

**CITY OF URBANDALE  
BOARD OF ADJUSTMENT  
MINUTES**

**August 6, 2008**

The Urbandale Board of Adjustment met in regular session on Wednesday, August 6, 2008, at the Urbandale Administrative Offices Building, 3600 86<sup>th</sup> Street, with Chairperson Patrick Kirchner calling the meeting to order at 6:00 p.m.

Board members present were Carey Evans, Patrick Kirchner, Mark Wandro, Tom Muselman, and John Pittman. Staff members present were Paul Dekker, Director of Community Development, and Cheryl Vander Linden, Department Secretary.

There were no objections to the official publications as they appeared in the Urbandale/Johnston Register.

The first item on the agenda was approval of the June 4 and July 2, 2008 meeting minutes.

Ms. Evans moved, and it was seconded by Pittman, to approve the June 4 and July 2, 2008 meeting minutes. On roll call; Ayes: Evans, Pittman, Wandro, Muselman, Kirchner; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the Forever Outdoor Sportsman's Outdoor Fair conditional use permit, 2600 111<sup>th</sup> Street, case number 011-2008-02.06.

Mr. Dave Van Waus, regional biologist for Pheasants Forever, said this event was prior planned at Rathbun Lake, the new Honey Creek Lodge at Rathbun Lake. Due to construction delays, the event had to be moved; we could not hold it there. So we were looking for a large grassy area where we could hold a youth event that draws kids, and the Living History Farms area fit our needs. So immediately we talked with them to see if there were other events there, what type of facilities were available, would it fit our needs, could we work with them, and it looks as though it will work very well. This will be a youth-oriented event. We're hoping to draw somewhere around 700 people each day on Saturday and Sunday. Dock dogs, dog training, youth activities, there will be vendors on site, everything from art to weaponry. They will all be locked, no ammunition on site. But this the first time this event was ever planned and, of course, we've had to scramble in the last 3 weeks due to the that very unfortunate construction delays down at Honey Creek. So this, as you see it here, is what we're proposing at this time. Will there be small variances in maybe tent locations? Possibly. But the basic event as we plan it is in front of you. And we felt that the youth outdoors tied well with Living History Farms' theme, and they did also.

Mr. Kirchner said so this is basically a program to introduce youngsters to hunting.

Mr. Van Waus said well, not so much to hunting but to the outdoors. There will be a Frisbee game, there will be fly tying, dog handling, dock dogs. I don't know as there will be any hunting seminars or anything like that even taking place at all.

Mr. Kirchner asked what are dock dogs?

Mr. Van Waus said dock dogs are where your dog runs along and jumps into a pool of water, and the Fido that runs and jumps the farthest wins. They held this event at Sportsman's Warehouse in Ankeny last year on the blacktop and drew over a thousand people per day, but it was held in July. It was warm. It is absolutely a hoot and the kids will just love it. Now, they can participate, their own dogs can participate. It's a fun event. There's no admission here to any of this. This is exclusively to get kids introduced to the outdoors.

Mr. Van Waus said we would like to put up a sign notifying people of the event, and are we considered a civic organization, as a non-profit?

Mr. Dekker said we have ruled administratively that we would treat them as a civic event so they're entitled to a 4 foot by 8 foot sign.

Mr. Kirchner asked do you understand that? You're entitled to a 4 by 8 sign. Is that satisfactory?

Mr. Van Waus said absolutely. We will have a banner, it won't be a piece of plywood, and it will be a professionally made banner, double-sided.

There was no one present who wished to speak in opposition.

Mr. Dekker said the action required on this item is to approve or deny the requested Conditional Use Permit as required by Section 5.424 of the Zoning Ordinance to allow an outdoor sportsman's fair.

This is an application from Mr. David Van Waus on behalf of the Iowa Pheasants Forever, Inc. State Council, sponsors, for a Conditional Use Permit to allow an outdoor sportsman's fair known as "Forever Outdoors" to be held on a portion of the Living History Farms property. This is a first-time event for Pheasants Forever that was originally scheduled to be held at the Honey Creek Lodge that is under development at Lake Rathbun in southern Iowa. The event has to be relocated due to construction delays at the original Honey Creek location. The "Forever Outdoors" event is expected to draw an attendance in excess of 300 persons on each of the two-day event.

The "Forever Outdoors" event is proposed to be held from 9:00 a.m. to 6:00 p.m. on September 6 and from 10:00 a.m. to 3:00 p.m. on September 7, 2008. The event is

proposed to be held in tents and outdoor spaces located generally south and east of the Living History Farms Visitors' Welcome Center and paved parking lots, along the Hickman Road frontage. The event is proposed to include but is not limited to exhibits, competitions, and demonstrations; display and sales of hunting equipment, clothing, and other merchandise and art by vendors; and food vendors. No alcohol will be served at the event or by any vendors associated with the event. Firearms may be displayed and sold at the event, but no ammunition will be on the premises and no shooting sports, events, or exhibitions etc. will be held at the Living History Farms location. The Living History Farms' parking will be available for those attending this event.

This portion of the Living History Farms property is mostly zoned "A-2" Estate Residential District, which is Section 3.61 of the Zoning Ordinance. A small portion of the site, approximately the western 25%, is zoned "P.U.D." Planned Unit Development District, which is Section 3.92 of the Zoning Ordinance, and regulated by the "Living History Farms" Planned Unit Development Master Plan. Section 5.424 of the Zoning Ordinance requires a conditional use permit for circuses, carnivals, or music festivals involving assemblages of 300 or more persons in any zoning district.

This portion of the Living History Farms property has a total area of 26.16 acres, and about 1,810 feet of frontage on Hickman Road. The Farms and this event can be accessed from Hickman Road in two locations. The property to the north is zoned "A-2" Estate Residential District "P.U.D." and is part of Living History Farms. The Iowa Machine Shed restaurant adjoins to the west and is part of the same P.U.D. as the western portion of this property. The Moingona Girl Scouts office adjoins to the east. The properties south of Hickman Road are located in the City of Clive and consist of a variety of predominately commercial uses.

Mr. Dekker 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. This outdoor sportsman's fair is expected to draw substantially less attendance than attendance at the Farms' major events for which the Farms' infrastructure is designed, and the two-day event will be held at an off-peak time for the Farms. Therefore, it appears that all considerations required for a conditional use permit with respect to adequacy of infrastructure will be satisfied.
  3. The Farms hold outdoor events that are similar in character in this and other locales within the Farms' overall properties, so this use also appears to be consistent with the Comprehensive Plan.
  4. All of the surrounding property is either owned by the Farms or is commercial in nature, and either substantially similar in overall character or otherwise unlikely to be injured. Also, being a two-day event, it is a temporary use of limited duration that appears likely to be a one-time occurrence for this location.

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.

Mr. Dekker said Staff recommends approval of the requested Conditional Use Permit to allow the proposed outdoor sportsman's fair on the dates and times proposed, subject

to no discharge of firearms being permitted unless expressly approved in writing by the Urbandale Police Department.

Ms. Evans moved, and it was seconded by Pittman, to approve the Forever Outdoors Sportsman's Outdoor Fair conditional use permit, based on Staff analysis that all the conditional use standards must be met and this does not create a negative impact on the character of the neighborhood, subject to the Staff's conditions. On roll call; Ayes: Evans, Pittman, Wandro, Muselman, Kirchner; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the "Ramsey Mazda/Subaru Wall Sign Variances", 9631 Hickman Road, case number 011-2008-01.16.

Mr. Tom Carey, Ramsey Development, 9625 Hickman Road, said we're building a new showroom for Subaru. It is connected onto an existing building, our Mazda building. The signage for the Subaru building is something that is put forth by Subaru of America, the car company that we represent. And the problem in question here is that the logo on the slate icon tower, which violates the Sign Ordinance in two ways. One, it is above the parapet, and two, it is not in the same rectangle as the Subaru channel letter set, as you can see on the drawing. Now, the reason that it violates the rectangle is a bit complicated. And that goes to our other building that it's connected to, which has a sign for Mazda. This particular situation, because the buildings are connected, allows only two rectangles and in order to have the signs properly laid out, we'll need three. One for the Mazda sign, which we have, one for the channel letter set, as you can see, and the third one for the log on the slate icon tower. But we're only allowed two, so we're asking for a third. And the other thing we're asking for is a variance on the height on the star cluster logo, which is supposed to abut where it sits there in the drawing, which is standard for Subaru dealerships throughout the country. So in order to have the strong brand identity and identify it as Subaru does in other parts of the country, we wanted to do it in a similar fashion and have it on the special tower, so to speak, where you can see it sits. So that's why I'm here today, to bring that forth. Any questions?

Mr. Kirchner asked does that slate tower sit next to the building?

Mr. Carey said actually it's part of the building. It's connected to the building. It looks somewhat like an attractive "chimney" so to speak, although it's simply a tower design that's part of the look and the brand identity of Subaru.

There was no one present who wished to speak in opposition.

Mr. Dekker said the action required on this item is to approve or deny variances from Sections 2 and 3.11 of the Sign Ordinance to allow a three rectangles to be used to calculate the area of a wall sign instead of the two rectangles allowed, and to allow a portion of the sign to be mounted above the eave or parapet line of the building.

Ramsey Development Company is requesting a variance from sign area calculation requirements to erect separate wall signs for two automobile dealerships that are located in a single building, and a variance to mount a logo for one of the auto lines above the parapet line of the building. The original building was constructed in 1996. Ramsey Development Company acquired the property by contract purchase in 2007, and expanded the building in 2008.

The Ordinance requires that sign area be calculated using not more than two rectangles that enclose the outer-most boundaries of the sign. In this particular case, with the two brands occupying a single building, a single rectangle is available for each brand. One of the permitted rectangles has been used to display "Mazda" and a corporate logo in immediate proximity to the "Mazda" copy on the western portion of the building, leaving the second permitted rectangle available to display "Subaru" on the eastern portion of the building.

However, Subaru's current preference is to separate its logo from the "Subaru" copy to an extent that violates the maximum permitted wall sign area if a single rectangle is utilized to calculate the area. Subaru's current marketing/brand identity program also includes a "slate icon tower" as part of their "architectural identity" for new buildings, with the Subaru logo attached to the tower about 7 feet above the eave line of the building, as measured from the parapet line to the top of the logo. The Ordinance requires wall signs to be mounted below the eave or parapet line, whichever is lower. The parapet line is 17 feet high as measured from the grade at the building, and the "slate icon tower" has a total height of 25.75 feet.

The Mazda building sign has an area of 45 square feet. The "Subaru" copy is proposed to have an area of 34.21 square feet, and the Subaru logo is an oval that is proposed to have a rectangular area of 15.5 square feet for a total area of 49.71 square feet utilizing two rectangles. The maximum total permitted wall sign area for the building is 288 square feet, at a ratio of two square feet for every lineal foot of the 144-foot total building frontage.

The relevant portions of Sections 2 and 3.11 of the Sign Ordinance state:

*"2.4 Area, sign. The area of the largest single face of a sign within not more than two rectangles enclosing the extreme points or edges including air space and background of the sign, but not including poles or supports on which the sign is placed if they do not include copy. The area of a sign composed of symbols or letters attached directly to a building or wall surface shall be computed by drawing not more than two rectangles enclosing the entire group of symbols or letters."*

*"3.11 Wall Signs. Wall signs shall not be mounted above the second story, parapet line, or eave line of any building, whichever is lowest unless otherwise expressly*

*permitted by this ordinance. Such signs shall be parallel to and shall not extend more than twelve inches from the face of the building. Window signs shall be counted as part of the allowable area for wall signs, unless displayed for less than six (6) weeks."*

This property originally was constructed for and occupied by Benson Buick. It has a total area of 3.55 acres, and 345 feet of frontage on the Hickman Road frontage road.

Mr. Dekker said there are existing auto dealerships adjoining to the east and west, and the western dealership property also extends to the north of this property. The auto dealership to the west (Mercedes Benz and BMW) is zoned "P.U.D." but is regulated by a different P.U.D. Master Plan. The auto dealership to the east is zoned "C-H" Highway Commercial District and is owned by the appellant. It houses Pontiac, Buick, GMC trucks, and Porsche dealerships and formerly was also the location of the Mazda and Subaru dealerships. There also are auto dealerships adjoining to the south of Hickman Road in the City of Clive, one of which is a multi-line dealership (Volvo, Jaguar, and Land Rover) and one that is a single-line (Saturn) dealership.

A variance was previously granted on January 9, 2008 to allow two monument signs on this property so the two auto lines could each have their own.

The appellant states that the variances are necessary to allow Subaru to utilize its standard sign package for new buildings.

He said Staff analysis is as follows:

1. This property does not appear to be unique compared to other similarly zoned properties. However, the use (multi-manufacturer automobile dealership) is somewhat unique compared to most if not all other types of retail businesses since each manufacturer essentially operates as a principal use, independently and distinct from any other manufacturer or product rather than being accessory or subordinate to such other, while occupying the same property for economic efficiency. If the two auto lines were entirely separated within the building, they would be treated as separate tenants, each allowed to have its own sign and two rectangles to calculate the permitted area.
2. Each manufacturer in a multi-manufacturer auto dealership, essentially being a separate and distinct principal use, has a strong need for individual identification. The Ordinance may create a hardship if it impairs or impedes the business's need for reasonable identification to their customers.
3. The intent of the Ordinance is to limit the number and size of signs to eliminate unnecessary competition and clutter, protect public safety, and other purposes while providing each business with an adequate and equitable means of identifying itself

and products/services being provided. It does not appear that the variances grant an unfair advantage to the property or to Subaru.

4. One alternative to the variances would be to relocate the Subaru logo to a spot below the eave line that would also comply with the maximum area (i.e. similar to the Mazda display).

Therefore, the Board could find that the property is not unique; no hardship exists; the proposed variance could be detrimental to health, safety and welfare; that the spirit and intent of the Ordinance has not been satisfied; that a reasonable alternative exists; and that the requested variance should be denied. Or, the Board could find that subject property is unique; hardship has been created by the Ordinance; the proposed variance does not create a negative impact upon the character of the neighborhood, and the spirit and intent of the Ordinance have been satisfied; health, safety, and welfare have been preserved; no reasonable alternative to the variance exists; and that the requested variance be approved.

Mr. Dekker said Staff recommends approval of variances from Sections 2 and 3.11 of the Sign Ordinance to allow three rectangles to be used to calculate the area of a wall sign instead of the two rectangles allowed, and to allow a portion of the sign to be mounted above the parapet line of the building, subject to:

1. The variance to run with the current nature of operation, and not with the land.
2. Being valid only if and while two or more automobile dealerships share the single building space.
3. Expiring if there are significant changes in dealership operations on the property, including but not limited to reducing the building occupancy to a single automobile manufacturer whether by consolidation of manufacturers, relocation, or any other reason.

Mr. Pittman moved, and it was seconded by Evans, to approve the Ramsey Mazda/Subaru Wall Sign Variances, subject to the three Staff conditions recommended in the staff report, based on the fact that the current variance could pose a hardship because it impedes the business' need for reasonable identification of their brand. On roll call; Ayes; Pittman, Evans, Wandro, Muselman, Kirchner; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the "Laser Car Wash Conditional Use Permit", 3969 NW Urbandale Avenue, case number 011-2008-02.07.

Mr. Chuck Bishop, Bishop Engineering, 3501 104<sup>th</sup> Street, Urbandale, said I'm here tonight representing Laser Car Wash. The owners are also here with me, Brian and

Roy. This is a proposed four-bay car wash located off of NW Urbandale Drive. You have Casey's right to the south here, the Rec Room is one more lot to the north here, and the Beacon Pointe condominiums are to the north and east of the facility. This would be the corner of the Casey's store here. We're here tonight asking for approval to allow a car wash in the "C-N" district. It's a little over about 1.75 acre parcel of ground that's in Lot 2 of L.A. Ward Business Park. The developers have built another similar car wash up in Altoona adjacent to another Casey's. I've got a picture of what they want to put in. This only shows a 3-bay but this will add another bay to one side. It's all brick, fully enclosed car wash so it's a very nice amenity and will be good for the area out there. Again, the access to the site is an existing access that Casey's used here, it's a frontage road that goes down into Casey's. It's a shared access, at this point. I've also currently turned in a site plan for a Mercy Clinic, an Urbandale physicians' clinic to the north of this site, that I'll be bringing forth to the City of Urbandale as well. In the Staff recommendations, they indicated on the original site plan that we kind of showed the city when we turned this in, we had the trash enclosure over here in the northeast corner up here. We moved it down to the southeast, moving it further away from the condominiums that are here. These are actually garages here and the condominium units sit a little bit further north. We have done that. The other question there had to do with downcast lightings and we'll conform with the downcast cut-off type luminaries at the facility, as well as the condition of having water recycled on the site. We'll have a stand-alone water separator as well, recycling up to two-thirds of the water, to accommodate the requirements of the Sewer District. Other than that, it's pretty straight-forward. We're just looking for a conditional use to allow the car wash at this location.

There was no one present who wished to speak in opposition.

Mr. Dekker said the action required on this item is to approve or deny a Conditional Use Permit to allow a four-bay fully automated car wash.

This is an application by Mr. Roy Skogland and Mr. Brian Caltrider, principals of Meridian Holdings, LLC., for a Conditional Use Permit to allow construction of a four-bay automated car wash. Car washes are a conditional use in the "C-N" Neighborhood Convenience District, which is Section 3.72 of the Zoning Ordinance. The property currently is owned by Mr. W. David Ward, Ward Land Investments, LLC., who has consented to this appeal.

The property has a total area of 1.79 acres. It has 64.21 feet of frontage on 100<sup>th</sup> Street and 250.0 feet of frontage on NW Urbandale Drive. Access to the property is allowed only from NW Urbandale Drive, since the Conditions of Rezoning for this development do not allow this property to have any access onto 100<sup>th</sup> Street. The proposed car wash is proposed to be centered on the property latitudinally, and located 140 feet from NW Urbandale Drive, and 79 feet from the rear (northeasterly) property line.

The wash is entered from NW Urbandale Drive via a common access drive, and is set back 110 feet from the edge of the drive to provide the required 100 feet of queuing space for each of the four wash bays. Architecturally, the car wash building is very similar to the existing laser wash facilities located at 86<sup>th</sup> and Meredith and at 156<sup>th</sup> and Meredith. Three vacuum islands are located on both sides of the property. A trash enclosure is proposed to be located in the northeasterly corner of the property.

The properties adjoining to the northwest and southeast are also zoned "C-N" Neighborhood Convenience District. A convenience store adjoins to the southeast. The lot to the northwest is currently vacant, but a site plan for a proposed medical clinic was recently submitted.

The property adjoining most of the rear property line, i.e. to the northeast, is zoned "P.U.D." Planned Unit Development District and is regulated by the "Beacon's Point" Planned Unit Development Master Plan. It is a multi-family condominium development, and the area adjoining this property consists of garage units and common open space belonging to the condominium homeowners' association. The property directly to the east of this property's 100<sup>th</sup> Street frontage is zoned "P.U.D." Planned Unit Development District and governed by the "Twin Eagles" P.U.D. Master Plan, and limited to office development.

The property directly to the southwest of NW Urbandale Drive is zoned "M-1" Light Industrial District and developed as business park. There are vacant lots to the west that are zoned "P.U.D." and governed by the "Homemaker's Furniture" P.U.D. Master Plan, and designated for retail use, warehousing accessory to the furniture store, or parking.

Casey's, owners of the convenience store adjoining to the southeast, filed a letter consenting and supporting the proposed car wash, stating that the appellant operates a car wash adjacent to another of their properties in Altoona.

Mr. Dekker 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 development is required to comply with the Conditions of Rezoning in addition to the Zoning and Site Planning Ordinances, which control access (prohibiting access onto 100<sup>th</sup> Street), require the building to be predominately brick, provide a 100-foot queuing space for each wash bay, a buffer yard along the northwesterly lot line, etc. Such compliance will ensure that traffic congestion is minimized and that the development will not impede the normal and ordinary development of the surrounding properties for the uses permitted by the zoning, and that it will comply with all zoning regulations. The property was zoned in coordination with the development of the property, so adequate infrastructure is in place subject to compliance with any and all restrictions that may be required by the Urbandale Sanitary Sewer District for recycling, etc.
  3. The location of the trash enclosure may be injurious to the adjoining residential condominiums since noise is not easily mitigated. Private solid waste collectors do not always comply with the City's Noise Ordinance, which restricts collections after 9:00 p.m. and prior to 6:30 a.m. It appears that the trash enclosure could be relocated to the southerly portion of the property to reduce this potential impact.
  4. Lighting may create negative impacts on adjoining properties and nearby streets if not controlled. Lighting fixtures are readily available that are designed to control light spill and glare.

5. The sanitary sewer system may create negative impacts for nearby properties and even a comparatively large area if the quantity of discharge is not controlled by recycling or other means. Discharges such as sand and oil also may create negative impacts. Recycling equipment is readily available to limit the discharge to an acceptable level, and sand and oil separators are readily available to remove those materials from the effluent stream.

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.

Mr. Dekker said Staff recommends approval of the requested conditional use, subject to:

1. Relocating the trash enclosure to the southeasterly half of the property, and in the southeast corner if at all possible, to provide additional separation and buffering for the residential condominiums.
2. All lighting, including "wal-packs" if any, to be horizontally mounted luminaires with cut-offs to prevent light spill onto adjoining properties. Wal-packs also shall include a shroud or otherwise shield the bulb to prevent glare.
3. Complying with all requirements of the Urbandale Sanitary Sewer District and City requirements, including but not limited to recycling not less than two-thirds of the water used and providing sand and oil separation.

Mr. Kirchner asked didn't we have a situation not too long ago with a car wash where there was a question about lighting? There was lighting on the vacuum bays or something.

Mr. Dekker said approximately a year ago we had a sign variance where they put signage on the vacuum canopies. So it was a sign issue.

Mr. Kirchner said no similar issue with this particular request?

Mr. Dekker said not if they get their sign permits and comply.

Mr. Wandro moved, and it was seconded by Muselman, to approve the Laser Car Wash

Conditional Use Permit, based upon the fact that it would not create a negative impact on the character of the neighborhood, and would satisfy the required standards of the Ordinance, and also subject to the three conditions outlined in Staff recommendations. On roll call; Ayes: Wandro, Muselman, Pittman, Evans, Kirchner; Nays: none. Passes: none. Motion carried.

The next item on the agenda was the "Quality Manufacturing Agricultural Equipment Assembly" conditional use permit, 4667 121<sup>st</sup> Street, case number 011-2008-02.08.

Mr. Dave Hansen, Signature Real Estate Services, 12035 University Avenue, Clive, said I'm here tonight on behalf of Quality Manufacturing and Imperial III Partnership, who owns the Meredith West Business Park on Meredith Drive. We're asking for a conditional use permit, proposing that Quality Manufacturing be able to assemble what they call "tail boards". Basically it's a matter of bolting together a part that's going to be ultimately used for a piece of agricultural equipment, it happens to be a combine. We would just respectfully request that you approve a conditional use permit that would allow them to do so. I'd be happy to answer any other questions that you have.

Mr. Kirchner said that's the only equipment that's manufactured, or assembled, there?

Mr. Hansen said yes, that's my understanding. They will be fabricating the equipment at an alternative location, transporting the equipment in, bolting the parts together, may store them there for a short period of time depending upon the need for the parts, and then the parts will be shipped out and assembled onto a piece of agricultural equipment.

There was no one present who wished to speak in opposition.

Mr. Dekker said the action required on this item is to approve or deny the requested Conditional Use Permit to allow assembly of agricultural equipment in a planned unit development.

Mr. David I. Hansen, legal counsel for Imperial III Partnership, LLP and Meredith West, LLC, owners, has requested a conditional use permit to allow Quality Manufacturing to occupy 6,260 square feet of the building on this property for assembly of agricultural equipment, and including warehousing of parts and finished product. The building has a total area of 86,742 square feet and was constructed in 1999. The appellant also owns the adjoining properties to the north and west, all of which are zoned "P.U.D." Planned Unit Development District and are regulated by the "Crossroads Pointe" Planned Unit Development Master Plan. Assembly of agricultural equipment is a conditional use in the "Crossroads Pointe" Planned Unit Development Master Plan. Fabrication is NOT allowed in this location, as either a permitted or conditional use.

Quality Manufacturing is a business based primarily in Urbandale that manufactures agricultural equipment. The materials and parts to be assembled in this location may be

fabricated in their primary Urbandale facility or some other off-premises location, or provided by a supplier. The finished products will be affixed to agricultural machinery. The materials, parts, and assembled products also may be warehoused at this location.

This property has a total area of 6.824 acres. The properties adjoining to the west and north are also owned by the appellant or "affiliated" partnerships and have total areas of 7.923 and 8.622 acres respectively, for a combined area of 23.369 acres for the three. Combined, the three properties have about 921 feet of frontage on Meredith Drive and about 1,633 feet frontage on 121<sup>st</sup> Street. The building to the west has a total floor area of 40,218 square feet, and the building to the north has a total floor area of 88,690 square feet. Combined with this building, the three buildings have a total floor area of 215,650 square feet of floor area. All three properties are part of the "Crossroads Pointe" Planned Unit Development, and they share three accesses to 121<sup>st</sup> Street. Access to Meredith Drive is prohibited. No changes are proposed to the existing property accesses.

The Board of Adjustment approved a Conditional Use Permit on October 6, 1999 to allow Hamilton College to occupy 30,379 square feet of this building. A second Conditional Use Permit was approved by the Board on April 6, 2005 to allow Hamilton College to occupy an additional 8,000 square feet in the building adjoining to the west. The remaining space in the three buildings is occupied by showroom/business park uses.

The property west of 121<sup>st</sup> Street is also zoned "P.U.D." but regulated by a different P.U.D. Master Plan. Citi Group occupies a portion of that property. The property to the south of Meredith Drive is zoned "P.U.D." Planned Unit Development District and regulated by a third P.U.D. Master Plan, and developed as two "high cube" warehouse buildings that are in part occupied by office uses and in part by warehouse/distribution uses. The Interstate adjoins to the east, and there are business park and warehouse uses to the east of the Interstate.

Mr. Dekker 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 proposed conditional use appears to meet all of the standards listed in #1.
  3. The proposed conditional use appears to be compatible with permitted uses in the zoning district, and those in the surrounding area. It does not appear to adversely impact any such businesses as proposed, i.e. limited to assembly and storage only.

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.

Mr. Dekker said Staff recommends approval of the requested Conditional Use Permit to allow assembly of agricultural equipment.

Mr. Muselman moved, and it was seconded by Pittman, to approve the Quality Manufacturing Agricultural Equipment Assembly conditional use permit, based on the fact that the conditional use would not create a negative impact on the character of the neighborhood and would satisfy the required standards and intent of the Ordinance. On roll call; Ayes: Muselman, Pittman, Evans, Wandro, Kirchner; Nays: none. Passes:

none. Motion carried.

Regarding Staff reports, Mr. Dekker said nothing other than if anyone wishes to be kept informed of the progress or status on the litigation by Furry Friends, just let us know and the attorney will be happy to keep you in the loop.

Mr. Kirchner said tell us just a little bit about the procedure. She's filed her request for review. What would the next step be?

Mr. Dekker said she filed her case and once that happens, then notice is given to the City of the filing, and in turn the city's insurance carrier is notified and they in turn select counsel to defend the City on whatever the case might be. In this particular case, Hugh Cain, who is with Hopkins and Huebner firm was selected. We've worked with Hugh before on another case several years ago and he does a very good job. He has filed a response and noted several procedural items that she needs to correct, and to the best of my knowledge, that hasn't happened yet. A couple of you would remember a time years ago when there was a case involving a cell tower. Cell tower litigation automatically goes to federal court, that's the way the law is written. In that particular case, the vendor chose to name the Board members individually in the suit, just to add some adventure to the situation. But that's not the case in this case. You're not named individually, it's against the Board of Adjustment as a whole and there's not really anything you need to be involved in or concerned with, other than following along if you have an interest.

Mr. Kirchner said would you please send me a copy of the response we filed? How long does she have to respond to that, is there a set timeframe?

Mr. Dekker said I don't recall.

Mr. Muselman asked is Bob Laden handling all of that?

Mr. Dekker said he won't be directly involved in the case proceedings other than however Mr. Cain chooses to involve him.

Mr. Dekker said that nothing has been filed so far for the next meeting, and I haven't heard of anything that might be submitted, but most cases are filed right at the deadline so there still may be something that shows up.

The meeting adjourned at 6:26 p.m.