side yard setback of 10' (a variance of 15'), as opposed to the required 25', so that the lot may be split into two parcels (one for the existing medical office and one for the dental clinic that is currently under construction).

Enclosed with this submittal, please find the following:

1. Signed and Notarized Variance Application and Completed Checklist (1 copy)
2. Filing Fee of \$240 (1 check)
3. Variance Exhibit (5 full-size folded copies)

Please contact our office should you need any additional information or if you have any questions.

Sincerely,

CIVIL DESIGN ADVANTAGE

Keith Weggen, ASLA

Copy: Richard Hurd, Hurd Ankeny, LLC
Clark Snyder, Simonson & Associates Architects
File

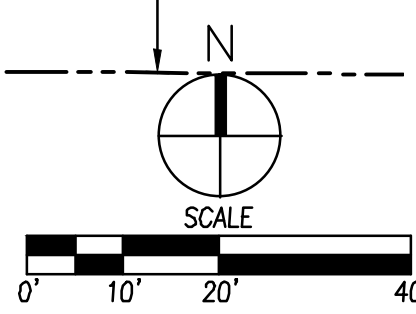
RECEIVED

JUL 20 2022

CITY OF ANKENY

COMMENT:
ENG:

FILE: H:\2022\2203169\DWG\2203169--VARIANCE EXHIBIT.DWG
FILE DATE: 8/4/22 DATE PLOTTED: 8/4/2022 8:39 AM
PLOTTED BY: KEITH WEGGEN TECH:

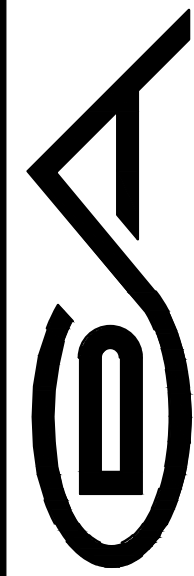


REVISIONS	DATE

4121 NW URBANDALE DRIVE
URBANDALE, IA 50322
PHONE: (515) 369-4400

411

ENGINEER:



HEARTLAND DENTAL CLINIC
VARIANCE EXHIBIT

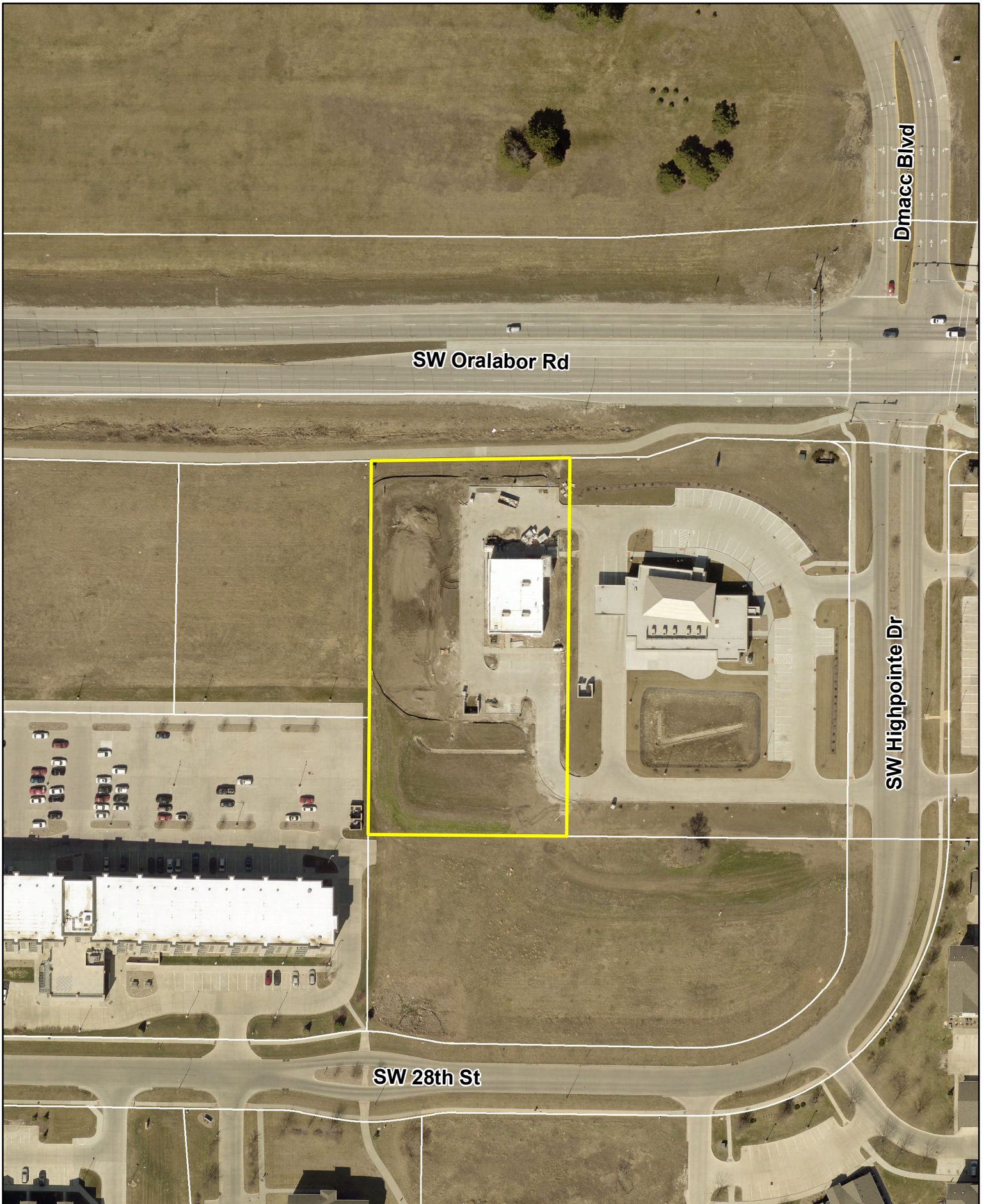
1
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DATE:
08/04/2021

SHEET NUMBER:

1/1





N



1 inch = 125 feet

Date: 8/2/2022

1055 & 1075 SW Oralabor Road

Ankeny
bringing it all together.

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

To: Members of the Zoning Board of Adjustment
From: Bryan Morrissey, Associate Planner
Filing #: 22-13
Meeting Date: August 16, 2022 *ESC*
Address: 1055 & 1075 SW Oralabor Road

APPELLANT REQUEST

A variance to the Highpointe North PUD that requires Side Yard: 25 feet, granting a 10-foot side yard setback to allow for the splitting of the subject lot into two parcels.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to the Highpointe North PUD to allow a 10-foot side yard setback, permitting the applicant to split the subject lot into two parcels at 1055 and 1075 SW Oralabor Road.

Staff's position is based on a determination that the decreased side yard setback 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 1055 and 1075 SW Oralabor Road, east of SW State Street and south of SW Oralabor Road within the Highpointe North Planned Unit Development. The subject property is zoned PUD, and is situated on Lot 2 of Highpointe North Plat 2.

The applicant is requesting a 15-foot variance to the 25-foot side yard setback required in the Highpoint North PUD. Currently, two commercial structures sit on the single lot; one that's under construction and another that was completed in the summer of 2021 (UnityPoint Health Clinic). The owner of the subject lot is looking divide the site into two parcels, restructuring the project area to allow each building to occupy its own lot. To do so, a variance to the side yard setback is needed, as both structures in their current location would encroach within the 25-foot internal side yard setbacks if the lot is to be divided in half (approximately). Should the requested variance be granted, the result would be a 10-foot side yard setback for the properties at 1055 and 1075 SW Oralabor Road.

PROJECT REPORT

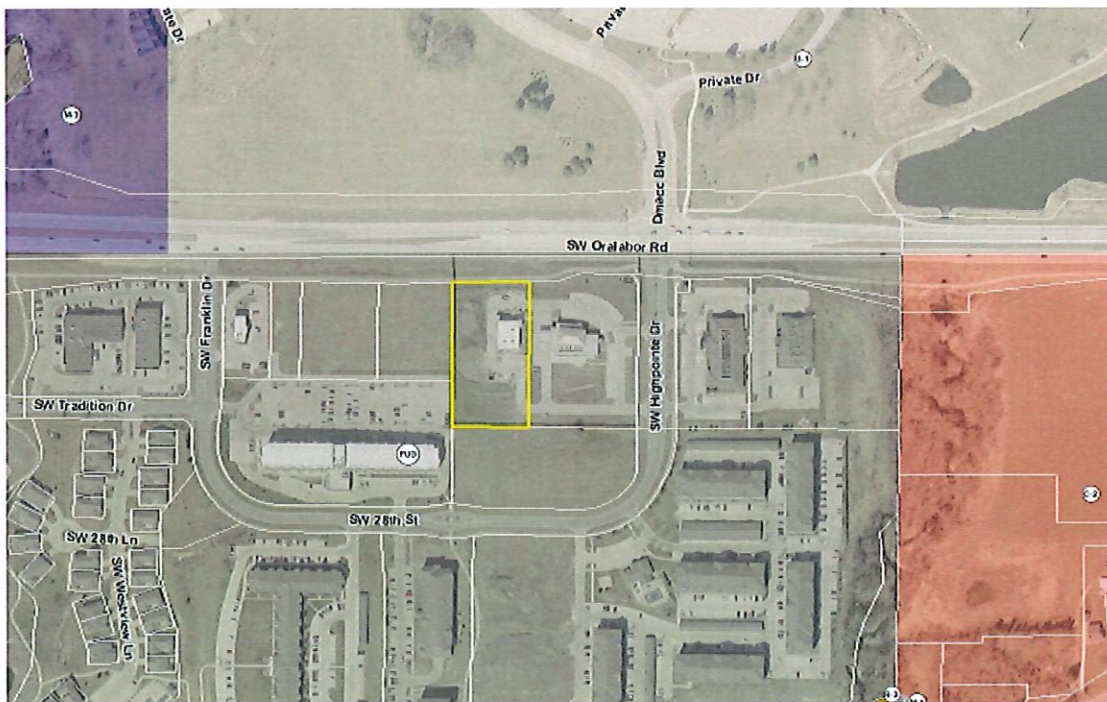
Criteria for Variance

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 at 1055 & 1075 SW Oralabor Road is located east of SW State Street and south of SW Oralabor Road on lot Lot 2 of Highpointe North Plat 2. The subject property is a part of the Highpointe North PUD and contains two commercial structures on a 77,532 square-foot lot. Neighboring properties to the east, west, and south are all zoned PUD, similar to the subject property, while the property to the north is zoned U-1 (Des Moines Area Community College). Permit records indicate that the first structure on the site was completed in the summer of 2021, while the second structure is currently under construction. When considering the current layout of both structures on the lone parcel, the site meets all of the setbacks required by the Highpointe North PUD. However, if the lot is to be split in half, the already approved buildings will encroach within the 25-foot internal side yard setbacks on both lots.



Zoning districts surrounding the subject property

The site plan for the first building on the site was approved by the Plan & Zoning Commission in October of 2020 and called for the construction of an approximate 4,000 square-foot UnityPoint Clinic. Included on that site plan was the potential layout for a future second building on the site. This second building was shown on the first set of plans for referencing purposes to give an overview of what the site may look like in the future. In the spring of 2022, a site plan for the second building was approved by the Plan and Zoning Commission and construction began soon after. Recently, the applicant inquired about splitting the site into two separate parcels, allowing each building to occupy its own lot. Staff informed the applicant that a variance would be needed to split the lot, as the previously approved structures would encroach within the 25-foot internal side yard setbacks.



View of 1055 & 1075 SW Oralabor Road from the north near the newly proposed property line

As indicated on the applicant's submitted exhibit, if the existing lot were to be split near the center, the structures in their current location would encroach within the internal side yard setback on both lots. The structures would not encroach the external side yard setbacks, as the applicant's exhibit shows more than 25 feet from the outward property lines to both buildings. If the requested variance were to be granted, a 10-foot side yard setback would be the resulting setback for both 1055 and 1075 SW Oralabor Road when the parcel is split.

Staff does not believe that a reduced side yard setback will negatively impact the surrounding properties in the area, as the layout and location of the two structures on the site will not change from where they're currently positioned. Additionally, the features and characteristics of the Highpointe North PUD most closely resemble the rules and regulations of the C-2 Zoning District, which does not contain side yard setback requirements. It is of staff's opinion that the reduced side yard setback would not be out of place for the commercial properties in the area, as many properties along Oralabor Road are zoned either C2 or belong to the Tradition Planned Unit Development; neither of which have side yard setback requirements. Ultimately, a variance will allow the property owner to split the lot and give them flexibility without altering the characteristics of the corridor.



View of 1055 & 1075 SW Orallabor Road from the south

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being on June 21, 2022 which allowed new construction at the Ankeny Regional Airport to encroach 10 feet into the required side yard setback. Staff has notified all property owners within 250' of 1055 & 1075 SW Orallabor Road by mail, and to date has not received any correspondence either for or against the request.

The staff position is to grant a variance to the Highpointe North PUD to allow a 10-foot side yard setback, permitting the applicant to split the subject lot into two parcels at 1055 and 1075 SW Orallabor Road. Staff's position is based on a determination that the decreased side yard setback 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.

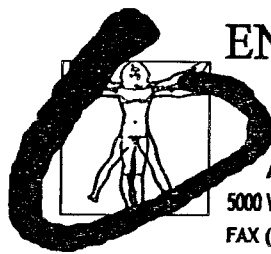
HIGHPOINTE NORTH

ANKENY, IOWA

P U D PLANNED UNIT DEVELOPMENT

OWNER/DEVELOPER

CROWN COLONY, INC.
2755 - 106TH STREET DES MOINES, IOWA - 50322
(515) 276-6755



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ARCHITECTS • LANDSCAPE ARCHITECTS • PLANNERS
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FAX (515) 224-9254 • admin@edg5000.com • info@edg5000.com



CONSULTING ENGINEERS & PLANNERS

SNYDER & ASSOCIATES, INC.

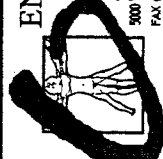
ANKENY, IOWA 50021
501 S.W. ORALABOR ROAD
PHONE: 515-964-2020

ATLANTIC, IOWA 50022
RT 3 BOX 24 E. HIGHWAY 6
PHONE: 712-243-6505

CEDAR RAPIDS, IOWA 52404
625 32ND AVE. S.W. #110
PHONE: 319-382-9394

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SNYDER & ASSOCIATES, INC.

ARCHITECTS • ENGINEERS
404 S.E. OLLAHAM ROAD
DES MOINES, IOWA 50310
PHONE: 515-281-3000

PROJECT

HIGHPOINTE NORTH
ANKENY, IOWA
PLANNED UNIT DEVELOPMENT DISTRICT

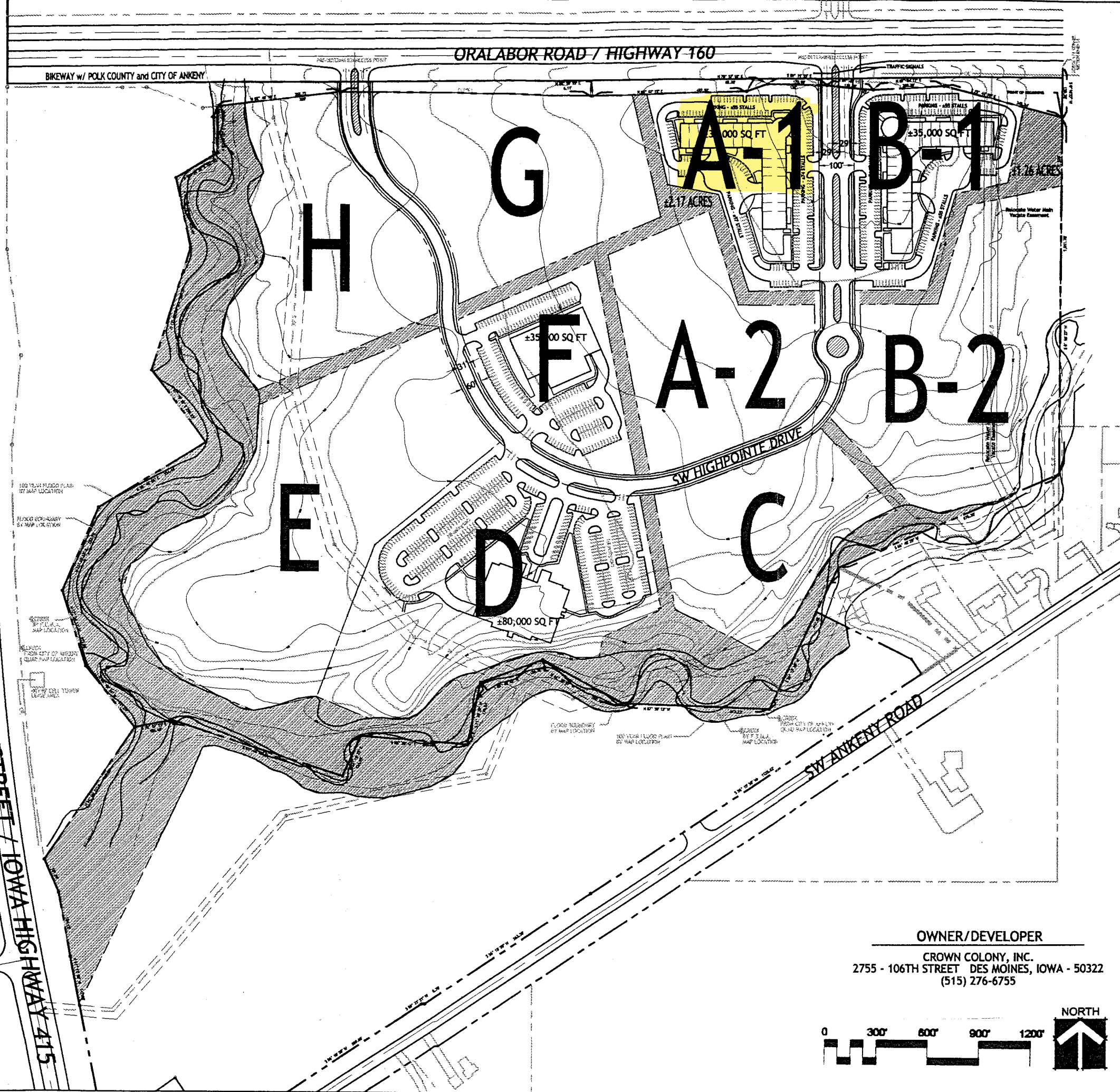
SHEET DESCRIPTION

TRIP GENERATION MASTER PLAN

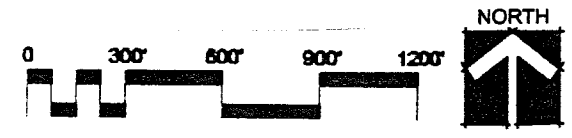
DATE
31 MARCH 2000

REVISED
25 APRIL 2000

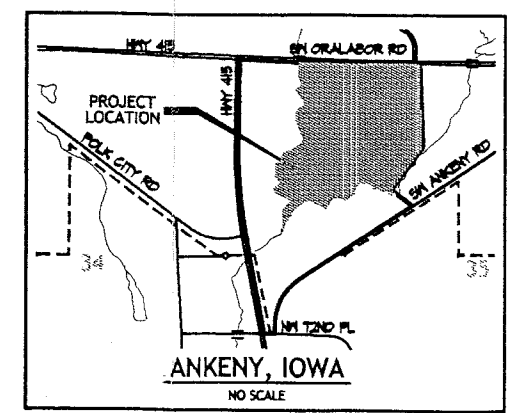
SHEET NO.
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OWNER/DEVELOPER
CROWN COLONY, INC.
2755 - 106TH STREET DES MOINES, IOWA - 50322
(515) 276-6755



HIGHPOINTE NORTH
ALLD. PROPERTY DESCRIPTION
THAT PART OF THE NORTHEAST 1/4 OF SECTION 34 AND PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 35 ALL IN TOWNSHIP 85 NORTH, RANGE 34 WEST OF THE 5TH P.M., CITY OF ANKENY, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 35; THENCE SOUTH 01°16'27" WEST, 139.70 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ORALABOR ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°16'27" WEST, 1211.78 FEET TO THE NORTHEASTLY CORNER OF REINERT ESTATES, BEING AN OFFICIAL PLAT; THENCE SOUTH 84°42'24" WEST ALONG THE NORTHERLY LINE OF SAID REINERT ESTATES, 676.30 FEET TO THE NORTHWESTLY CORNER THEREOF; THENCE SOUTH 24°17'30" WEST, 447.38 FEET; THENCE NORTH 87°09'13" WEST, 412.22 FEET; THENCE NORTH 61°02'51" WEST, 254.78 FEET; THENCE SOUTH 84°42'24" WEST, 186.32 FEET; THENCE SOUTH 11°02'52" WEST, 178.54 FEET; THENCE NORTH 84°42'24" WEST, 363.00 FEET; THENCE SOUTH 24°17'30" WEST, 124.99 FEET; THENCE NORTH 72°14'00" WEST, 310.02 FEET; THENCE SOUTH 74°07'53" WEST, 106.46 FEET; THENCE NORTH 38°44'24" WEST, 221.09 FEET; THENCE NORTH 17°02'41" WEST, 233.18 FEET; THENCE NORTH 23°02'33" EAST, 227.99 FEET; THENCE NORTH 58°10'04" EAST, 354.44 FEET; THENCE NORTH 37°10'30" WEST, 235.53 FEET; THENCE NORTH 17°02'41" EAST, 363.32 FEET; THENCE NORTH 11°02'10" WEST, 203.40 FEET; THENCE NORTH 59°42'52" EAST, 137.50 FEET; THENCE NORTH 00°00'00" EAST, 130.62 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE NORTH 80°46'18" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 352.72 FEET; THENCE EASTERLY CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 38307.20 FEET, WHOSE ARC LENGTH IS 702.01 FEET AND WHOSE CHORD BEARS SOUTH 89°02'12" EAST, 702.01 FEET; THENCE NORTH 84°03'55" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 6.11 FEET TO A POINT ON THE WEST LINE OF NORTHEAST 1/4 OF SAID NORTHWEST 1/4; THENCE NORTH 84°03'55" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 421.97 FEET; THENCE NORTH 70°57'19" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 63.20 FEET; THENCE SOUTH 84°15'19" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 170.30 FEET; THENCE SOUTH 84°46'11" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 121.09 FEET; THENCE NORTH 07°04'17" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 200.20 FEET; THENCE SOUTH 73°44'19" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 343.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 95.48 ACRES (4,167,352 S.F.) MORE OR LESS.
PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.



HIGHPOINTE NORTH P.U.D.				DENSITY SCHEDULE							
PARCEL #	LAND USE	ZONING	ACREAGE	ANTICIPATED		ANTICIPATED		MAXIMUM		MAXIMUM	
				DENSITY		# UNITS		DENSITY		# UNITS	
				du / acre				du / acre			
A-1	C	C-2	4.40	N/A		N/A		N/A		N/A	
A-2	C	C-2	6.40	N/A		N/A		N/A		N/A	
B-1	C	C-2	4.30	N/A		N/A		N/A		N/A	
B-2	C	C-2	8.55	N/A		N/A		N/A		N/A	
C	C	C-2	5.46	N/A		N/A		N/A		N/A	
D	C	C-2	10.05	N/A		N/A		N/A		N/A	
E	C	C-2	12.70	N/A		N/A		N/A		N/A	
F	C	C-2	4.20	N/A		N/A		N/A		N/A	
G	C	C-2	7.43	N/A		N/A		N/A		N/A	
H	C	C-2	7.05	N/A		N/A		N/A		N/A	
3-B	PK	GREENBELT	18.80	N/A		N/A		N/A		N/A	
		PARK									
TOTALS			89.34	N/A		N/A		N/A		N/A	
			SITE ACRES	OVERALL DENSITY		TOTAL UNITS		OVERALL DENSITY		TOTAL UNITS	

HIGHPOINTE NORTH P.U.D.			BULK REGULATIONS					
PARCEL #	ACREAGE		LOT	LOT		YARD		HEIGHT
			AREA	WIDTH	FRONT	SIDE (total/minimum)	REAR	maximum
A-1	4.40		N/A	N/A	35'	25'	35'	45'
A-2	6.40		N/A	N/A	35'	25'	35'	45'
B-1	4.30		N/A	N/A	35'	25'	35'	45'
B-2	8.55		N/A	N/A	35'	25'	35'	45'
C	5.46		N/A	N/A	35'	25'	35'	45'
D	10.05		N/A	N/A	35'	25'	35'	45'
E	12.70		N/A	N/A	35'	25'	35'	45'
F	4.20		N/A	N/A	35'	25'	35'	45'
G	7.43		N/A	N/A	35'	25'	35'	45'
H	7.05		N/A	N/A	35'	25'	35'	45'
3-B	18.80		N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	89.34							
	SITE ACRES							



ZONING BOARD OF ADJUSTMENT

August 16, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

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

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

 [#19-10 - Special Use Permit Renewal](#)



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.

Signature

Name of Applicant (printed)

Date

ADMINISTRATIVELY
 APPROVED
7/25/22 ETC