



Meeting Agenda

Zoning Board of Adjustment

Tuesday, September 17, 2024

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 August 20, 2024 regular meeting.

D. COMMUNICATIONS/CORRESPONDENCE

Appeals #24-15 & #24-16: Correspondence received from Chris Murray, Denny Elwell Company/Denny Elwell Family LC, 2401 SE Tones Drive, Ste. 17.

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.

#24-14

Matt Pullen

for property located at

4118 SW Snyder Boulevard

Lot 43, Sienna Falls Plat 1

RE: Variance - Rear Yard Setback - Covered Deck

#24-17

Randy and Christina Hass

for property located at

2115 NW Reinhart Drive

Lot 17, Centennial Pointe Plat 6

RE: Variance - Rear Yard Setback - Covered Deck

#24-15 and #24-16

Kwik Trip, Inc (Kwik Star)

for property located at

6155 SE Delaware Avenue

Lot 1, Kwik Trip 1707 Plat 1

RE: #24-15 Variance - Sign Height

#24-16 Variance - Sign Copy Area

F. NEW BUSINESS

G. REPORTS

Renewed Special Use Permits

#17-02 Anchors Away, 106 SW State Street, Ste 100

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

#16-13 Cabaret, 2785 N Ankeny Blvd.

H. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

September 17, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the August 20, 2024 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 2024-08-20](#)

Meeting Minutes
Zoning Board of Adjustment
Tuesday, August 20, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the August 20, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE AUGUST 6, 2024 REGULAR MEETING

Motion by J.Baxter to approve the meeting minutes as submitted. Second by K.Tomlinson. Motion carried 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-12

Central Iowa Contractor Services

on behalf of Matthew Grgurich

for property located at

2211 NW Abilene Road

Lot 7, Centennial Pointe West Plat 3

RE: Variance – Rear Yard Setback - Covered Deck

Chair M.Ott opened the public hearing.

Hoss Kolbehdari, Central Iowa Contractor Services, 3212 56th Street, Des Moines, Iowa on behalf of Matthew Grgurich at 2211 NW Abilene Road said the request is for a variance to place a cover over the deck.

J.Baxter asked if it was over the current footprint of the existing deck. Hoss Kolbehdari responded, yes.

L.Hutzell reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.03(3)(E) that requires Rear Yard: 35-feet, allowing a 28-foot rear yard setback for a covered deck at 2211 NW Abilene Road. She stated that the subject property is generally located north of NW 18th Street and west of NW State Street and is zoned R-2, One and Two-Family Residence District. L.Hutzell said the applicant is requesting a variance to encroach approximately seven feet into the thirty-five-foot rear yard setback to allow the owners to cover the existing 12x12' deck that is attached to the rear of their home. Per Code, unenclosed decks are allowed to extend into setbacks, however, once the deck is covered it is considered a part of the primary structure on the lot, and therefore needs to comply with the setback requirements of the Code. She noted that should the request for the variance be approved, a twenty-eight-foot rear yard setback would be the resulting setback on the east side of the subject property. L.Hutzell said that staff is not overly concerned with the applicant converting the unenclosed deck to a covered deck, primarily because the structure will be staying in its current location and will not be expanded upon and the lot on the east end is somewhat irregularly shaped. The staff position is to grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 28-foot rear yard setback for a covered deck at 2211 NW Abilene Rd. 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.

J.Baxter asked if the covered deck on the house to the south of the subject property was located in the setback. L.Hutzell said that it appears it could be, but was uncertain whether the cover on the deck was built with the house or built later.

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. Second by K.Tomlinson. All voted aye. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #24-12 for property located at 2211 NW Abilene Road

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 28-foot rear yard setback for a covered deck at 2211 NW Abilene Rd. The Board'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. Second by B.Walker. Motion carried 4 – 0.

#24-13

**Larry and Nadeen Parman
for property located at
2102 NW 31st Street**

Lot 27, Centennial Pointe Plat 5

RE: Variance – Rear Yard Setback – Four Seasons Porch

Chair M.Ott opened the public hearing.

Troy Deaton, Midwest Construction, 1601 South Taft Avenue, Mason City, Iowa on behalf of Larry Parman, 2102 NW 31st Street, Ankeny said that they are requesting a 25-foot setback to construct an all seasons sunroom, which will be heated and cooled. He stated that this is to maintain additional space on the main floor as they have experienced some medical issues that makes getting downstairs not much of an option anymore. This sunroom will provide them more living space on the main floor of their home. Troy Deaton said in their application they did provide approvals from their adjacent neighbors, neighbors from across the street and approval from their Association. He noted that directly behind the home is an apartment complex.

There were no questions from the Board.

J.Heil reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 25-foot rear yard setback for a four seasons porch at 2102 NW 31st Street. J.Heil stated the subject property is situated on Lot 27, Centennial Pointe Plat 5 and is generally located north of NW 31st Street and east of NW Abilene Road and is zoned PUD, Planned Unit Development. He noted that the surrounding properties to the north, east and west are similarly zoned, while properties to the south are zoned R-3, Multiple-Family Residence District with restrictions. J.Heil said that the applicant is requesting a variance to encroach approximately 10 feet into the 35-foot rear yard setback, to replace the existing 12x12' deck with a 16x12' four seasons porch attached to the rear of the home. Per Code, unenclosed decks are allowed to extend into setbacks, however, once the deck is covered it is considered a part of the primary structure on the lot, and therefore needs to comply with the setback requirements of the Code. He noted that should the request for the variance be approved, a 25-foot rear yard setback would be the resulting setback on the north side of the subject property. J.Heil stated that staff is not overly concerned with the applicant constructing a four seasons porch, primarily because the structure will be staying in its current location, and will be minimally expanded to the east and west and not any further into the rear yard setback. The staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 25-foot rear yard setback for a four seasons porch at 2102 NW 31st Street. Staff's position is based on a determination that the decreased rear yard setback from the four seasons porch would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

There 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. Second by J.Baxter. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #24-13 for property located at 2102 NW 31st 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 25-foot rear yard setback for a four seasons porch at 2102 NW 31st Street. The Board's position is based on a determination that the decreased rear yard setback from the resulting four seasons porch 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 K.Tomlinson. Motion carried 4 – 0.

REPORTS

Renewed Special Use Permits
#15-14 Benchwarmers, 705 S Ankeny Blvd.

There being no further business, meeting adjourned at 5:17 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

September 17, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:
Motion

LEGAL:

SUBJECT:

Appeals #24-15 & #24-16: Correspondence received from Chris Murray, Denny Elwell Company/Denny Elwell Family LC, 2401 SE Tones Drive, Ste. 17.

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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[Chris Murray Correspondence 9-11-2024](#)



DENNY ELWELL COMPANY

Commercial Real Estate & Development

September 10, 2024

City of Ankeny
Attn: Board of Adjustment
1210 NW Prairie Ridge Dr.
Ankeny, IA 50023

To whom it may concern:

Please accept this letter as my support for Kwik Star Corporation's request to obtain a variance to their site plan signage for the property being developed in and around 6115 SE Delaware as a neighboring property owner. (4ac immediately south of this site)


It is my understanding that the proposed sign for this location is smaller in size as compared to the existing sign that the Casey's store located directly across the highway, the car dealerships further north and many of the retail complex signs along the Delaware Corridor currently have. While I understand there were circumstances requiring a variance across the interstate, I believe there are circumstances for consideration at this location too. To be specific, the Casey's sign is currently 67' tall and 267sq.ft. I am in support of the Kwik Star sign that is being requested to be 60' tall and 195sq.ft. I am confident the requested increase in signage is supported by the traffic counts in the area and for visibility and accessibility from I-35. This increased signage and additional height is necessary to allow drivers to have enough time to safely notice the exit ramp and prepare to exit. The height of the building to the north was part of my consideration when writing this letter of support. Crossing several lanes of traffic to the exit could be unsafe and this could be the last stop for travelers heading south before the mix master. This would be a lost business opportunity in Ankeny and send consumers to another city. The shape of the Corporate Woods interchange pushes the sign farther from the interstate than it is for the businesses to the north between Oralabor and Corporate Woods and this would help increase viability sooner.

Please consider all the needs for businesses to be successful in Ankeny. They are sometimes different, and this particular use and location requires additional signage for safety and to create awareness in a business neighborhood where we as a city have created a logistic business zone. In addition to servicing the residents of our city, this area accommodates warehousing, distribution services, aviation, and general interstate travelers. A welcome center making this type of investment in our city & increasing our tax base needs our support.

In closing, I would like to reiterate my support of a variance for the Kwik Star signage. I believe it to be appropriate for the neighborhood & it is necessary to provide visitors safe access to these services. In addition, it reiterates our city's commitment to growth and tax base creation while showing existing and new businesses that we support their successes in the City of Ankeny!

Please feel free to call me with any questions or to discuss this matter in person should you have any questions at (515) 964-1587

Respectfully,



Chris Murray, President & CEO
Denny Elwell Company/Denny Elwell Family LC
515-964-1587

RECEIVED

SEP 11 2024

CITY OF ANKENY

P.O. Box 187 • 2401 S.E. Tones Drive • Suite 17 • Ankeny, Iowa 50021 • 515-964-1587 • Fax: 515-964-8749

www.dennyelwellcompany.com



ZONING BOARD OF ADJUSTMENT

September 17, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

#24-14

Matt Pullen

for property located at

4118 SW Snyder Boulevard

Lot 43, Sienna Falls Plat 1

RE: Variance - Rear Yard Setback - Covered Deck

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

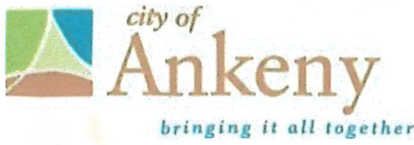
PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
<input type="checkbox"/> #24-14 Applicant Submittal
<input type="checkbox"/> #24-14 Staff Report



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

#24-14

Applicant is: Property Owner Tenant Other

Applicant Matt Pullen

Address / Phone # 4118 SW Snyder Blvd 515-238-2031

E-mail mp4hawks@gmail.com

Property Owner Same

Address / Phone #

E-mail

PAID CK. NO. CC# 4720 \$130 DATE 8/28/24

(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 27th day of August, 2024

Location (address) of the proposed variance 4118 SW Snyder Blvd

Legal description (Plat & Lot #) LOT 43 SIENNA FALLS PLAT 1

Zoning ~~Residential~~ Residential Principal Use of property Main Residence - Single Family Home

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 # Chapter 192.03(B)(E) which state(s) Iowa

I would propose the following in lieu of that required: Extending existing gable roof over the deck. The covered roof will extend 3.5 feet into the rear setback. This will add privacy to our deck and block the sun from our dining room. No changes to the deck setback

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

- a) A written statement addressed to the Board of Adjustment 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.

Matt Pullen (Signature of Applicant)

Same (Signature of Property Owner)

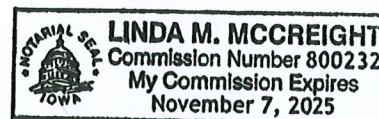
Signed and sworn to before me, this 27th day of August, 2024. Linda M. McCreight (Notary Public)

Office Use Only

RECEIVED

Form with fields: Paid [X] CC [] Cash [] Check # \$130.00 Date received 8-28-2024 Filing # #24-14 Scheduled Meeting Date 9-17-24 CITY OF ANKENY

--Notary seal--



#24-14

Zoning Board of Adjustment
City of Ankeny
1210 NW Prairie Ridge Drive
Ankeny, IA 50023

August 28th, 2024

Dear Zoning Board Members,

I am writing this letter to request a variance to reduce the rear yard setback from 35 feet to 31.5 feet in order to add a roof cover to my existing deck.

My family will greatly benefit from the deck being covered during the early evening hours between 5 and 8 pm when the sun shines directly onto our deck and through the sliding door into our dining room. This has made evening meal time difficult and caused us to put dark curtains on the inside of the sliding door and not be able to enjoy the outside view during this time of day. The covered deck will also give us privacy from our backyard neighbors who are very close in proximity to our home. My home currently meets all other setback requirements.

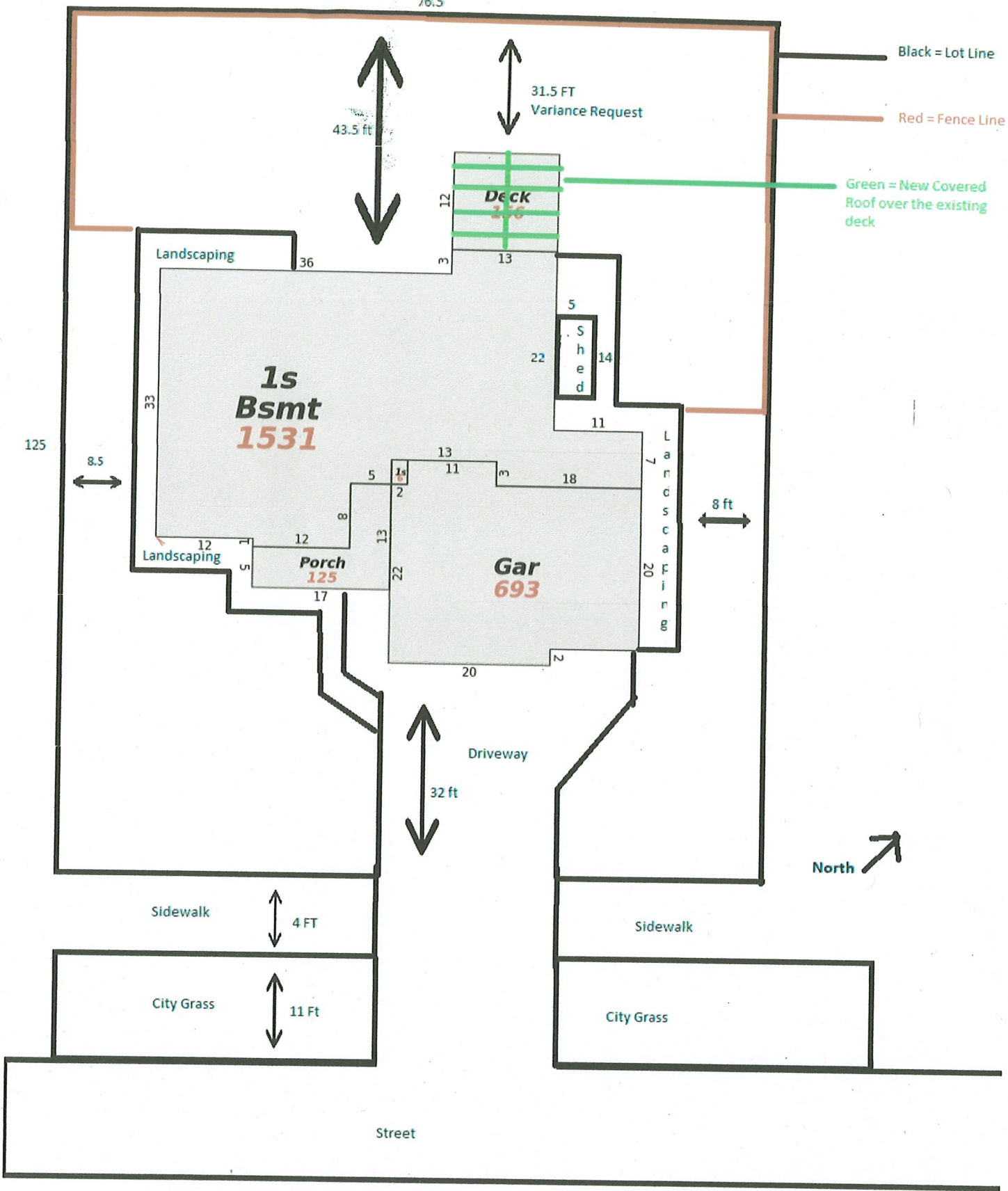
Thank you for your time and consideration.

Sincerely,
Matt Pullen
4118 SW Snyder Blvd
Ankeny, IA 50023
515-238-2031
mp4hawks@gmail.com



8-28-24

#24-14



Black = Lot Line

Red = Fence Line

Green = New Covered Roof over the existing deck

76.5

43.5 ft

31.5 FT Variance Request

Deck 156

Landscaping

1s Bsmt 1531

Shed

Gar 693

Landscaping

Driveway

Sidewalk

4 FT

City Grass

11 Ft

Sidewalk

City Grass

Street

North

125

8.5

8 ft

32 ft

36

12

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N



1 inch = 117 feet

Date: 9/3/2024

**4118 SW Snyder Boulevard
Variance - Rear Yard Setback
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
Filing #: 24-14 *EJC*
Meeting Date: September 17, 2024
Address: 4118 SW Snyder Boulevard

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.04(3)(E) that requires Rear Yard: 35-feet, allowing a 31.5-foot rear yard setback for a covered deck at 4118 SW Snyder Boulevard.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 31.5-foot rear yard setback for the construction of a covered deck at 4118 SW Snyder Boulevard.

The staff 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 4118 SW Snyder Boulevard, south of SW Oralabor Road and west of S Ankeny Boulevard within the southwestern quadrant of Ankeny. The subject property is a .22-acre lot that is zoned PUD, Siena Hills PUD and is situated on Lot 43 Sienna Falls Plat 1.

The applicant is requesting a variance to encroach approximately 3.5-feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. The deck was constructed with the home in 2014 according to permit records. Should the variance for the covered deck be approved, a 31.5-foot rear yard setback will be the resulting setback on the northwest 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 is located at 4118 SW Snyder Boulevard, south of SW Oralabor Road and west of S Ankeny Boulevard within the southwestern quadrant of Ankeny. The subject property is zoned PUD, Siena Hills PUD and contains a single-family home with an attached deck on the northwest side of the .22-acre lot. Neighboring properties in all directions are similarly zoned PUD, Siena Hills PUD. Permit records show the house was constructed in 2014. 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 3.5' into the rear yard setback leaving approximately 31.5' between the deck and the rear property line. 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 August of 2024, which allowed a covered deck to extend 7-feet into the 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 for or against the proposed variance at 4118 SW Snyder Boulevard.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 31.5-foot rear yard setback for the construction of a covered deck at 4118 SW Snyder Boulevard. 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.

192.04(3)(E) Size and Area Regulations.

C. Rear Yard: 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

September 17, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

#24-17

Randy and Christina Hass

for property located at

2115 NW Reinhart Drive

Lot 17, Centennial Pointe Plat 6

RE: Variance - Rear Yard Setback - Covered Deck

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

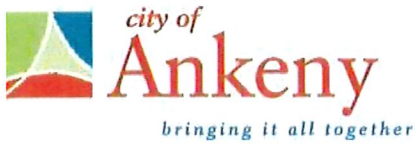
PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
<input type="checkbox"/> #24-17 Applicant Submittal
<input type="checkbox"/> #24-17 Staff Report



Sept 20th Deadline
APPLICATION FOR APPEAL
ZONING BOARD OF ADJUSTMENT

#24-17

RECEIVED

SEP 03 2024

Applicant is: Property Owner Tenant Other _____

Applicant Randy Hass & Christina M. Hass

CITY OF ANKENY

Address / Phone # 2115 NW Reinhart DR.

E-mail ~~Randy@MidlandCU.ORG~~ RandyH@MidlandCU.ORG

Property Owner Randy Hass and Christina M. Hass Trust

Address / Phone # 2115 NW Reinhart DR (757) 416-4023

E-mail RandyH@MidlandCU.ORG
(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 _____ day of _____, 20____

Location (address) of the proposed variance 2115 NW Reinhart DR.

Legal description (Plat & Lot #) Centennial Pointe Plat #6 Lot #17

Zoning _____ Principal Use of property Residential / Home.

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 # 192.05 (3)(E) which state(s) Rear yard setback is 35'

I would propose the following in lieu of that required: The Distance from Edge of Roof/Deck would be the new set back to be 28' to accommodate Roof

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

- a) A written statement addressed to the Board of Adjustment 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.

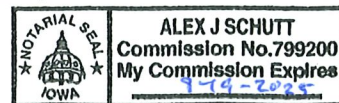
Randy Hass Randy Hass
Print Name (Signature of Applicant)

Christina M. Hass Christina M. Hass
Print Name (Signature of Property Owner)

Signed and sworn to before me, this 31st day of August, 2024.

Alex J. Schutt
(Notary Public)

--Notary seal--




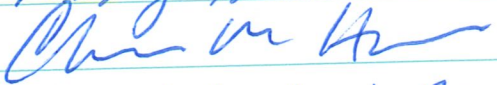
Office Use Only
Paid CC Cash Check # _____
Date received 9-3-24 Filing # 24-17
Scheduled Meeting Date 9-17-2024

#24-17

To the City of Ankeny,

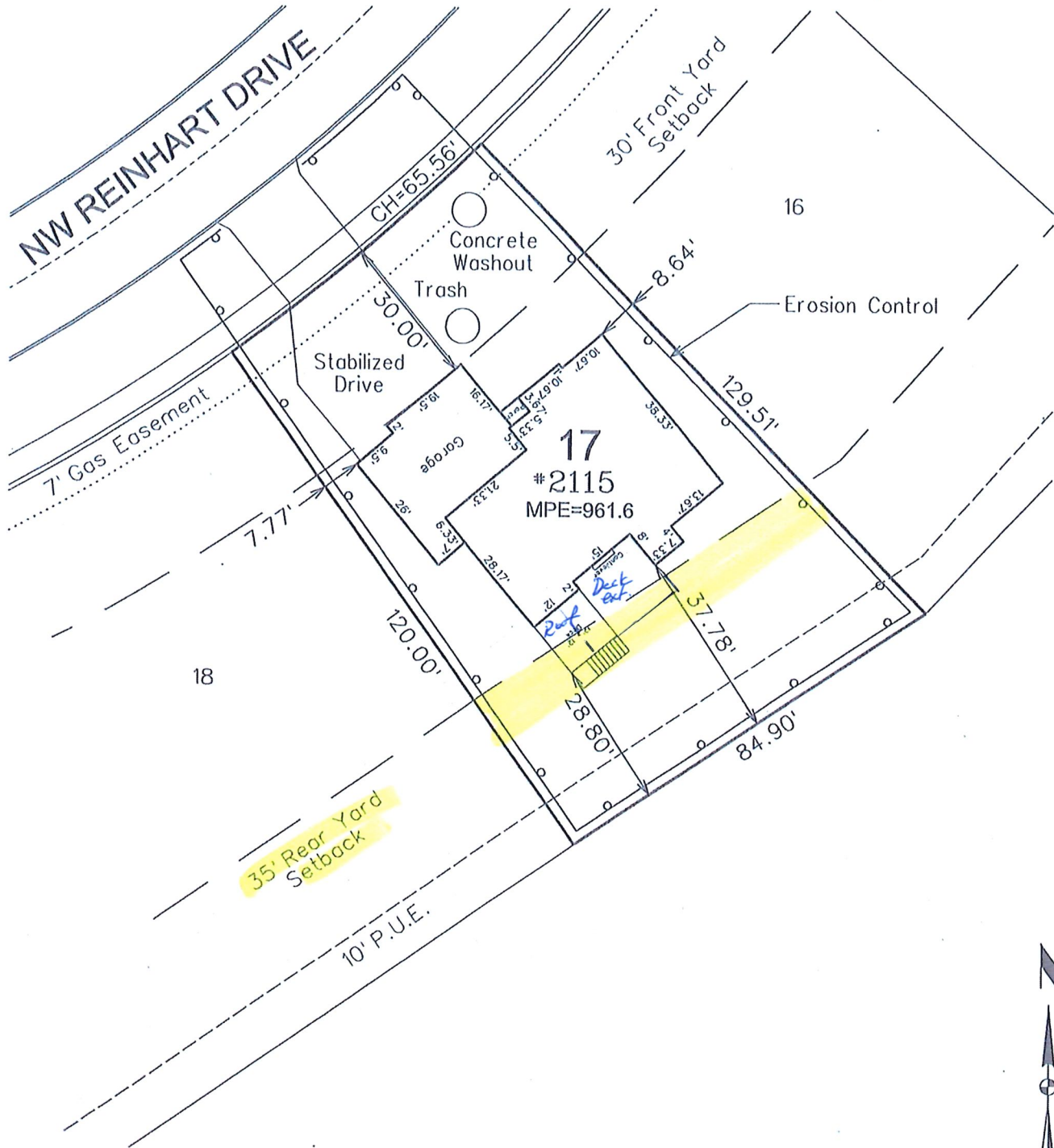
We would like to add a roof to cover our existing 12'x12' deck because my wife has a skin condition that is adversely affected by exposure to the sun. To accommodate the new roof structure we request a variance from the 35' rear yard setback to 28'.

Thank you for your consideration in this matter.



2115 NW Reinhart Drive
Ankeny, IA 50023

**CLASSIC BUILDERS
CENTENNIAL POINTE PLAT 6, LOT 17
2115 NW REINHART DRIVE**

#24-17



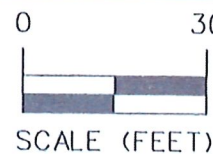
×NOTES:

1. BUILDING DIMENSIONS SHOWN ON THIS DRAWING ARE TO THE FACE OF FOUNDATION.
2. BUILDER SHOULD BE ADVISED MINIMUM ELEVATION REQUIREMENTS MAY BE APPLICABLE TO THIS PROPERTY.
3. KNOWN EASEMENTS ARE SHOWN, HOWEVER THERE MAY BE UNRECORDED EASEMENTS AND/OR EASEMENTS CREATED AFTER THE ORIGINAL DEVELOPMENT THAT MAY AFFECT THE PROPERTY.

Revised 3-19-18



2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020



PN:	118.0044
DATE:	3-6-18
TECH/PM:	RSN/GAC

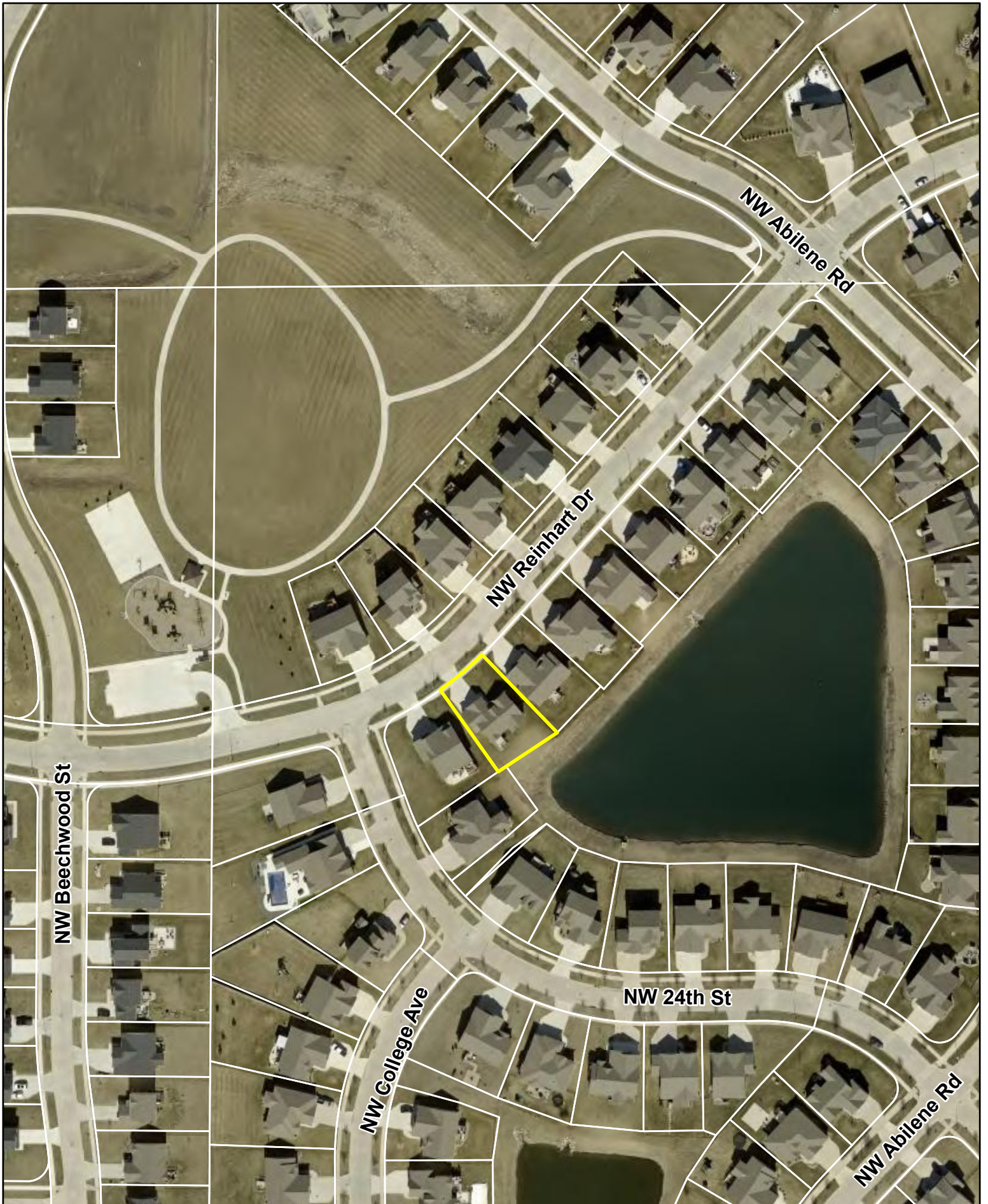
#24-17

TO the City of Ankeny

In reference to the city ordinance pertaining to the required property setbacks for construction projects, I have discussed with our neighbors, Randy & Christi Hess who live at 2115 NW Reinhart, their plans to add a roof to their existing deck in the rear of their home.

I have NO issues with their plans and support their desire to receive a Variance to the city ordinance.

Kelly Woerdrup
2119 NW Reinhart Dr.
Ankeny, IA 50023



N



1 inch = 147 feet

Date: 9/3/2024

**2115 NW Reinhart Drive
Variance - Rear Yard Setback
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
Filing #: 24-17 *ETC*
Meeting Date: September 17, 2024
Address: 2115 NW Reinhart Drive

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 28-foot rear yard setback for a covered deck at 2115 NW Reinhart Drive.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 28-foot rear yard setback for the construction of a covered deck at 2115 NW Reinhart Drive.

The staff 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 2115 NW Reinhart Drive, north of NW 18th Street, south of NW 36th Street, and west of NW State Street within the northwestern quadrant of Ankeny. The subject property is a .213-acre lot that is zoned R-2, One-Family and Two-Family Residence District and is situated on Lot 17 Centennial Pointe Plat 6.

The applicant is requesting a variance to encroach approximately 7-feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. The deck was constructed with the home in 2019 according to permit records. Should the variance for the covered deck be approved, a 28-foot rear yard setback will be the resulting setback on the southeast 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 is located at 2115 NW Reinhart Drive, north of NW 18th Street, south of NW 36th Street, and west of NW State Street within the northwestern quadrant of Ankeny. The subject property is zoned R-2, One-Family and Two-Family Residence District and contains a single-family home with an attached deck on the southeast side of the .213-acre lot. Neighboring properties in all directions are similarly zoned R-2, One-Family and Two-Family Residence District. Permit records show the house was constructed in 2019. 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 7' into the rear yard setback leaving approximately 28' between the deck and the rear property line. 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 August of 2024, which allowed a covered deck to extend 7-feet into the 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 for or against the proposed variance at 2115 NW Reinhart Drive.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 28-foot rear yard setback for the construction of a covered deck at 2115 NW Reinhart Drive. 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

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

September 17, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

#24-15 and #24-16

Kwik Trip, Inc (Kwik Star)

for property located at

6155 SE Delaware Avenue

Lot 1, Kwik Trip 1707 Plat 1

RE: #24-15 Variance - Sign Height

#24-16 Variance - Sign Copy Area

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
<input type="checkbox"/> #24-15 & #24-16 Applicant Submittal
<input type="checkbox"/> Applicant Additional Information
<input type="checkbox"/> #24-15 & #24-16 Staff Report
<input type="checkbox"/> Comparison Distance Maps
<input type="checkbox"/> Zoning Map



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: Property Owner Tenant Other Contract purchaser

Applicant Kwik Trip, Inc. (Kwik Star)

Address / Phone # 1626 Oak St., La Crosse, WI 54602

E-mail mlepke@kwiktrip.com

Property Owner The Wilson Group, L.L.C., 2601 Voyager Avenue, Sioux City, IA 51111

Address / Phone # P.O. Box 386, Sioux City, IA 51102-0386

E-mail casey@csrealestateservice.com

(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 _____ day of _____, 20____

Location (address) of the proposed variance 5900 block of SE Delaware Ave.

Legal description (Plat & Lot #) Lot 1, Kwik Trip #1707-1 Final Plat

Zoning C-2 Principal Use of property Convenience Store/Travel Center

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 # 195.04, Appendices B and C which state(s) maximum freestanding sign height and sign area

I would propose the following in lieu of that required: a modified pylon sign for property abutting the I-35 ROW,

of 60 feet in height and 195 sq.ft. in sign area

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

- a) A written statement addressed to the Board of Adjustment 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 Wisconsin)ss
County of LaCrosse)

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

Matthew Lepke, for Kwik Trip, Inc. [Signature]
Print Name (Signature of Applicant)

Signed and sworn to before me, this 21st day of August, 2024.

[Signature]
(Notary Public)

Print Name (Signature of Property Owner)

Office Use Only

Paid CC Cash Check # 1360687 \$260.00
Date received 8-23-2024 Filing # 24-15
Scheduled Meeting Date 9-17-2024



RECEIVED

AUG 23 2024



August 20, 2024

City of Ankeny Zoning Board of Adjustment

Dear Board Members:

Kwik Star requests variances from City Code 195.04 Signs Requiring a Permit, as further outlined in Appendices B and C of Chapter 195, for a freestanding sign at its future site south of Peterbilt of Des Moines, between SE Delaware Ave. and I-35. The proposed sign would be 60' tall with a sign area of 195 sq.ft. The increased height and sign area are necessary as interstate-oriented signage must be of a size that motorists may read and comprehend the sign's content in order to have time to make safe movements toward the off-ramp. Please note that the FAA has reviewed the proposal and issued a determination letter that it approves Kwik Star for up to a 70' pylon at this location. Peterbilt of Des Moines has also endorsed this variance request.

The subject site sits at an angle to the interstate, due to a bend in I-35 and the right-of-way width for the southbound off-ramp for Corporate Woods Drive. These factors, as well as nearby obstacles, make sign visibility difficult for both northbound and southbound traffic.

A professional sign survey company was hired to assess the site, simulating the sign at multiple locations on the site. Its report is attached. The location selected was the best available option for northbound and southbound traffic, though is not without obstacles, such as the Peterbilt building, its trucks, and trees in the ROW for southbound traffic, and the Corporate Woods overpass for northbound motorists, which obscure visibility as traffic approaches the exit.

195.08 SIGN ADMINISTRATION.

6. Variances; Conditions to Granting. No variance shall be granted unless the Zoning Board of Adjustment shall find that either of the conditions outlined in paragraph A and B exists:

A. All of the following requirements must be met:

(1) Special conditions exist which are peculiar to the land, structure, and building involved and which are not applicable to other lands, structures, or buildings in the same district;

OUR MISSION

To serve our customers and community more effectively than anyone else by treating our customers, coworkers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life.



I-35 does not run straight north-south between 1st St. and Corporate Woods; the southbound interstate lanes point southeast as drivers approach Corporate Woods. Due to this bend, traffic faces away from the site. Meanwhile, the interchange's design has the off-ramp and right-of-way push the subject site farther away from the centerline of I-35. Because the Peterbilt and other commercial sites north of the subject site are much closer to I-35, their signs are more visible. The sign location chosen is the closest allowed to the centerline of I-35.

At the point where the proposed sign could first be seen by southbound motorists (when passing Sam's Club), it would be located 388 feet (measured perpendicular to the west) from the centerline of I-35. At the beginning of the southbound off-ramp, the proposed sign's location is 426 feet (measured laterally to the west) from the centerline of I-35. For southbound traffic, the Peterbilt dealership building and trucks parked in front of the building block the subject site from view until motorists have already passed the southbound Corporate Woods off-ramp. For northbound traffic, the Corporate Woods overpass screens the subject site from motorists' view.

(2) The special conditions and circumstances do not result from the actions of the applicant;

The applicant has not created the above conditions and circumstances; they are the result of I-35's alignment and right-of-way, the Corporate Woods interchange/overpass, and adjacent development.

(3) A literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district and the terms of these sign regulations;

City staff produced a list of properties located along I-35 in 2020 when the Casey's sign was considered, listing their sign areas and heights. Several properties in the I-35/SE Delaware corridor have signs larger than the requested 195 square feet, including:

Target/Home Depot	437 sq.ft. shared sign area
Casey's	257 sq.ft. copy area
Karl Chevrolet	200 sq.ft. sign area
Mills Fleet Farm	200 sq.ft. sign area (does not include the silo)
Bob Brown GMC	200 sq.ft. sign area
Kohl's	196 sq.ft. sign area
Kwik Star (proposed)	195 sq.ft. sign area
Sam's Club	135.3 sq.ft. sign area

Not granting the variance would deprive the applicant of sign area enjoyed by many proximate C-2-zoned and other properties along the I-35/SE Delaware corridor.

(4) That granting the variance requested would not confer on the applicant any special privilege for a use not common to other lands, structures or buildings in the same district; and

The abundance of signs along the I-35/SE Delaware corridor (several of which are on properties also zoned C-2) that are larger than the sign proposed in the current request demonstrates that the applicant would not receive a special privilege upon grant of the variance.

(5) The proposed use of the property shall have an appearance that will not have an adverse effect upon adjacent properties and there will be no deterrence to development of vacant land.

The subject site and use of the property will be maintained in such manner that its appearance will not cause adverse effect upon adjacent properties, and it will not deter adjacent vacant land from development. Diesel fueling and truck parking on the north side of the property is particularly compatible, as Peterbilt of Des Moines is directly to the north. Adjacent parcels have frontage on Corporate Woods and/or SE Delaware.

B. Any proposed signage beyond the maximum square footage permitted would have the primary function of providing a public service.

Motorists and truck drivers unfamiliar with the area passing through on I-35 will be notified of the availability of fuel, food, and parking upon seeing the Kwik Star sign. Preventing confusion as to where these amenities are available serves a public service, and may reduce driver distraction instead of forcing drivers to seek a smaller, less-visible sign or view an electronic screen while driving (e.g., cell phone) for directions. The proposed sign is superior for safety and wayfinding purposes, which both serve the public interest, to a sign that motorists would have difficulty seeing until they had passed the Corporate Woods exit.

In summary, Kwik Star requests appropriate signage to ensure that I-35 motorists are able to identify and reach the site safely, without last-moment maneuvers to reach the off-ramp. The variance is necessary because code does not provide for properly sized interstate-oriented signs, rendering a code-compliant sign largely out of view to motorists until they've already passed the appropriate exit ramp. A sign of lesser height/area, as code contemplates, would be neither consistently visible nor legible for approaching interstate traffic. The abundance of other proximate signs of greater height/area than code permits demonstrates this difficulty.

Thank you for your consideration; please contact me with any questions regarding this request.

Matthew Lepke
Project Manager, Signage
Kwik Trip, Inc./Kwik Star



Tuesday, August 6, 2024

Eric Jensen
Director of Community Development
City of Ankeny
410 W. First Street
Ankeny, IA 50023

Dear Eric,

I am the owner of Midwest Peterbilt Group, Inc., which operates Peterbilt of Des Moines at 5825 SE Delaware Ave. in Ankeny, and the owner of The Wilson Group, LLC, which owns the land Kwik Trip will be purchasing for their proposed development.

I'm writing today to express my support for the Kwik Star project immediately south of Peterbilt of Des Moines. We are glad that Kwik Star will be our next-door neighbor. We try to locate our stores along the interstate and close to a travel center if possible. An adjacent business that can accommodate many trucks will be beneficial for several businesses in the Corporate Woods area.

However, truck drivers and travelers need the ability to see where services are located far enough in advance to safely exit the interstate. The land south of Peterbilt of Des Moines is located farther back from the interstate than the Peterbilt site, making signage harder to see and necessitating a taller, larger sign for driver legibility.

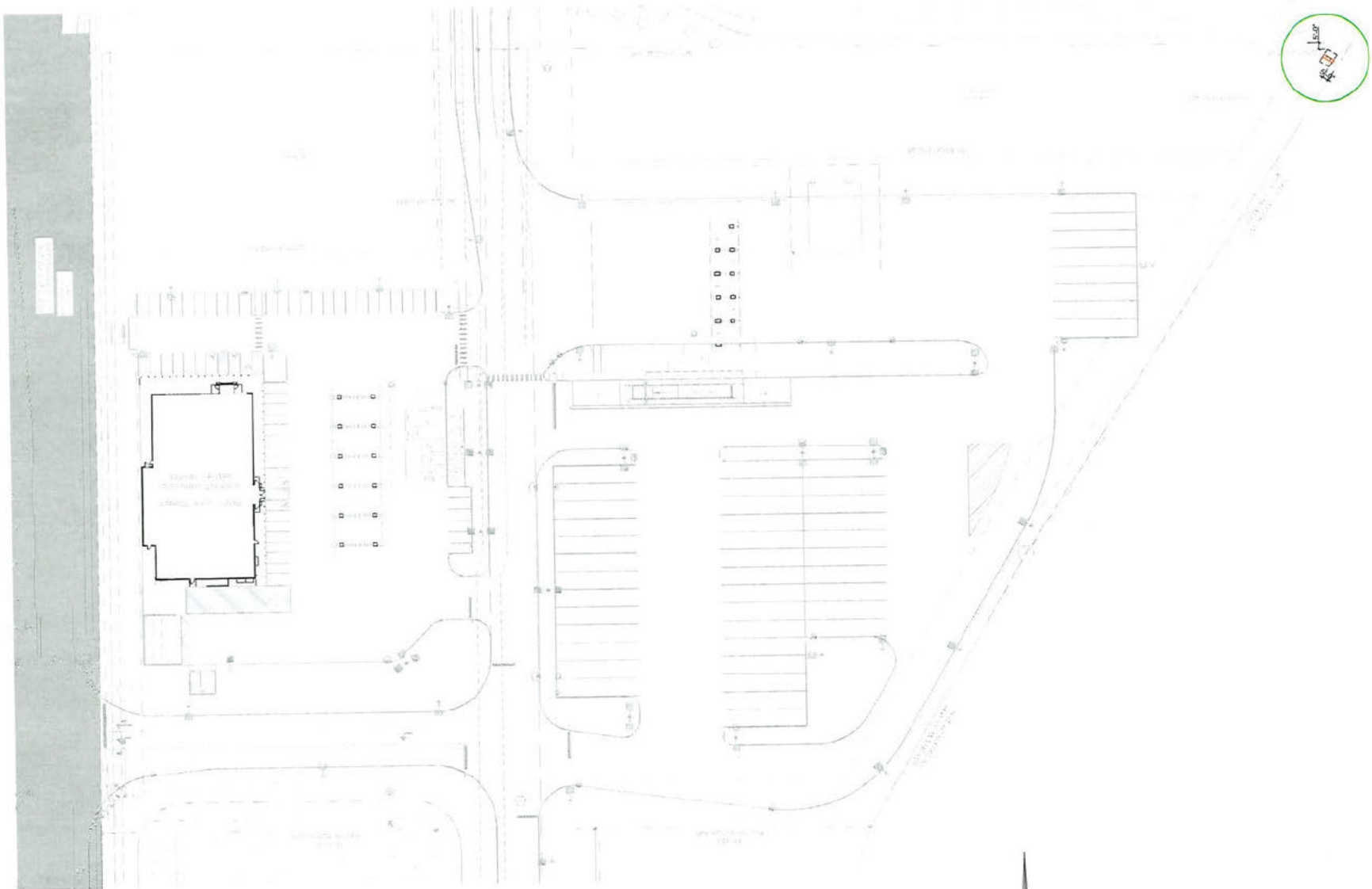
Kwik Star's variance request for a sign near our site is essential for the foregoing reasons, and I encourage the city to approve it. As we learned with the Casey's site a few years ago, city code does not provide sufficient sign height and area for travel centers and interstate-oriented businesses, and does not have appropriate allowances for sites farther off the interstate. The proposed Kwik Star will provide easy access off the Corporate Woods exit to fuel, food, and parking—but truck drivers and motorists need to know ahead of time where it's located.

Since Ankeny has only one travel center on I-35, potential customers may not be stopping in the city, and that revenue may be lost to Altoona or Clive, other metro cities with travel centers. The Wilson Group is selling land to Kwik Trip, Inc./Kwik Star for the project here in Ankeny, and approves of Kwik Star's variance request. High driver turnover and large national trucking companies mean that many drivers travel on unfamiliar routes. Visibility is key to getting those drivers to pull off. Every travel center by my dealerships has its name and fuel prices on a highly visible sign. Please allow Kwik Star to build a sign appropriately sized for interstate viewing, both in height and area, and that can be seen from I-35 in both directions. This would increase the number of drivers stopping in the city to spend money, adding jobs and strengthening Ankeny's economy.

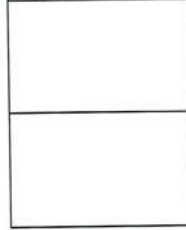
Thank you for your consideration,



Brad Wilson, President
Midwest Peterbilt Group, Inc.
The Wilson Group, LLC
Midwest Diesel Tech Academy, LLC
MPG Financial Services, LLC
MPG Lease Rental, LLC
Sioux City Truck Sales, Inc.



KWIK TRIP, Inc.
 P.O. BOX 2107
 1000 OAK STREET
 LA CROSSE, WI 54602-2107
 PH (608) 781-8988
 FAX (608) 781-8960

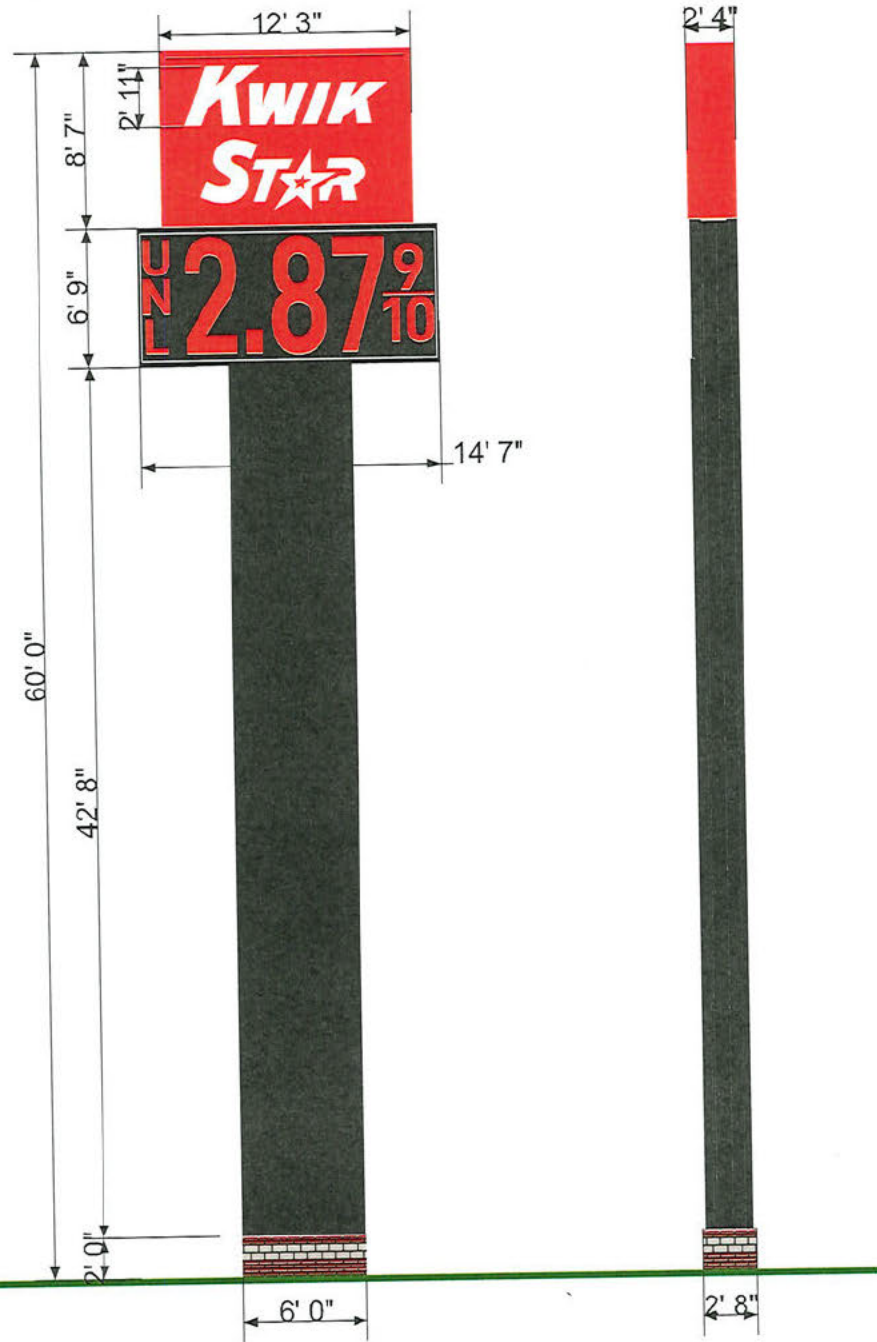
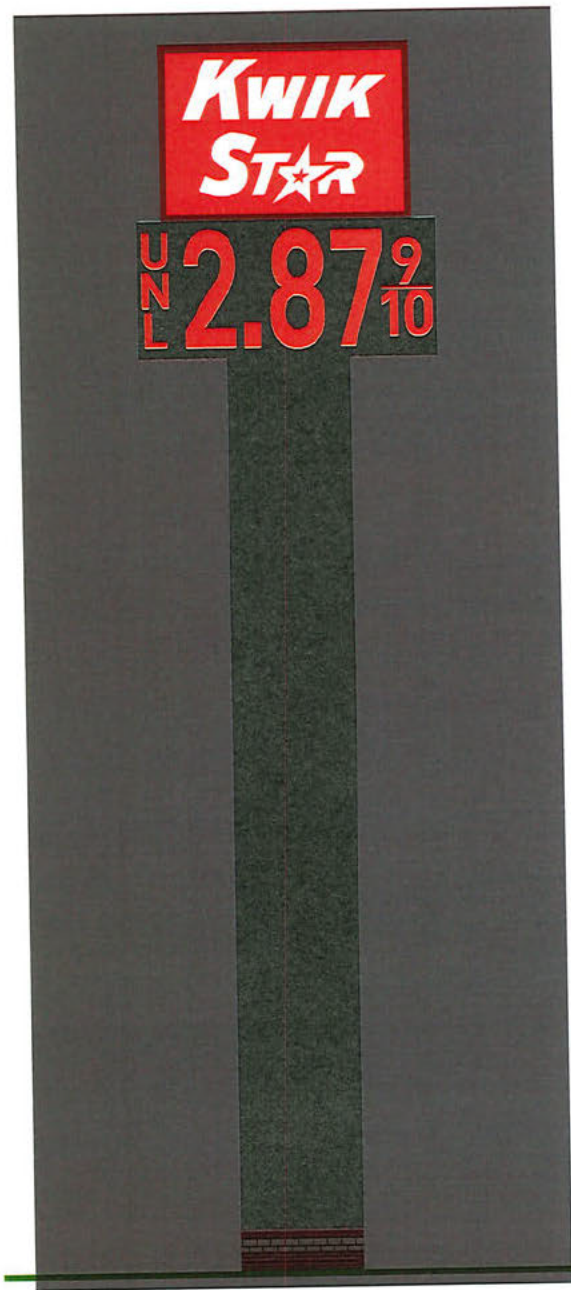


SITE PLAN CONVENIENCE STORE #1707 WITH DIESEL SE DELAWARE DR ANKENY, IA	DATE	DESCRIPTION
	<input type="checkbox"/> 08/20/04 SIGN UPDATE <input type="checkbox"/> 08/20/04 BKGD. UPDATE <input type="checkbox"/> _____ <input type="checkbox"/> _____	
DRAWN BY SCALE PROJ. NO. DATE SHEET	KWK 1/4" = 1" TYP. 0301 2/24/02-12 SP1	

SITE PLAN
 1" = 80'-0"

NOT FOR CONSTRUCTION. NOT APPROVED BY LOCAL JURISDICTION





This artwork is copyright La Crosse Sign Group and may not otherwise be used without permission. It is the property of La Crosse Sign Group and must be returned to them upon request.

Client
Kwik Trip #1707
Ankeny, IA
Project
A - Highrise
Consultant Design Art
Kelly Voegele Danielle Hadley

Sign Specifications
MAIN ID:
-Construction: fabricated aluminum
-Faces: LED illuminated
-Capital Letter Height: 2' 11" tall
EMC PRICE CABINET
-Model: Dak GS6, 80x180 19.8mm
-Cabinet Size: 6' 9" x 14' 7"
-Active Size: 6' 3" x 14' 4"
CLADDING
-Construction: fabricated aluminum
-Finish: textured finish to resemble stucco
Area
-Main ID: 105.15 sq. ft.
-EMC Cabinet: 98.44 sq. ft.
Active: 89.58 sq. ft.
-Total Active: 194.73 sq. ft.

Color Key
① ■ Black
② ■ Red
③ □ White

Job Number
124283

Creation Date
2/8/2024

Revision Date **Revision Number**
9/3/2024 12

File Path
1 - Kwik Trip\Ankeny, IA 1707\124283- Artwork for
KT1707 Ankeny\Design\1707 Ankeny Art 124283
Pylon Option 12

Approved by: _____ Date: _____ Landlord: _____ Date: _____

*Colors on sketch are only a representation, actual color of finished product may differ from this sketch.
*To make the best use of standard sized materials and control costs the size of the finished product may vary slightly.

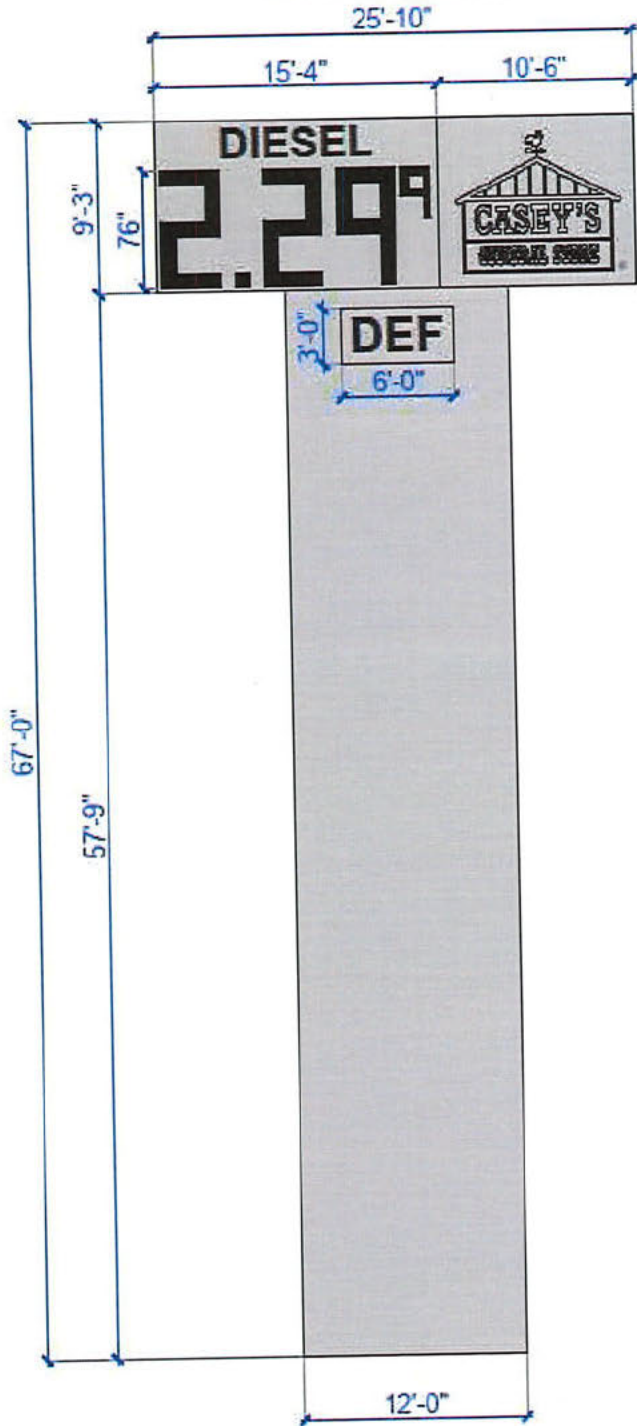


Key	Business Sign	Distance from Sign to Travel Lane
A	Kohl's	80'
B	Target/Home Depot	115'
C	Menards	240'
D	Karl Chevrolet	160'
E	Bob Brown GMC	220'
F	Dewey Dodge	80'
G	Mills Fleet Farm	125'
H	Sam's Club	150'
I	Billboard	750'
J	Woodspring Suites	210'
K	Casey's	814'
L	Kwik Star (Proposed)	301'

Google Earth

NE 62nd Ave
 41°42'58.95" N 93°37'03.43" W elev 972 ft eye alt 24146 ft

DIMENSIONS



Casey's Sign: 67' tall 257 sq.ft.

Kwik Star sign: 60' tall 195 sq.ft.





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2024-ACE-1107-OE

Issued Date: 07/16/2024

Kevin Keup
 Effective Images
 1027 5th Ave NW
 Watertown, SD 57201

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Road Sign Ankeny, IA - Hi-Rise
 Location: Ankeny, IA
 Latitude: 41-41-01.90N NAD 83
 Longitude: 93-34-38.50W
 Heights: 933 feet site elevation (SE)
 70 feet above ground level (AGL)
 1003 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

This determination expires on 01/16/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before August 15, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

This determination becomes final on August 25, 2024 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. Any questions regarding your petition, contact Rules and Regulations Group via telephone (202) 267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed

structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Luke Wray, at (817) 222-4559, or luke.w.wray@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ACE-1107-OE.

Signature Control No: 614070496-627424652

(DNH)

Eric F Johnston
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)

Additional information for ASN 2024-ACE-1107-OE

Part 77 - Title 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

The proposed structure would be located approximately 0.37 NM southwest of the approach end of RWY 04 at Ankeny Regional Airport (IKV), Ankeny, IA.

OBSTRUCTION STANDARDS EXCEEDED

The proposal is identified as exceeding the obstruction standards of 14 CFR Part 77 as applied to IKV:

1. 77.17 (a)(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

*Obstacle penetrates RWY 22 Initial Climb Area (ICA) by 37 feet. Qualifies as low, close-in penetration with climb gradient termination altitude 200 feet or less above Departure End Runway (DER), requiring TAKE-OFF MINIMUM AND (OBSTACLE) DEPARTURE PROCEDURES, NOTE: RWY 22, road sign 2241 feet from DER, 353 feet left of centerline, 70 AGL / 1003 AMSL.

EFFECT ON AERONAUTICAL OPERATIONS

Part 77 obstruction standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study. This study is conducted in order to determine if the proposal would have a significant adverse effect on aeronautical operations and airspace. While part 77 obstruction standards may trigger formal aeronautical study, including public circularization, these obstruction standards do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds certain obstruction standards of part 77 is in itself not sufficient grounds for issuance of a determination of hazard to air navigation.

CIRCULARIZATION AND NEGOTIATIONS

The Notice of Preliminary Findings letter was issued on May 16, 2024, stated that the sign height, as filed, could result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

Negotiations to lower the height of the antenna tower to eliminate the adverse effect were unsuccessful.

In order to facilitate the public comment process, this aeronautical study was circularized on June 03, 2024, to all known aviation interests and to non-aeronautical interests that may be affected by the proposal. No letters of objection were received as a result of the circularization.

BASIS FOR DECISION

The study did not identify any IFR arrival, departure, or en route effects. There would be no effects on any existing or proposed en route VFR operations. There are no physical or electromagnetic effects on the operation of air navigation and communications facilities. The study did not disclose any effects on any airspace and routes used by the military. It would not impact IKV airport or any other existing or planned public-use or military airports would be impacted.

The incorporation of marking and lighting on this structure would provide additional conspicuity for pilots flying in this vicinity and is the primary factor for issuing a Determination of No Hazard. Although the recommended marking and lighting portion of this determination is advisory. If the proponent decides not to mark and light this structure IAW AC 70/7460-1M, the FAA reserves the right to change its determination to a Determination of Hazard (DOH).

DETERMINATION - NO HAZARD TO AIR NAVIGATION

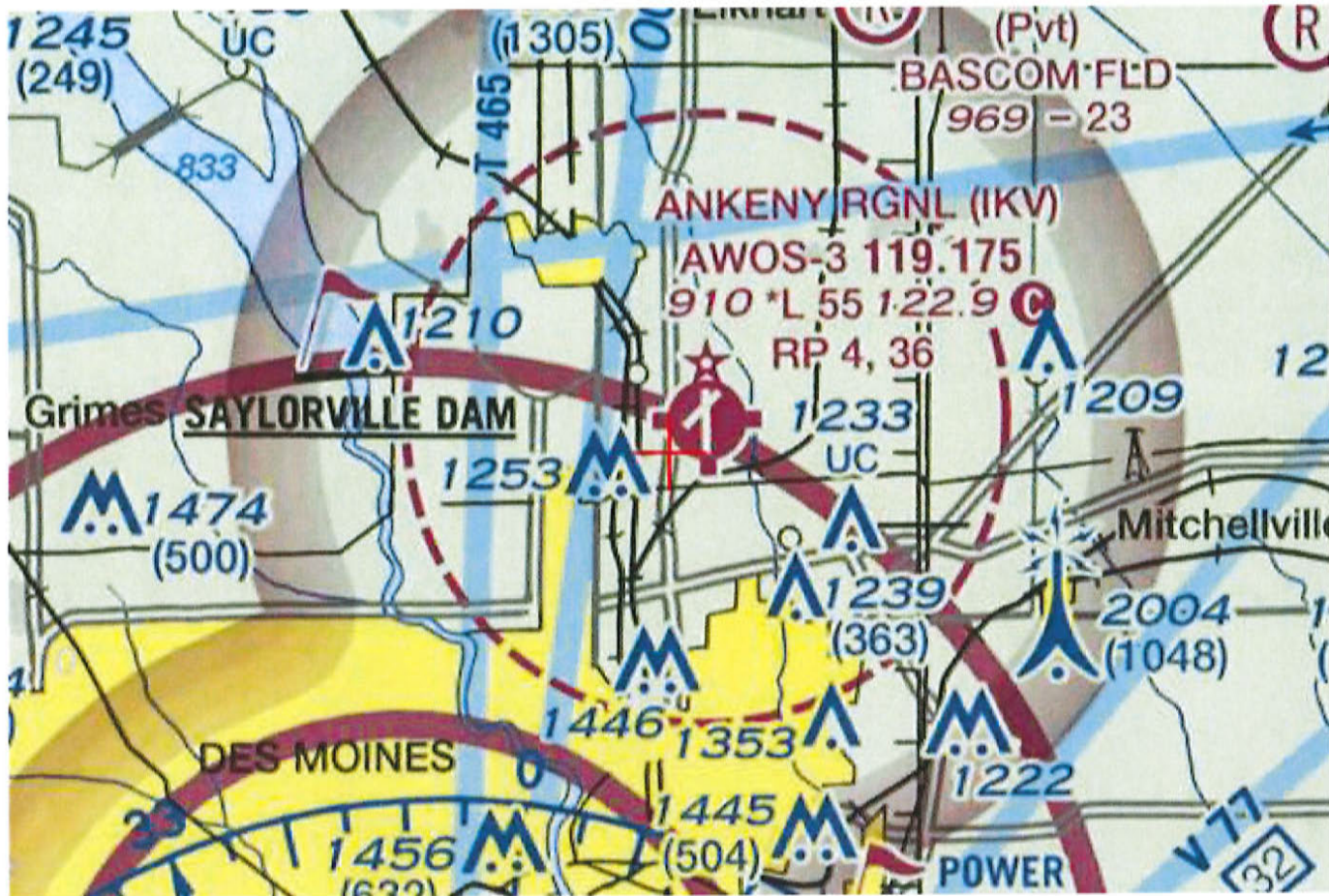
The cumulative impact of the structure is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the structure affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the structure does not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and is not a hazard to air navigation.

TOPO Map for ASN 2024-ACE-1107-OE



Sectional Map for ASN 2024-ACE-1107-OE



February 27th, 2024

Re: Kwik Trip / Kwik Star Sign Survey – Ankeny, IA
Property Location: Northwest quadrant of I-35 and NE 66th Ave. Intersection; Exit 89
Survey Date: February 1st, 2024
Blimp Information: Located on the Northeast corner of the property, 70' OAH
Latitude: 41.683869 / Longitude: 93.577364 / Google Earth Elevation: 933'

The blimp used in this survey was at 70' OAH located at the Northeast corner of the property. The Hi-Rise sign superimposed in this survey reflects a structure that is 60' OAH located at the same spot of the property.

Northbound traffic will have their initial full read on the sign at 3-tenths of a mile from the exit. They will continue to have a full read of the sign structure until they reach 1-tenth of a mile. An exiting highway sign will briefly obstruct their read on the sign at 1-tenth of a mile, but they will have a full read again as they continue to the off-ramp exit.

Southbound traffic will have their initial full read on the sign at 3-tenths of a mile from the exit. There is a group of trees that will obstruct their read on the sign as they travel between 4-tenths and 3-tenths of a mile. At 3-tenths of a mile they will have a full read on the sign until they reach 2-tenths where trees will again obstruct their read on the sign. Traffic will not have another read on the sign until they are at the off-ramp exit where they will have a full read on the sign as they exit.

A preliminary filing with the FAA was submitted and we were advised that a formal filing was required. We have submitted the formal filing, and we will forward the results once we receive them. Note that any height and/or location change of the structure would require an additional filing to confirm compliance with the FAA requirements.

Once you have had a chance to review the information, please let us know if you have any questions.

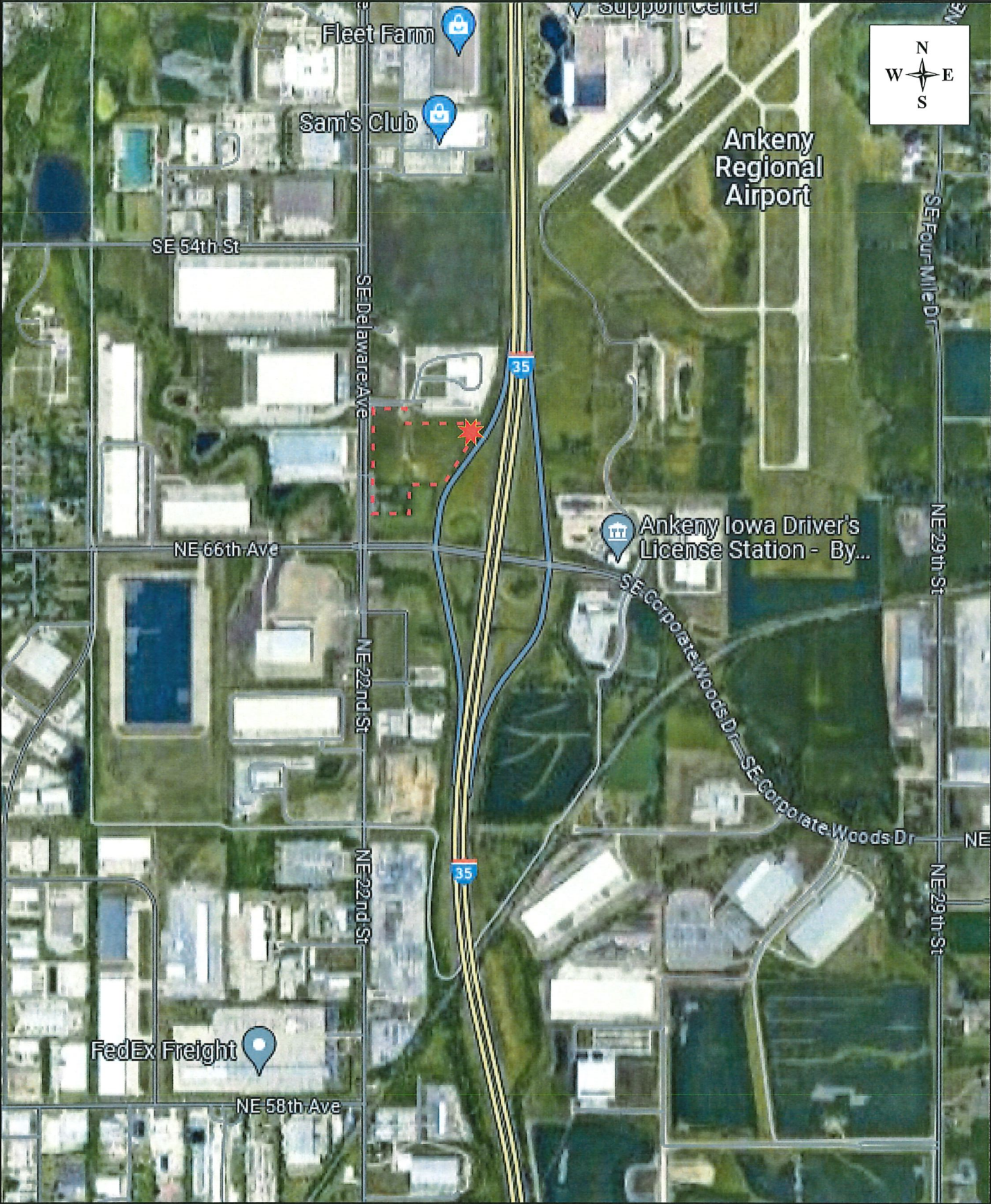
Thank You,



Kevin Keup
Effective Images, Inc.

Emailed: Matthew Lepke, Kari Keup

KWIK STAR - ANKENY, IA



 = BLIMP & PROPOSED SIGN LOCATION

**NORTHBOUND
0.4 MILES FROM EXIT**



**NORTHBOUND
0.3 MILES FROM EXIT**



**NORTHBOUND
0.2 MILES FROM EXIT**



**NORTHBOUND
0.1 MILES FROM EXIT**



**NORTHBOUND
AT EXIT**



**SOUTHBOUND
0.4 MILES FROM EXIT**



**SOUTHBOUND
0.3 MILES FROM EXIT**



**SOUTHBOUND
0.2 MILES FROM EXIT**

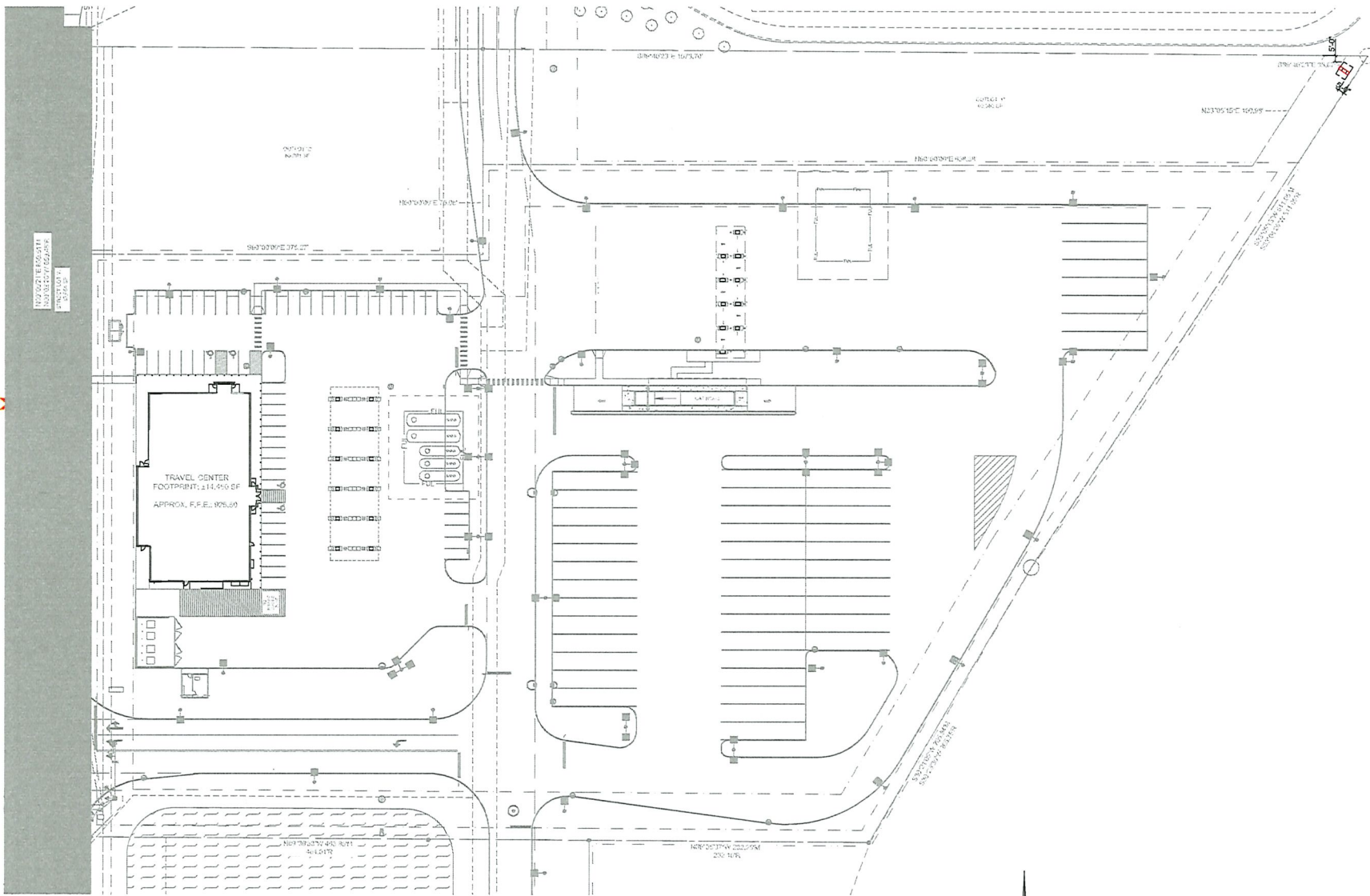


**SOUTHBOUND
0.1 MILES FROM EXIT**



**SOUTHBOUND
AT EXIT**





17270271 RE 02/01/17
 1803010107 02/01/17
 17270271
 1803010107

TRAVEL CENTER
 FOOTPRINT: 14,450 SF
 APPROX. F.P.E.L. 926.60

SITE PLAN
 1" = 80'-0"

NOT FOR CONSTRUCTION. NOT APPROVED BY LOCAL JURISDICTION

**Kwik
 TRIP**

**Kwik
 STAR**

KWIK TRIP, Inc.
 P.O. BOX 2107
 1628 OAK STREET
 LA CROSSE, WI 54602-2107
 PH. (608) 781-8988
 FAX (608) 781-8960

SITE PLAN
CONVENIENCE STORE #1707
WITH DIESEL
 SE DELAWARE DR
 ANKENY, IA

DATE	DESCRIPTION
04/12/24	SIGN UPDATE
07/23/24	BKGD UPDATE

DRAWN BY	KMK
SCALE	MULTIPLE
PROJ. NO.	0001
DATE	2024 02-12
SHEET	SP1



N
1 inch = 1,000 feet
Date: 7/12/2024

Kwik Star 1707
Aerial



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

To: Members of the Zoning Board of Adjustment
From: Laura Hutzell, Associate Planner
Filing #: 24-15, 24-16
Meeting Date: September 17, 2024 *ESC*
Address: 6155 SE Delaware Avenue

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 195 Appendix C that restricts: Maximum Height: 30 feet, allowing a 60-foot height for a pylon sign.

A variance to Ankeny Municipal Code Section 195 Appendix B that restricts: Copy Area: 80 square feet, allowing a 195 square foot copy area on a pylon sign.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Section 195 Appendix C to allow a 60-foot sign for a modified pylon sign.

Staff recommends the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Section 195 Appendix B to allow 195 square feet of copy area on a modified pylon sign.

Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property.

PROJECT SUMMARY

The subject property is located at 6155 SE Delaware Avenue, east of SE Delaware Avenue, north of SE Corporate Woods Drive and west of I-35 in the southeast quadrant of Ankeny. The property is zoned C-2 General Retail, Highway Oriented and Central Business Commercial District and is situated on Lot 1 Kwik Trip 1707 Plat 1.

The applicant is requesting a variance to increase the height of a pylon sign to be located along the Interstate 35 right-of-way to increase the maximum height of 30 feet, to a height of 60 feet. The applicant is also seeking a second variance to increase the copy area maximum from 80 square feet to allow for a copy area totaling 195 square feet.

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.

195.08.5 Variances Authorized.

To provide reasonable flexibility in the sign regulations, the Board of Adjustment may approve a variance for a sign otherwise not permitted by these regulations where an exception would not be inconsistent with the intent of the sign regulations.

195.01 Intent.

It is the intent of the provisions of this chapter to achieve the following objectives:

- 1. To establish standards which would permit businesses in the City a reasonable and equitable opportunity to identify themselves;*
- 2. To preserve and promote civic beauty and not allow signs which would detract from this objective because of unusual size, shape, height, location, condition, cluttering, or illumination;*
- 3. To ensure that signs in the City do not create a safety hazard;*
- 4. To preserve and protect the value of land and buildings, and to preserve and protect landscapes;*
- 5. To ensure that every sign has good scale and proportion in relationship to its site and function, as well as to the signage and use of neighboring properties; and*
- 6. To ensure that signs are designed as an integral architectural element of the building and site.*

195.08.6 Variances; Conditions to Granting.

No variance shall be granted unless the Zoning Board of Adjustment shall find that either of the conditions outlined in paragraph A and B exists:

A. All of the following requirements must be met:

- (1) Special conditions exist which are peculiar to the land, structure, and building involved and which are not applicable to other lands, structures, or buildings in the same district;*
- (2) The special conditions and circumstances do not result from the actions of the applicant;*
- (3) A literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district and the terms of these sign regulations;*
- (4) That granting the variance requested would not confer on the applicant any special privilege for a use not common to other lands, structures or buildings in the same district; and*
- (5) The proposed use of the property shall have an appearance that will not have an adverse effect upon adjacent properties and there will be no deterrence to development of vacant land.*

B. Any proposed signage beyond the maximum square footage permitted would have the primary function of providing a public service.

FINDINGS OF FACT

The subject property is located at 6155 SE Delaware Avenue and is the future site of Kwik Star store #1707. The site is located east of SE Delaware Avenue, north of SE Corporate Woods Drive and abuts Interstate 35 to the east, all within the SE quadrant of Ankeny. The property is zoned C-2 General Retail, Highway Oriented and Central Business Commercial District and is situated on Lot 1 Kwik Trip 1707 Plat 1. Properties to the north are similarly zoned C-2 General Retail, Highway Oriented, and Central Business District. Properties to the east of the subject property are zoned M-1, Light Industrial and properties to the south are zoned R-1, Single Family Residence District. A site plan for Kwik Star #1707 was brought before the Plan and Zoning Commission on July 11, 2024. At the time, no details or renderings for signage were provided as signage is a separate permit application and details for Ordinance conforming signage is provided at the time of permitting. On August 23rd, staff received a variance request for a modified pylon sign for the proposed Kwik Star development. The proposed sign measures 60 feet in height with a 195 square feet of copy area and is proposed to be located at the far NE corner of the site.

Per Ankeny Municipal Sign Code adopted in 2008, Section 195 Appendix B, states that ground signs for single tenant commercial properties can have up to 80 square feet of copy area, and per Section 195 Appendix C, pylon signs shall have a maximum height of 30 feet.

The location for the proposed sign is the far NE corner of the Kwik Star site adjacent to Interstate 35. At this location, the proposed sign is approximately 395 feet from the northbound I-35 center lane and 312 feet from the southbound center lane when measured directly east. The elevation of the Interstate at this same location is approximately 936 feet high and the elevation for the proposed sign location is also approximately 936 feet high.

While staff does take into consideration the bend in the interstate, the nearby overpass, and the proximity of neighboring commercial sites, staff does not believe these hardships warrant granting a variance request as all were characteristics of the site prior to the applicant purchasing the property.

In the applications submitted, a number of comparisons were made in regard to the signage of other commercial entities along the I-35 corridor, in particular those with signs that do not meet the current code.

- **Target/Home Depot**: 2000. This is also a shared sign.
- **Karl Chevrolet** – 1983, 2008 Note: This site is legally, three separate lots all with interstate frontage and was therefore originally afforded more signage than other sites. The history of signage on these parcels dates back to 1983 when the sign referenced by the applicant was approved by the Zoning Board of Adjustment. In 2008, during the same time the current sign code was being written, it was requested they be allowed to relocate the tallest sign to its current position along the interstate with the condition that they remove three other signs and that the variance not run with the land. Due to the size, history and number of variance approvals over the past 25+ years, staff does not believe this is a valid comparison.
- **Mills Fleet Farm** – 2007
- **Bob Brown GMC** – 2004
- **Kohls** – 2002
- **Sams Club** – 2014. Note: Sam's Club was denied their initial request for a 176 square foot sign. Ultimately, a decision was made that this site was allowed up to 150 square feet of copy area because the building exceeds 50,000 square feet per code. The height of this sign meets code at 30' tall.

Staff believes it's important to note that a majority of these signs were permitted and or granted variances between 1983 and 2008, before the current sign code was adopted. It's also important to note a majority of these signs could not be rebuilt today if they were to be removed or destroyed and would need to be replaced with conforming signs.

A comparison was made to the Casey's site located at 1515 SE Corporate Woods Drive. Staff believes that this is not a comparable example as the Casey's sign was approved as part of a PUD rezoning request. Staff also believes that when elevation and distance from the interstate is compared between the two sites, there is a significant difference. The elevation of the location of the Casey's sign according to the grading plan provided in the approved site plan, is roughly 898 feet high, and the interstate elevation at this location is roughly 920 feet, meaning the Casey's sign sits roughly 22 feet below the interstate. Kwik Star's sign would sit at roughly the same elevation as the Interstate. Casey's sign is also roughly 840 feet east of the I-35 north bound center lane, and roughly 925 feet from the sound bound center lane.

Kwik Star's proposed sign has a much closer proximity to the interstate sitting at approximately 312 feet from the southbound I-35 center lane and approximately 395 feet from the northbound center lane.

Also unmentioned is a similar variance request (docket #11-21) involving Kum and Go on the NE side of Ankeny, which was considered and denied a variance request for a 45-foot tall sign with 150 square feet of copy area in 2011. Staff believes these two cases are very similar and thus a more direct comparison than the others mentioned above. Kum and Go is approximately 410 feet from the southbound I-35 center lane and 488 feet from the north bound center lane adjacent to their site. According to contour maps, the elevation of the pylon sign sits approximately 10 feet below interstate grade at this location. The Board denied the variance request.

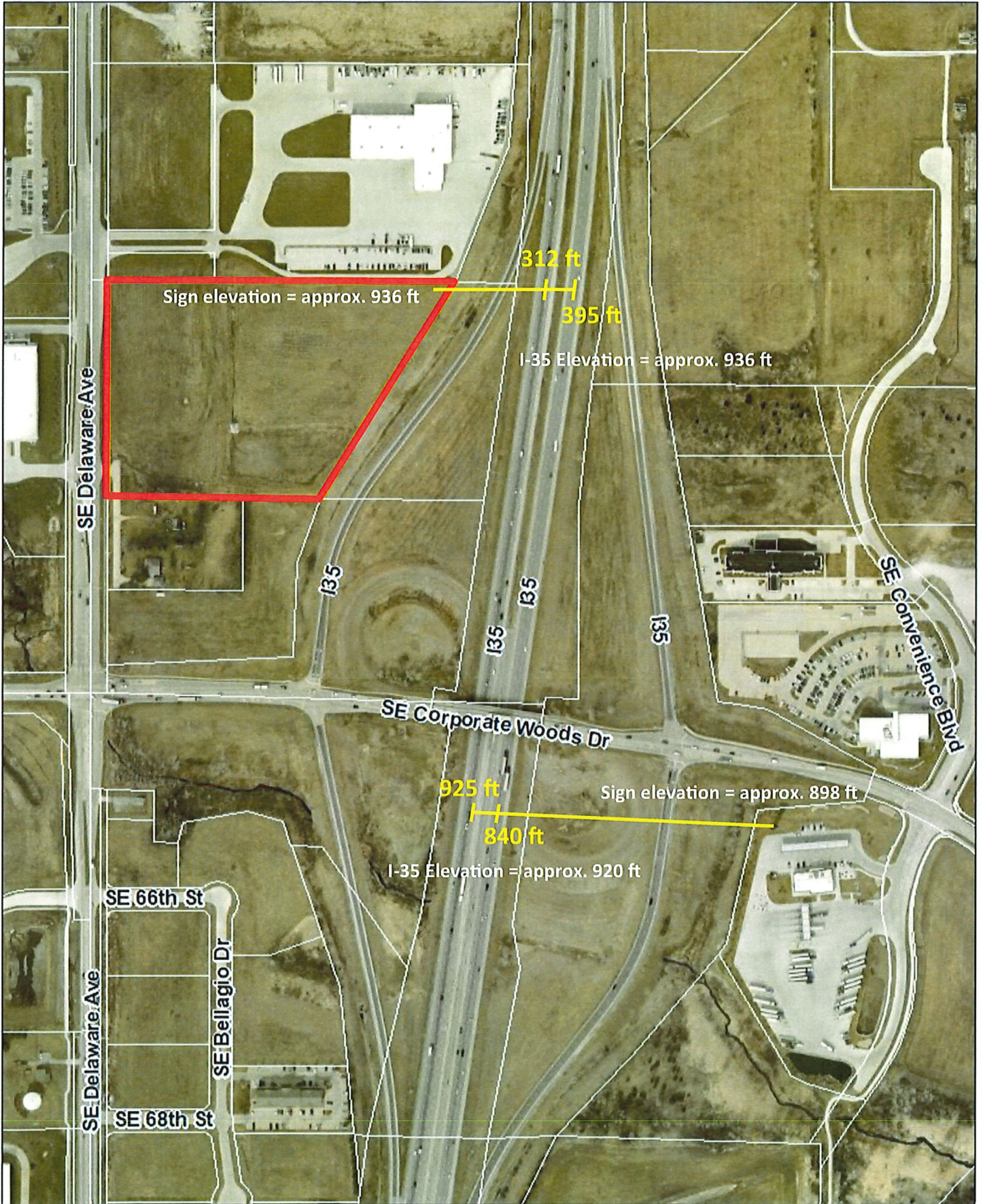
A second unmentioned request (docket #23-03, #23-04), was made by Uhaul for a 35-foot high sign with a 249 square foot copy area in 2023. The Board determined that the proposed sign was not consistent with the intent of the sign code and that no extraordinary circumstances or unnecessary hardships existed and denied the variance requests.

Generally speaking, since the adoption of the current sign code in 2008, the Board has not approved any variances for the maximum height or copy area of a proposed pylon sign in the I-35 corridor. While there are some signs in the corridor that exceed the required maximums of the current code, as stated earlier, most of those signs are non-conforming and could not be replaced if they were removed or destroyed and would need to be replaced with conforming signs. Staff also believes there are additional means of locating the Kwik Star site in addition to a pylon sign, including the use of interstate informational signs and GPS.

As is standard procedure for these kinds of requests, all property owners within 250' of the subject property were notified of the proposed variances by mail, and to date, staff has received one piece of correspondence supporting the variance.

The staff position is to deny a variance to Ankeny Municipal Code Section 195 Appendix C to allow a 60'tall modified pylon sign. Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

The staff position is to also deny a variance to Ankeny Municipal Code Section 195 Appendix B to allow 195 square feet of copy area on a modified pylon sign. Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.



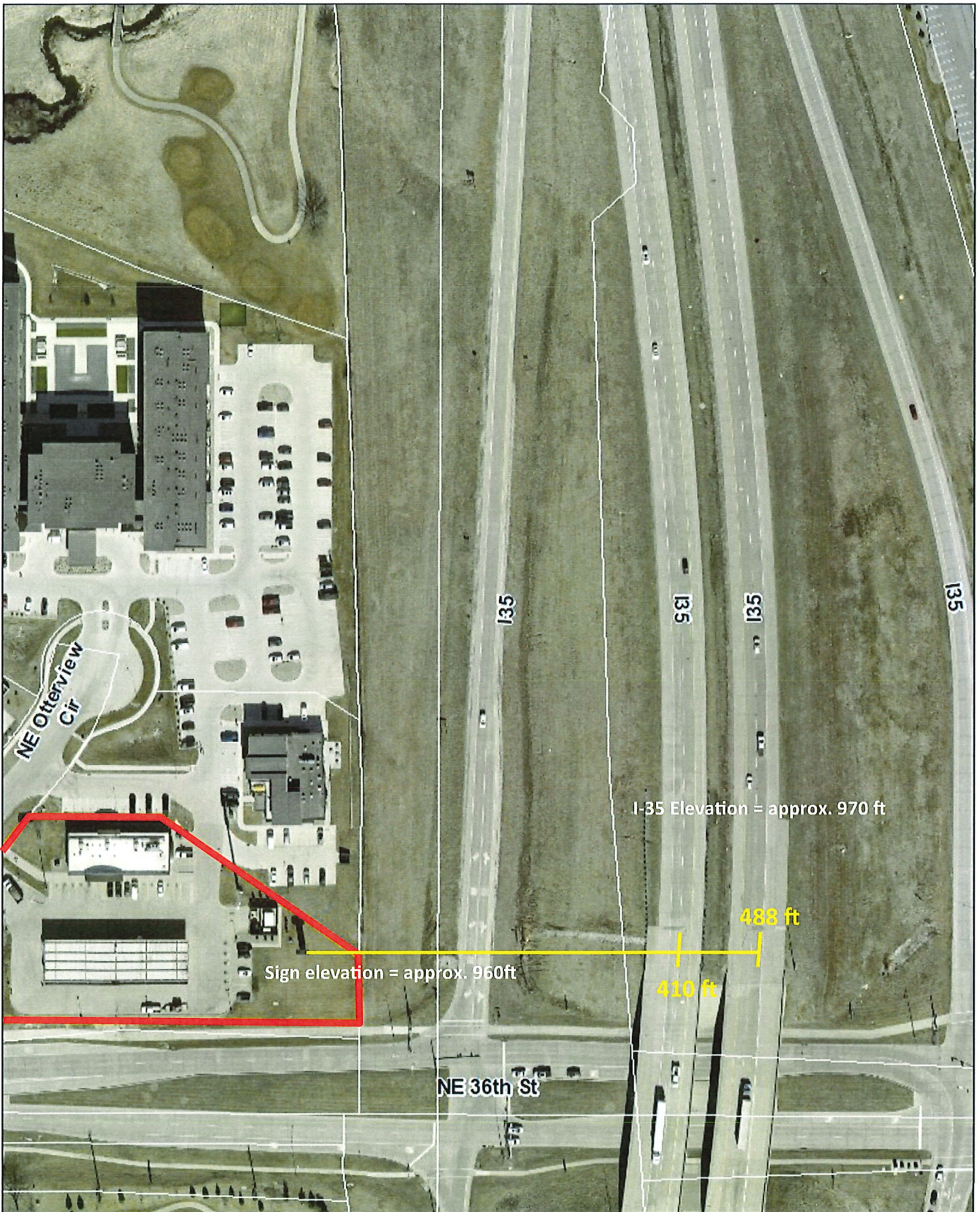
1 inch = 371 feet

Date: 9/9/2024

I-35 DISTANCE COMPARISON

KWIK STAR VS CASEYS

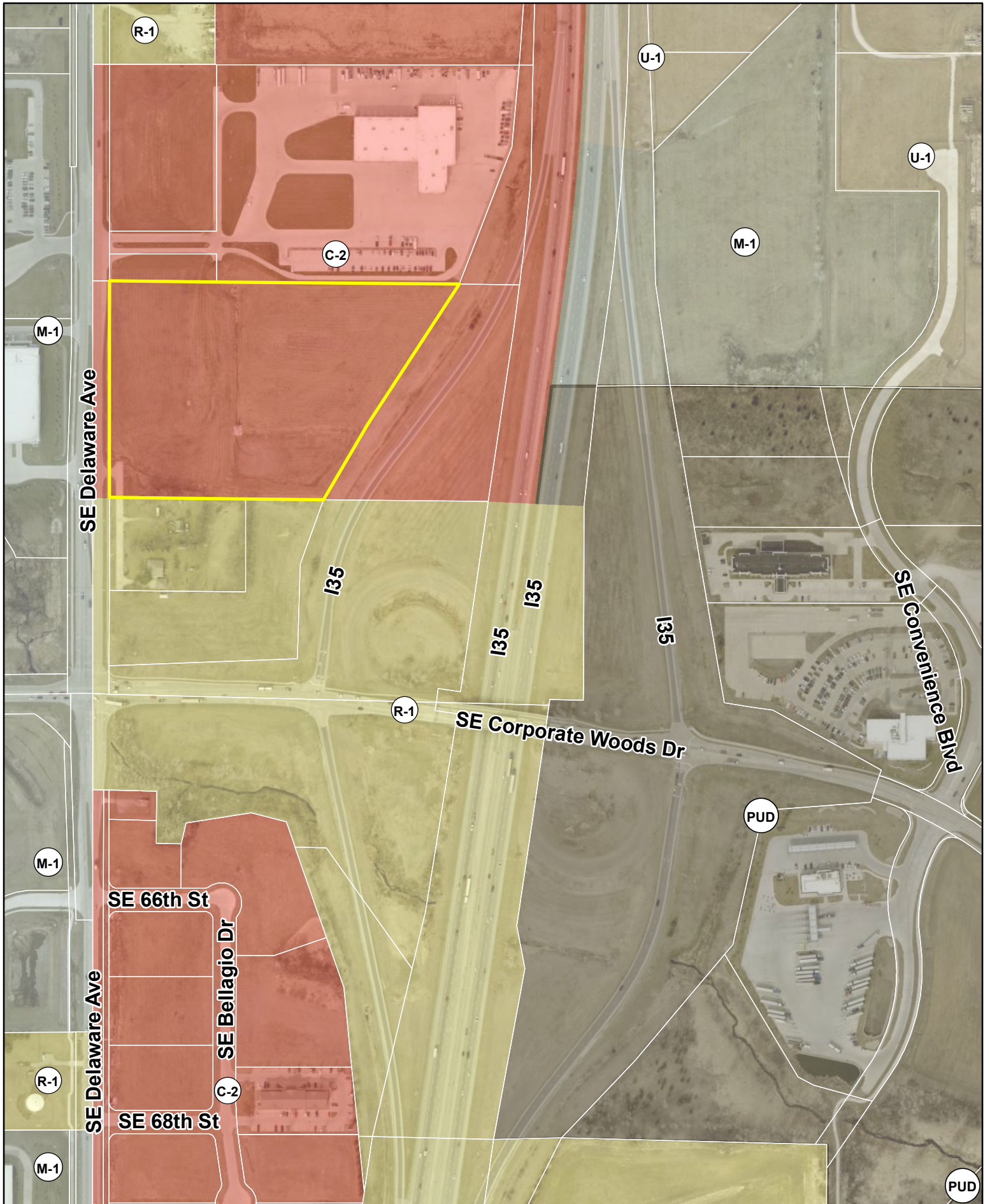




N
 1 inch = 133 feet
 Date: 9/10/2024

I-35 DISTANCE COMPARISON
 Kum and Go





N



1 inch = 371 feet

Date: 9/9/2024

**Kwik Star 1707
Zoning Map**



ZONING BOARD OF ADJUSTMENT

September 17, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

#17-02 Anchors Away, 106 SW State Street, Ste 100

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

#16-13 Cabaret, 2785 N Ankeny Blvd.

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 Renewal](#)



City of Ankeny

Outdoor Service Area Renewal Application

*Special Permit Resolution # 17-02

Approved May 2, 2017

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: CKW Enterprises, LLC (Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Anchors Away

Address of Premise: 106 SW State Street, Suite 100

> Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

[] Yes [x] 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 [x] 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.

Handwritten signature of Scott S. Koenigsfeld

Signature

Scott S. Koenigsfeld

Name of Applicant (printed)

8/21/2024

Date

ADMINISTRATIVELY APPROVED stamp with checkmark

Handwritten date 8/26/24 and initials EJC



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 19-10**

Passed September 4, 2019

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: **Cancun Grill and Cantina 2 Inc.**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **Cancun Grill and Cantina 2**

Address of Premise: **2785 N Ankeny Boulevard, Suites 11 & 12**

➤ 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.

Candelario Celdino Leon
Signature

08-08-24
Date

Candelario C. L
Name of Applicant (printed)

ADMINISTRATIVELY

APPROVED

8/20/24 ETC

Contact Person
Antonio Ruiz - 706.913.5590
pericoahr@gmail.com



City of Ankeny
Outdoor Service Area Renewal Application
*Special Permit Resolution # 16-13,

Issued: September 5, 2018

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: CABARET ANKENY, LLC
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): CABARET

Address of Premise: 2785 NORTH ANKENY BLVD., ANKENY, IOWA 50023

➤ 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 
Name of Applicant (printed) Josh Murphy

9-2-24
Date

ADMINISTRATIVELY
 **APPROVED**
9/6/24 EJC