

POLK COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Tuesday, February 18, 2020, at 7:00 P.M. in Conference Room A of the Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa.

- A) Roll Call - Members Present: Mike McCoy, David Kinsley, Bonnie Thorn, Ron Fisher and Paul Kruse. Absent: None. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Seana Field, Land Use Planning Coordinator; Jennifer Ellison, Planner; Brian McDonough, Planner; and Ashley Davidson, Recording Secretary.
- B) Acceptance of the Minutes of the Tuesday, January 21, 2020, meeting.
It was moved by Thorn and seconded by Fisher, to **APPROVE** the minutes as presented.
Vote: Yea: Thorn, Fisher, McCoy, Kinsley, and Kruse. Nay: None. Absent: None
- C) Opening Statement
- D) Unfinished Business – None
- E) Consent Public Hearing Item – New Business – None
- F) Discussion Public Hearing Items – New Business:

Item 1 20/8694 Variance Appeal Application

Request by John Teig (Property Owner) for two (2) Variances to allow an increase in the maximum height for an accessory building by approximately two (2) feet, six (6) inches (from 24-feet to 26-feet 6-inches), and for an approximate 160-foot Variance (from 150-feet to 310-feet) to allow the accessory building placement in front of the principal building with greater than 150-feet of separation between the structures on the subject property located at 14431 NE 46th Street, Section 15 of Elkhart Township.

Let the record show that John Teig (Property Owner), 14431 NE 46th St, Elkhart, IA, 50073, was present to represent the Variance Appeal application.

Let the record show that six (6) notices were mailed, with one (1) response received in opposition and one (1) response received in support of the Variance Appeal application. Before the meeting the individuals responding in opposition contacted our office to indicate that they are now in support of the Variance Appeal application. This made the final count of zero (0) in opposition and two (2) in support of the Variance Appeal application.

A motion was made by McCoy and seconded by Kruse to waive staff presentation in the absence of opposition and to **APPROVE** the Variance Appeal application in accordance with staff's recommendation of approval.

Vote: Yea: McCoy, Kruse, Kinsley, Thorn, and Fisher. Nay: None. Absent: None

Item 2 20/8709 Conditional Use Permit Application

Request by LMO Investments, LLC / Bret Nehring (Property Owner), represented by Erik Nikkel with Snyder & Associates, Inc., for a Conditional Use Permit to establish a Moderate Industry use of a Heavy Construction Contractor. The subject property is located at 5582 NE 14th Street, Des Moines, Section 11 of Saylor Township.

Let the record show that Erik Nikkel, Snyder & Associates, Inc., 2727 SW Snyder Blvd, Ankeny, IA 50023, was present to represent the Conditional Use Permit application.

Let the record show that thirteen (13) notices were mailed and zero (0) responses were received in opposition and one (1) response in support of the Conditional Use Permit application.

A motion was made by McCoy and seconded by Kruse to waive staff presentation in the absence of opposition and to **APPROVE** the Conditional Use Permit application in accordance with staff's recommendation and conditions of approval as outlined in the staff report.

Vote: Yea: McCoy, Kruse, Kinsley, Thorn, and Fisher. Nay: None. Absent: None

Item 3 20/8710 Variance Appeal Application

Request by Quik Trip Corporation (Property Owner), represented by Miranda Cassens with Chesnut Signs, for a variance to allow a third freestanding sign, a freestanding sign height variance, and a sign area variance. The subject property is located at 4801 NE 14th Street, Des Moines, Section 13 of Saylor Township.

Let the record show that Miranda Cassens with Chesnut Signs, 971 NE Broadway Ave, Des Moines, IA 50313, was present to represent the Variance Appeal application.

Let the record show that fifteen (15) notices were mailed, with zero (0) responses received in opposition and one (1) response received in support of the Variance Appeal application.

A motion was made by McCoy and seconded by Kruse to waive staff presentation in the absence of opposition and to **APPROVE** the Variance Appeal application in accordance with staff's recommendation as outlined in the staff report.

Vote: Yea: McCoy, Kruse, Kinsley, Thorn, and Fisher. Nay: None. Absent: None

Item 4 20/8741 Conditional Use Permit Applications

Request by InRoads, LLC, represented by Bill Rosener (Prospective Buyer) with permission from D&M Partners, LLC (Property Owner) for Conditional Use Permits to construct and operate a permanent Asphalt Batch Plant and a Disposal Use, specifically asphalt and concrete recycling, on the subject property located at 4756 NE 20th Lane, Section 13 of Saylor Township.

Let the record show that Brent Culp, Snyder & Associates, 2727 SW Snyder Boulevard, Ankeny, IA 50023, and Bill Rosener, Vice President of InRoads, LLC, 4224 Hubbell Avenue, Suite 1, Des Moines, IA 50317, were present to represent the Conditional Use Permit applications.

Let the record show that fourteen (14) notices were mailed with two (2) responses received in opposition and one (1) response received in support of the Conditional Use Permit applications.

Seana Field gave the staff presentation and recommendation.

Let the record show that the appellant's representative, Brent Culp with Snyder & Associates, 2727 SW Snyder Boulevard, Ankeny, IA 50023, gave a presentation of the Conditional Use Permit applications.

Let the record show that Bill Rosener, Vice President of InRoads, LLC, presented information regarding the business itself and the requested Conditional Use Permit applications.

A motion was made by Thorn and seconded by Fisher to **APPROVE** the Conditional Use Permit applications in accordance with staff's recommendation and conditions of approval as outlined in the staff report.

Vote: Yea: McCoy, Kinsley, Thorn, Fisher, and Kruse. Nay: None. Absent: None

Item 5 20/8742 Variance Appeal Applications

Request by InRoads, LLC, represented by Bill Rosener (Prospective Buyer) with permission from D&M Partners, LLC (Property Owner) of four (4) Variances for the subject property located at 4756 NE 20th Lane, Section 13 of Saylor Township. The following are the Variance Appeal requests:

- a) To increase the maximum height in the "HI" Heavy Industrial District zone from 45 feet to 75 feet to accommodate the asphalt batch plant silos;
- b) To allow reclaimed asphalt product, hard surfaces and curbs to be established by the end of the 2020 construction season;
- c) To allow the use of reclaimed asphalt product instead of hard surfacing and to eliminate curbs in the proposed production area of the site; and,
- d) To eliminate parking lot landscaping within the proposed gravel and reclaimed asphalt product area parking lot.

Let the record show that Brent Culp, Snyder & Associates, 2727 SW Snyder Boulevard, Ankeny, IA 50023, and Bill Rosener, Vice President of InRoads, LLC, 4224 Hubbell Avenue, Suite 1, Des Moines, IA 50317, were present to represent the Variance Appeal applications.

Let the record show that fourteen (14) notices were mailed and two (2) responses were received in opposition and one (1) response was received in support of the Variance Appeal applications.

Seana Field gave the staff presentation and recommendation.

Let the record show that the appellant's representative, Brent Culp, Snyder & Associates, 2727 SW Snyder Boulevard, Ankeny, IA 50023, gave a presentation of the requested Variance Appeals.

Let the record show that Bill Rosener, Vice President of InRoads, LLC, presented information regarding the business itself and the requested Variance Appeals.

A motion was made by McCoy and seconded by Kruse to **APPROVE** the Variance Appeals in accordance with staff's recommendation and conditions of approval.

Vote: Yea: McCoy, Kinsley, Thorn, Fisher, and Kruse. Nay: None. Absent: None

G) Communications/Discussion Items – None

H) Zoning Administrator Report – Planning and Development Manager Bret VandeLune made the Board Members aware that staff will begin work on updating the County's Comprehensive Plan in the next budget cycle, beginning in July of 2020. A few key areas of focus will be recent changes in cities corporate limits, an emphasis on water quality, as well as closer study of the County's major corridors, including NE 14th Street, NW 2nd Street and NE Broadway Avenue. VandeLune stated that a number of public hearings will be held throughout the process. He encouraged the Board Members to share any input they may have moving forward.

I) Adjournment

A motion was made by McCoy and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on March, 16, 2020.

Vote: Yea: McCoy, Kinsley, Thorn, Fisher, and Kruse. Nay: None. Absent: None