

Meeting Minutes

Zoning Board of Adjustment

Tuesday, August 16, 2022

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the August 16, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Jeff Baxter, Kristi Tomlinson, Nichole Sungren, and Brett Walker. Absent: Matt Ott.

Staff present: E.Jensen, E.Carstens, B.Morrissey, R.Kirschman, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JUNE 7, 2022 REGULAR MEETINGS

Motion by K.Tomlinson to approve the June 7, 2022 meeting minutes as submitted. Second by N.Sungren. Motion carried. 3 – 0 – 1 (Abstain: J. Baxter).

MINUTES OF THE JUNE 21, REGULAR MEETINGS

Motion by J.Baxter to approve the June 21, 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:

#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

Vice Chair J.Baxter opened the public hearing.

Keith Weggen, Civil Design Advantage, 4121 NW Urbandale Drive, Urbandale said their request is for a variance that provides for a reduced side yard setback the property at 1055 & 1075 SW Oralabor Road. He said currently there is an existing UnityPoint Health Clinic on the east side of the property and on the west side of the site there is a dental clinic under construction. He stated the current land owner is developing the property for a dental office who would like to purchase the property. As the Code is written today, the side yard setback would not allow the split of the property. Keith Weggen explained in detail how they anticipate splitting the property into two parcels, which would then reduce the side yard setback for both parcels to 10-foot. He asked the Board if they had any questions.

There were no questions from the Board.

B.Morrissey reported that the applicant is requesting a 15-foot variance to the required 25-foot side yard setback for property located at 1055 & 1075 SW Oralabor Road. The property is south of SW Oralabor Road and east of SW State Street and is zoned Highpointe North PUD. He said that the

majority of the neighboring properties in the area are zoned either PUD or C-2, General Retail and Highway Oriented Commercial District. B.Morrissey stated that the project site contains two commercial structures on a single 1.78-acre lot. A site plan for the first structure on the site was approved in 2020 and a site plan for the second structure was approved in 2022. He noted that both buildings on the site meet the rules and regulations of the Highpoint North PUD. He stated that the requested variance would allow the lot to be split into two parcels allowing each building to sit on its own lot and meet setback requirements. Staff does not believe that a reduced side yard setback will negatively impact the surrounding properties in the area as the location of the two structures will not move from their current location. A reduced side yard setback is not out of character for the commercial properties along SW Oralabor Road, as many properties are either zoned C-2 or belong to the Tradition PUD, neither of which have side yard setback requirements. He noted that staff has not received any correspondence from neighboring property owners concerning the request. B.Morrissey stated that staff recommends that the Zoning Board of Adjustment grant a variance to the Highpoint 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.

There were no questions from the Board.

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

Motion by K.Tomlinson to close the public hearing, and receive and file documents. Second by B.Walker. All voted aye. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #22-13 property located at 1055 & 1075 SW Oralabor Road

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to the Highpoint 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. The Board'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. Second by N.Sungren. All voted aye. Motion carried. 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

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

There being no further business, the meeting adjourned at 5:13 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment