



Meeting Agenda

Zoning Board of Adjustment

Tuesday, April 18, 2023

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 March 21, 2023 regular meeting.

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.

#23-06

MJ Properties
for property located at
2712 NW Beechwood Street
Lot 25, Centennial Estates Plat 1
RE: Variance - Covered Deck

#23-07

Concrete Technologies, Inc.
for property located at
Outlot Y, Four Mile Four
RE: Special Use Permit

F. OLD BUSINESS:

G. NEW BUSINESS

H. REPORTS

Renewed Special Use Permits
#21-13(2022) Fiesta Jalapeno, 1975 N Ankeny Blvd., Unit 113

I. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

April 18, 2023

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the March 21, 2023 regular meeting.

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

[ZBOA 2023-03-21](#)

Meeting Minutes
Zoning Board of Adjustment
Tuesday, March 21, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the March 21, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE FEBRUARY 21, 2023 REGULAR MEETING

Motion by K.Tomlinson to approve the February 21, 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:

#23-02

Kimley-Horn

for property located at

7310 SE Crosswinds Drive

TT PRT LOT 1 FRMRLY LOT 1 CROSSW INDS PLAT 1 CROSSW INDS PLAT 2

RE: Variance - Directional Signage

Vice Chair J.Baxter opened the public hearing.

John Chamberlin, Kimley-Horn, 805 Pennsylvania Avenue, Ste. 150, Kansas City, MO on behalf of Amazon requesting a variance for three directional pylon signs that are twenty square feet and 7-foot in height, along SE Crosswinds Drive. He noted that per city code, only one ground sign is allowed. Mr. Chamberlin stated that they are requesting a variance for three additional signs that would be located at three of the entrances of the Amazon facility. He said that one sign would be located at the truck lot, one at the visitor's and associate's lot, and one at the van parking lot. Mr. Chamberlin presented a map of the site layout showing the location of the proposed signs. He shared that the request comes to enhance the site efficiency, providing clear and concise directions for drivers and visitors coming to the facility. The signs also would promote and enhance safety. Mr. Chamberlin stated that currently there are two driveways with small directional signs that are not readable from the street, which could cause vehicles to stop in the street; and during high traffic times, create cuing out on SE Crosswinds Drive. Providing clear directional signage for users of the facility would enhance the efficiency and safety. He asked if the Board had any questions.

J.Baxter asked if there are currently directional signs located at the three drives; and if the proposed sign would be located at all three locations. Mr. Chamberlin stated, yes. He further commented that the current signs are two square feet each, which does not effectively work. J.Baxter said that since it is a directional sign, he does not see the need to have the logo on the sign and asked if it could be removed from the print area. Mr. Chamberlin responded that he would have to confirm the change with Amazon. Mr. Chamberlin further stated the proposed signs were to be set back 45-feet from the roadway to limit the impact of signage on the adjoining street, but still be in a position for users of the facility to be able to read the signs. J.Baxter asked if there was a branded sign located on the property. Mr. Chamberlin stated, yes. J.Baxter continued to ask questions pertaining to the current signage on the property; and the location, size, and contents of the print area of the three proposed directional signs.

N.Sungren asked if the proposed signs are currently being used at other facilities in the metro area. Mr. Chamberlin stated that he was unsure of any in this area, but they do have them in Blue Springs, Missouri.

B.Morrissey reported that the Amazon Delivery/Distribution Center is located on 29-acres at 7310 SE Crosswinds Drive. He said the property is south of SE Corporate Woods Drive and west of SE Four Mile Drive and is zoned Crosswinds PUD, Planned Unit Development. He noted that neighboring properties in the area also contain similar light-industrial uses and are also a part of the Crosswinds PUD. B.Morrissey said the primary structure was completed in 2020. In 2021, there was redevelopment of the site at which time the applicant requested directional signage. Staff informed the applicant that the directional signage exceeding the two square foot limitation would be allowed as long as it was tucked away from SE Crosswinds Drive. In the Fall of 2022, the applicant requested three larger directional signs to be posted near the access drives on the site. Staff informed the applicant that the signs would either need to be moved back away from the public street or a variance would be needed. He stated that the applicant is requesting a variance to allow three separate twenty square foot directional signs near three access drives along SE Crosswinds Drive, which exceed the two square foot limitation. B.Morrissey stated that staff does recognize that the Code's two square foot limitation for directional signage can be restrictive for larger properties, but it is something that has been generally followed by similar sites in the City. He noted that larger directional signs have been allowed on the property as long as they are not visible from public streets. He said staff has concerns about setting a precedent for signs in this area. It is expected that similar developments will come to the Crosswinds and Four Mile area in the near future, which may cause enforcement of the sign code difficult. He presented a photo of Amazon's current monument sign located at the site. B.Morrissey said that if the Board were to consider approving the request, Staff would ask that the applicant reduce the proposed signs to their smallest possible size and that the Amazon logo be removed. Staff recommends that the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Section 195.03(3)(A) allowing three separate twenty square foot directional signs along SE Crosswinds Drive at 7310 SE Crosswinds Drive. Staff's position is based on a determination that the shape or shallowness of the subject property is not exceptional, extraordinary situations do not exist, and the oversized directional signs are not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

J.Baxter had staff confirm that the property is all one parcel. He asked how far would the signs have to be setback to not require a variance. E.Jensen said, generally speaking directional signage, if it's on the site and not directing its message off site, the City does not require them to be permitted. The signs should not be visible from SE Crosswinds Drive.

N.Sungren asked if the existing monument sign on the property is the maximum size allowed. B.Morrissey said he believes that it is. She suggested that maybe they place the proposed pylon sign design on the existing monument sign, as it seems much more descriptive and, in her opinion, the three additional directional signs would then not be needed.

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

John Chamberlin further commented that directional signs on the interior of the site do not address the issue of providing directions for the vehicles on SE Crosswinds Drive. He shared that they have attempted to set the signs as far back off the street, approximately 45-feet, to reduce the visual impact on SE Crosswinds Drive. He further noted that it is a safety enhancement and an operational issue that they are trying to address with the addition of these signs. He respectfully requests the Board's approval, allowing additional directional signage on the property.

E.Carstens provided background information on the intent of the sign code when it was adopted. He said the intent for directional signage was to limit the size of the signs and to keep the company logo off of those signs.

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

K.Tomlinson said she feels the monument sign is pretty self-explanatory. J.Baxter said, giving the distance that some of the drives are from the main monument sign, he could see the property being deemed a little more unique in the fact that it is such a large property and the entrance drives are significantly spaced far apart. He can see the need for additional signage but does not think the signage needs to have the logo on them. His recommendation would be to limit the signage by taking off the logo and building address; and only having the proposed directional information on them. The Board agreed with staff that if approved, it could set a precedent.

The Board had further discussions relating to limiting the signs to one line of copy area, reducing them in size to five or ten square feet and the distance the signs should be from the sidewalk.

There was no further discussion.

Board Action on Filing #23-02 (Height) property located at 1204 SE 16th Court

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 195.03(3)(A) to allow three-separate, no larger than 12 square feet copy area, directional signs along SE Crosswinds Drive at 7310 SE Crosswinds Drive. Additional requirements are that no company logo or address information be included on the signs that the applicant proposed. This is based on a determination that the shape or shallowness of the subject property is exceptional, extraordinary situations do exist, and that the oversized directional signs are 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

There were no reports.

There being no further business, meeting adjourned at 5:42 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

April 18, 2023

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#23-06

MJ Properties

for property located at

2712 NW Beechwood Street

Lot 25, Centennial Estates Plat 1

RE: Variance - Covered Deck

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 #23-06 Applicant Submittal
 #23-06 Staff Report

#23-06



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant MJ Properties

Address / Phone # 3611 NE Otterview Circle, Unit 41, Ankeny, Iowa 50021

E-mail jasonl@mjprop.net

Property Owner MJ Properties

Address / Phone # 3611 NE Otterview Circle, Unit 41, Ankeny, Iowa 50021

E-mail jasonl@mjprop.net

(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 21st day of March, 2023

Location (address) of the proposed variance 2712 NW Beechwood St

Legal description (Plat & Lot #) Centennial Estates Plat 1, Lot 25

Zoning _____ Principal Use of property Residential

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 # _____ which state(s) _____

covered deck encroaching into the setback 2.1 feet

I would propose the following in lieu of that required: _____

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

- a) A statement indicating the reasons for my appeal.
- b) A drawing showing proposed variance requested.
- c) 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)



Signed and sworn to before me, this

21st day of March, 2023.
Lynne Runchey
(Notary Public)

Date received 3-24-23

Paid ☐ Cash ☒ Check # 20381 \$120.00

Office Use Only

Filing # 23-06

Scheduled Meeting Date 4-18-2023

MAR 24 2023

CITY OF ANKENY

MJ PROPERTIES, LLC

City of Ankeny
1210 NW Prairie Ridge Dr
Ankeny, IA 50023

March 21, 2023

Re: 2712 NW Beechwood Street

To Whom It May Concern,

MJ Properties is requesting a variance to allow a covered deck to encroach 2 feet 1 inch into the 35 foot rear yard setback on lot 25, Centennial Estates Plat 1.

Thank you,

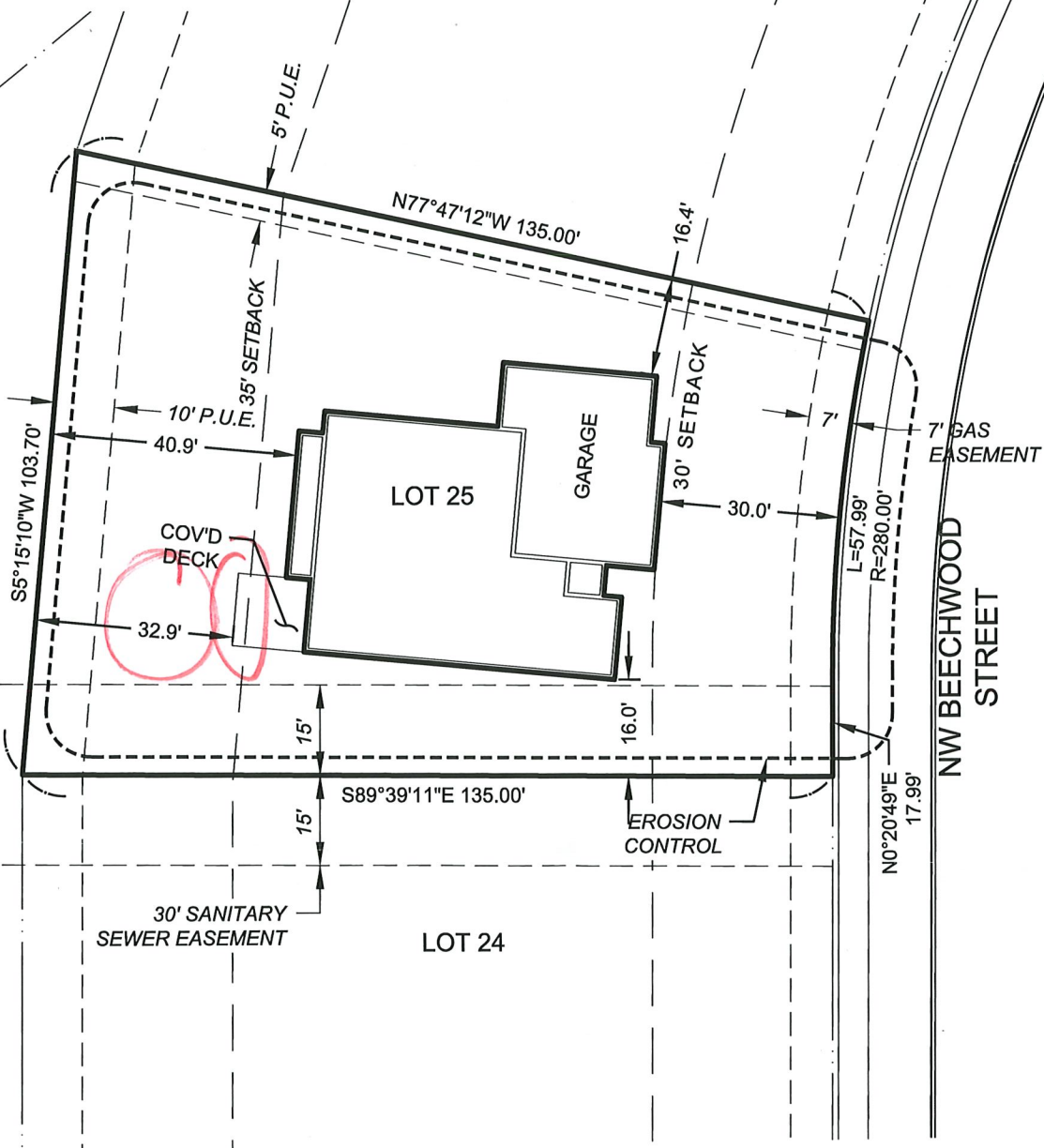


Jason Loutsch



SCALE

LOT 26



MPE=955.0'

BEECHWOOD TUSCANY

MJ PROPERTIES

NOTES:

1. DIMENSIONS ARE MEASURED FROM THE FOUNDATION WALL TO THE BOUNDARY LINE
2. ALL DIMENSIONS AND MINIMUM BUILDING ELEVATIONS SHALL BE VERIFIED BY THE CONTRACTOR/BUILDER/OWNER PRIOR TO CONSTRUCTION



1250 SW STATE STREET
SUITE A
ANKENY, IOWA
50023-4703
(515) 965-0123 phone
(515) 965-3322 fax

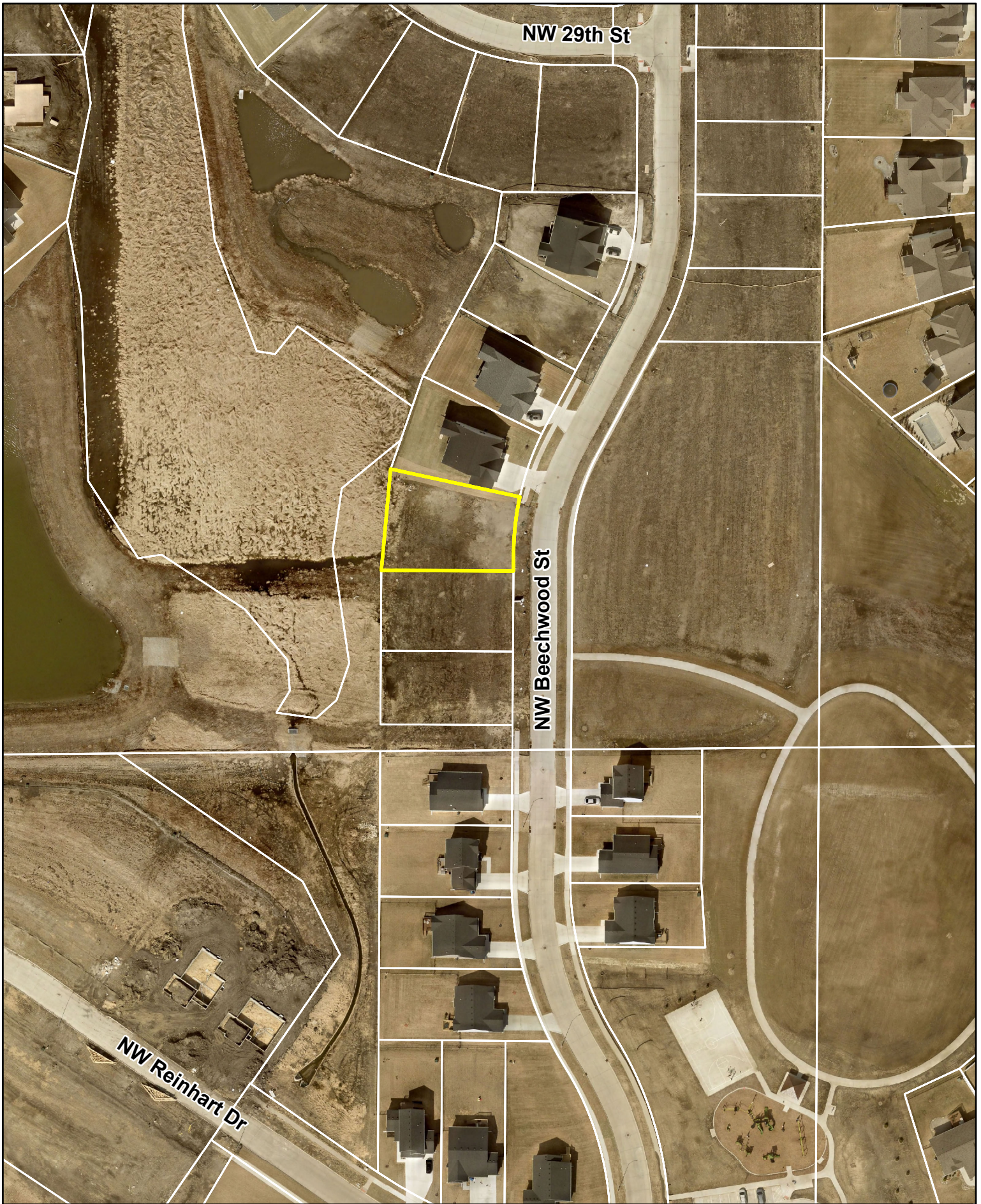
PROJECT:

2712 NW BEECHWOOD STREET
LOT 25, CENTENNIAL ESTATES PLAT 1
ANKENY

NAI No.:
21007
DATE:
03/21/23

DRAWN BY:
JHP
CHECKED BY:
TJH

DWG No.:
SP-1
SHEET No.:
1/1



NW 29th St

NW Beechwood St

NW Reinhart Dr



1 inch = 125 feet

Date: 4/4/2023

**2712 NW Beechwood Street
Rear-Yard Setback Variance
Aerial Map**

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

To: Members of the Zoning Board of Adjustment
From: Ryan Kirschman, Planner *EJC*
Filing #: 23-06
Meeting Date: April 18, 2023
Address: 2712 NW Beechwood Street

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 32-foot rear yard setback for a covered deck at 2712 NW Beechwood Street.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 32-foot rear yard setback for the construction of a covered deck at 2712 NW Beechwood Street.

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.

PROJECT SUMMARY

The subject property is located at 2712 NW Beechwood Street, north of NW 18th Street, south of NW 36th Street, east of N Irvinedale Drive and west of N State Street within the northwestern quadrant of Ankeny. The subject property is zoned R-3 with restrictions, Multiple-Family Residence District restricted to single family homes and is situated on Lot 25 Centennial Estates Plat 1.

The applicant is requesting a variance to encroach approximately 2-feet into the 35-foot rear yard setback that will allow the owners to convert their proposed deck into a covered deck. The house and deck has not been constructed yet. Should the variance for the covered deck be approved, a 32-foot rear yard setback will be the resulting setback on the west side of the property.

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 2712 NW Beechwood Street is located north of NW 18th Street, south of NW 36th Street, east of N Irvinedale Drive and west of N State Street on Lot 25 Centennial Estates Plat 1. The subject property is zoned R-3 with restrictions, Multiple-Family Residence District restricted to single family homes and will contain a single-family home with an attached deck on the west side of the .274-acre lot. Neighboring properties in all directions are also zoned R-3 with restrictions and contain single family homes on similarly sized lots. The house has not yet been constructed. Per Ankeny Municipal Code Section 196.03(2)(B) unenclosed decks are allowed to extend up to twelve feet into the rear yard setbacks, while covered decks are not permitted in rear yard setbacks.

As indicated by the applicant on their submitted site plan, at its furthest point the proposed covered deck extends approximately 2' 1" into the rear yard setback leaving approximately 32' 9" between the deck and the rear property line. The site has a steep grade towards the rear of the yard. Staff is not concerned with the covered deck extending into the rear-yard setback as the property backs to private open space/wetlands. Additionally, the covered deck should not have any measurable impact on surrounding residences.

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being in December of 2022, which allowed a three seasons deck to extend 2-feet into the rear yard setback. Other recent being in November of 2022 which allowed a three seasons deck to extend 3-feet into the rear yard setback, and June of 2022, which allowed a covered deck to extend 10-feet 8-inches into a rear yard setback. As is standard procedure for these kinds of requests, all property owners within 250' of the subject property were notified of the proposed variance by mail, and to date, staff has not received any correspondence either for or against the variance.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 32-foot rear yard setback for the construction of a covered deck at 2712 NW Beechwood Street. 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.

192.05(3)(E) Size and Area Regulations.

- C. *Rear Yard: 35 feet plus one foot for each foot of building above 35 feet;*

196.03(2)(B) Yard Setback Exceptions

- (2) *Rear Yard. Unenclosed, above and below, decks which project not more than 12-feet into the required rear yard.*



ZONING BOARD OF ADJUSTMENT

April 18, 2023

5 : 00 PM

 [Print](#)

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#23-07

Concrete Technologies, Inc.

for property located at

Outlot Y, Four Mile Four

RE: Special Use Permit

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

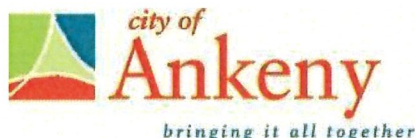
ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 #23-07 Applicant Submittal
 #23-07 Staff Report

#23-07



APPLICATION FOR ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT

Applicant is: ☐ Property Owner ☒ Tenant ☐ Other _____

Applicant Concrete Technologies, Inc. - Beau Sprouse

Address / Phone # 1001 SE 37th Street, Grimes, IA 50111/ 515-252-1650

E-mail bsprouse@cti-ia.com

Property Owner Hope Kimberley LLC

Address / Phone # 4500 Westown Parkway Ste 277, West Des Moines, IA 50266

E-mail jenna@kimdev.com

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

To the Members of the Board of Adjustment:

I hereby request authorization for a Special Use Permit:

For (description of use) Portable concrete batch plant

Location (address) of the proposed special use South side of 126th Ave., East of HWY 69

Legal description (Plat & Lot #) Outlot Y Four Mile Four, Polk County, IA

Zoning Ag Principal use of property (existing) Crop Land

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

- A statement indicating the reasons for my request, evidence concerning the feasibility of the proposed request and its effect on surrounding property.
- A site plan drawing defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.
- 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.

Beau S. Sprouse
(Signature of Applicant)

Signed and sworn to before me, this 29 day of March, 20 23.

RECEIVED



Angie Koudelka
(Notary Public)

MAR 29 2023

Date received _____

CITY OF ANKENY

Filing # 23-07

Paid ☐ Cash ☒ Check # 48813 \$180.00

Scheduled Meeting Date 4/18/2023

Office Use Only



CONCRETE TECHNOLOGIES, INC.

City of Ankeny Zoning Board of Adjustment
1210 NW Prairie Ridge Drive
Ankeny, IA 50021

March 29, 2023

RE: Special Use Permit Application – Description of Request

City of Ankeny Zoning Board of Adjustment Members,

Concrete Technologies, Inc. is requesting approval of a Special Use Permit for the property located along the south side of 126th Ave. between 22nd Street and HWY 69. Outlot Y of Four Mile Four currently owned by Hope Kimberley LLC. The purpose of this Special Use Permit is for the use of this property as a portable concrete batch plant site. The batch plant will be used to produce concrete material for an Iowa DOT project in the southbound lanes of I35 from north of the rest area to the Ankeny 36th Street Interchange, a second Iowa DOT project on US HWY 69 from north of I80/35 to south of Oralabor Road, and future City of Ankeny or Iowa DOT projects if feasible. Concrete Technologies, Inc is requesting the use of this site location for two construction seasons (2023 & 2024) to complete the above-mentioned projects. The site will be returned to the current condition when the projects are complete.

Attached are site drawings showing the plant location and an approximate configuration of the portable batch plant, and proposed haul routes for major deliveries of materials and concrete.

Please consider this request and feel free to contact me with any questions.

Respectfully submitted,

Beau S. Sprouse

Director of Construction Operations
Concrete Technologies, Inc.



CONCRETE TECHNOLOGIES, INC.

City of Ankeny Zoning Board of Adjustment
1210 NW Prairie Ridge Drive
Ankeny, IA 50021

March 22, 2023

RE: Special Use Permit Application

City of Ankeny Zoning Board of Adjustment Members,

Concrete Technologies, Inc. and Hope Kimberley LLC have a lease agreement in place, pending Board approval, for the use of the property located along the south side of 126th Ave. between 22nd Street and HWY 69. The purpose of this lease agreement is for the use of this property for a portable concrete batch plant. The batch plant will be used to produce concrete material for an Iowa DOT project in the southbound lanes of I35 from north of the rest area to the Ankeny 36th Street Interchange, a second Iowa DOT project on US HWY 69 from north of I80/35 to south of Oralabor Road, and future City of Ankeny or Iowa DOT projects if feasible. This agreement is currently for the use of the property during the 2023 construction season and the 2024 construction season.

The site will be returned to its current agricultural condition at the completion of this agreement.

Respectfully submitted,



Concrete Technologies, Inc Representative

 President

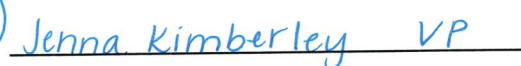
Printed Name & Title

3/22/2023

Date



Hope Kimberley LLC Landowner Representative

 VP

Printed Name & Title

3/22/2023

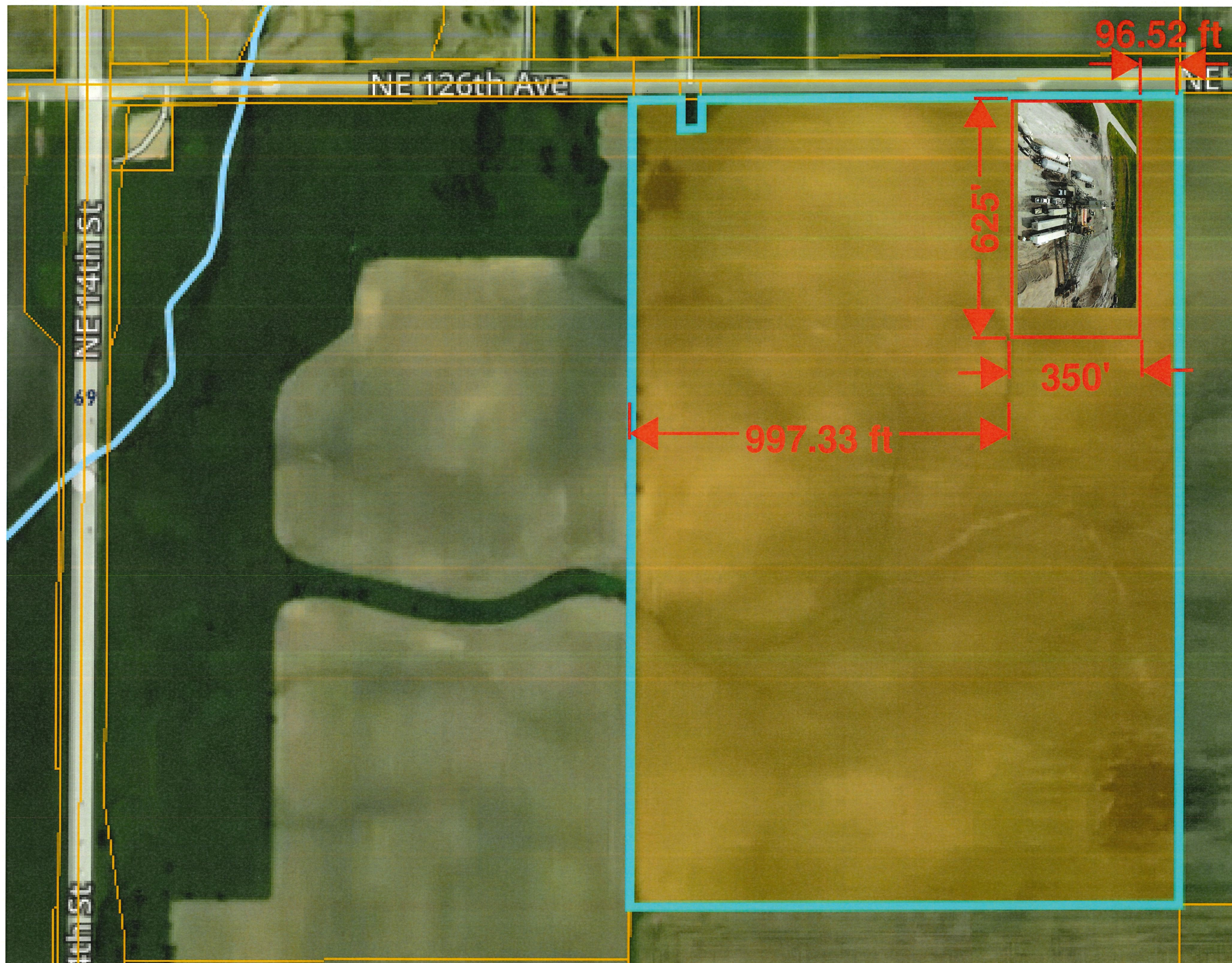
Date

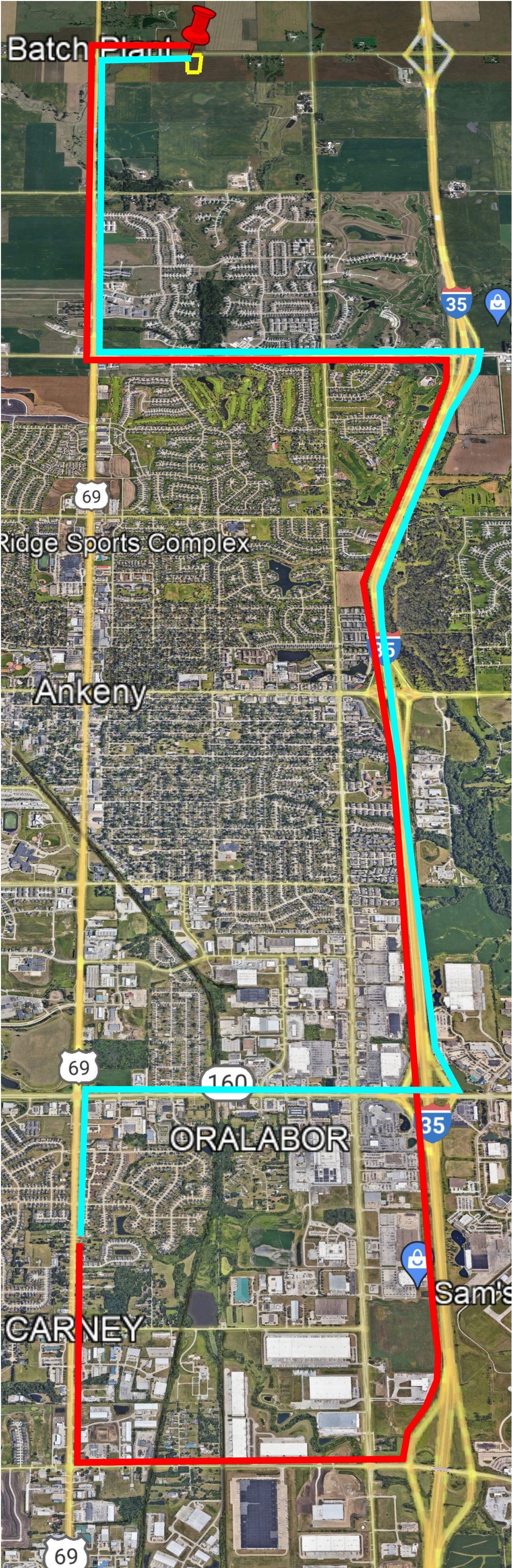
Proposed Haul Routes

-
- Legend:
- Aggregate Route
 - Concrete Haul For South Section
 - Aggregate Route
 - Concrete Haul For North Section



NORTH





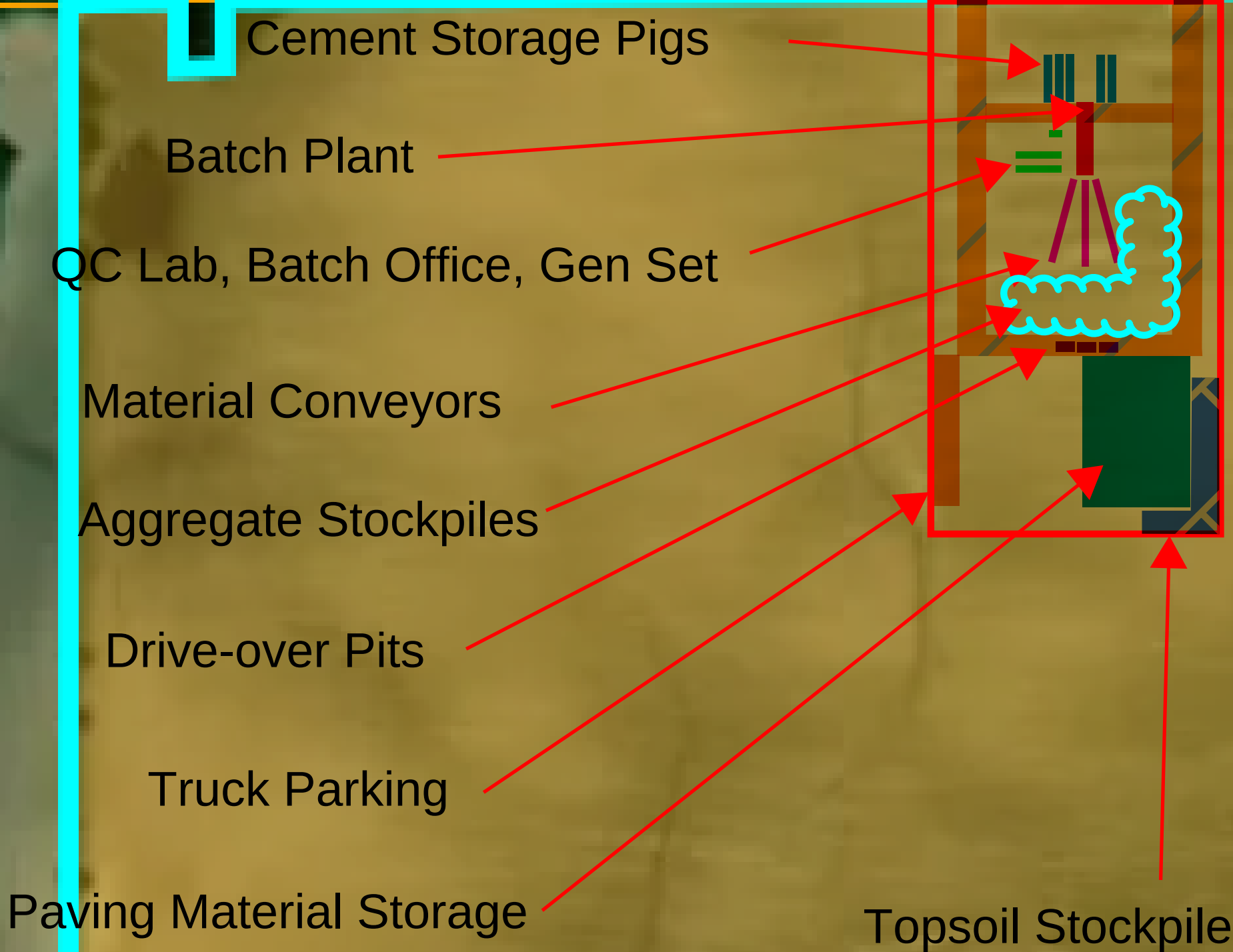
Loaded Truck Route

Empty Truck Route

Aggregate Delivery Route will remain the same as previous Haul Route Sheet.

Hydrant Previously
Placed by CTI.

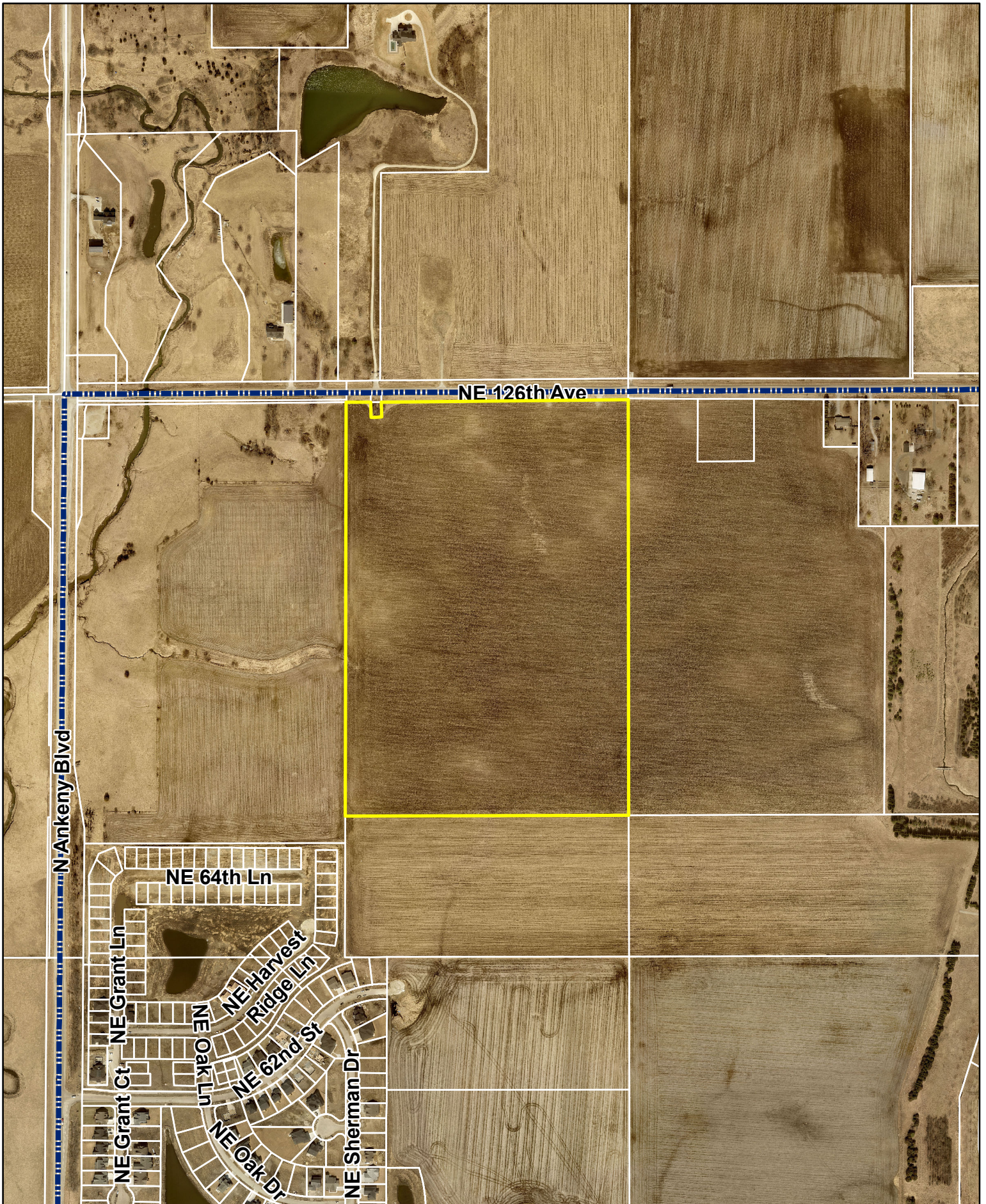
(2) Existing Drives
Previously Placed by
CTI.



Concrete Batch Plant and Storage Layout

Batch Plant will sit on an 10" PCC Slab. All plant structures are set on leveled grade.

The orange loop will be a gravel roadway around the site.



**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 #: 23-07 *ESC*
Meeting Date: April 18, 2023
Address: Outlot Y, Four Mile Four

APPELLANT REQUEST

A Special Use Permit to allow a portable concrete batch plant on Outlot Y, Four Mile Four.

STAFF POSITION

That the Zoning Board of Adjustment grant a Special Use Permit in accordance with Section 196.02(1) to Concrete Technologies, Inc. on Outlot Y of Four Mile Four, for a portable concrete batch plant, provided that the following conditions are met:

1. Such facility shall be erected in conjunction with a project or projects, either private or public, within the City.
2. Permitted until termination of such project or projects.
3. The contractor shall submit a routing of trucks to and from the proposed plant to the City Engineer as a condition prior to approval.
4. The contractor shall be required to restore the area to its original productive state.
5. Such facility shall only be allowed access via arterial or collector roads and highways. Access via local residential and/or collector roads serving residential areas shall be prohibited.
6. Entire site must be 1,000 feet from a residential dwelling.

PROJECT SUMMARY

Concrete Technologies, Inc. is requesting a Special Use Permit to allow the property legally described as Outlot Y, Four Mile Four, to be utilized as a portable concrete batch plant site. The proposed portable concrete batch plant will be utilized to produce concrete material related to an Iowa DOT project on I-35, a second Iowa DOT project on US Highway 69, and future City of Ankeny and/or Iowa DOT projects if feasible. The applicant is requesting that the Special Use Permit be valid for the 2023 and 2024 construction seasons to complete the above-mentioned projects.

The subject site was recently incorporated into Ankeny, along with a number of neighboring properties, as a part of the Hope-Kimberly Annexation. The subject property along with the properties to the south, east, and west are all zoned R-1, One-Family Residence District; however, these properties are not developed and are likely to be rezoned in the future. The subject property has been utilized by Concrete Technologies Inc. for similar projects in the past; however, the subject site was a part of Polk County at that time. Now that the subject property is within Ankeny's Corporate Limits, a Special Use Permit is required for the requested use.

PROJECT REPORT

196.02 SPECIAL PERMITS.

- (1) Zoning Board of Adjustment Authorization:** The Zoning Board of Adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Zoning Ordinance:

(J) Temporary Concrete Batch Plants or Temporary Asphalt Batch Plants or Concrete or Asphalt Recycling Plants under the following conditions:

- (1) Permitted in any district wherein a Special Use Permit has been granted.
- (2) Such facility shall be erected in conjunction with a project or projects, either private or public, within the City.
- (3) Permitted until termination of such project or projects.
- (4) The contractor shall submit a routing of trucks to and from the proposed plant to the City Engineer as a condition prior to approval.
- (5) The contractor shall be required to restore the area to its original productive state.
- (6) Such facility shall only be allowed access via arterial or collector roads and highways. Access via local residential and/or collector roads serving residential areas shall be prohibited.
- (7) Entire site must be 1,000 feet from a residential dwelling.

196.02(2) Pre-Issuance Review: Before issuing any special permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture. The Zoning Board of Adjustment may approve the special permit as submitted or, before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Zoning Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this Zoning Ordinance to promote public health, safety, morals and the general welfare.

196.02(3) Application; Feasibility Evidence and Site Plan Required: Application for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property; and shall include a site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.

196.02(4) Changes; Resubmittal Required: In the event a special permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

Findings of Fact

The proposed project site is located south of NE 126th Avenue and west of Interstate-35 on an undeveloped and unaddressed parcel that is legally described as Outlot Y, Four Mile Four. This piece of property, along with a number of surrounding properties, were annexed into Ankeny in 2022 as a part of the Hope-Kimberly Annexation. The subject property, along with all of the properties included in the Hope-Kimberly Annexation, were assigned the R-1, One-Family Residence District zoning classification upon incorporation into Ankeny. With that in mind, City Staff anticipates rezoning's to take place at some point in the future prior to development in the area. The applicant, Concrete Technologies Inc., is requesting to use the site for a portable concrete batch plant. The proposed use is temporary in nature and is expected to last for the 2023 and 2024 construction seasons.

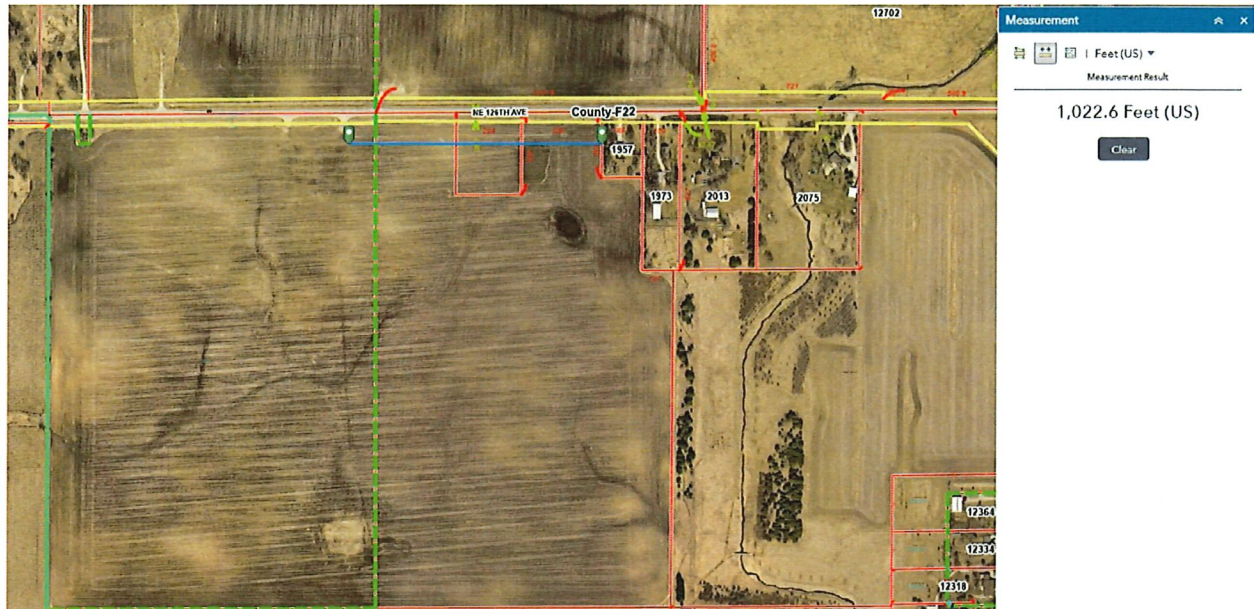
As indicated on the applicant's submitted site plan, the proposed portable concrete batch plant will only occupy a small portion of the subject parcel near the northeast corner of the site. As depicted on the plan, the site will contain cement storage, various stockpiles, a batch plant, and space for truck parking. Concrete approaches/drives exist on the site currently, as the applicant has used this property previously for similar projects and installed the approaches at that time. A special use permit was not required when the site was utilized previously for similar projects, as it was under Polk County's jurisdiction at that point.



West Access Point on Proposed Project Site

Per Ankeny Municipal Code, if the Special Use Permit were to be granted for this use, a series of conditions would follow to ensure the general health, welfare, and safety of the community. Conditions include submitting a map containing the routes trucks will use to move to and from the project area in the City. These routes are being reviewed by City staff to promote the general welfare of the community's residents. A separate condition requires the project site be at least 1,000 feet away from any residential dwelling in

the area. The site does appear to meet the distance requirement, as the nearest residential dwelling is just over 1,000 feet away from the project location (see map below). The remaining conditions required by Code are listed in staff's recommendation to ensure those requirements are being met.



Distance from Project Area to Nearest Residential Dwelling

Staff does not have concerns about the subject property being utilized for a portable concrete batch plant, as the site will be located more than 1,000 feet away from any residential dwelling and the trucking routes staff is reviewing utilizes arterial roads and avoids local streets. Additionally, this site has been utilized for similar projects previously, reducing staff's concerns further, as the contractor is familiar with the surrounding area. Furthermore, similar requests, although rare, have been granted by the Zoning Board of Adjustment in the past. The most recent being in 2006, when the Zoning Board of Adjustment permitted a concrete batch plant located on NW 36th Street. As is required by Code, staff has notified all property owners within 250' of the subject property of this request by mail, and to date, staff has not received any correspondence either for or against the request.

The staff position is that Zoning Board of Adjustment grant a Special Use Permit in accordance with Section 196.02(1) to Concrete Technologies, Inc. on Outlot Y of Four Mile Four, for a portable concrete batch plant, provided that the following conditions are met:

1. Such facility shall be erected in conjunction with a project or projects, either private or public, within the City.
2. Permitted until termination of such project or projects.
3. The contractor shall submit a routing of trucks to and from the proposed plant to the City Engineer as a condition prior to approval.
4. The contractor shall be required to restore the area to its original productive state.
5. Such facility shall only be allowed access via arterial or collector roads and highways. Access via local residential and/or collector roads serving residential areas shall be prohibited.
6. Entire site must be 1,000 feet from a residential dwelling.



ZONING BOARD OF ADJUSTMENT

April 18, 2023

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

#21-13(2022) Fiesta Jalapeno, 1975 N Ankeny Blvd., Unit 113

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

 [Special Use Permit Renewals](#)



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution # 21-13 (2022)**

Issued April 5, 2022

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: **OHIO INVESTMENTS GROUP INC.**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **FIESTA JALAPENO**

Address of Premise: **1975 N ANKENY BLVD, UNIT 113**

- 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

Aadan pacheco

Name of Applicant (printed)

03/21/23

Date

ADMINISTRATIVELY
 APPROVED
3/24/23 EJC