

Meeting Minutes
Zoning Board of Adjustment
Tuesday, April 18, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the April 18, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:03 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MARCH 21, 2023 REGULAR MEETING

Motion by J.Baxter to approve the March 21, 2023 meeting minutes as submitted. Second by K.Tomlinson.
Motion carried 3 – 0 – 1. (Abstain: M.Ott)

COMMUNICATIONS / CORRESPONDENCE

Communication received from Ken and Nancy Herndon, 2808 NW Beechwood Street regarding Appeal #23-06 to be received and filed during the public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

M.Ott motioned that the Board table public hearing #23-06 until later in the meeting to allow time for staff to contact the applicant to see if they will be participating in the meeting. Second by J.Baxter. All voted aye. Motion carried 4 – 0.

#23-07

Concrete Technologies, Inc.

for property located at

Outlot Y, Four Mile Four

RE: Special Use Permit

Chair M.Ott opened the public hearing.

Beau Sprouse, Concrete Technologies, Inc., 1001 SE 37th Street, Grimes, Iowa said they are requesting an approval for a Special Use Permit for the property located at Outlot Y, Four Mile Four. The purpose is for a portable concrete ready-mix batch plant. The use would be for a couple projects generally located around I-35 and Hwy 69.

M.Ott confirmed that they intend to use the batch plant location for two years and will restore the property to its current condition. Beau Sprouse said, correct.

B.Morrissey reported that the request is for a Special Use Permit for property located on Outlot Y, Four Mile Four, generally located south of NE 126th Avenue and west of I-35. He stated that the property was recently annexed into the City and is currently zoned R-1, One-Family Residence district, which is the standard for newly incorporated properties. He stated that they are requesting the Special Use Permit to allow them to use the site for a portable concrete batch plant during the 2023 and 2024 construction seasons. He noted that the applicant will only be occupying a small portion of the site in the NE corner. This site was used for a similar project a few years ago but at that time a Special Use Permit was not required since it was under Polk County's jurisdiction. B.Morrissey stated that if the Special Use Permit were granted, there is a series of conditions, per code, that has to be met. He noted two of the conditions, which included that the project site must be 1,000 feet away from any residential dwelling and the applicant must submit a map of the routes that the trucks will use. He stated that staff does not have concerns about the property being utilized for the concrete batch plant as it appears the applicant will be able to meet the conditions of the Code. He commented that notice requirements for this

hearing have been met, and to date, only one property owner reached out to staff wanting additional information on the amount of traffic and the hours of operation, if this is approved. Staff's 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, 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.

M.Ott asked if the route being proposed is all hard surface. B.Morrissey responded, he believes it is. J.Baxter noted that from an aerial view, it looks like the property was restored properly after the last use and he confirmed that the contractor will have to restore the site to its existing condition again. B.Morrissey stated, yes. J.Baxter asked if there are any plans for this property to be developed over the next two years. E.Carstens said the property owner has a lease with Concrete Technologies, Inc. for use of the property, so he does not believe that there are any intentions to develop over the next two years.

Emily Huss, 1957 NE 126th Avenue, Ankeny shared that her home sits 1,022 feet from the proposed concrete batch plant. She shared her concerns about safety relating to truck traffic and air pollution for the two years. She also inquired whether it could continue to operate for more than two years. She informed the Board that they were recently annexed into the City of Ankeny and said that the property owner told them that the property behind their home would be used for residential purposes. Emily Huss further said that they were told that their life would not change much when they became a part of Ankeny; now, the request is to place a concrete batch plant 1,022 feet from their home. Emily Huss needed some answers to her questions.

Jeremy Nefzger, 1558 NE 126th Avenue, Alleman said he would like more information on what the hours of operation will be, what to expect with the increase of truck traffic, and information from the standpoint of health and safety. He said he provided staff with the covenants of Outlot Y, Four Mile Four, which staff informed him that the City does not enforce covenants and, in this case, it is temporary and will be put back into its original state.

Kevin Huss, 1957 NE 126th Avenue, Ankeny shared that he wanted to make sure the Board understood that he and his wife are against the request. He further said that they never received notification of the request and wondered what the notification requirements were for this request.

B.Morrissey responded saying that the notification area is 250-feet from the actual parcel where the use is requested.

M.Ott asked for the applicant to provide information on the safety measures that their crews would be using.

Beau Sprouse stated that they have identified the haul routes; and NE 126th Avenue will be part of the detour. He said they have added construction traffic signage and signs informing citizens of trucks entering and exiting from the Hwy 69 and NE 126th Avenue corner to the entrance of the concrete batch plant.

M.Ott asked the applicant as to the number of trucks expected per hour, the anticipated operating hours and the anticipated completion date? Beau Sprouse responded stating that during peak days, which would be about 20 days, there could be 25-30 trucks that would travel from the Hwy 69 intersection to the plant location. He stated that they would be following the Noise Ordinance for Ankeny, 7:00 a.m. to 9:00 p.m. Monday through Friday; and 9:00 a.m. to 6:00 p.m. Saturday and Sunday; and the contract with the IDOT is a working day contract, which puts the completion date in the middle of the 2024 construction season. Beau Sprouse further commented that the work along NE 126th Avenue is anticipated to be completed near the end of the 2023 construction season, but once the NE 126th Avenue ramps are open to I-35, the route would be changed and they would more than likely use the interstate for their route. K.Tomlinson asked how much truck traffic would be heading east on NE 126th Avenue versus west to Hwy 69 from the concrete batch plant. Beau Sprouse

stated that the dump trucks will use the ramps on NE 126th Avenue to the east as much as possible during the project. The proposed haul routes are for when the ramps are closed.

N.Sungren asked how long the site was used with the previous concrete batch plant in this location. Beau Sprouse said that the project was completed in the 2013 construction season and he believes the plant did not come down until the Spring of 2014 and he was not aware of any complaints with that project.

Beau Sprouse shared that Concrete Technologies, Inc. does have to acquire an Air Quality Permit with the Iowa DNR. They are required to follow certain regulations to collect any dust that is presented from the batch operation and follow the guidelines set by the Iowa DNR.

M.Ott asked Beau Sprouse if he would have an issue if the Board set a cap on the operation of the batch plant for December 31, 2024. He said as long as it went through the 2024 construction season, it should be fine.

K.Tomlinson asked how long does it take to put the property back to its current condition? Beau Sprouse said about one month.

M.Ott asked if they would be opposed to placing a Child at Play sign out in front of the residents. Beau Sprouse said no.

Beau Sprouse shared that NE 126th Avenue is used all the time for aggregate hauling to/from the ready-mix plants on the east side of the interstate. He said since truck traffic will not be able to use NE 126th Avenue to travel to those plants, their project will just be replacing the truck traffic that would normally travel on NE 126th Avenue, not add additional.

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

The Board discussed the information that was presented to them during the public hearing and had no further questions. Their discussion included the willingness of the applicant to address the neighbor's concerns and placing a specific end date for the Special Use Permit.

Board Action on Filing #23-07 property located at Outlot Y, Four Mile Four

Motion by M.Ott that the Zoning Board of Adjustment grant a Special Use Permit for a portable concrete batch plant in accordance with Section 196.02(1) to Concrete Technologies, Inc., 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 project or projects, no later than December 31, 2024.
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.

Second by J.Baxter. All voted aye. Motion carried 4 – 0.

#23-06

MJ Properties

for property located at

2712 NW Beechwood Street

Lot 25, Centennial Estates Plat 1

RE: Variance - Covered Deck

Chair M.Ott confirmed with Staff that the applicant for Public Hearing #23-06 would not be in attendance.

E.Jensen shared that since there is no one in the audience regarding this case, it would be acceptable to Staff if the Board would like to move forward with holding the public hearing for this request instead of tabling it until the next meeting.

Chair M.Ott opened the public hearing.

The applicant was not in attendance to present their request.

R.Kirschman reported that the applicant is requesting a variance to allow for a 32-foot rear yard setback for a covered deck at 2712 NW Beechwood Street, generally located north of NW 18th Street, south of NW 36th Street, east of NW Irvinedale Drive and west of NW State Street. He said the subject property is zoned R-3, Multiple-Family Residence District restricted to single-family homes. R.Kirschman stated that the requested variance would allow for the covered deck to encroach approximately 2-feet into the 35-foot rear yard setback. Should the variance to allow the owners to convert their proposed deck into a covered deck be approved, a 32-foot rear yard setback will be the resulting setback on the west side of the property. He noted that staff has no concerns with the covered deck extending into the rear-yard setback as the property backs up to private open space/wetlands and the covered deck should not have any measurable impact on surrounding residences. He shared that notifications were sent out to all property owners within 250' of the subject property, and to date, staff has not received any correspondence either for or against the variance. 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 an adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

There 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 correspondence received. Second by J.Baxter. All voted aye. Motion carried 4 – 0.

There was no further discussion.

Board Action on Filing #23-06 property located at 2712 NW Beechwood Street

Motion by J.Baxter that 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 conversion of a covered deck at 2712 NW Beechwood Street. The Board's decision is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by N.Sungren. All voted aye. Motion carried 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

There were no reports.

There being no further business, meeting adjourned at 5:44 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment