

BOARD OF ADJUSTMENT

May 5, 2021

Due to the COVID-19 pandemic and associated protocols, the Urbandale Board of Adjustment met in regular session as a virtual meeting on Wednesday, May 5, 2021, via WebEx Meeting Rooms. The City of Urbandale will still provide public access via a WebEx virtual meeting application. Meeting minutes will continue to be transcribed, and upon approval, will be available via the Community Development Department. Chairperson Katie Wheeler called the meeting to order at 6:00 p.m.

Board members present were Sarah Kautz, Katie Wheeler, Aaron Cavazos, and Kathy DeWald. Staff members present were Annika Schilke, Planner II, Nicole Lunders, City Clerk, and Cheryl Vander Linden, Administrative Specialist.

Ms. Wheeler, Chairperson, said Urbandale strives to promote and model the principles of Character Counts, and we expect all participants in this evening's meeting to conduct themselves in a manner that adheres to the principles of trustworthiness, respect, responsibility, fairness, caring and citizenship. This is an informal meeting open to the public. In order to properly handle each appeal, the Board's procedures are as follows. The agenda shall be followed for each appeal. The person making the appeal shall first explain the circumstances of the appeal and why a variance or conditional use permit, as the case may be, should be granted by the Board. Next all persons in favor of the appeal shall have the opportunity to address the Board. At that point, any person opposed to the request will have the opportunity to address the Board. The Zoning Administrator shall then present the position of City Staff, supported by legal counsel if desired. The person making the appeal will then be given time for rebuttal, if desired. At that time, the public hearing will be closed, and the Board will begin its deliberations. The Board may ask for additional information before arriving at a decision which will be announced this evening. The agenda and Staff recommendations for each case were mailed to those requesting variances or conditional use permits. An official notice for each appeal was published in the community publications, Urbandale/Johnston Register. In addition, a copy of the official notice was mailed to property owners in the vicinity of the subject property, in accordance with adopted procedures. She asked if there were any objections to any of the notices? Please let the record reflect there are none.

Ms. Wheeler said this is a 5-member board and the Code of Iowa requires 3 affirmative votes to grant any variance or conditional use, regardless of how many members are present or may have a conflict of interest and be unable to participate and vote on a particular appeal. A minimum of 3 members must be present to constitute a quorum and allow the meeting to be held. In such case a unanimous vote is necessary. A vote of 2 to 1 in favor, or 2 to 1 with one abstention, if 4 were present, as examples, would constitute a denial. Knowing that, anyone who wishes to have his or her item deferred until a future meeting may do so by requesting a deferral now or at any time prior to a

motion being made. Once a motion has been made, it will no longer be possible to request deferral. If denied, a variance or conditional use cannot be resubmitted for the Board's consideration for a minimum of one year. Everyone should mute your electronic device to lessen background noise but also remember to unmute your electronic device at the time of discussion, questions, and voting. For each item, the chair will recognize one person to speak on behalf of the application. We ask that each person addressing the Board state their name and address for the record prior to making their presentation. The chair will also make time available for anyone who may wish to speak in favor or in opposition to any item. Please wait until that time to unmute your device and request to speak.

The first item on the agenda was to approve the minutes from the April 7, 2021, meeting. Ms. Kautz moved, and it was seconded by Wheeler, to approve the April 7, 2021 meeting minutes. On roll call; Ayes: Kautz, Wheeler, Cavazos, DeWald; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the Xtra Innings Conditional Use Permit, 3946-3948 NW Urbandale Drive, Case No. 011-2021-02.06.

Mr. Tyler Price, Knapp Properties, 5000 Westown Parkway, West Des Moines, said about 18 months ago from the original conditional use permit request, which was granted, despite the pandemic, Mr. Dueker has had some good initial success here with his business. They are looking to expand their footprint at the Shine Business Park. Xtra Innings is a baseball technique and indoor training facility. They're looking to expand the space by roughly 40% and allow them to have some additional cages and do some larger events, as well, on the site there. As a landlord, as a property manager, we've had no issues and no complaints in regards to their use. And then also the capacity and the parking that they do utilize when they have larger groups in there. Their larger groups tend to be in more off hours from other businesses in the park, so it's really been a good relationship between Xtra Innings and the other tenants in the business park, as well. Looking through all the recommendations of the City Staff, similar to the original conditional use permit, myself and Mr. Duecker have no concerns about our ability to adhere to all of these recommendations.

Ms. Wheeler asked if anyone wished to speak either in favor or in opposition of this request. There was no one who wished to speak.

Ms. Schilke said the action required on this item is for finding for approval or denial of the requested Conditional Use Permit to allow the expansion of a sports training facility in the "M-1" Planned Industrial District

Xtra Innings is requesting an amendment to the Conditional Use Permit they received in 2019 (Case No. 011-2019-02.03) to allow a business expansion for both space and capacity for the sports training facility. The property is zoned "M-1" Planned Industrial

District, and gymnasiums and similar uses require a Conditional Use Permit in the "M-1" District.

The facility currently occupies a total of approximately 6,000 square feet and would increase to approximately 10,000 square feet. The gym provides baseball technique instruction and indoor practice facilities primarily for individuals and small groups. The applicant has indicated that the maximum number of occupants that would occur with any regularity is approximately 70 to 80 people including athletes, instructors, and observers, with typical occupancy closer to 30 to 50 people. The highest occupancy could be up to 100 people for a special event such as a skills camp or league and would only take place after regular business hours or on weekends.

The tenant space is shared with two ancillary businesses operated by family members, each with their own office, which includes a commercial photography studio and a spiritual counseling business. Both of these are allowed under the M-1 zoning regulations and neither is expected to generate significant traffic.

The property has a total area of about 3.15 acres, and has 275 feet of frontage on Northwest Urbandale Drive. There are approximately 156 parking spaces on site. The property is zoned "M-1" Planned Industrial District. Properties to the south and east are zoned for commercial uses, and properties to the west and north are owned and operated by Homemakers.

Ms. Schilke said Staff analysis is as follows:

1. Standards, all of which must be met prior to approval of a Conditional Use Permit, are as follows:
 - (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood;
 - (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 - (e) That adequate measures have been or will be taken to provide ingress and

egress so designed as to minimize traffic congestion in the public streets;

- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified as provided in Section 6.
 - (g) That the proposed use shall be consistent with the Comprehensive Plan. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board upon finding that these are necessary to fulfill the purpose and intent of this Ordinance.
2. The quantity of parking on this site was designed for warehousing and flex-office uses, rather than retail or service uses, and is correspondingly provided at a ratio slightly lower than the normal 5 parking spaces per 1000 square feet of floor area. All new non-warehousing uses must therefore be reviewed to make sure they will not exacerbate a parking shortage. The tenant has indicated that the typical occupancy will be about 30 to 50 at a time –this is a moderate occupancy for a 10,000 square foot space, and the parking requirements in the Zoning Ordinance for such an occupancy are similar to the parking requirements for a typical office. Therefore, as long as the maximum number of students, spectators, and instructors on site at any given time is limited, the available parking is expected to be sufficient. The applicant will be expected to manage the timing of activities that draw larger numbers of people, so that parking shortages are not created and surrounding business are not negatively impacted.

Therefore, the Board could find that the proposed Conditional Use does not satisfy the standards required for approval of a Conditional Use, and that the request therefore must be denied. Or, the Board could find that with certain modifications and stipulations, that the proposed Conditional Use would not create a negative impact upon the character of the neighborhood, would satisfy the required standards and the intent of the Ordinance, and that the requested Conditional Use be approved subject to such modifications and stipulations.

Ms. Schilke said Staff recommends approval of the requested conditional use to allow expansion of a sports training facility in an “M-1” Planned Industrial District subject to:

- 1. Comply with all relevant building and fire codes, and a building permit will be required.
- 2. The typical number of occupants throughout the tenant space should be in the range of 30 to 50 people, timing of activities that draw higher occupancies shall be

managed so that parking shortages are not created, and surrounding businesses are not negatively impacted.

3. For any special events which may occur, the maximum number of occupants throughout the tenant space shall not exceed 100 people.
4. Providing additional parking if found to be necessary, as evidenced by improper parking on adjoining properties, in circulation aisles or landscaping, or complaints from other tenants in the building, to be determined at the sole discretion of the Zoning Administrator, or if sufficient parking cannot be provided this Conditional Use Permit will be extinguished without prejudice against re-filing.
5. This Conditional Use Permit shall not run with the land or be transferable to any other operator or user.

Ms. Kautz moved, and it was seconded by Cavazos, to approve the Xtra Innings Conditional Use Permit, to allow the expansion of a sports training facility in the M-1 Planned Industrial District based on Staff analysis 1 A-G and 2, subject to conditions 1-5. On roll call; Ayes: Kautz, Cavazos, DeWald, Wheeler; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the Urbandale Elementary #2 (Valerius site) Conditional Use Permit, 3305 92nd Street, Case No. 011-2021-02.07.

Mr. Eric Beron, DLR Group, 1430 Locust Street, Suite 200, Des Moines, said with me tonight is Dr. Bill Watson, current lead administrator from the school district, 11152 Aurora Avenue, Urbandale. Mr. Beron said just a little bit of history for those who may not know, in 2018, the school district ran and passed a bond referendum to consolidate elementary schools within the City of Urbandale. They had 6, they are going to 4. Currently under construction at the Olmsted site is Elementary #1. That is slated to be completed later this summer for the opening of the school year. Elementary #2 was slated to happen a little bit later because of financing and other favorable items, the school district was able to move that schedule up a little bit and so we are in the design phases right now. The intent is to have bidding this summer, construction would start in the fall, and then be complete for an opening of August of 2023. In the interim, students from the Valerius site will be located at the Jensen site, just as today Jensen is being used as kind of a swing school while the Olmsted site is under construction.

Ms. Wheeler said I'm sure you saw Staff's analysis and recommendations. There are some conditions that the Staff listed as part of their recommendations. Are you comfortable with all of those?

Mr. Beron said correct. We've read and reviewed all the conditions and we have no problem of complying with those.

Ms. Wheeler asked if there was anybody wishing to speak in opposition. Seeing no one, staff report is next.

Ms. Schilke said the action required on this item is to approve or deny a Conditional Use Permit to allow a new elementary school to be constructed.

This request pertains to an existing school property, which is known as "Valerius Elementary". The Urbandale School District is proposing to completely redevelop the property, which includes demolishing the existing building and constructing a new larger elementary school.

The property is zoned "R-1I" Intermediate Density Single Family District, and schools are a conditional use in the "R-1I" district. As such, the proposed plan to redevelop the site to accommodate a larger more modern building requires the application for the Conditional Use Permit.

The Urbandale Community School District is in the process of executing an Elementary School Master Plan which includes consolidating its facilities from six elementary buildings to four. The demolition and construction at the Olmsted site was the first step, and with that project nearing completion, the District is ready to move forward with the Valerius site.

The property is approximately 8.7 acres, and the new building will be 119,000 square feet. The facility will include academic spaces for grades Pre-K through 5th grade, as well as a central commons area, gymnasium, and media center. The current enrollment at Valerius Elementary School is approximately 238 students, enrollment at the new school is expected to be up to 640 students. The School District has also reserved sufficient area on the site for a possible future expansion. If those additions were constructed, total enrollment could be up to 840 students.

The property is zoned "R-1I" Intermediate Density Single Family District, as are most of the surrounding properties. The City of Urbandale's administrative campus is located to the east and northeast and is zoned "C-O" Office/Service District. Most of the surrounding properties are single-family detached residences, and Walker Johnston Park is immediately adjacent to the north. The School District owns the property across 92nd Street to the west, which is maintained as a demonstration garden by the Polk County Master Gardeners.

As part of this anticipated construction, the City of Urbandale has also entered into a 28E agreement with the School District which allows the District to build an associated parking lot on the Walker Johnston Property, and in exchange gives the City some rights of use for a sports field to be located on the Valerius property. Other public improvements associated with the school project include street construction/reconstruction in the rights of way on 90th Street and 92nd Street in the

immediate vicinity of the school property.

Ms. Schilke said Staff analysis is as follows:

1. Standards, all of which must be met prior to approval of a Conditional Use Permit, are as follows:
 - (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood;
 - (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 - (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified as provided in Section 6 of the Zoning Ordinance.
 - (g) That the proposed use shall be consistent with the comprehensive plan.

Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board upon finding that these are necessary to fulfill the purpose and intent of this Ordinance.

2. The School District's proposal to build a new school at the Valerius site is part of a long-term plan for the District's elementary schools. This is the second school to be re-built, the first was Olmsted. This proposal modernizes the school and the site, improves the availability of parking, and improves separation of passenger vehicle and bus traffic on-site, and increases storm water detention. The overall master plan

ensures that the District as a whole is more efficient and will provide a higher quality of facilities for all students.

3. The building and site appear to comply with the bulk requirements in the "R-11" district. A minimum parking setback of 10' from all property lines will also be provided.
4. Due to the complete redevelopment of the site, it would be advisable to formally vacate all previous Board of Adjustment actions on this property to avoid any confusion going forward.

Therefore, the Board could find that the proposed Conditional Use does not satisfy the standards required for approval of a Conditional Use, and that the request therefore must be denied. Or, the Board could find that with certain modifications and stipulations, that the proposed Conditional Use would not create a negative impact upon the character of the neighborhood, would satisfy the required standards and the intent of the Ordinance, and that the requested Conditional Use be approved subject to such modifications and stipulations.

Ms. Schilke said Staff recommends approval of a Conditional Use Permit to allow the redevelopment of the property to include construction of a new Elementary School subject to the following:

1. Obtain City Council approval of the proposed site plan for the new school.
2. Complete the traffic study.
3. Coordinate specifications for the soccer field with the Urbandale Parks Department at all stages of design and construction.
4. Match the width of the sidewalk connection into Walker-Johnston Park to equal or exceed the width of the existing north-south sidewalk in the park.
5. Provide buffering to the adjacent residential properties at an equal or better quality than provided under the current site conditions (buffering may include fences, berms, shrubs, trees, or increased distances, or any combination thereof)
6. Parking is to be provided based on the minimum requirements of the Urbandale Zoning Ordinance, currently required at a ratio of 2 parking spaces per staff member. All parking areas constructed as part of this project are counted towards that total, including the parking area which will be partially located on the Walker-Johnston property and the noting that the hard surface play areas may be counted towards the total parking requirement in lieu of permanent parking stalls, with the condition that sufficient parking is provided on the site to accommodate

actual parking need for day-to-day school operations, and the hard-surface play areas are made available for parking during peak times.

7. All previous Board of Adjustment actions and conditions on the site are to be vacated, and considered void. (These actions are related to cases including: Case #011-86-02.06; Case #011-90-02.12)

Ms. Kautz said it seems that when elementary schools or really any schools are being expanded or built, the traffic just seems to be an issue. But it sounds like the traffic study will help address any issues for parent drop off and pick up and some of those things. With the size of the school increasing almost 2-1/2 times, I wasn't sure if there was any concern about how the traffic would be in that area.

Ms. Schilke said so that is a goal of the traffic study, which the City's Engineering Department and the school district are currently working through that process. She asked Mr. Beron if he might have any update on that or would like to address this concern.

Mr. Beron said yes, a traffic study has been in the works and is in the finalization stages right now. One of the conditions of that was the drop-off drive and stacking lane depth. Right now, both at the Olmsted site and at the Valerius site, there was not a lot of drop-off on the property itself. One of the conditions of the traffic study was to increase the stacking depth to 1,000 feet, which will provide areas for the cars that are dropping off and picking up to stack on the property and not into the neighborhood. That's not to say that there won't be stacking into the neighborhood because, during peak times of the morning or afternoon, but the idea is to get as much of that on the property as we can. And that is one of the reasons why we have located that parking lot to the north partially onto the Walker Johnston property, is so that we can achieve that 1,000 feet. In addition to that, there's a separate parking lot just to the south of that that provides another alternative for pick-up and also staff parking. So, the third piece is activating that 90th Street driveway on the back that is not really intended for parent pick up, but it does allow for bus pick-up. Because currently bus pick-up happens on Dewey Gibbs there, adjacent to the master gardener's area. So by taking that and removing that and putting back on the school site, the intersection there at 90th Street and Dewey Gibbs should be improved, accounting for the increased enrollment.

Ms. Kautz said thank you. Any issues that neighbors have spoken out about? Have you heard any concerns?

Ms. Schilke said I did do the regular notification. I was a little surprised, I do not believe a single neighbor has reached out to me. Typically, that indicates that the applicant is doing a good job with their outreach, but again that's maybe something that Mr. Beron or Dr. Watson would be able to address for you.

Mr. Beron said the school district did have a community meeting early on in the design process where we shared information about the plan and the development, similar to what we had done at the Olmsted site, again, to involve the property owners. We have had direct conversation with the garden club to the west. Their main concern was water access during construction. Obviously they have a very beautiful setting over there and they'd like to maintain that. So it is our intent not to disturb that area during the construction process. We only have two other interactions. The two property owners adjacent to 90th Street, even though that is technically a city right-of-way, it has not been used as a through street, so the western side property owner was just questioning whether sidewalks would be provided on their property and they are within the right-of-way. And then the property owner to the east, they had installed a driveway entry or curb cut off of the 90th Street side, which was purely for the owner's benefit, not for the City of anything, and they have asked whether or not that curb cut would be maintained. I do not have an answer at this time, so that would be one question that I would defer back to the City. But other than that, there have been no other arguments for or against from any of the adjacent property owner.

Ms. Kautz moved, and it was seconded by Cavazos, to approve the Urbandale Elementary #2 (Valerius site) Conditional Use Permit, to allow for a new elementary school to be constructed based on Staff analysis 1 A-G, 2, 3, and 4, subject to conditions 1-7. On roll call; Ayes: Kautz, Cavazos, DeWald, Wheeler; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the Parker Signs & Graphics (New Beginnings Church) Sign Variance, 8631 Hickman Road, Case No. 011-2021-01.01.

Ms. Wheeler said I am not sure if anyone representing this item is present on the call, however.

Ms. Schilke said correct, I do not see them anywhere on here. If you have a moment to spare, I'll check my e-mail, make sure that they haven't sent me a message. Likely the outcome here is I'll just ask you to officially make a motion to defer this item until the next meeting. We can't hear the item if they are not present to answer questions and agree to the condition that Staff has listed. I'm not seeing any communication from them.

Ms. Wheeler moved, and it was seconded by Cavazos, to defer the Parker Signs & Graphics Sign Variance, 8631 Hickman Road, to the Board's June 2, 2021 meeting. On roll call; Ayes: Wheeler, Cavazos, DeWald, Kautz; Nays: none. Passes: none. Motion to defer carried.

Regarding Staff reports, Ms. Schilke said we will have the item just deferred at the next meeting. I have another item that I'm expecting to come in for Ramsey Subaru. They're going to need a temporary situation while they're doing some construction, that's a little

out of the norm so we're working through that right now. Beyond that, I don't have anything on the horizon. I do expect that we'll be back in the Council chambers and that everyone will be welcome to attend next month. Thanks for everybody's patience through this whole process.

Ms. Wheeler asked do you have any updates on Board member Tom Muselman, by chance?

Ms. Schilke said I have not heard anything since our last meeting. We're in the timeframe that Tom's wife gave me for his recuperation period, so everything seems like it is still on track.

Ms. Wheeler said I had sent his son, Jason, whom I work with through my office, a message. I know Tom is home now, which is good, but I think he still has a road of recovery ahead of him. Thoughts and prayers are with him, for sure.

The meeting adjourned at 6:33 p.m.