

Meeting Minutes

Zoning Board of Adjustment

Tuesday, January 16, 2018
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The January 16, 2018 regular meeting of the Zoning Board of Adjustment was called to order at 5:00 p.m. by Vice Chair J.Baxter. Members present: J.Baxter, N.Sungren, K.Tomlinson and B.Walker. Absent: M.Ott. Staff present: E.Jensen, E.Carstens, R.Hulstrom, K.Gorman, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments.

MINUTES OF THE DECEMBER 5, 2017 MEETING

Motion by K.Tomlinson to approve the December 5, 2017 meeting minutes as submitted. Second by N.Sungren. Motion carried 3 – 0 – 1 (Abstain: J.Baxter).

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

PUBLIC HEARINGS:

#18-01

**Classic Builders, Inc.
1604 NW State Street
Lot 1, Prairie Lakes Plat 2
RE: Variance – Rear Yard Setback and Side Yard Setback**

Vice Chair J.Baxter opened the public hearing.

Mr. Brent Culp, Snyder & Associates, 2727 SW Snyder Blvd., Ankeny, representing Classic Builders, Inc. as the applicant and Community State Bank as the owner of the property. Mr. Culp stated the property is located along State Street across from the Prairie Ridge Sports Complex and is a 2.4-acre parcel. Mr. Culp presented a concept drawing showing how they intend to utilize the parcel with the requested variances for a 20-foot rear yard setback and a 20-foot side yard setback. He commented that they are proposing the setback variances to get a little closer to the pond for better aesthetics and since the parking lot utilizes a large portion of the parcel. Mr. Culp again referenced the concept drawing. He asked the Board if they had any questions.

The Board had no further questions.

Staff Report: R.Hulstrom reported the applicant is requesting a variance to section 192.09(3)(E) and (F) to allow a 20-foot side yard setback along the north property line and a 20-foot rear yard setback along the west property line at 1604 NW State Street. She stated the property is south of NW 18th Street and west of NW State Street. R.Hulstrom shared that currently the vacant 2.437-acre lot is zoned C-2, General Retail, Highway Oriented, and Central Business Commercial District. She stated that directly to the south of the property is the Prairie Lakes Condominiums, a multi-family residential development and to the north and west of the subject property is Prairie Lakes Park, which includes a pond and open area. This property is zoned R-1, One-Family Residence District. R.Hulstrom commented that there are single-family residences located west and northwest across the pond but they are located more than 300 feet from the subject property. R.Hulstrom stated the required rear yard setback in a C-2 district is 40 feet and the required side yard setback is 25 feet when it is adjacent to an R district. She stated the proposal is to develop the property with two buildings, a 13,325 sq. ft. fitness center and 10,200 sq. ft. professional office, and a 118-car parking lot. She continued to state that the applicant is requesting a variance to the required rear and north side yard setbacks so that the two future commercial buildings can benefit from a closer proximity to the pond, which is adjacent to the property. Secondly, the applicant hopes to be able to maximize the amount of buildable area on the site. R.Hulstrom stated that staff received one phone call from a property owner west of the subject property who shared a concern about the development of the property. Specifically, the property owner was concerned that the property would be developed into apartments. She stated that after staff explained that the intentions of the developer for the subject property was for a fitness center, professional office and parking lot, the property owner seemed less concerned about the setback variance. The

staff's position is to grant the variance to section 192.09(3)(E) and (F) to allow a 20-foot side yard setback along the north property line and a 20-foot rear yard setback along the west property line at 1604 NW State Street. The staff position is based on a determination that the resulting structure is in harmony with the intended spirit and purpose of the Ankeny Municipal Code, which is to not impair adequate supply of air and light and not increase public danger of fire.

K.Tomlinson asked if there is any chance that it could be developed into apartments even though they are stating their intention is for it to be a fitness center and office building. E.Carstens stated the zoning would allow for apartments so the Board, if they wanted to, could stipulate a specific use for the property in their motion. J.Baxter commented the residential property to the south has a 16-foot setback and he asked if that was subject to a variance as well. E.Carstens commented the property to the south was considered a corner lot so there was an overall setback done for the entire property. K.Tomlinson asked about the two parcels to the north of the property right up against 18th Street. E.Jensen commented that it is city owned property not to be developed. J.Baxter confirmed that the pond is city owned. E.Carstens stated yes.

The Board had no further questions for staff.

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

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

K.Tomlinson commented that she has concerns that they could change their use of the property. J.Baxter stated they would still have to comply with zoning requirements if they did change the use of the property to multi-family. B.Walker stated he does not have any issues since the property is zoned for that purpose. He stated he does not feel the setbacks would be the issue of the adjacent property owners if there were apartments built on the property. E.Jensen clarified with the Board that the variance request that is written applies to the ground; so once the Board grants the variance and any use that is allowed in the C-1 / C-2 zoning district will be allowed to have that setback. If you want to restrict it to be subject to the conceptual plan shown by the applicant, the Board would need to include the restriction in their motion.

The Board had no further comments.

Board Action on Filing #18-01 property at 1604 NW State Street

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to section 192.09(3)(E) and (F) to allow a 20-foot side yard setback along the north property line and a 20-foot rear yard setback along the west property line at 1604 NW State Street. This is based on a determination that the resulting structure is in harmony with the intended spirit and purpose of the Ankeny Municipal Code, which is to not impair adequate supply of air and light and not increase public danger of fire. Second by N.Sungren. Motion carried 4 – 0.

NEW BUSINESS

Zoning Board of Adjustment 2017 Annual Report

REPORTS

Renewed Special Use Permits

#07-08 – 312 SW Maple Street – Yankee Clipper

#12-02 – 1701 North Ankeny Blvd. – Sports Page Grill

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

Submitted by Brenda Fuglsang, Recording Secretary


Zoning Board of Adjustment