**Docket Number:** 23/13039 & 23/13040

**Appellants:** Ihle Fabrications, LLC (Property Owner), 2401 SE Tones Drive, Suite 17, Ankeny, IA 50021, represented by Doug Bass, being represented by Emily Harding with Civil Design Advantage, 4121 NW Urbandale Drive, Urbandale, IA 50322

**Appeal:** The appellants request a paving and curbing variance to allow a granular surface without curbing for a new easterly truck driveway(s) and circulation areas, as well as to allow for no curbing along the existing westerly driveway. The appellants also request a separate landscaping variance to allow plant substitutions to utilize entirely trees and no shrubs within the required street bufferyard along NW 158<sup>th</sup> Avenue.

### **Background**

The subject property is located at 4780 NW 158<sup>th</sup> Avenue, Polk City, and is legally described as Parcel 'B' recorded in Book 9094, Page 461 in the Office of the Polk County Recorder, being a part of the NE ¼ of Section 7, Township 81 North, Range 24 West of the 5<sup>th</sup> P.M. (Lincoln Township). The subject property is approximately 95.66 in size and is zoned "AG" Agricultural District. The subject property is approximately one-half (½) mile southeast of the corporate limits of the City of Sheldahl, approximately three (3) miles northeast of the corporate limits of Polk City where they extend north near Big Creek State Park, and approximately four (4) miles northwest of the corporate limits of the City of Alleman. The property is located in rural Lincoln Township. Surrounding land is primarily agricultural row crop production, with a few farmhouses and single-family residences at very low densities. All surrounding properties within unincorporated Polk County are zoned "AG" Agricultural District. There are two (2) single-family residences in relatively close proximity, including one adjacent to the east at 15626 NW 44<sup>th</sup> Street, and one adjacent to the northwest at 5128 NW 158<sup>th</sup> Avenue. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is rectangular shaped and located at the southwest corner of NW 158th Avenue and NW 44th Street. The parcel has over 2,500 feet of frontage to the north onto NW 158<sup>th</sup> Avenue and over 1,300 feet of frontage to the east onto NW 44<sup>th</sup> Street. The site contains two (2) main buildings and two (2) smaller accessory buildings, all located in the north half of the site and accessed via an existing driveway to the north onto NW 158th Avenue. The property was previously utilized by Pioneer Hi-Bred International, Inc. as a seed research facility, including an approved site plan by Polk County dating from 2004. The Polk County Zoning Ordinance permits certain Agricultural Support/Services uses within the "AG" Agricultural District, including farm implement dealers/service, anhydrous ammonia storage/sales, fertilizer mixing/storage, feed/seed dealerships, and agricultural light manufacturing. Pioneer's previous use of the property was classified as a permitted Ag Support use. The current owner and appellant, Ihle Fabrications, LLC, purchased the property in 2021 and currently operates an agricultural light manufacturing use. Their use includes light manufacturing of agricultural components, primarily combine parts. The main building is primarily dedicated to the light manufacturing operation, as well as some warehousing and office space. Staff has worked with the owner, toured the site and buildings and determined the use is an agricultural light manufacturing use permitted under the Ag Services category within the "AG" Agricultural District.

The appellants have been working with staff on review of an updated site plan for the property to legitimize the current use, and allow for a proposed building addition for warehousing space. See *Attachment B* for a layout of the property, current buildings and uses, including the proposed building addition (~68,267 square feet). Pioneer Hi-Bred has continued to lease the westernmost building for seed storage since selling the property. Through review of the site plan, the appellants desire to have certain drives and circulation areas as paved but uncurbed, and others as unpaved and uncurbed. They also desire to utilize a plant quantity for the required street landscaping bufferyard that includes zero (0) shrubs. Variances have been requested to these site requirements as detailed below.

### **Summary of Request**

The Polk County Zoning Ordinance, *Article 15: Construction Standard* states that all nonresidential developments within the "AG" Agricultural District with an average daily traffic count greater than 49 vehicles are required to pave their drives, parking, loading and display areas. Curbs or wheel stops are required in parking areas and curbs are required in paved drive areas. Additionally, the Polk County Zoning Ordinance, *Article 10: Landscaping, Division 2, Section 2(D)* allows for substitutions to mix and match plant types within required landscaping bufferyards, but no substitution shall reduce the number of shrubs to less than 50% of the required quantity. As part of a planned building addition and site improvements, the appellants propose to utilize a granular surface without curbing for a new easterly truck driveway(s) and circulation areas, and are also proposing no curbing along the existing westerly driveway. Additionally, they propose plant substitutions to utilize all trees and no shrubs for the required street landscaping bufferyard along NW 158<sup>th</sup> Avenue. See *Attachment C* for a copy of the variance exhibit highlighting the specific areas covered by the requested paving and curbing variance, as well as a copy of the proposed landscaping plan utilizing all trees for the street bufferyard.

Staff mailed out a total of nine (9) notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 250-foot notification boundary. To-date staff has received one (1) response in support, and zero (0) responses in opposition, of this Appeal.

#### **Natural Resources**

The subject property is primarily in row crop production, except for the developed area of existing buildings, drives and circulation areas. The site contains relatively flat topography, with elevations fluctuating between 1,020 and 1,030 feet. The property contains no tree cover, except for a few isolated existing trees near the parking lot and main building. Additional landscaping is required as part of the updated site plan and proposed building addition. The property is not located within a mapped floodplain. Available wetland mapping indicates there is an existing, approximately 1.39-acre freshwater emergent wetland located in the far northeast corner of the site. This wetland is not impacted by the existing site or the proposed expanded site development. There are no other known environmental hazards or features.

#### **Roads & Utilities**

The subject property has frontage onto NW 158<sup>th</sup> Avenue and NW 44<sup>th</sup> Street. Both are paved, two-lane rural roadways maintained by Polk County. The site has an existing driveway entrance

to the north onto NW 158<sup>th</sup> Avenue, and the appellants are proposing a second driveway entrance further east onto NW 158<sup>th</sup> Avenue. The existing west entrance and driveway is currently gravel, but is proposed to be paved and no curbing. The new east entrance is proposed as a granular surface without curbing. Water service is provided by Des Moines Water Works via an existing three-inch (3") water main located along the north side of the property parallel to NW 158<sup>th</sup> Avenue. The water main is located within an existing 32-foot wide water main easement. There is an existing water service line to the main building. The property is served by a private onsite wastewater treatment system. The new building addition will require this system be certified by an engineer to handle any additional capacity or a new or modified system provided to meet that demand.

# **Recommendations**

# **Variance Appeal 23/13039 – Paving & Curbing Variance**

# The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?
  - Yes. Ag Support/Services uses are unique in that they are permitted commercial uses within rural, agricultural areas of the County, but are subject to similar site development requirements as other more traditionally located commercial uses. The appellants' business operation generates an average daily traffic count greater than 49 vehicles per day, and therefore the Zoning Ordinance requires all drives, parking and circulation areas to be paved and curbed. The owner's business model warrants a variance to the paving and curbing requirements for the proposed eastern driveway(s) and adjacent circulation areas, as they will be infrequently utilized by truck delivery traffic only. The existing western driveway is primarily utilized by employees to access the adjacent parking areas, which warrants the requested curbing variance for this area of the site.
- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)
  - Yes. Ihle Fabrications is a permitted Ag Support/Services use.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
  - Yes. There will be limited impact on adjacent properties. The owner is required to maintain a durable and dust free granular surface in all nonpaved areas.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
  - Yes. The property's rural/agricultural location and daily traffic count requires paving and curbing standards that do not apply to other residential or agricultural uses in

this or similar areas of the County. Furthermore, the rural setting of the property and significant setback from the street of existing structures would require a substantial amount of paving and curbing. The existing building locations on the site are not a result of the actions of the appellants.

- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?
  - Yes. The appellants are required to meet the environmental provisions of the Polk County Zoning Ordinance. As part of the planned building addition project, the appellants have submitted a compliant site plan and stormwater management plan, pending approval of this variance.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered in the affirmative, staff recommends approval of the requested variance, subject to the following conditions:

- 1. The property shall install and maintain a durable and dust free surface for all nonpaved drives and circulation areas per Polk County Air Quality requirements.
- 2. This Variance only applies to those areas specifically called out within the Variance Appeal Application Exhibit See *Attachment C*. All other areas shall be paved and curbed, including existing and future drives, circulation and parking areas.

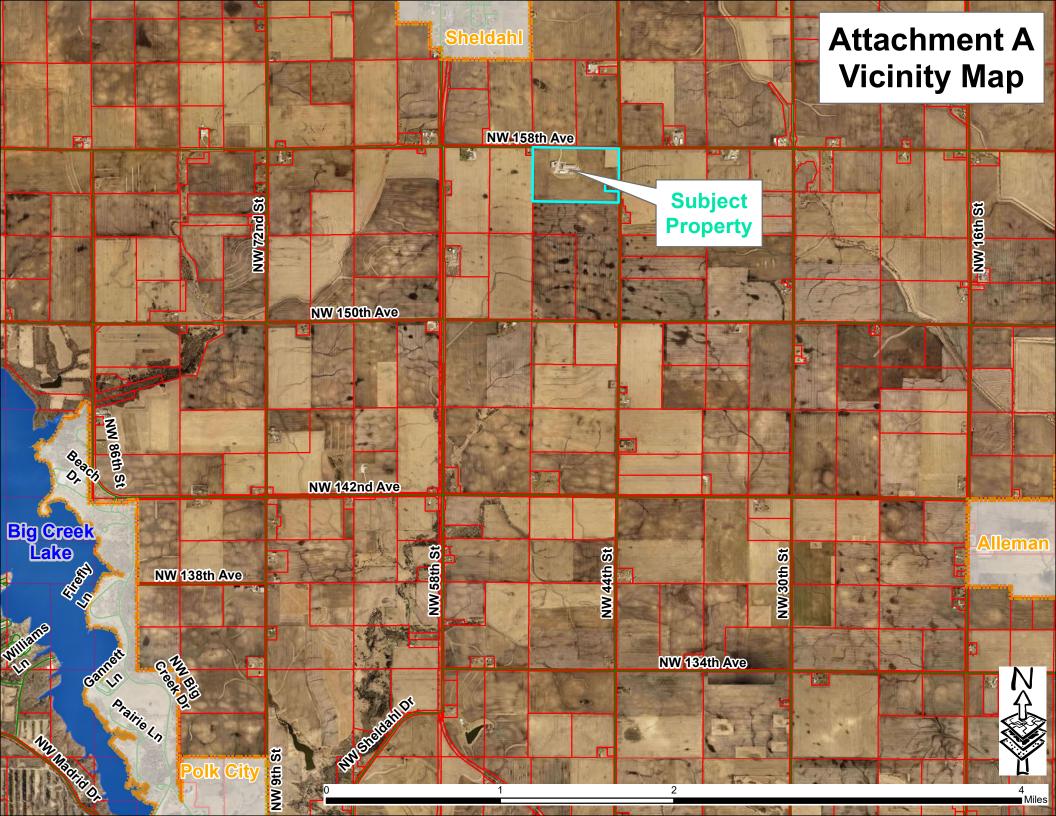
## Variance Appeal 23/13040 – Landscaping Variance

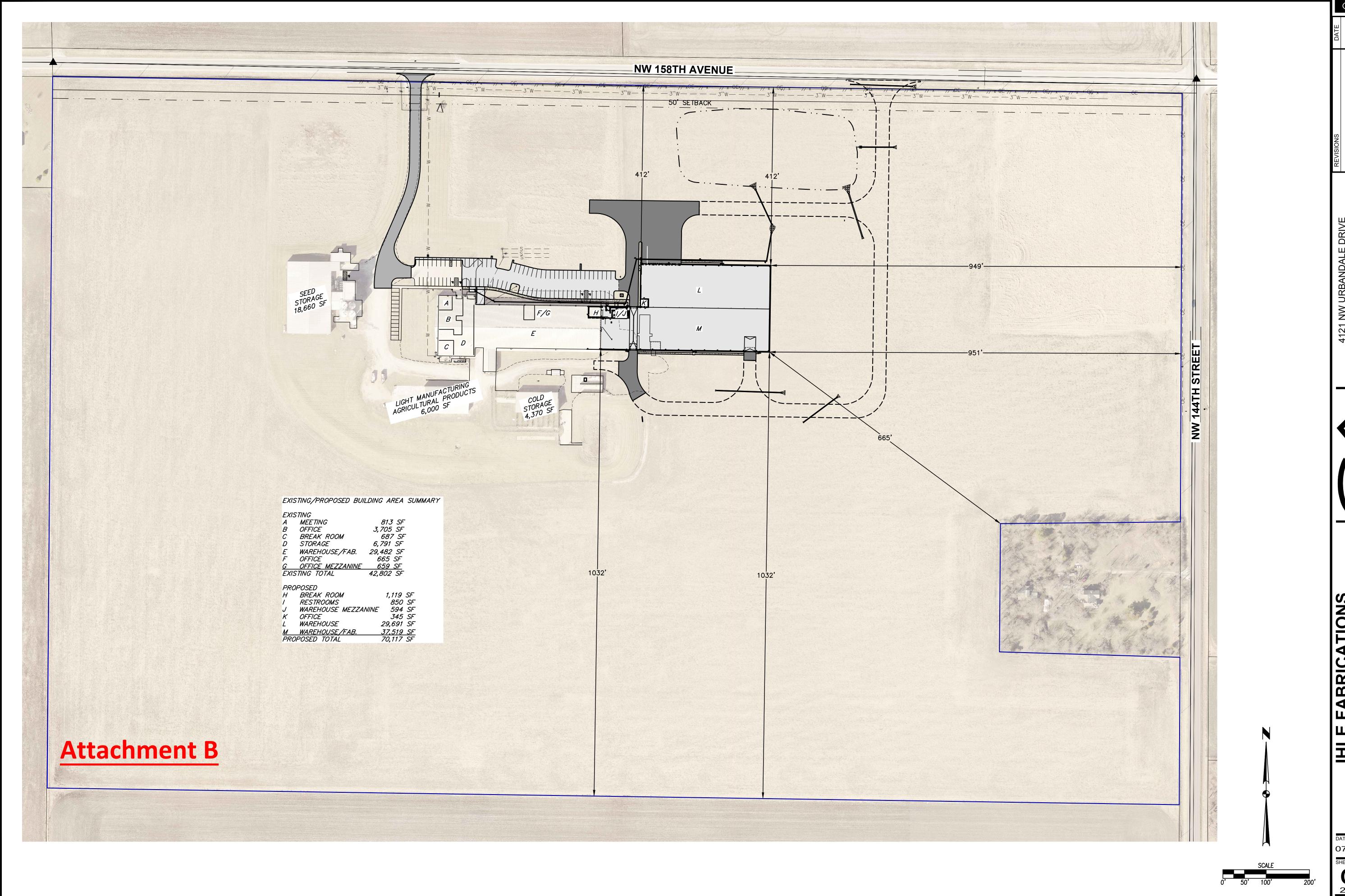
# The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?
  - Yes. Ag Support/Services uses are unique in that they are permitted commercial uses within rural, agricultural areas of the County, but are subject to similar site development requirements as other more traditionally located commercial uses. Per the Polk County Zoning Ordinance, the subject property is required to install a compliant street landscaping bufferyard along NW 158<sup>th</sup> Avenue, consisting of at least 50% of the required shrubs. This site differs greatly from surrounding properties (which have no landscaping requirements) as well as from more traditionally sited commercial uses. The distance between the occupied portion of the site and the street bufferyard presents a maintenance challenge for shrubs in this setting. Additionally, there is limited aesthetic benefit in an agricultural setting for planting shrubs within a street bufferyard.
- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)
  - Yes. Ihle Fabrications is a permitted Ag Support/Services use.

- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
  - Yes. There will be limited impact on adjacent properties. The appellants are still providing the full required number of plant units for the bufferyard with tree plantings.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
  - Yes. The size of the subject property, its rural character, and the setbacks from the roadway of existing structures warrant the granting of this variance, and are not the results of the appellants.
- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?
  - Yes. The appellants are required to meet the environmental provisions of the Polk County Zoning Ordinance. As part of the planned building addition project, the appellants have submitted a compliant site plan, stormwater management plan, and landscaping plan, pending approval of this variance.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered in the affirmative, staff recommends approval of the requested variance.

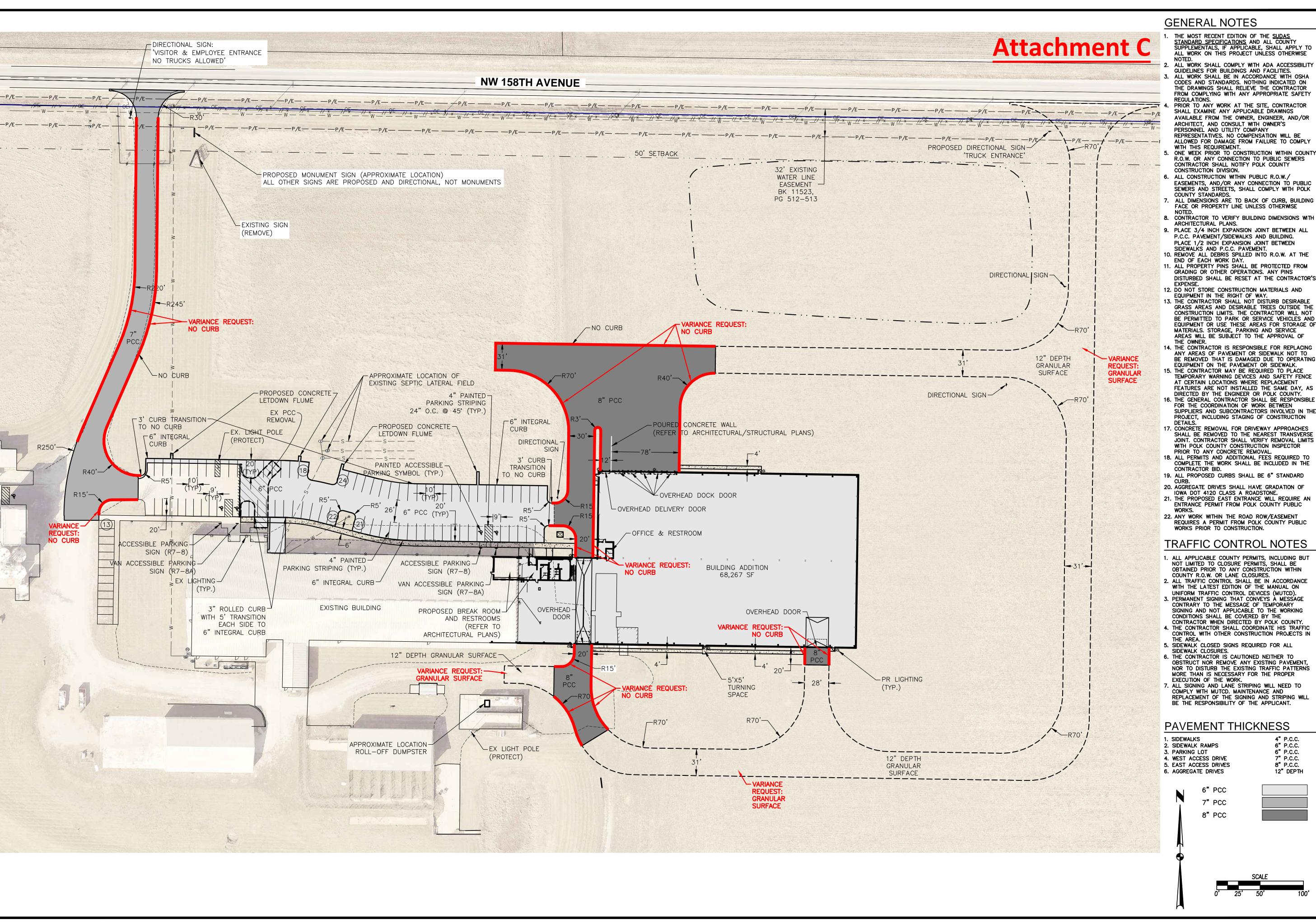




IHLE FABRICATIONS
SITE IMPROVEMENTS
OVERALL SITE

07/21/2023 SHEET NUMBER:

**C2.0**2209.670



ALL WORK ON THIS PROJECT UNLESS OTHERWISE

 ALL WORK SHALL COMPLY WITH ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES. 3. ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THE DRAWINGS SHALL RELIEVE THE CONTRACTOR

PRIOR TO ANY WORK AT THE SITE, CONTRACTOR SHALL EXAMINE ANY APPLICABLE DRAWINGS AVAILABLE FROM THE OWNER, ENGINEER, AND/OR

REPRESENTATIVES. NO COMPENSATION WILL BE ALLOWED FOR DAMAGE FROM FAILURE TO COMPLY

CONTRACTOR SHALL NOTIFY POLK COUNTY 6. ALL CONSTRUCTION WITHIN PUBLIC R.O.W./

7. ALL DIMENSIONS ARE TO BACK OF CURB, BUILDING FACE OR PROPERTY LINE UNLESS OTHERWISE

PLACE 1/2 INCH EXPANSION JOINT BETWEEN 10. REMOVE ALL DEBRIS SPILLED INTO R.O.W. AT THE

11. ALL PROPERTY PINS SHALL BE PROTECTED FROM GRADING OR OTHER OPERATIONS. ANY PINS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S

12. DO NOT STORE CONSTRUCTION MATERIALS AND

GRASS AREAS AND DESIRABLE TREES OUTSIDE THE CONSTRUCTION LIMITS. THE CONTRACTOR WILL NOT BE PERMITTED TO PARK OR SERVICE VEHICLES AND EQUIPMENT OR USE THESE AREAS FOR STORAGE OF MATERIALS. STORAGE, PARKING AND SERVICE AREAS WILL BE SUBJECT TO THE APPROVAL OF

ANY AREAS OF PAVEMENT OR SIDEWALK NOT TO BE REMOVED THAT IS DAMAGED DUE TO OPERATING EQUIPMENT ON THE PAVEMENT OR SIDEWALK.

15. THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING DEVICES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR POLK COUNTY.

FOR THE COORDINATION OF WORK BETWEEN SUPPLIERS AND SUBCONTRACTORS INVOLVED IN THE PROJECT, INCLUDING STAGING OF CONSTRUCTION

SHALL BE REMOVED TO THE NEAREST TRANSVERSE JOINT. CONTRACTOR SHALL VERIFY REMOVAL LIMITS WITH POLK COUNTY CONSTRUCTION INSPECTOR

19. ALL PROPOSED CURBS SHALL BE 6" STANDARD

20. AGGREGATE DRIVES SHALL HAVE GRADATION OF

21. THE PROPOSED EAST ENTRANCE WILL REQUIRE AN ENTRANCE PERMIT FROM POLK COUNTY PUBLIC

REQUIRES A PERMIT FROM POLK COUNTY PUBLIC

# TRAFFIC CONTROL NOTES

1. ALL APPLICABLE COUNTY PERMITS, INCLUDING BUT NOT LIMITED TO CLOSURE PERMITS, SHALL BE

2. ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON

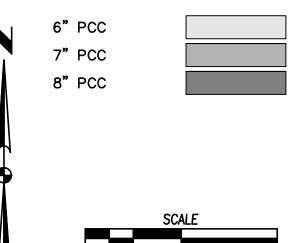
UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). 3. PERMANENT SIGNING THAT CONVEYS A MESSAGE CONTRARY TO THE MESSAGE OF TEMPORARY SIGNING AND NOT APPLICABLE TO THE WORKING

4. THE CONTRACTOR SHALL COORDINATE HIS TRAFFIC CONTROL WITH OTHER CONSTRUCTION PROJECTS IN

OBSTRUCT NOR REMOVE ANY EXISTING PAVEMENT, NOR TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER

REPLACEMENT OF THE SIGNING AND STRIPING WILL

6" P.C.C. 6" P.C.C. 7" P.C.C. 8" P.C.C. 12" DEPTH



BRI RO ISIOI SITE OF THE STREET

07/19/2023 SHEET NUMBER:

2209.670 

- LOCATE ALL UTILITIES BEFORE ANY PLANTING BEGINS.
  THE 2023 EDITION OF THE <u>SUDAS STANDARD SPECIFICATIONS</u> AND ALL CITY SUPPLEMENTALS, IF APPLICABLE, SHALL APPLY TO ALL WORK ON THIS PROJECT UNLESS OTHERWISE NOTED.
  TYPE, SIZE, AND QUALUTY STANDARD STANDARD STANDARD STANDARD TO THE MOST CURRENT EDITION OF THE
- AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1

  ALL PLANT MATERIAL SHALL BE HEALTHY SPECIMENS WITHOUT DEFORMITIES, VOIDS AND OPEN SPACES, WITH
- WELL DEVELOPED BRANCH AND ROOT SYSTEMS; TRUE TO HEIGHT, SHAPE AND CHARACTER OF GROWTH OF THE SPECIES OR VARIETY.
- SEED AS INDICATED. ALL OTHER DISTURBED AREAS TO BE SODDED AS DIRECTED BY OWNER. BACKFILL TO TOP OF CURB. (MINUS 1 1/2" FOR SOD, IF REQ.)
- WEED PREVENTER (PRE-EMERGENT) SHALL BE SPREAD OVER SOIL AFTER PLANTING AND BEFORE MULCHING IN
- ALL PLANTING BEDS PER MANUFACTURER'S RECOMMENDATIONS. SHREDDED HARDWOOD MULCH SHALL BE PLACED AROUND ALL TREES, SHRUBS AND IN ALL PLANTING BEDS
- TO A (MIN) DEPTH OF 3". ALL EDGING SHALL BE SPADE CUT EDGE.
- 10. PLANT QUANTITIES ARE SHOWN FOR INFORMATION ONLY, THE DRAWING SHALL PREVAIL IF ANY CONFLICTS
- 11. ALL DEBRIS SPILLED IN THE PUBLIC R.O.W. SHALL BE PICKED UP BY THE CONTRACTOR AT THE END OF EACH
- 12. CONTRACTOR SHALL WARRANTY ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR FROM DATE OF
- 13. CONTRACTOR SHALL PROVIDE IRRIGATION DESIGN TO OWNER, IF REQUESTED. FOR APPROVAL.

PARKING LOT REQUIREMENT

1 CANOPY, 2 UNDERSTORY TREES AND 7 SHRUBS PER 12 PARKING SPACES.

98 TOTAL SPACES = 25.2 TOTAL PLANT UNITS

CANOPY TREES REQUIRED: UNDERSTORY TREES REQUIRED: SHRUBS REQUIRED:

13 (INCLUDES 4 EXISTING ALONG WEST DRIVE) PROPOSED CANOPY TREES: PROPOSED UNDERSTORY TREES:

PROPOSED SHRUBS: (SUBSTITUTING 5 CANOPY TREES FOR SHRUBS) 25.2 TOTAL PLANT UNITS

LANDSCAPE ISLAND REQUIREMENT 324 SF PER 12 SPACES: 2,646 SF

3,841 SF (AREAS HATCHED ON PLAN) LANDSCAPE ISLAND PROVIDED:

		NG LOT LANDSCAPE	T	
ORNAMENTAL TREES	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE
AG	3	Autumn Brilliance Apple Serviceberry	Amelanchier x grandiflora 'Autumn Brilliance'	B&B, 5' HEIGHT
CE	4	Eastern Redbud Multi-trunk	Cercis canadensis	B&B, 1.5" CALIPER
MP	6	Prairifire Crab Apple	Malus x 'Prairifire'	B&B, 1.5" CALIPER
MS	3	Spring Snow Crab Apple	Malus x 'Spring Snow'	B&B, 1.5" CALIPER
	•	•	•	•
OVERSTORY TREES	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE
СМ	2	Crimson King Maple	Acer platanoides 'Crimson King'	B&B, 2" CALIPER
GL	4	Greenspire Linden	Tilia cordata 'Greenspire'	B&B, 2" CALIPER
QM	3	Burr Oak	Quercus macrocarpa	B&B, 2" CALIPER
		•	•	•
SHRUBS	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE
BW	7	Wintergreen Boxwood	Buxus microphylla 'Wintergreen'	12" HEIGHT
JF	14	Sea Green Juniper	Juniperus chinensis 'Sea Green'	24" HEIGHT
SK	7	Miss Kim Korean Lilac	Syringa pubescens 'Miss Kim'	24" HEIGHT

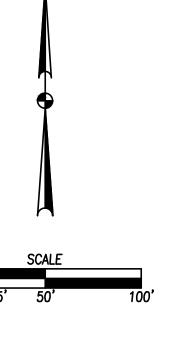
STREET BUFFER REQUIREMENTS: BUFFER WIDTH: BUFFER LENGTH: 1,015 LF LIGHT OPACITY, MULTIPLIER =.9 1 CANOPY, 2 UNDERSTORY TREES AND 7 SHRUBS PER 100 LF.

(27.6 TOTAL PLANT UNITS) CANOPY TREES REQUIRED: UNDERSTORY TREES REQUIRED:

SHRUBS REQUIRED: PROPOSED CANOPY TREES: PROPOSED EVERGREEN TREES: PROPOSED UNDERSTORY TREES: PROPOSED SHRUBS:

(SUBSTITUTING 5 CANOPY TREES FOR SHRUBS & 6 EVERGREENS FOR 6 UNDERSTORY TREES)
(SUBSTITUTING 5 CANOPY TREES FOR 32 SHRUBS PER VARIANCE REQUEST)

PLANT SCHEDULE	STREE	T BUFFERYARD		
EVERGREEN TREES	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE
PS	6	White Pine	Pinus strobus	B&B, 6' HEIGHT
ORNAMENTAL TREES	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE
MP	12	Prairifire Crab Apple	Malus x 'Prairifire'	B&B, 1.5" CALIPER
OVERSTORY TREES	QTY	COMMON NAME	BOTANICAL NAME	CONDITION AND SIZE
СМ	5	Crimson King Maple	Acer platanoides 'Crimson King'	B&B, 2" CALIPER
GL	7	Greenspire Linden	Tilia cordata 'Greenspire'	B&B, 2" CALIPER
QM	7	Burr Oak	Quercus macrocarpa	B&B, 2" CALIPER



E FABRICATIONS IMPROVEMENTS ANDSCAPE PLAN

07/13/2023 SHEET NUMBER: 2209.670