



Meeting Agenda

Zoning Board of Adjustment

Tuesday, March 8, 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 February 8, 2022 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.

#22-03

**DRA Properties/Silk Elephant
2410 SW White Birch Drive, Suite 108
Lot 6, Plaza Shops at Prairie Trail Plat 1
RE: Special Use Permit**

#22-04

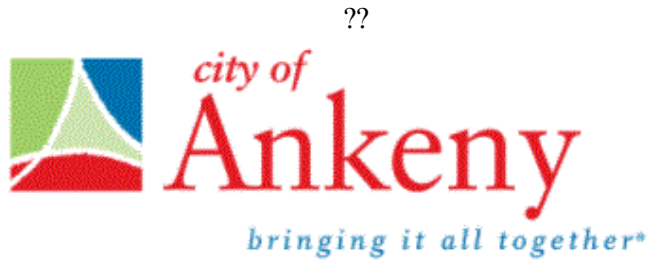
**Chestnut Signs/Horizon Hotels Iowa LLC
2602 SE Hulsizer Road
Lot 1, Hulsizer Commercial Plat 1
RE: Variance - Off-Premise Sign**

F. OLD BUSINESS:

G. NEW BUSINESS

H. REPORTS

I. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

March 8, 2022

5 : 00 PM

Print

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?? ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

??

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the February 8, 2022 regular meeting

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 2022-02-08](#)

Meeting Minutes

Zoning Board of Adjustment

Tuesday, February 8, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the February 8, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JANUARY 4, 2022 REGULAR MEETINGS

Motion by K.Tomlinson to approve the January 4, 2022 meeting minutes as submitted. Second by B.Walker.
Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#22-02 **Elizabeth and James Chrisinger**
4611 NE Wanda Drive
Lot 30, Avondale Trace Plat 2
RE: Variance – Rear Yard Setback

Chair M.Ott opened the public hearing.

James Chrisinger, 4611 NE Wanda Drive said they are asking for a variance to build a sunroom on their existing deck. He shared that they moved to Ankeny approximately four years ago and said part of the decision to purchase their current home was the fact that it backs up to greenspace, Four Mile Creek and the deck. He said their enjoyment on the deck has been inhibited by wind and bugs. James Chrisinger said if they would be allowed to enclose the deck, they would be able to get more enjoyment out of it. He stated that they hired a contractor to build a sunroom on the existing deck and became aware that they would need a 7.5-foot variance before the City could issue a building permit to build the sunroom on the existing deck. He said they would appreciate the Board's consideration to allow the requested variance.

The Board had no questions or comments.

R.Hulstrom reported that the property is located at 4611 NE Wanda Drive, in the northeast quadrant of Ankeny and is zoned PUD. It is identified as Area "D" in the Avondale Trace PUD and the rear yard setback for residences in Area "D" is 35 feet. R.Hulstrom stated the appellant is requesting a 7.5-foot variance to the Avondale Trace Planned Unit Development (PUD) bulk regulations, to allow a 27.5-foot rear yard setback in order to construct a sunroom on top of their current deck. She stated the 16' wide and 14' deep deck was built with the existing home and is located on the east side of the home. There is a considerable amount of open space located east of the subject property, which is owned by the City of Ankeny. The closest residence to the east is approximately 675 feet from the proposed sunroom location. City staff does not anticipate any negative consequences to public safety or access to air and light should the 7.5-foot variance be granted and the sunroom built. She provided details of how the proposed sunroom would be erected on the existing deck.

Notifications were mailed to property owners within 250-feet of the subject address and to date, City staff has not received any communication for or against the request. The staff position is to recommend that the Zoning Board of Adjustment grant a variance to the Avondale Trace PUD bulk regulations, to allow a 27.5-foot rear yard setback for the construction of a sunroom, which would encroach 7.5 feet into the 35-foot rear yard setback at 4611 NE Wanda Drive. The staff position is based on a determination that the location of the proposed structure does not impair adequate supply of air and light, does not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

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

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

M.Ott had no concerns with the request since the footprint would not be changing. K.Tomlinson also had no concerns due to the amount of greenspace behind their property. B.Walker agreed.

Board Action on Filing #22-02 property located at 4611 NE Wand Drive

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to the Avondale Trace PUD bulk regulations, to allow a 27.5-foot rear yard setback for the construction of a sunroom, which would encroach 7.5 feet into the 35-foot rear yard setback at 4611 NE Wanda Drive. The Board's position is based on a determination that the location of the proposed structure does not impair adequate supply of air and light, does 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. 3 – 0.

NEW BUSINESS

The Zoning Board of Adjustment 2021 Annual Report was provided to the Board.

K.Tomlinson placed into nomination M.Ott to serve as Chair. Second by B.Walker. The nomination was accepted by M.Ott. All voted aye.

B.Walker placed into nomination J.Baxter to serve as Vice Chair. Second by M.Ott. All voted aye.

REPORTS

Renewed Special Use Permits

#15-19 Hy-Vee Market Café, 410 N Ankeny Blvd.

#18-04 Grumpy Goat Tavern, 810 E 1st Street

There being no further business, the meeting adjourned at 5:19 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment

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ZONING BOARD OF ADJUSTMENT

March 8, 2022

5 : 00 PM

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 Print

?? ORIGINATING DEPARTMENT:

COUNCIL GOAL:

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Zoning Board of Adjustment Department

ACTION REQUESTED:

LEGAL:

SUBJECT:

#22-03

DRA Properties/Silk Elephant

2410 SW White Birch Drive, Suite 108

Lot 6, Plaza Shops at Prairie Trail Plat 1

RE: Special Use Permit

EXECUTIVE SUMMARY:

FISCAL IMPACT: ??No

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

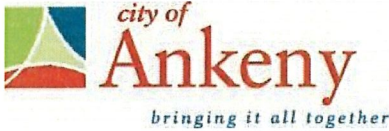
PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-03
 Staff Report



APPLICATION FOR
ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT

Applicant is: ☐ Property Owner ☒ Tenant ☐ Other _____

Applicant Silk Elephant

Address / Phone # 2410 SW White Birch Dr. Suite 108 Ankeny IA 50023

E-mail silkelephantankeny@gmail.com / 503-887-2179

Property Owner DRA PROPERTY

Address / Phone # 1525 NE 36th ST, ANKENY, IA 50021 (515) 965-5261

E-mail matt@albaughllc.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) outdoor patio for alcohol sale

Location (address) of the proposed special use 2410 SW White Birch Dr. Suite 108 Ankeny IA 50023

Legal description (Plat & Lot #) _____

Zoning PUD Principal use of property (existing) Restaurant

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

- a) A statement indicating the reasons for my request, evidence concerning the feasibility of the proposed request and its effect on surrounding property.
- b) 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.
- 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.

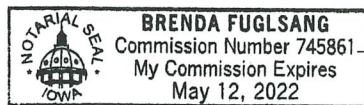
[Signature]

(Signature of Applicant)

[Signature]

Signed and sworn to before me, this

10th day of February, 20 22.



[Signature]
(Notary Public)

Date received <u>RECEIVED</u>	Paid ☐ Cash ☒ Check # <u>1026 \$180.00</u>	Office Use Only
Filing # <u>22-03</u> <u>FEB 10 2022</u>	Scheduled Meeting Date <u>3-8-2022</u>	

CITY OF ANKENY

APPLICATION FOR APPEAL

PO INC

D/B/A: SILK ELEPHANT

2410 SW WHITE BIRCH DR.

SUITE 108

ANKENY, IOWA 50023

FEBRURAY 10, 2022

City of Ankeny Zoning Board of Adjustment

1210 NW Prairie Ridge Dr.,

Ankeny, IA 50021

Dear Zoning Board,

This letter of intent is to request an outdoor patio seating area permit for use in operating the business. The building already provided the patio area and fence. The patio will have seating for approximately 20 customers. The business hour is 11:00am – 2:00pm. 4:30pm- 9:00pm. The patio is no music and the restaurant served only beer and wine.

The patio will help our business to get more sale. Moreover, it is important due to the Covid-19 pandemic.

Thank you for your consideration of this request

Sincerely,



ORATHAI SAE LAO

PRESIDENT

503-887-2179



City of Ankeny Board of Adjustments:

This letter is to inform you that the business Silk Elephant will be occupying the space at 2410 SW White Birch Drive, Suite 108 for a restaurant. They will be using the patio on the north end of the building as part of the restaurant.

Thanks,

A handwritten signature in blue ink, appearing to read 'M. Farver', written over the printed name.

Matt Farver

22-03

PROJECT:
SILK ELEPHANT
 2410 SW WHITE BIRCH LN. STE 108
 ANKENY, IA 50023

DATE: 2021-06-03
 DRAWN BY: NM
 CHECKED BY: JAW
 REVISED: 1 06/03/21 PMT COMMENTS

FLOOR PLAN

A101



1605 N. ANKENY BLVD #130
 ANKENY, IOWA 50023
 PHONE: (515) 965-5336
 FAX: (515) 965-5335
 info@imprintarchitects.com

GENERAL FLOOR PLAN NOTES:

SEE A901 FOR ENLARGED BATHROOM PLANS

UNLESS NOTED OTHERWISE, THE PLAN DIMENSIONS SHOWN ARE:

EXISTING CONSTRUCTION: FACE OF FINISH
 INTERIOR DIMENSIONS: FACE OF STUD
 EXTERIOR DIMENSIONS: FACE OF SHEATHING
 ENLARGED RESTROOM PLANS: FACE OF FINISH (CLEARANCES)
 PLUMBING FIXTURES: CENTERLINE OF FIXTURE TO FACE OF STUD
 DOOR & WINDOW OPENINGS: OUTSIDE FACE OF FRAME
 IF DIMENSION POINT IS IN QUESTION, CONTACT ARCHITECT

ALL WALLS WITH SOUND BATT ATTENUATION BLANKETS ARE TO HAVE ACOUSTICAL SEALANT AT TOP AND BOTTOM. SEE WALL TYPES FOR ADDITIONAL REQUIREMENTS.

FACE OF NEW WALLS TO ALIGN WITH FACE OF EXISTING ADJACENT WALL, UNO.

FINISH INTERIOR OF EXISTING STUD WALLS WITH 5/8" TYPE 'X' GWB

SEE INTERIOR ELEVATIONS FOR FURTHER CLARIFICATION OF MATERIALS / LOCATIONS / FINISHES.

PROVIDE FIRE TREATED BLOCKING IN WALLS AS REQUIRED FOR ALL WALL MOUNTED CASEWORK AND OTHER ACCESSORIES.

ALL FLOOR MATERIAL CHANGES SHALL OCCUR AT CENTER OF DOOR LEAF. SEE REFLECTED CEILING PLANS FOR LOCATIONS OF FULL HEIGHT WALLS.

REFER TO ADDITIONAL NOTES AND REQUIREMENTS ON ALL OTHER DOCUMENTS, OTHER DISCIPLINES AND SPECIFICATIONS.

ALL SITE INFO, FIXTURES AND EQUIPMENT SHOWN ON THIS SHEET IS PROVIDED FOR COORDINATION PURPOSES ONLY. THE LAYOUT IS CONSIDERED CONCEPTUAL. REFER TO CIVIL, MECHANICAL, ELECTRICAL, PLUMBING, FIRE SPRINKLER, LIFE-SAFETY, ETC. DOCUMENTS FOR SPECIFIC DESIGN INFORMATION. KITCHEN EQUIPMENT IS BY OWNER.

ALL CONDUITS, PIPES, SPRINKLER MAINS SHOULD BE HELD AS TIGHT AS POSSIBLE TO THE ROOF OR FLOOR DECK ABOVE. NOTHING SHALL BE BELOW THE BOTTOM EDGE OF THE STRUCTURE UNLESS PRIOR APPROVAL IS GRANTED BY THE ARCHITECT OR OWNER. ABSOLUTELY NO OBSTRUCTIONS SHALL PREVENT A FINISHED CEILING HEIGHT NOTED ON THE DRAWINGS IN THOSE AREAS RECEIVING CEILING TREATMENT. PLACEMENT COORDINATION BETWEEN TRADES IS REQUIRED.

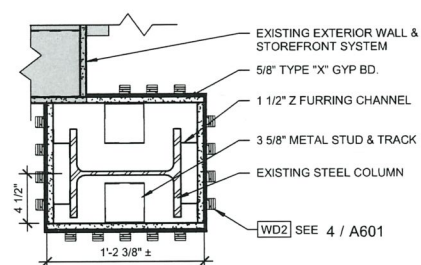
PROVIDE GYP. BD. CONTROL JOINTS EVERY 20' - 0" IN ADDITION TO LOCATIONS SHOWN.

WALL LEGEND:

— EXISTING WALL
 - - - DEMO WALL
 — NEW WALL CONSTRUCTION

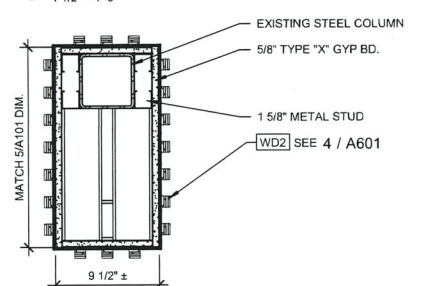
GENERALLY OUTSIDE OF
 PROJECT SCOPE, SHOWN
 FOR REFERENCE

INT1 TYPICAL PROPOSED
 INTERIOR PARTITION, UNO
 ON FLOOR PLAN
 CPT1 TYPICAL FLOOR MATERIAL, UNO
 PT1 TYPICAL WALL MATERIAL, UNO
 ACT1 TYPICAL CEILING MATERIAL, UNO
 WB1 TYPICAL BASE MATERIAL, UNO



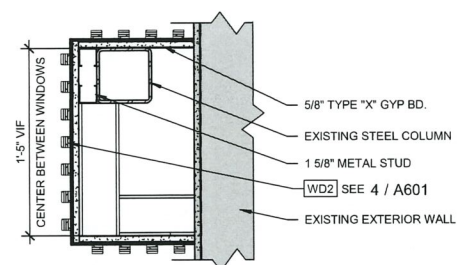
3 TYPICAL WIDE FLANGE COLUMN WRAP

1 1/2" ±



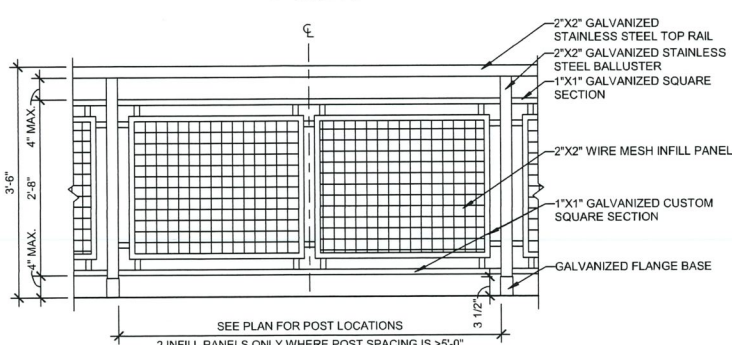
4 STEEL TUBE COLUMN WRAP

1 1/2" ±



5 TYPICAL STEEL TUBE COLUMN AT EXT. WALL WRAP

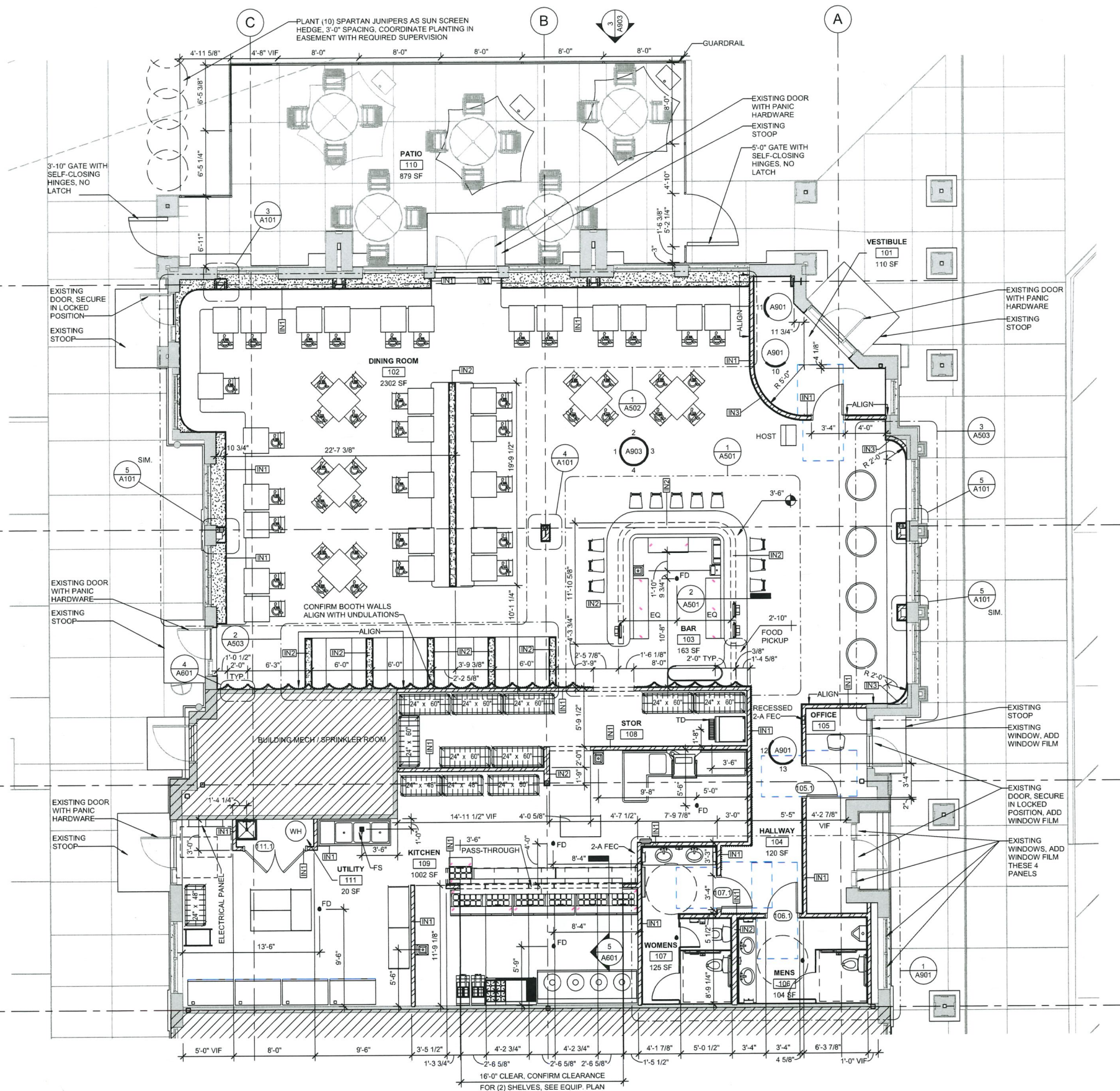
1 1/2" ±



6 FENCE ELEVATION

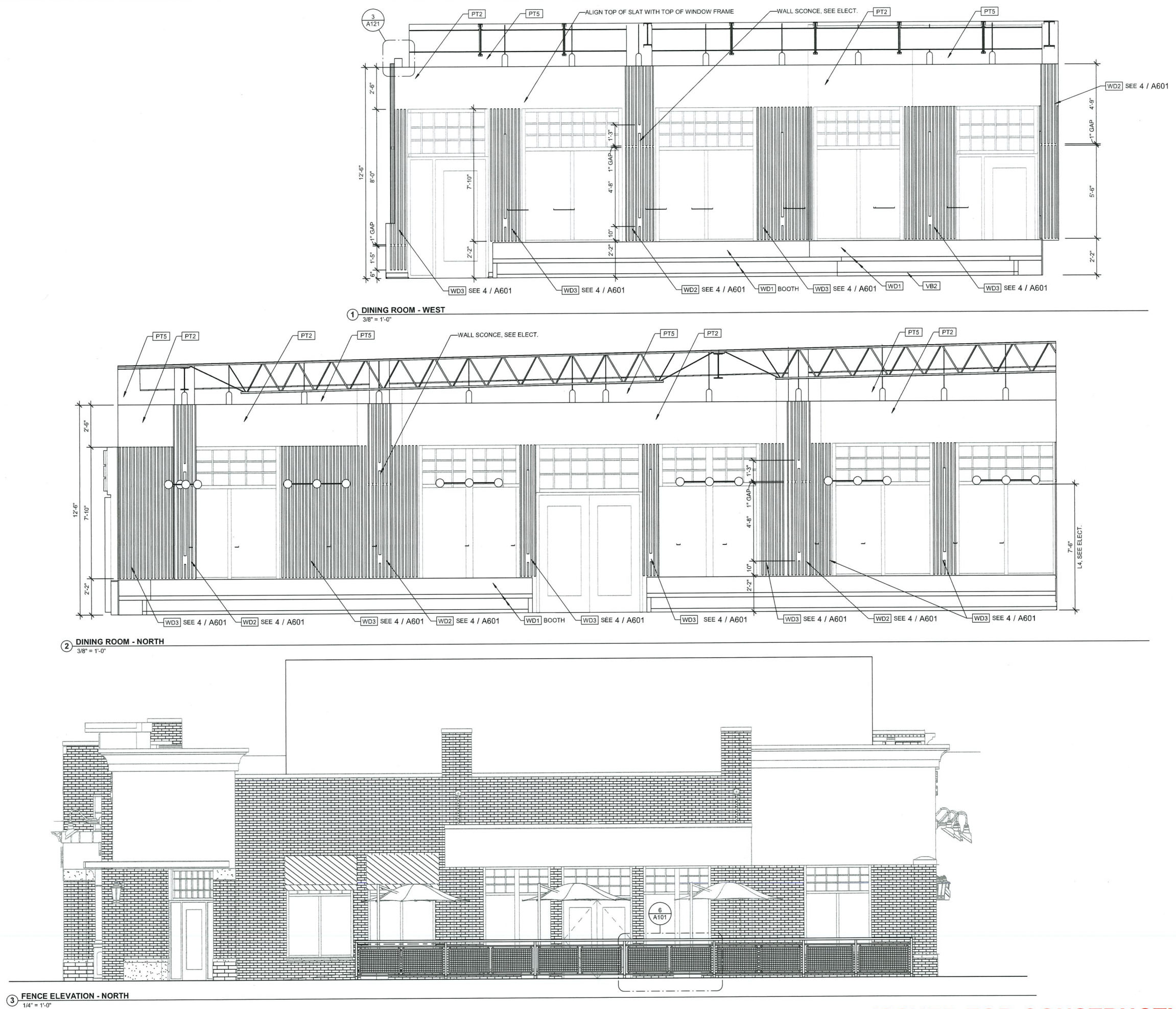
3 1/2" ±

ISSUED FOR CONSTRUCTION



1 FLOOR PLAN - MAIN LEVEL

3/16" = 1'-0"



PROJECT:
SILK ELEPHANT
2410 SW WHITE BIRCH LN. STE 108
ANKENY, IA 50023

DATE: 2021-06-03
DRAWN BY: NM
CHKD BY: JAW
REVISED:

INTERIOR
ELEVATIONS

A903



1605 N. ANKENY BLVD #130
ANKENY, IOWA 50023
PHONE: (515) 965-5336
FAX: (515) 965-5335
info@imprintarchitects.com

ISSUED FOR CONSTRUCTION



1 inch = 225 feet
Date: 2/21/2022

2410 SW White Birch Drive Suite 108



**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 #: 22-03 *ESC*
Meeting Date: March 8, 2022
Address: 2410 SW White Birch Drive, Suite 108

APPELLANT REQUEST

A Special Use Permit to allow an outdoor service area for DRA Properties/Silk Elephant at 2410 SW White Birch Drive, Suite 108.

STAFF POSITION

That the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to DRA Properties/Silk Elephant at 2410 SW White Birch Drive, Suite 108 for an outdoor service area 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. All appropriate building permits and building code regulations need to be reviewed and met.
3. Seating on the patio for 20 persons.
4. Hours of operation are from 11:00a.m.-2:00p.m. and 4:30p.m.-9:00p.m. Monday-Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.

PROJECT SUMMARY

The Silk Elephant at 2410 SW White Birch Drive, Suite 108 is requesting a Special Use Permit to allow alcohol to be served on their existing outdoor patio on the site. The subject property is zoned Prairie Trail PUD with the surrounding properties in all directions being zoned Prairie Trail PUD as well. Due to the subject property's proximity to the residential properties to the north and west, a Special Use Permit is required to serve alcohol on the unenclosed service area.

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:

(I) Premises with a Class B beer permit or liquor control license not contained within a completely enclosed and covered structure and located less than five hundred feet from a residential zoning district; provided the following standards are met:

- (1) The applicant meets all other requirements listed in Chapter 130 of this Code of Ordinances.
- (2) The special permit, if granted, shall expire one year after the grant thereof, subject to renewal...
- (3) Sound levels emanating from the outdoor seating area shall not be at a level greater than is necessary to reach the audience and shall not be of such a volume so as to interfere with normal conversation on adjacent properties.
- (4) The Board may exact any other regulations and assurances, covenants, and warranties as may be necessary to protect the rights of the neighboring residents, including but not limited to the following: (a) hours of operation; (b) lighting; and (c) screening.

130.07 OUTDOOR SEATING AREAS.

(1) The premises for which a class B beer permit or liquor control license is sought shall require a special permit for an outdoor seating area as described in paragraph 196.02(1) (I) if it is less than five hundred (500) feet from a residential zoning district...

(2) The outdoor seating area shall only have direct access from the main building and shall be enclosed by a permanent retainer, which clearly encloses the area adjacent to the licensed establishment as follows:

- (A) The retainer must measure a minimum of thirty-six inches in height from finish floor surface to the top of the retainer.
- (B) A permanent retainer shall consist of a top rail with lower intermediate rails spaced so that a twelve-inch sphere cannot pass through, or a fence consisting of a top rail with permanent fencing material, both of which shall be supported by columns or posts spaced no more than ten feet on center...

(3) Emergency exits, sized and spaced in accordance with the Building Code, must be provided with a clear and unobstructed access to a public way.

(4) The site shall meet the parking requirements listed in Section 194.01 of this Code of Ordinances.

(5) Any use of sound, other than sound arising from conversation of patrons, shall require a special use permit for an outdoor seating area as described in paragraph 196.02(1)(I) of this Code of Ordinances. 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.

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 subject property is located at 2410 SW White Birch Drive, Suite 108, is zoned Prairie Trail PUD, and is legally described as Lot 6, Plaza Shops at Prairie Trail Plat 1. Although the subject property is surrounded by properties that are also a part of the Prairie Trail PUD, there are residential properties to the north and west that are within 500 feet of the proposed outdoor service area, which then requires the tenant to obtain a Special Use Permit if they are to serve alcohol.

The proposed outdoor service area is located on the north side of the building and will run along SW Plaza Parkway. The plans submitted by the applicant show both the existing building and outdoor service area, which runs approximately forty-nine feet long, east to west, and nineteen feet deep, north to south. The service area will be enclosed via a galvanized steel fence that will contain wire mesh paneling. The proposed perimeter fencing will need to meet the exit criteria of the Code, which will be reviewed by the Chief Building Official. The pedestrian sidewalk present on the north end of the site will not be inhibited by the service area, and staff is not concerned about any additional traffic the patio may bring to the site.



View of the Silk Elephant from the rear parking lot with the arrow pointing towards the service area



Zoning of the area surrounding the subject property

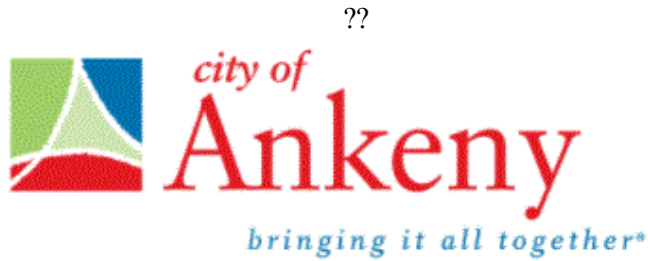
The operating hours of the outdoor service area will be from 11:00a.m.-2:00p.m. and 4:30p.m.-9:00p.m. Monday-Sunday, with the area containing seating for up to twenty patrons. The Silk Elephant will need to obtain a Liquor License from the Iowa Alcohol Beverages Division before use of the patio begins. There are no plans to have exterior speakers or live music on the proposed patio. At this time, staff has not received any correspondence, either for or against the request from neighboring property owners.



View of the Silk Elephant facing south.

The staff position is that Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to Silk Elephant at 2410 SW White Birch Drive, Suite 108 for an outdoor service area 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. All appropriate building permits and building code regulations need to be reviewed and met.
3. Seating on the patio for 20 persons.
4. Hours of operation are from 11:00a.m.-2:00p.m. and 4:30p.m.-9:00p.m. Monday-Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.



ZONING BOARD OF ADJUSTMENT

March 8, 2022

5 : 00 PM

Print

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?? ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

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ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-04

Chestnut Signs/Horizon Hotels Iowa LLC

2602 SE Hulsizer Road

Lot 1, Hulsizer Commercial Plat 1

RE: Variance - Off-Premise Sign

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 #22-04
 Staff Report

22-04



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☐ Property Owner ☐ Tenant ☒ Other Contractor

Applicant Chesnut Signs

Address / Phone # 971 NE Broadway Ave Des Moines IA 50313 515-243-8112

E-mail nairende@chesnutsigns.com

Property Owner Horizon Hotels Iowa LLC

Address / Phone # 2502 S Hulsizer Dr

E-mail _____

(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 16th day of February, 2022

Location (address) of the proposed variance 2602 SE Hulsizer Rd

Legal description (Plat & Lot #) Lot 1, Hulsizer Commercial Plat 1

Zoning _____ Principal Use of property Hotel

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 # 195.05(7) which state(s) No sign shall be on

property other than the premises on which the business commodity, service,
or entertainment is located.

I would propose the following in lieu of that required: Allowance of a shared monument

sign for Staybridge Suites ; Holiday Inn Express on the west side of the
property - near an entrance drive

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

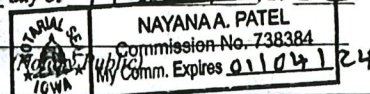
State of Iowa)ss
County of Polk)

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

[Signature]
(Signature of Applicant)

Signed and sworn to before me, this

17th day of February, 2022



RECEIVED		Office Use Only	
Date received _____	Paid ☐ Cash ☒ Check # <u>48077</u>	# <u>240.00</u>	
Filing # <u>22-04</u>	Scheduled Meeting Date <u>3-8-2022</u>		
FEB 18 2022			

CITY OF ANKENY

December 2020



22-04

February 17th, 2022

Zoning Board of Adjustment
Council Chambers
1250 SW District Dr
Ankeny, IA 50023

Dear Board Members,

I am submitting this application to you to appeal the Zoning Officer's Determination to not allow a shared monument sign for the Staybridge Suites located at 2602 SE Hulsizer Dr and the Holiday Inn Express located at 2502 SE Hulsizer Dr. The sign would be located on the property address 2602 SE Hulsizer Dr.

Zoning code 195.05(7) states:

"No sign shall be on property other than the premises on which the business, commodity, service, or entertainment is located."

Due to this ordinance the city has determined Holiday Inn would not be able to have their logo on the sign located on the Staybridge Suites Property.

Horizon Hotels Iowa, LLC (the owner of both properties) is requesting the board consider allowing an 8' x 8'7" monument sign at the South entrance of the property. This 68.87 SF sign is the only proposed monument sign for the 2 properties. The customer feels this would be the preferred location as most of the hotels' traffic would be coming from SE Oralabor Rd.

I appreciate you looking into this matter. Thank you for your time.

Thank you,

Miranda Cassens, Chesnut Signs

RECEIVED

FEB 18 2022

CITY OF ANKENY

Fax (515) 243-8146

Phone (515) 243-8112

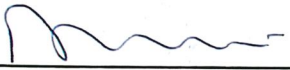
Toll Free (888) 243-8112

www.chesnutsigns.com

971 NE Broadway Ave.
Des Moines, IA 50313

PROPERTY OWNER'S LETTER OF AUTHORIZATION

As the owner of the property at 2502 SE Hulsizer Rd and 2602 SE Hulsizer Rd in Ankeny IA hereby authorize Holiday Inn Express and Staybridge Suites, as tenant and/or lessee of said property, to obtain new and/or change existing signage at the above-referenced address. I also authorize Chesnut Signs, and its agents to act as my agent in obtaining the required and necessary permits, licenses, and approvals, which may be required for the installation of said signage, and to proceed with the installation if in accordance with all governing laws, statutes and ordinances.

Signature: 

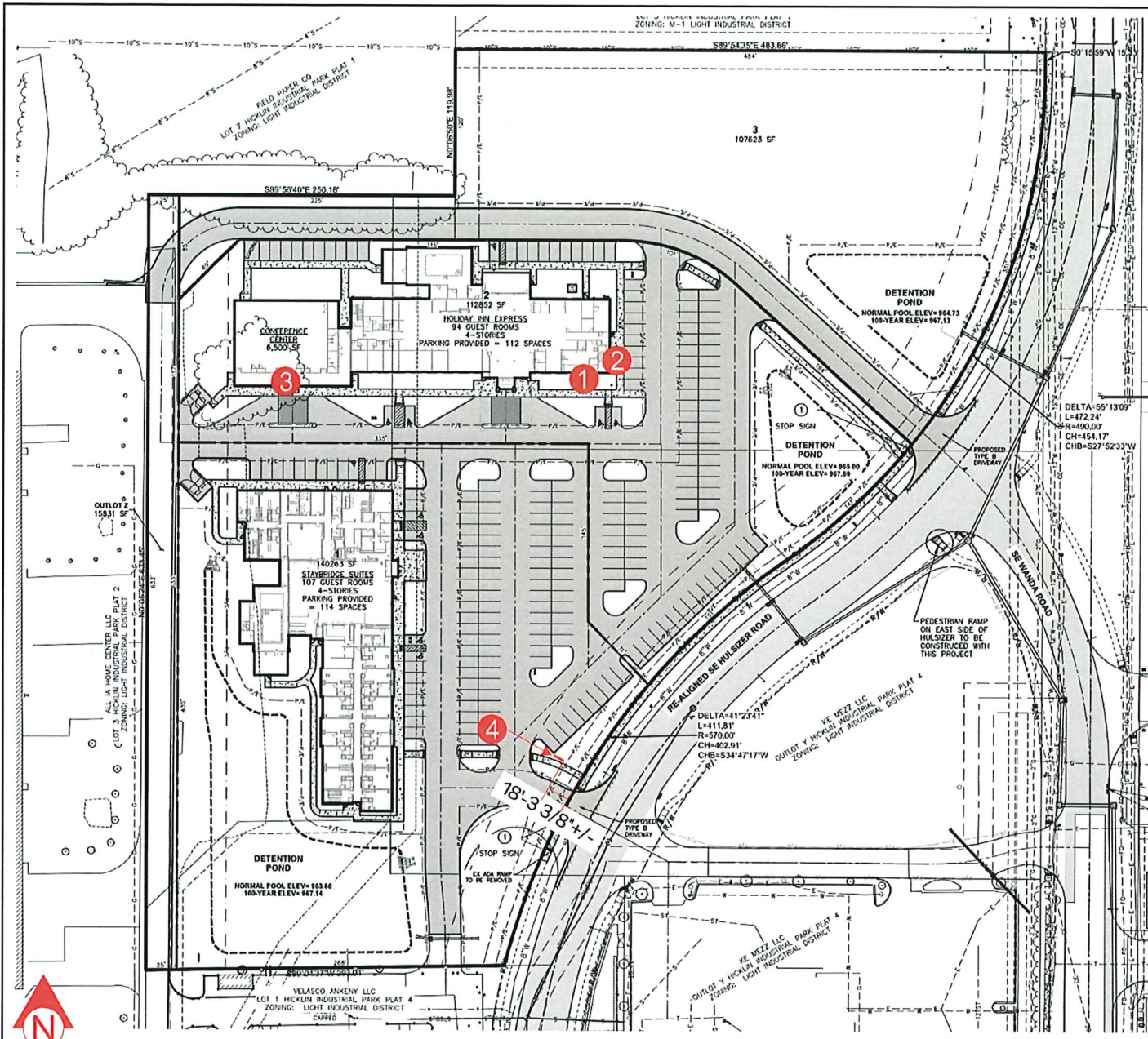
Print name: Drew Jarz

Company Name
& Address: HORIZON HOTELS IOWA LLC
2502 S HULSIZER RD
ANKENY, IA 50021

Phone Number: 515-208-8430

Fax Number: 515-965-0600

Date: 2/17/22



INN CODE: DSMAK

HOLIDAY INN EXPRESS
SE HULSIZER RD
ANKENY, IA

NEW CONSTRUCTION /
NO EXISTING SIGNS

PROPOSED SIGNS:

- ① XL-SM-5W
5'-1" MONOGRAM
W/ 23 1/2" CHANNEL LETTERS
- ② XL-SM-5W
5'-1" MONOGRAM
W/ 23 1/2" CHANNEL LETTERS
- ③ 24" 'CONFERENCE CENTER'
CHANNEL LETTERS
- ④ 8' X 8'-7" MONUMENT
AT 8' OAH

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL	Date
-------------------	------

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: HOLIDAY INN EXPRESS	Date: 25FEB22	Prepared By: KH/SC/KH/MW /CTM/CM/KH/MW/CTM/BH/MW	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.	persona SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: ANKENY, IA	File Name: 279949 - R16 - ANKENY, IA	Eng: -			

22-04

4



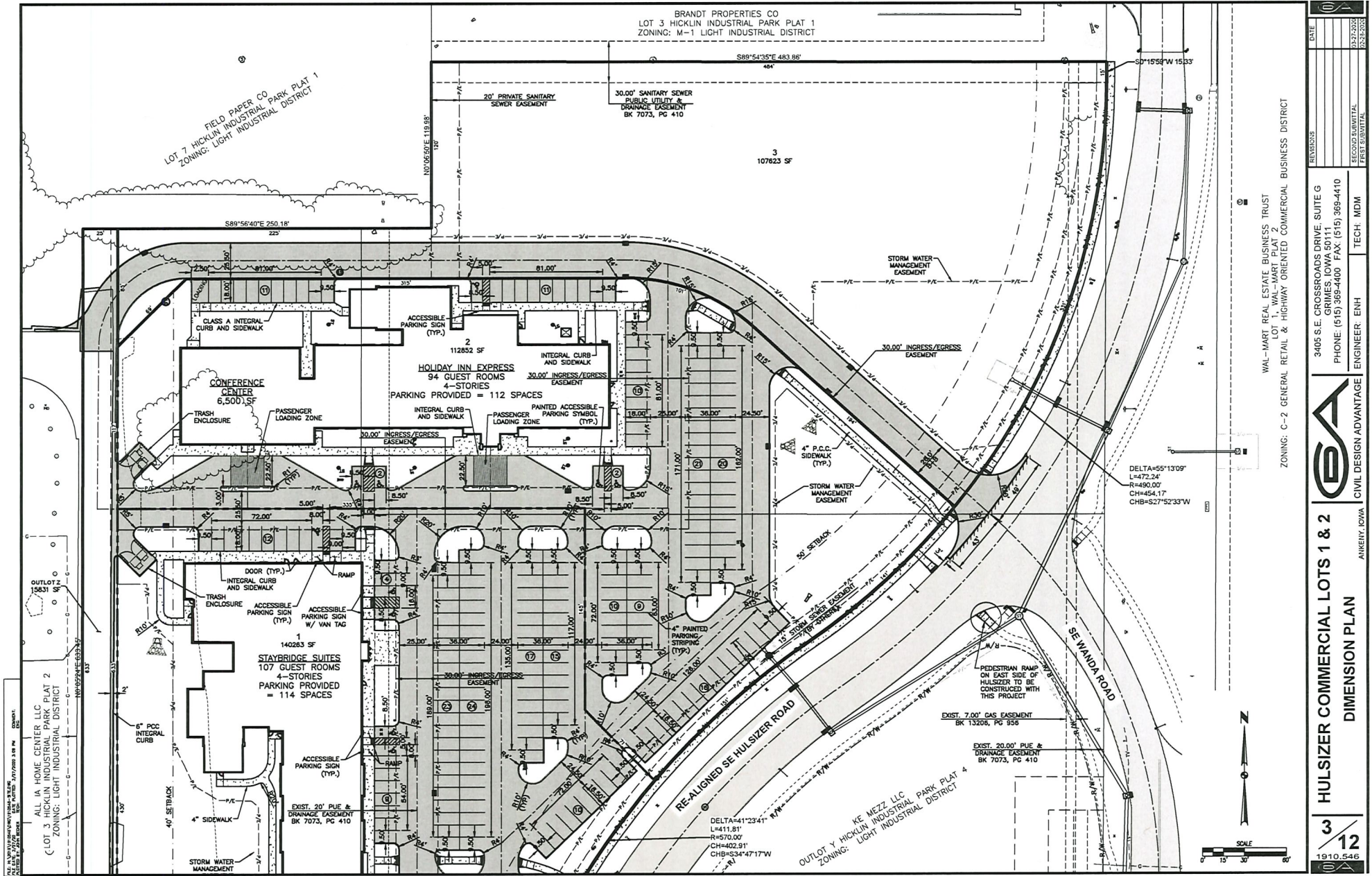
PROPOSED:
8' X 8'-7" MONUMENT (QTY 1)
AT 8' OAH

APPROVAL BOX - PLEASE INITIAL	
CUSTOMER APPROVAL	Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: HOLIDAY INN EXPRESS	Date: 11/05/21	Prepared By: KH/CD/SC/KH/MW/JR	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.	persona SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: ANKENY, IA	File Name: 279949 - R15 - ANKENY, IA	Eng: -			

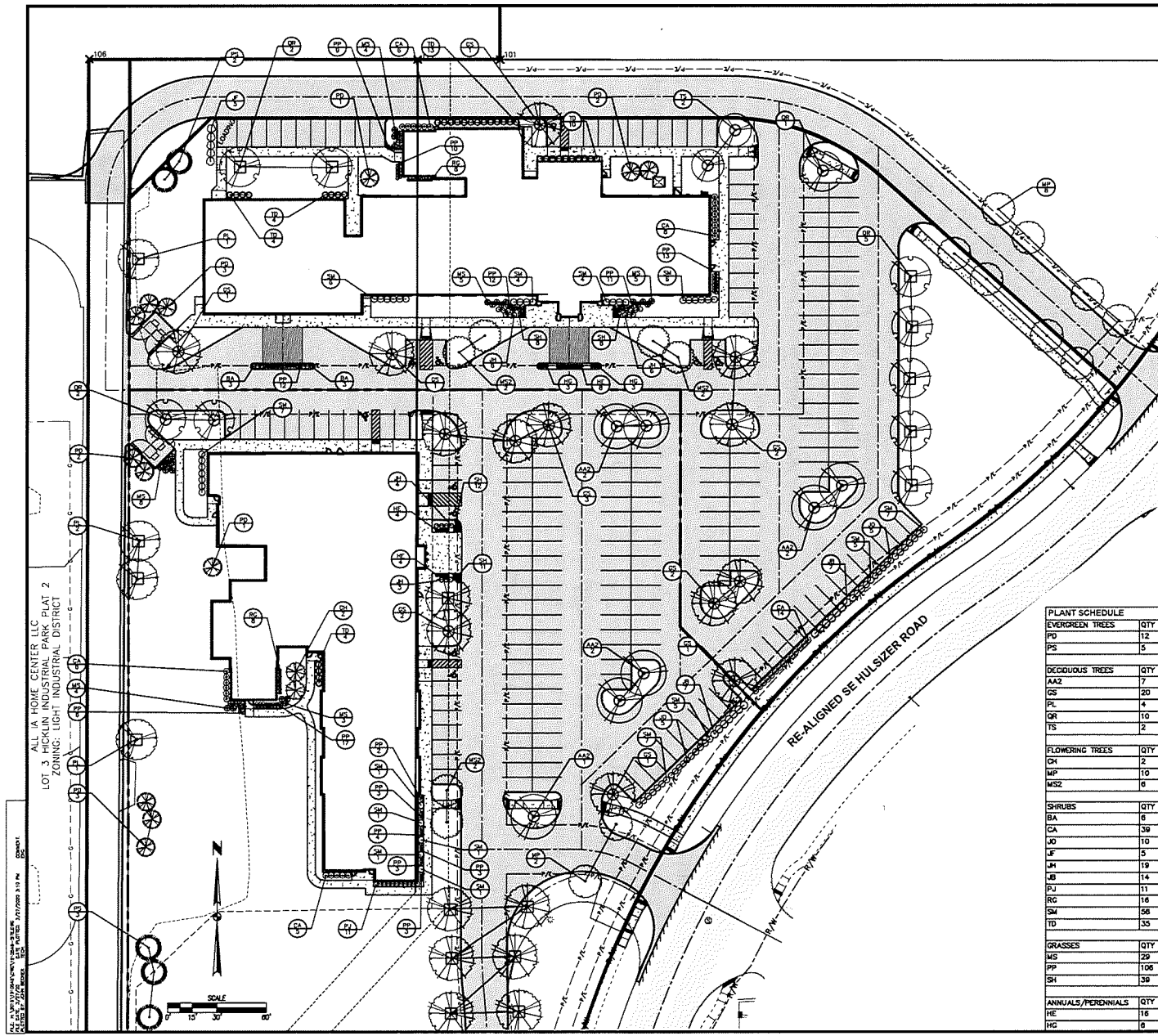
22-04



WAL-MART REAL ESTATE BUSINESS TRUST
LOT 1, WAL-MART PLAT 2
ZONING: C-2 GENERAL RETAIL & HIGHWAY ORIENTED COMMERCIAL BUSINESS DISTRICT

DATE		3-27-2020
REVISIONS		22-04
3405 S.E. CROSSROADS DRIVE, SUITE G GRIMES, IOWA 50541 PHONE: (515) 369-4400 FAX: (515) 369-4410		TECH: MDW
HULSIZER COMMERCIAL LOTS 1 & 2 DIMENSION PLAN		ENGINEER: ENH
3/12 1910.546		CIVIL DESIGN ADVANTAGE

22-04



LANDSCAPE NOTES

1. LOCATE ALL UTILITIES BEFORE ANY PLANTING BEGINS.
2. THE 2005 EDITION OF THE SUSAN COMBES SPECIFICATIONS, AND QTY OF ANY SUPPLEMENTAL SPECIFICATIONS, IF APPLICABLE, SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.
3. TYPE, SIZE, AND QUALITY OF PLANT MATERIAL SHALL CONFORM TO THE MOST CURRENT EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK AND 2003.
4. ALL PLANT MATERIAL SHALL BE HEALTHY SPECIMENS WITHOUT DEFORMITIES, VOIDS AND OPEN SPACES, WITH WELL DEVELOPED BRANCHES AND ROOT SYSTEMS TRUE TO HEIGHT, SHAPE, AND CHARACTER OF GROWTH OF THE SPECIES OR VARIETY.
5. TYPE 'A' SEED OR 200 ALL DISTURBED AREAS AS DIRECTED BY OWNER, UNLESS SHOWN OTHERWISE ON PLAN.
6. BACKFILL TO TOP OF CURB (MINUS 1 1/2" FOR 500, 6" FOR 24").
7. WEED PREVENTER (PVC-DICRODENT) SHALL BE SPREAD OVER SOIL AFTER PLANTING AND BEFORE MULCHING FOR MANUFACTURER'S RECOMMENDATIONS.
8. SHREDDED HARDWOOD MULCH SHALL BE PLACED AROUND ALL TREES AND SHRUBS TO A (MIN) DEPTH OF 3".
9. ALL EDGING SHALL BE SPREAD OUT EDGE.
10. PLANT QUANTITIES ARE SHOWN FOR INFORMATION ONLY. THE DRAWING SHALL PREVAIL IF ANY CONFLICTS ARISE.
11. ALL TREES SHOWN IN THE PUBLIC ROW SHALL BE MOVED UP BY THE CONTRACTOR AT THE END OF EACH WORK DAY.
12. CONTRACTOR SHALL WARRANT ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR FROM DATE OF INSTALLATION.
13. CONTRACTOR SHALL PROVIDE IRRIGATION DESIGN TO OWNER, IF REQUESTED, FOR APPROVAL.

LANDSCAPE REQUIREMENTS

OPEN SPACE REQUIREMENT:
SITE AREA = 253,115 SF
OPEN SPACE REQUIRED (20%) = 50,623 SF

LANDSCAPING REQUIREMENT:
2 TREES AND 8 SHRUBS PER 3,000 SF OF REQUIRED OPEN SPACE

TREES REQUIRED = 34 TREES
SHRUBS REQUIRED = 43 TREES
TREES PROVIDED (SIZE OF TREES SHADING ONE SIDE OF PAVEMENT INCLUDED) = 34 TREES
(SHRUBS FOR HEADLIGHT SCREENING ALONG HULSIZER NOT INCLUDED)

PAVEMENT SHADING REQUIREMENT:
PAVEMENT = 118,822 SF
147,708 SF x 20% = 29,542 SF

TREES REQUIRED: 23,887 SF / 708 = 34 TREES
TREES PROVIDED = 25 TREES @ 100% = 17,800 SF INDICATED BY ○
= 18 TREES @ 20% = 4,354 SF INDICATED BY □

ALL PARKING ADJOINING A PUBLIC STREET RIGHT OF WAY SHALL BE EFFECTIVELY SCREENED THROUGH THE USE OF AN EARTH BERM AND/OR LANDSCAPING TO A HEIGHT OF 30 INCHES.

PLANT SCHEDULE				
	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE
EVERGREEN TREES				
PD	12	Black Hills Spruce	Picea glauca 'Denauto'	B&B, 6' HEIGHT
PS	5	White Pine	Pinus strobus	B&B, 6' HEIGHT
DECIDUOUS TREES				
AAZ	7	Autumn Blaze Red Maple	Acer rubrum 'Autumn Blaze'	B&B, 1.5" CALIPER
GS	20	Skyline Honey Locust	Gleditsia triacanthos 'Skyline'	B&B, 1.5" CALIPER
PL	4	London Plane Tree Multi-Trunk	Platanus x acerifolia 'Bloodgood'	B&B, 1.5" CALIPER
QR	10	Red Oak	Quercus rubra	B&B, 1.5" CALIPER
TS	2	American Linden	Tilia americana 'Sentry'	B&B, 1.5" CALIPER
FLOWERING TREES				
CH	2	Crataegus Hawthorn	Crataegus crue-galli 'Cruzom' TM	B&B, 1.5" CALIPER
MP	10	Prairifire Crabapple	Malus x 'Prairifire'	B&B, 1.5" CALIPER
MS2	6	Spring Snow Crabapple	Malus x 'Spring Snow'	B&B, 1.5" CALIPER
SHRUBS				
BA	8	Dwarf Redleaf Japanese Barberry	Barbette thunbergii 'Atropurpurea Nano'	5 GAL
CA	30	Dwarf Red Twig Dogwood	Cornus sericea 'Allerman's Compact'	24" HT.
JO	10	Old Gold Juniper	Juniperus chinensis 'Old Gold'	5 GAL
LF	5	Sea Green Juniper	Juniperus chinensis 'Sea Green'	5 GAL
LH	19	Hughes Juniper	Juniperus horizontalis 'Hughes'	5 GAL
JB	14	Broommoor Juniper	Juniperus sabinia 'Broommoor'	5 GAL
RJ	11	Jackman's Potentilla	Potentilla fruticosa 'Jackmanii'	5 GAL
PG	16	Green Mound Alpine Currant	Ribes alpinum 'Green Mound'	24" HT.
SM	56	Dwarf Korean Lilac	Syringa meyeri 'Palibin'	24" HT.
TD	35	Dense Yew	Taxus x medio 'Denalformia'	24" HT.
GRASSES				
MS	29	Silver Feather Grass	Miscanthus sinensis 'Silverfeather'	5 GAL
PP	106	Red Switch Grass	Panicum virgatum 'Prairie Fire'	1 GAL
SH	39	Prairie Dropseed	Sporobolus heterolepis	1 GAL
ANNUALS/PERENNIALS				
HE	16	Plantain Lily	Hosta x 'Elegans'	1 GAL
HG	6	Plantain Lily	Hosta x 'Golden Halo'	24" HT.

DATE: 03/27/2024
REVISIONS:
SECOND SUBMITTAL
FIRST SUBMITTAL

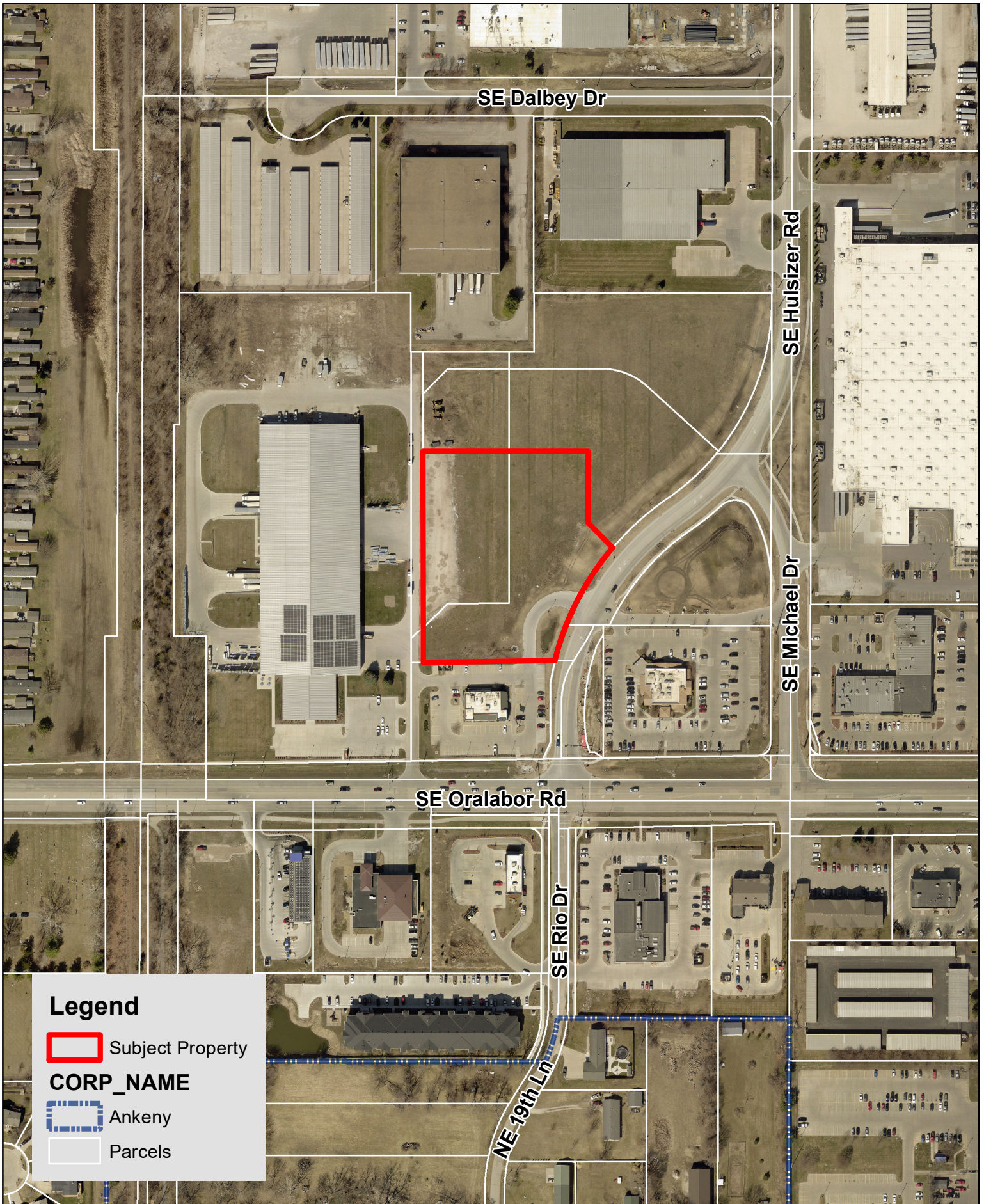
3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

TECH: MDW
ENGINEER: ENH

CIVIL DESIGN ADVANTAGE, INC.
AMEITY, IOWA

HULSIZER COMMERCIAL LOTS 1 & 2
LANDSCAPE PLAN

12/12
1910.546



N



1 inch = 250 feet

Date: 2/23/2022

2602 SE Hulsizer Road

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

To: Members of the Zoning Board of Adjustment
From: Ruth Hulstrom, Associate Planner
Filing #: 22-04 *ESC*
Meeting Date: March 8, 2022
Address: 2602 SE Hulsizer Road

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 195.05(7) that prohibits signs from being located on property other than the premises on which the business, commodity, service, or entertainment is located, allowing for an off-premise user to advertise on a panel as part of a proposed monument sign at 2602 SE Hulsizer Road.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 195.05(7), to allow for an off-premise user to advertise on a panel as part of a monument ground sign at 2602 SE Hulsizer Road subject to the following conditions:

1. No other ground or monument signage will be allowed for the uses included on the proposed sign, with the exception of accessory or directional signage as determined by staff and
2. The total sign area cannot exceed 100 square feet.

Staff's position is based upon the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood, and that it is found to be in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

PROJECT SUMMARY

The subject property is located at 2602 SE Hulsizer Road, west of SE Hulsizer Road and north of SE Oralabor Road. The property is zoned M-1, Light Industrial District. The subject site is anticipated to be the future location of a Staybridge Suites hotel. The variance request from the applicant is to allow another business, Holiday Inn Express, located north of the subject site at 2502 SE Hulsizer Road to utilize a panel within a proposed monument sign located at 2602 SE Hulsizer Road to advertise their business.

CRITERIA FOR VARIANCE

197.01(4) Powers and Duties.

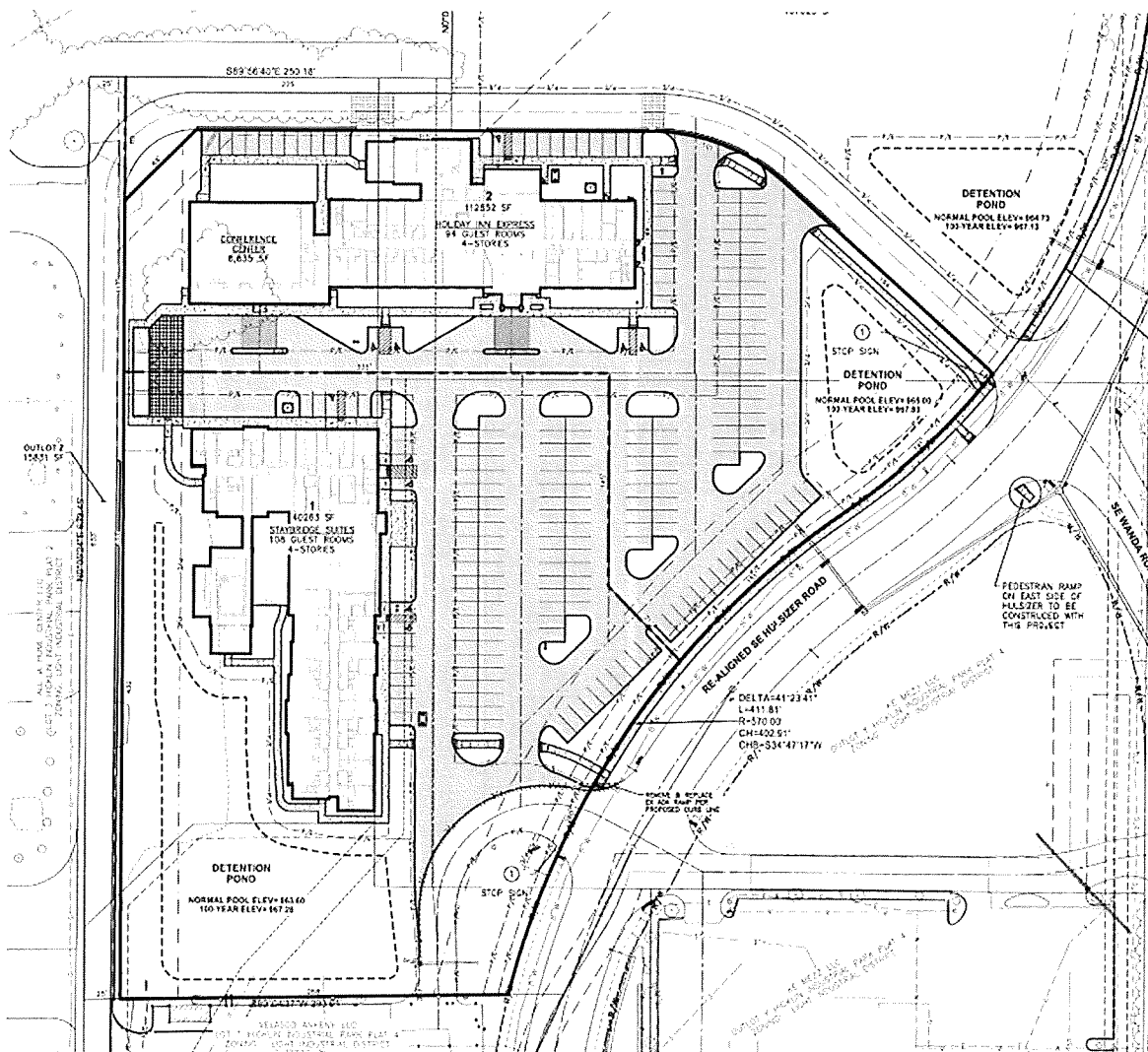
B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of 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.

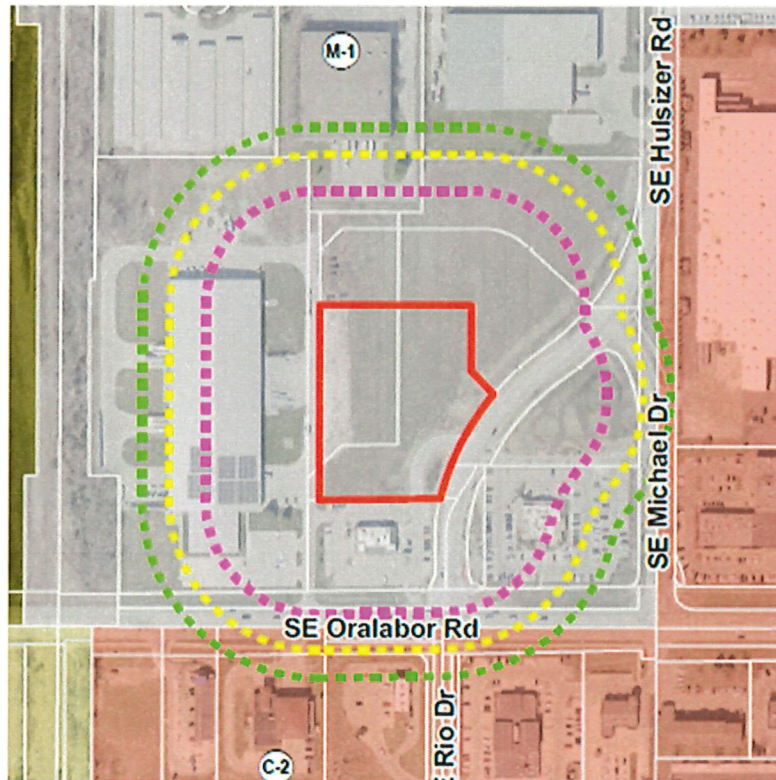
FINDINGS OF FACT

The subject property is located north of SE Oralabor Road and west of SE Hulsizer Road. The address of the subject property is 2602 SE Hulsizer Road and it is legally described as Lot 1 of Hulsizer Commercial Plat 1. The Hulsizer Commercial Plat 1 final plat was recorded May 15, 2020 and a site plan was approved by the Plan and Zoning Commission for the subject site on December 22, 2020. This site plan proposed to construct two hotels, a Staybridge Suites on Lot 1 and a Holiday Inn Express on Lot 2. An updated site plan was later administratively approved on June 24, 2021 that slightly adjusted the building footprint and sidewalk routing for the Staybridge Suites.

The image below is taken from the administratively approved site plan and generally outlines the proposed layout for the two hotels. As mentioned previously, the Staybridge Suites hotel is proposed to be located on Lot 1, which is the southern half of the area shown below. City staff received a building permit application for the Staybridge Suites building on February 22, 2022. The Holiday Inn Express building located on the northern half of the site is currently under construction.



The subject property, outlined in red below, is zoned M-1, Light Industrial District (identified in light gray). The majority of properties within 250 feet of the subject property are also zoned M-1. There are a few properties located on the south side of SE Oralabor Road that are zoned C-2, General Retail, Highway Oriented, and Central Business Commercial District. When calculating properties within 250 feet of an appeal, City staff generally excludes right-of-way. The image below outlines the subject property and includes various buffers based on the right-of-way that needs to be excluded. The pink circle identifies properties that are exclusively within 250 feet of the subject property. The yellow circle identifies properties within 330 feet of the subject property and accounts for the 80 feet of right-of-way created by SE Hulsizer Road to the east. A 390-foot buffer is shown in green and compensates for the 140 feet of right-of-way created by SE Oralabor Road to the south.



Lots 1 and 2 combined are comprised of 253,115 square feet. Lot 1 separately consists of approximately 140,258 square feet. The two lots will share the parking area. The proposed Staybridge Suites is anticipated to have a 65,847 square foot building footprint.

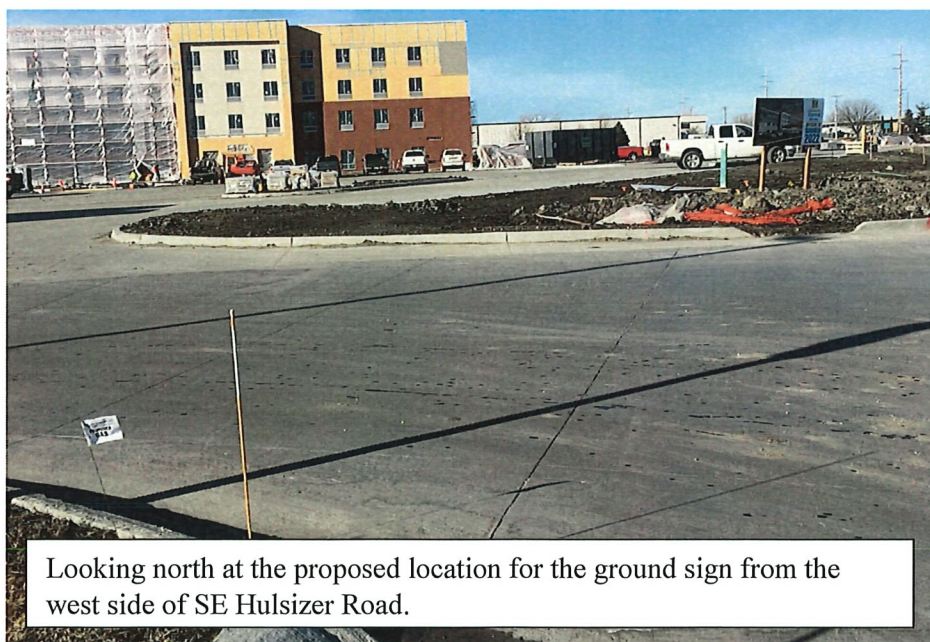
On February 9, 2022, City staff received four sign permit applications for the Holiday Inn Express at 2502 SE Hulsizer Road. Three building signs were included, two attached to the south side of Holiday Inn Express and one on the east side of the building. The fourth application was for a monument ground sign that was proposed to be located on Lot 1 and include two panel inserts. One insert that would advertise the Staybridge Suites and one for the Holiday Inn Express. The sign was proposed to be located on the south side of the access drive into Lot 1. The sign was proposed to be 8 feet in height and 8 feet 7 inches across. The overall square footage of the sign was 68.64 square feet. The inserts are proposed to be approximately 3 feet by 4 feet or total approximately 12 square feet each.

The applicant was informed that the sign could not be approved because Ankeny Municipal Code Section 195.05(7) states, *"No sign shall be on property other than the premises on which the business,*

commodity, service, or entertainment is located". The Holiday Inn Express panel within the proposed ground sign would be considered off-premise signage.

City staff received a variance application on February 18, 2022 requesting that the Holiday Inn Express be allowed to have an off-site panel insert located within the proposed ground sign on the Staybridge Suites property. Ankeny Municipal Code allows a lot developed for general business use that is single occupant to have a single ground sign that totals up to 80 square feet. A lot developed for general business use that is multi-occupant is allowed to have a single ground sign that is no greater than 100 square feet. The appellant is proposing to install an approximately 69 square foot ground sign. City staff supports the idea of allowing the appellant to have a single ground sign advertising the businesses at 2502 and 2602 SE Hulsizer Road with a maximum sign area of 100 square feet as the proposed intention would be similar to allowable ground signage for multi-occupant general business use.

On February 28, 2022, City staff visited the subject site. Below are photos captured from this site visit.



Aside from the Holiday Inn Express panel insert being considered off-site signage, the ground sign meets all other Ankeny Municipal Code requirements. City staff does not believe that the proposed sign would pose any safety concern for the public. The sign is not anticipated to inhibit visibility along SE Hulsizer Road or negatively impact adjacent properties. Additionally, there have been similar variance requests approved by the Zoning Board of Adjustment in the past. The most recent being on February 16, 2021, which allowed for two off-premise users to advertise on a 100 square foot ground sign at 1005 SW Oralabor Road.

City staff sent public notices to property owners within 250 feet of the subject site on February 25, 2022. Additionally, a notice about the appeal was published in the Des Moines Register on March 4, 2022. No comments have been received from the public in opposition or support of the proposed variance request.

The staff position is to grant a variance to Ankeny Municipal Code Section 195.05(7), to allow for an off-premise user to advertise on a panel as part of a monument ground sign at 2602 SE Hulsizer Road subject to the following conditions:

1. No other ground or monument signage will be allowed for the uses included on the proposed sign, with the exception of accessory or directional signage as determined by staff and
2. The total sign area cannot exceed 100 square feet.

Staff's position is based upon the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood, and that it is found to be in harmony with the intended spirit and purpose of the Ankeny Municipal Code.