Agenda

Roll Call

Acceptance of the April 19, 2021 Meeting Minutes

Opening Statement

Unfinished Business: None

Consent Items, Public Hearing – New Business:

Item 1 21/10243 **Variance Appeal Application: Daniel Lee (Appellant), 12226 NW 142nd Avenue, Polk City, Union Township**

Item 1 21/10244 **Variance Appeal Application: Lisa Clark (Appellant), 7430 NE 108th Place, Bondurant, Franklin Township**

Item 1 21/10271 **Variance Appeal Application: Rod Meek (Appellant), 16494 NE 112th Street, Maxwell, Washington Township**
Agenda, cont’d

Action Items, Public Hearing – New Business:

Item 1 21/10224  Variance Appeal Application: Kwik Trip, Inc. (Appellant), 5145 NE 14th Street, Saylor Township

Item 2 21/10225  Variance Appeal Application: Kwik Trip, Inc. (Appellant), 5145 NE 14th Street, Saylor Township

Item 3 21/10226  Variance Appeal Application: Kwik Trip, Inc. (Appellant), 5145 NE 14th Street, Saylor Township

Item 4 21/10227  Variance Appeal Application: Kwik Trip, Inc. (Appellant), 5145 NE 14th Street, Saylor Township

Item 5 21/10242  Variance Appeal Application: Bret Nehring (Appellant), 8977 NE Hubbell Road, Bondurant, Franklin Township

Item 6 21/10272  Conditional Use Permit Application: SBA Towers X, LLC (Applicant), 6181 NE 27th Avenue, Altoona, Clay Township

Item 7 21/10273  Variance Appeal Application: SBA Towers X, LLC (Appellant), 6181 NE 27th Avenue, Altoona, Clay Township

Item 8 21/10274  Variance Appeal Application: SBA Towers X, LLC (Appellant), 6181 NE 27th Avenue, Altoona, Clay Township
Agenda, cont’d

Communication/Discussion Items

Zoning Administrator Report

Adjournment
Item 1 - Variance Appeal

-CONSENT-

Appellant: Daniel Lee (Applicant) & Jake West, Van Wall Energy (Representative)

Request: Variance to allow an approximate 14-foot by 110-foot (1,540 square feet) solar array accessory structure to be located in front of the principal building, having a separation that is greater than 150-feet (from 150-feet to 215-feet) from the principal building.

Subject Property: 12226 NW 142nd Ave., Polk City Section 20 of Union Township.

Zoning: “ER” Estate Residential District
Staff Recommendation

Staff recommends approval of the requested Variance.
Appellant: Lisa R. Clark (Property Owner)

Request: Variance to allow a new residential accessory building to be located in front of the principal dwelling at a front yard setback of less than 100-feet.

Subject Property: 7430 NE 108th Place, Bondurant

Zoning: “ER” Estate Residential District
View: North
View: East
Staff Recommendation

Staff recommends approval of the requested Variance.
Appellant: Rod Meek (Applicant)

Request: 12-foot Variance to the rear yard setback (from 50-feet to approximately 38-feet) and an approximate 0.2% building coverage increase (from 15% to approximately 15.2%) for the construction of an enclosed four season patio on the south side of the existing single-family home

Subject Property: 16494 NE 112th Street, Maxwell
Section 28 of Washington Township

Zoning: “AG” Agricultural District
Staff recommends **approval** of the requested Variance.
Items 1-4 Variance Appeals
-ACTION-

Appellant: Mark Vinz with Kwik Trip, Inc. (property owner), represented by Sarah Austin with Nagle Signs (sign contractor)

Subject Property: 5145 NE 14th Street, Des Moines, Section 13 of Saylor Township.

Zoning: “GC” General Commercial District
Requests

**Docket 21/10224**
Variance to increase freestanding signage from 60 SF to 225 SF

**Docket 21/10225**
Variance to allow a total of two (2) freestanding signs

**Docket 21/10226**
Variance to increase freestanding sign height from 10 feet to 25 feet for a proposed 125.25 SF freestanding sign

**Docket 21/10227**
Variance to increase freestanding sign height from 10 feet to 60 feet for a proposed 100 SF freestanding sign
Staff Recommendations

Docket 21/10224
Variance to increase freestanding signage from 60 SF to 225 SF

Staff does not support the request to increase the signage area to 225 SF. However, staff does support and recommend approval of a modified request to increase the freestanding signage area to 180 SF, with the following condition:

1. The Variance approval only applies to the appellant and property owner, Kwik Trip, Inc., for their use of the property as a convenience store and gas station use.

Docket 21/10225
Variance to allow two (2) freestanding signs

Staff recommends approval of the request, with the following condition:

1. The Variance approval only applies to the appellant and property owner, Kwik Trip, Inc., for their use of the property as a convenience store and gas station use.
Docket 21/10226
Variance to increase freestanding sign height from 10 feet to 25 feet for a proposed 125.25 SF freestanding sign

Staff recommends **denial** of the request

Docket 21/10227
Variance to increase freestanding sign height from 10 feet to 60 feet for a proposed 100 SF freestanding sign

Staff recommends approval of the request, with the following condition:

1. The Variance approval only applies to the appellant and property owner, Kwik Trip, Inc., for their use of the property as a convenience store and gas station use
**Item 5 Variance Appeal**

-**ACTION-**

**Appellant:** Bret Nehring (property owner)

**Subject Property:** 8977 NE Hubbell Rd, Bondurant, Section 21 of Franklin Township.

**Zoning:** “ER” Estate Residential District

**Request:** Variance to allow a new 60’ x 80’ (4,800 SF) accessory building to be located in front of the principal residence with a separation distance between the accessory building and principal structure of greater than 150 feet (proposed separation is ~815 feet)
Staff recommends **denial** of the request for the following reasons:

• The request does not support the spirit or intent of the accessory building regulations, which are intended to keep principal and accessory structures located within a reasonable distance of one another when the accessory is located in front.
• There are no exceptional or extraordinary circumstances which prevent the location of the building in a conforming location, or a location more consistent with the intent of the accessory structure regulations – there are other buildable areas of the site in much closer proximity to the principal residence.
• The proposed location is closer to adjacent residences on other properties than to the residence on the subject property.
Items 6-8- Conditional Use Permit and Variance Appeals

- ACTION -

Applicant/Appellant: SBA Towers X (Applicant/Appellant), represented by Alexander Novak (GSS Inc.)

Subject Property: 6181 NE 27th Avenue, Altoona

Zoning: “MU” Mixed Use District

Map Link: [http://web.assess.co.polk.ia.us/cgi-bin/web/tt/infogry.cgi?tt=card/card&dp=17000326000000](http://web.assess.co.polk.ia.us/cgi-bin/web/tt/infogry.cgi?tt=card/card&dp=17000326000000)
6181 NE 27th Avenue
Subject Property
View: South
Southeast Tower to be demolished
Conditional Use Permit (21/10272): A Conditional Use Permit to allow a communication tower on property the legally described as a portion of the East-half of the Southwest Quarter of the Southeast Quarter of Section 26, Clay Township. Staff recommends approval of the requested Conditional Use Permit, subject to the following conditions:

Conditions of approval on following slide:
Staff Recommendation (Conditions)

1. The approval shall require the removal of the existing communication tower which is located at 2230 NE 64th Street, being located within ½ mile of the proposed tower site. The applicant shall submit a signed agreement to remove the existing tower within one (1) year of the newly approved tower with the construction permit.
2. The tower shall have a maximum height of 180-feet, unless the variance case associated with Docket #21/10274 is approved and establishes a new height.
3. The applicant shall submit a signed detailed site plan drawing from an Iowa Licensed Engineer of the subject property and proposed tower project and the Iowa licensed engineer shall certify that the proposed communication tower design and construction meets minimum safety requirements of the Zoning Ordinance.
4. The applicant shall meet Polk County Air Quality Division construction and operation permit requirements for the generator planned within the lease area.
5. The applicant shall keep any dirt, mud and debris from accumulating on adjacent roads during and after construction of the drive, lease area and tower.
6. Building and electrical permits shall also be obtained after the site plan drawing is approved.
7. The applicant shall submit evidence of meeting FCC and FAA requirements.
8. The applicant shall submit a copy of the actual signed lease agreement between the property owner and the carrier(s). The lease agreement shall include verbiage including the tower removal at the end of the lease agreement or when the tower is no longer used.
Staff Recommendation

- **Variance Appeal #1 (21/10723):** A variance to *Article 15: Construction Standard*, to waive the requirement for paving and curbing for drive aisles for non-residential development in the “MU” Mixed Use District.

Staff recommends **approval** of the requested Variance.
Staff Recommendation

Variance Appeal #2 (21/10274): A 130-foot variance to Article 4: Use Regulations, Division 4: Use Categories and Standards, Section 4: Commercial Uses, (L) Communication Towers (1) Height, to construct a 310-foot communication tower in lieu of the established 180-foot height maximum.

Staff recommends **denial** of the requested Variance based on a lack of evidence of special conditions or circumstances, or justification of the necessity of a communication tower that would exceed the maximum height of the “MU” Mixed Use District.