



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

January 3, 2024

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approval of the January 3rd, 2024 meeting agenda.
- 4. Minutes Approval**
 - A. Approval of September 6th, 2023 meeting minutes.
- 5. New Business**
 - A. 2024 Annual Election of Officers
 - B. Approval of the 2024 Board of Adjustment Calendar
 - C. Consider request from Kyle Kruidenier on behalf of Prime Assets Investments LLC for a Special Use Permit to allow for a liquor store at 501 North Jefferson Way.
 - D. Consider request from Parker Signs and Graphics, Inc. to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet.
- 6. Comments**
- 7. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: January 3, 2024
Subject: Approval of the January 3rd, 2024 meeting agenda.

Recommendation:

Attachments: None



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

September 6, 2023

6:00 PM

City Council Chambers

Minutes

1. Call to Order

Meeting is called to order at 6:00 PM.

2. Roll Call

Board members present: Lee Bash, Jane Whalen, Amy Mitchell, Rene Soldwisch

Staff member present: Charlie Dissell, Emily Rizvic

3. Agenda Approval

Lee made a motion to approve the agenda.

Amy seconded the motion.

The motion was passed.

4. Minutes Approval

A. August 2, 2023 Meeting Minutes

Amy made a motion to approve the meeting minutes.

Lee seconded the motion.

The motion was passed.

5. New Business

A. Consider request from Ben Schulte, on behalf of Mark Fox, for a variance for property identified as Parcel #490/2436-0481

Emily gave an overview of the request.

There was discussion between staff, the board, and the applicant.

Jane made a motion to approve with the contingency that the structure can not be rebuilt if removed and/or destroyed and that adequate landscaping be done.

Lee seconded the motion.

The motion was passed.

6. Comments

7. Adjourn

The meeting was adjoned at 6:35.



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director, Emily Rizvic, Associate Planner

Date: January 3, 2024

Subject: 2024 Annual Election of Officers

Recommendation:

Attachments: None



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director, Emily Rizvic, Associate Planner

Date: January 3, 2024

Subject: Approval of the 2024 Board of Adjustment Calendar

Recommendation: Staff recommends adopting the 2024 meeting schedule, as provided.

Attachments: 1. 2024 Board of Adjustment Schedule

Board of Adjustment — Submittal Schedule

The City of Indianola Board of Adjustment (BOA) meets monthly on Wednesdays at 6:00PM in the City Council Chambers. The Board reviews special use permit requests as well as variances and appeals. Agenda packets are available to the public the Friday prior to the meeting. For more information, please contact the [Community Development Department](#).



2024 BOARD OF ADJUSTMENT SUBMITTAL SCHEDULE

BOA MEETING DATES	REVIEW DEADLINE ¹	PUBLIC NOTICE MAILINGS AND SIGNAGE	APPEAL PERIOD ² EXPIRATION
January 3, 2024	December 18, 2023	12/21/23	February 2, 2024
February 7, 2024	January 22, 2024	1/25/24	March 8, 2024
March 6, 2024	February 19, 2024	2/22/24	April 5, 2024
April 3, 2024	March 18, 2024	3/21/24	May 3, 2024
May 1, 2024	April 15, 2024	4/18/24	May 31, 2024
June 5, 2024	May 20, 2024	5/23/24	July 5, 2024
July 3, 2024	June 17, 2024	6/20/24	August 2, 2024
August 7, 2024	July 22, 2024	7/25/24	September 6, 2024
September 4, 2024	August 19, 2024	8/22/24	October 4, 2024
October 2, 2024	September 16, 2024	9/19/24	November 1, 2024
November 6, 2024	October 21, 2024	10/24/24	December 6, 2024
December 4, 2024	November 18, 2024	11/21/24	January 3, 2024

1. ALL REQUIRED INFORMATION AND ATTACHMENTS AND PAYMENTS MUST BE PROVIDED AT TIME OF SUBMITTAL, IN ORDER TO BE CONSIDERED COMPLETE. STAFF COMMENTS AND REVIEWS MUST BE ADDRESSED OR ACKNOWLEDGED PRIOR TO BOA REVIEW.

2. PURSUANT TO IOWA CODE 17A.19, ANY TAX PAYER, ANY OFFICER, DEPARTMENT, BOARD, OR BUREAU OF THE CITY OR ANY PERSON OR PERSONS JOINTLY OR SEVERALLY AGGRIEVED BY ANY DECISION OF THE BOARD MAY PRESENT TO A COURT OF RECORD A PETITION APPEALING THE DECISION. SUCH PETITION MUST BE PRESENTED TO THE COURT WITHIN THIRTY (30) DAYS AFTER THE FILING OF THE BOA'S DECISION. THESE DATES PROVIDED ARE APPROXIMATES.

* DATES ADJUSTED FOR OBSERVED HOLIDAYS



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director, Emily Rizvic, Associate Planner

Date: January 3, 2024

Subject: Consider request from Kyle Kruidenier on behalf of Prime Assets Investments LLC for a Special Use Permit to allow for a liquor store at 501 North Jefferson Way.

Recommendation: Staff recommends that the Indianola Board of Adjustment move alternative 1, to approve the Special Use Permit request as submitted.

Attachments:

1. Staff Report
2. Application
3. Written Narrative
4. Site Plan
5. Decision and Order
6. Public Comment



COMMUNITY DEVELOPMENT

110 N. First Street, Indianola IA 50125-0299 • www.indianolaiowa.gov
(515) 961-9430 • comdev@indianolaiowa.gov

STAFF REPORT

BOARD OF ADJUSTMENT

Date of Meeting: January 3, 2024

Agenda Item: 5.C Consider request from Kyle Kruidenier on behalf of Prime Assets Investments LLC for a Special Use Permit to allow for a liquor store at 501 North Jefferson Way.

Application Type: Special Use Permit

Applicant: Kyle Kruidenier

Property Owner: Prime Assets Investments LLC

Property Address/Parcel: 501 North Jefferson Way (Parcel ID: #480/3001-0040)

Zoning: C-2, Highway Commercial Zoning District

Application Summary

Kyle Kruidenier is requesting a Special Use Permit to allow for a liquor store at 501 North Jefferson Way.

AERIAL MAP



APPLICABLE CODE SECTIONS

The following code sections of the Code of Ordinances of Indianola, Iowa apply to this request:

165.02 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

C. Special Use Permits - To review and consider approval of a Special Use Permit for a Special Use as identified Permitted and Special Uses Table contained in CHAPTER 165.05 of the Zoning Regulations. The following shall be required:

- i. Special Use Permit Application - A site plan (including number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Special Use Permit Application fee as established by resolution of the City Council.
- ii. Special Use Permit Procedure - The Special Use Permit Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.
- iii. Special Use Permit Review by Board of Adjustment - Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Board a copy of the Special Use Permit

Application along with a written recommendation as to the application's conformity with the rules and regulations of the city.

- iv. The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the Application for conformity with the zoning regulations and standards. The Board may approve, approve with conditions, or deny the Special Use Permit Application.

ANALYSIS

Subject Property

Kyle Kruidenier, on behalf of Prime Assets Investment LLC, is requesting approval of a Special Use Permit (SUP), that would allow for a liquor store to be located at 501 North Jefferson Way. The property is currently a multi-tenant commercial building (1972) with three tenants with uses including restaurant, tobacco store (vape shop), and retail/boutique. The applicant is requesting the SUP to convert the existing retail/boutique store into a liquor store.

To the north of the subject property is a commercial building with banking services. To the east exists two commercial buildings, including a hardware store and a coffee shop. To the south is an office building. To the west a multi-tenant commercial building with uses including barbershop/salon and office.

The property is a corner lot with frontage along North Jefferson Way and East Detroit Avenue. According to the Iowa Department of Transportation (IDOT), the Annual Average Daily Traffic (AADT) for North Jefferson Way, a state highway, is 18,000 vehicles. The AADT for East Detroit Avenue, a local road, is 1,931 vehicles.

Future Land Use

According to the "Elevate Indianola" Comprehensive Plan, the future land use of this area is designated as Regional Mixed Use. This land use designation guides for uses such as retail, office, restaurants, bars, personal and business services, and other similar commercial uses. Multi-family residential uses may be incorporated of up to 25 dwelling units per gross acre, if compatible.

Liquor stores are allowed within the C-2 'Highway Commercial' Zoning District through a Special Use Permit (SUP). The proposed application would allow for an existing tenant space at the commercial building to be used for liquor sales if approved.

Improvements to the site are proposed as part of the change of use and site plan application. This includes removing a strip of parking which fronts along North Jefferson Way. The removal of this parking area is shown to improve safety and prevent users from backing out into the highway.

Additionally, the site will be required to be brought back into conformity with ADA Accessibility guidelines, which requires a min. amount of ADA parking stalls to be installed and maintained, as well as provide adequate signage for the stalls.

The proposal will incorporate a trash enclosure to screen trash from public view and keep waste materials contained.

FINDINGS OF FACT

165.02(3)(B)(3)(c)(v), in order to approve a Special Use Permit, the Board shall make the following findings:

1. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located

The applicant has provided a site plan with their application showing the existing site features at the property as well as minimum improvements to the site. This includes incorporating a trash enclosure, removing the parking area accessed off of North Jefferson Way, and installing parking stalls to meet ADA requirements.

The applicant has also provided a landscaping plan, which will be installed to bring the site into closer conformity with landscape requirements outlined in the City of Indianola Zoning Code. The property itself is not adjacent to any residential uses and as a result, no landscape buffering is required for the property.

No changes are proposed to the building façade.

The site plan meets the required minimum amount of parking spaces established for current and proposed uses on the site. Two handicap parking spaces are required for the site, with the first being a van-accessible parking space. Accessible routes are shown on the site plan.

This criterion is conditionally met.

2. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking

The property at 501 North Jefferson Way is approximately 0.42-acres in size. The site contains an existing building and is being redeveloped through this special use permit application to allow for liquor sales.

Setbacks to the existing building is legal but nonconforming as setbacks predate adopted zoning code regulations. The building was built in 1972.

This criterion is conditionally met.

3. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding areas

Based on the proposed use, staff does not anticipate that the health, safety, and welfare of citizens would be impacted. The site does not abut any residential properties and does not require any additional buffering requirements to mitigate any potential impacts.

Improvements on the site are proposed to mitigate existing conditions on the site that impact the safety and general welfare of persons. These improvements include removing the parking area which takes access off of North Jefferson Way and currently constitutes as a safety risk due to spacing to the intersection of North Jefferson Way and East Detroit Avenue, as well as traffic circulation, which requires users of the parking area to back out into the highway in order to exit the facility.

This criterion is met.

4. The proposed use and site improvements shall not unduly increase traffic congestion

Traffic on the site is not anticipated to increase as a result of the change of use in this tenant space, as the unit previously hosted a retail use.

This criterion is met.

5. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding

The proposed site will not unduly burden public utilities or increase the risk of flooding. The site is an existing site and is proposing a change of use in a tenant space. The site does provide improvements including landscaping and removal of impervious surface area. Additional stormwater management control is not required at this time.

This criterion is met.

6. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property

The location of the site is suitable for a commercial use due to its siting on Jefferson Way (Highway 65/69), a commercial corridor and its zoning, which allows for liquor stores to be approved within the C-2 'Highway Commercial' Zoning District by a Special Use Permit. It is not anticipated that the proposed use and site improvements would diminish or impair established property values in the adjoining or surrounding properties.

The City of Indianola Board of Adjustment has the ability to impose additional conditions in order to maintain the nature and character of a neighborhood.

This criterion is met.

7. The issuance of the Special Use Permit will not endanger, jeopardize, or harm the health, safety or welfare of the properties and the community

As previously stated, the proposed use and site improvements is not anticipated to negatively impact that the health, safety, and welfare of properties and the community would be impacted. Improvements to the site will be made to mitigate existing conditions which do endanger, jeopardize, or harm the health, safety, and welfare of the community.

This criterion is met.

COMMENTS FROM THE GENERAL PUBLIC

Notification letters were mailed to surrounding property owners within 200 feet of the subject property on December 21, 2023. At the time of writing this staff report, no written public comment has been received.

ALTERNATIVES

The City of Indianola Board of Adjustment may consider the following alternatives:

- 1) **The City of Indianola Board of Adjustment approves the special use request, as submitted.**
- 2) The City of Indianola Board of Adjustment approved the special use request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the special use request.
- 4) The City of Indianola Board of Adjustment remands the special use request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends that the Indianola Board of Adjustment move alternative 1, to approve the Special Use Permit request as submitted.

BOARD OF ADJUSTMENT APPLICATION

Community Development
110 North 1st Street, Indianola, Iowa 50125-0299
(515) 961-9430 • comdev@indianolaiowa.gov



PROPERTY OWNER

(Last Name) Prime Assets Investment, LLC
(First Name) _____
(Address) 501 N. Jefferson Way #100
(City) Indianola (State) IA (Zip) 50125
(Phone) (515) 422-6315 (Email) Subway11072@gmail.com

APPLICANT (if not Property Owner)

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

APPEAL

Submittal Requirements:

All submittal requirements must be completed.

Incomplete applications will not be considered

- ☐ Completed Application
- ☐ Filing Fee: \$300 per request
- ☐ Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa.
- ☐ Other Information as required by Director

SPECIAL USE PERMIT

Submittal Requirements:

All submittal requirements must be completed.

Incomplete applications will not be considered

- ☒ Property Address: 501 N. Jefferson Way
- ☒ Completed Application
- ☒ Filing Fee: \$300 per request
- ☒ Site Plan and Elevations as outlined in 165.06
- ☒ Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

VARIANCE

Submittal Requirements:

All submittal requirements must be completed.

Incomplete applications will not be considered

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$300 per request
- ☐ Site Plan and Elevations
- ☐ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature _____

Name (printed) Kyle Kruidenier, Attorney for Applicant

Date December 14, 2023

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

To whom it may concern:

As way of background, I am the manager for Prime Assets Investment, LLC, the new owner of the property locally known as 501 N. Jefferson Way ("the Property"). The property is a commercial property with three units. When we purchased the property the units were occupied by a Subway restaurant, a clothing store and shop selling tobacco and nicotine related products.

Subsequent to the purchase of the Property, we, as the owner of the property, were notified by the person operating the clothing store, that it was going out of business. In effort to find the best use for the now vacated space we have explored our options and believe that a liquor store would be a good fit for the premises, due to its location on Hwy. 69 and the fact that it is surrounded by other commercial endeavors including, a hardware store, insurance agency, barber shop, bank, Mexican restaurant and a bar.

In support of Prime Assets Investment, LLC's - Special Use Permits Application and pursuant to Section 165.02(3)(B)(3)(c)(v) of the Indianola Code of Ordinances, I offer the following:

1. The proposed use, site improvements and site plan complies with the minimum requirements of the zoning district for the operation of one unit of 501 N. Jefferson Way as a liquor store.
2. The property is of adequate size to accommodate the proposed use and site improvements, including setbacks, open space, stormwater management, and off-street parking. As proof of this, the property is currently in existence and functioning without issue. We do not anticipate substantially more traffic than the amount of traffic currently entering and exiting the property.
3. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding areas, as the nearest residential property is more than a block away from the property that is the subject of this application.
4. As stated in No. 2 above, the proposed use and site improvements will not unduly increase traffic congestion.
5. The proposed use and site improvements will not unduly burden public utilities or increase risk of flooding. The impact on public utilities and the risk of flooding should be no greater then the risk created by the clothing store that is currently operating in the space for which this application is being submitted.
6. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property. In support of this statement, we offer that all of the property around the subject site is commercial and it is hard to imagine a liquor store impacting those commercial values in any way, especially when one of the nearest properties is a bar.
7. The issuance of the Special Use Permit will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community, as no alcohol will be consumed on premises and will be nor more impactful on the community than any other retail business at that location.

Let me know what additional information you may need.

Thank you - /s/ *Mohan P. A. Dasari*, Manager, Prime Assets Investment, LLC

501 North Jefferson Way | Indianola, Iowa 50125

	Earth
	Earth - Undisturbed
	Gravel
	Sand
	Brick
	Masonry
	Concrete
	Steel
	Aluminum
	Wood - Finish
	Wood - Framing
	Insulation - Rigid
	Insulation - Celulose
	Insulation - Batt
	Gypsum
	Shingles
	EIFS Finish

Proposed Planting Schedule						
Mark	Common Name	Latin Name	Size	Comments	Type	Count
Evergreen						
CR	Eastern Red Cedar	Juniperus virginiana	1 1/2" - 2"	Native	Evergreen	2
FD	Fir, Balsam	Abies balsamea	1 1/2" - 2"	Native	Evergreen	2
Ornamental						
HS	American Hophornbeam	Ostrya virginiana	1 1/2" - 2"	Native	Ornamental	1
HB2	Hawthorn, Winter King	Crataegus viridis	1 1/2" - 2"		Ornamental	2
HY	Witch Hazel	Hamamelis virginiana	1 1/2" - 2"	Native	Ornamental	1
Over Story						
AH	American Holly	Ilex opaca	40"-50"		Over Story	2
GB	Ohio Buckeye	Aesculus glabra	2" - 2 1/2" Cal	Native	Over Story	1
Shrub						
HB1	Button Bush	Cephalanthus occidentalis	18"-24"	Native	Shrub	1
WV	Variegated Dwarf Weigela	Weigela florida 'Variegata Nana'	18"-24"		Shrub	1
Grand total: 13						



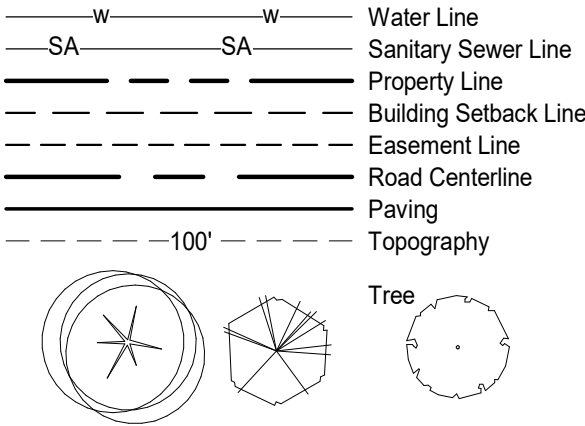
I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly-licensed architect under the laws of the State of Iowa.

Matthew J. Palan
June 14, 2025
Date Issued:

Signature
Sheets covered by this seal: C101, C102

Registration Expires: June 30, 2023

Site Legend



Planting Notes

- Tree or shrub shall stand plumb
- Plants shall be true to species, size and variety specified
- Do not allow air pockets to form when backfilling – Soil should never be placed over the root ball.
- Contractor shall guarantee all plant material for one year from date of project Completion.
- Contractor to provide a 4" depth clean vertical cut edge to define mulch planting bed limits.
- All trees to be planted a minimum distance of 4 feet from fire hydrants and pavements.
- The contractor is responsible for plants awaiting installation and shall protect them from injury.
- Trees should have their North side marked at the nursery and be planted at the site with the same orientation.
- All plant material shall be handled by the balled and bur lapped (b&b) root ball, container or root mass.
- Remove all twine, rope, and wire from the root ball. Remove wire basket completely, cut the bottom third prior to planting. Set the plant or tree in pit an backfill to stabilize root ball.
- All plant material shall at least meet minimum requirements shown in the "American Standards for Nursery Stock" (ANSI Z60.1-latest edition).
- Plant material shall be specimen quality, healthy, free of disease and insects and shall have healthy, well-developed root systems; plants shall also be free from physical damage or other conditions that would prevent vigorous growth.
- Pruning of trees and shrubs at time of planting should be kept at a minimal; the contractor shall prune to remove broken, damaged or diseased branches, no pruning paint or sealer is allowed. All other pruning shall be approved by the landscape architect.
- Provide 3-inch depth shredded hardwood mulch around all plantings to a min. 3-foot perimeter, provide continuous mulch beds in areas indicated on the plan do not place mulch within 2-inches of root collar or trunk.
- Contractor to seed all areas disturbed by construction with type 1, lawn seed mixture, unless noted otherwise .
- All plant material to be approved by owner before planting, substitutions of plant materials will not be permitted unless authorized in writing by the owner.
- All wire, twine and burlap shall be removed from the rootball of street trees prior to planting.
- No staking of trees is allowed.

Site Notes

- All work in the city right-of-way shall be done in accordance with SUDAS and the City General Supplemental Specifications to SUDAS effective at the time of plan approval.
- All work in the city right-of-way requires a right-of-way permit.
- The required landscaping new and existing shall be maintained for the life of the certificate of occupancy or certificate of zoning.
- It is the responsibility of the owner an or the contractor to follow all applicable codes and ordinances whether or not contained on these documents.
- All lighting shall consist of low glare cut-off type fixtures to reduce the glare of light pollution on surrounding properties.
- All disturbed areas will be restored by seeding or sodding
- Locations of elements traced from Warren County, Iowa Assessor's website imagery accessed on June 10, 2023.
- Sidewalk / Drive Approach Permit is required.
- All new approaches to be 7" thick concrete from back of curb to the sidewalk
- This site shall be maintained in compliance with all city code applicable on the date of site plan approval.
- All rooftop mechanical equipment must be screened on all sides with architectural screening equal to the height of the equipment.
- Mechanical equipment shall not be located in the front yard or street side yard, and shall be screened from view from any public way with landscaping, fencing, or walls consistent with the building design, colors, and materials.
- A sign permit will be required from the city of indianola for any new or altered signage on the site, including changes in copy.
- A building permit will be required fome the city of indianola prior to the construction of the trash enclosure.
- Handicap signage t obe installedd according to the guidelines outlined by local, state and federal ADA guidelines.

1 Site Plan

C101 1" = 20'-0"

Parking Requirement:

1 Space per 250sf - Retail
5,168 sf / 250 sf = 20.7 Spaces required

20 spaces + 3 HC Space provided

Open Space:

18,011 sf Site area
14738 sf Impervious surface
19.2% Total Openspace
20% Open Space = 3,602 sf Minimum
Open Space Required

Equivalent Residential Unit (ERU):

3,400 sf Impervious surface = 1ERU
18,011sf - 3,400sf = 14,611sf / 340sf = 42.97
.1 * 42.97 = 4.29 ERU Total

Zoning Setbacks:

40' Front setback
10' Rear setback
10' Side Yard
50' Max Building Height
20' Building separation
126' Lot width
151' Street Frontage

Zoning:

C-2 - Highway Commercial

Property Owner:

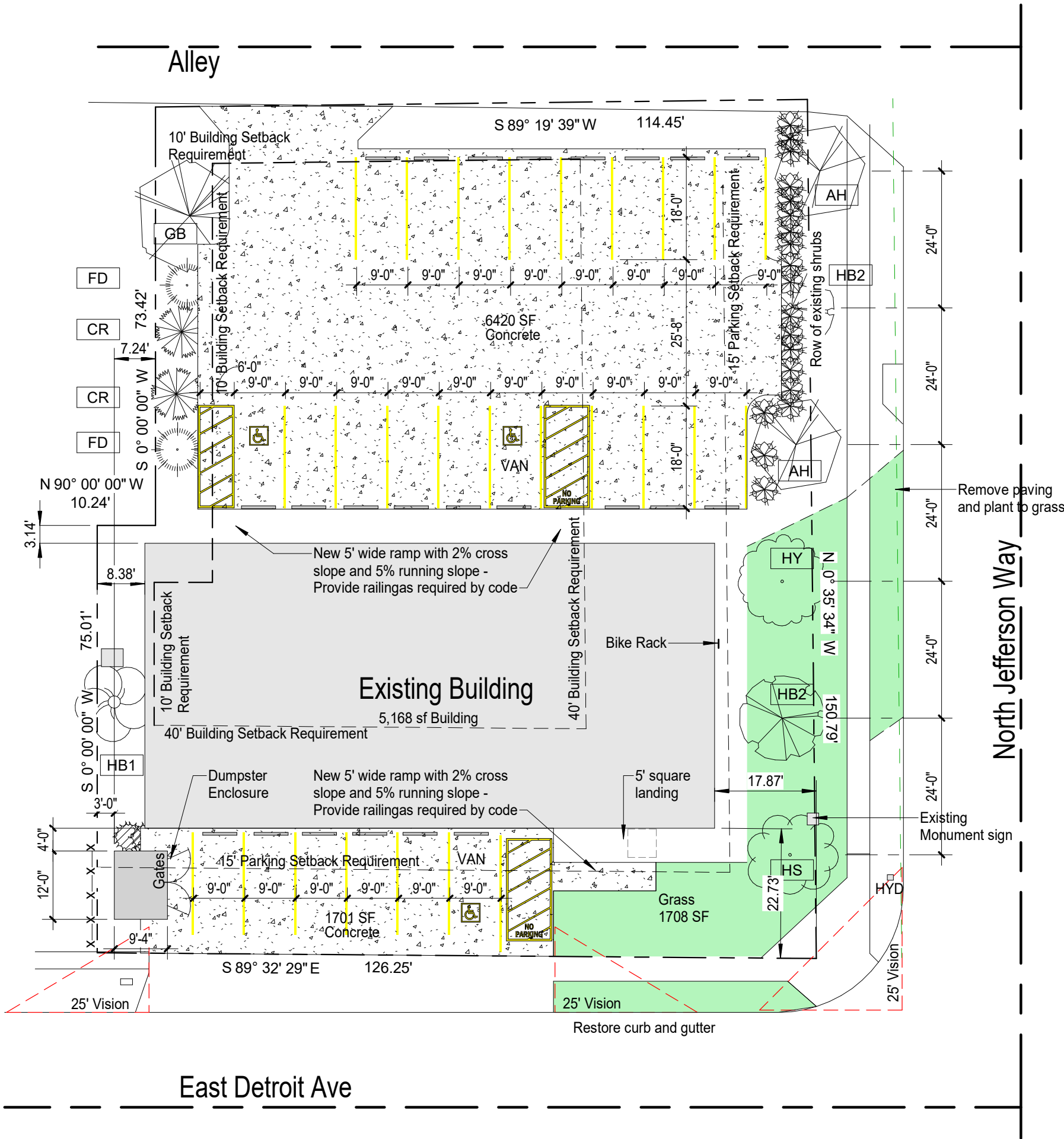
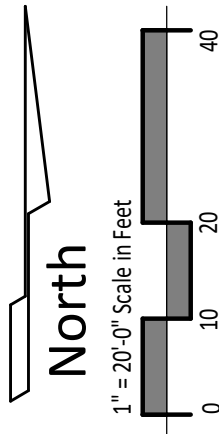
Prime Assets Investment LLC
501 N Jefferson Way
Indianola, Iowa 50125

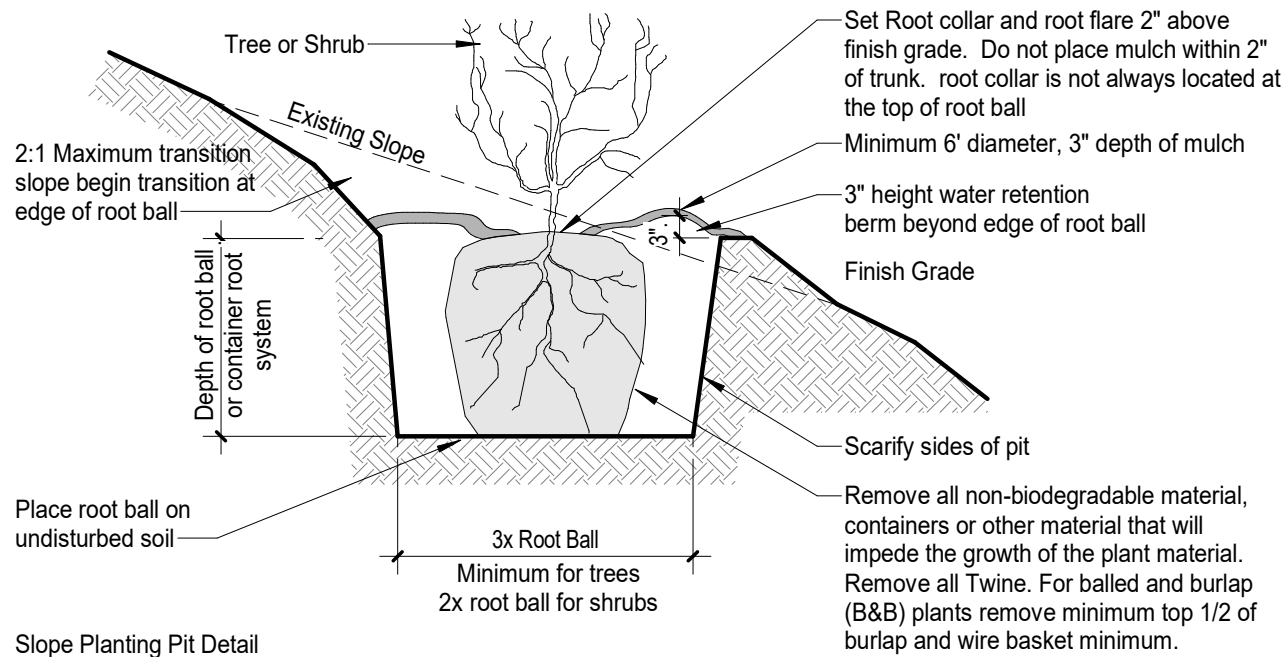
Property Address:

501 North Jefferson Way
Indianola, Iowa 50125

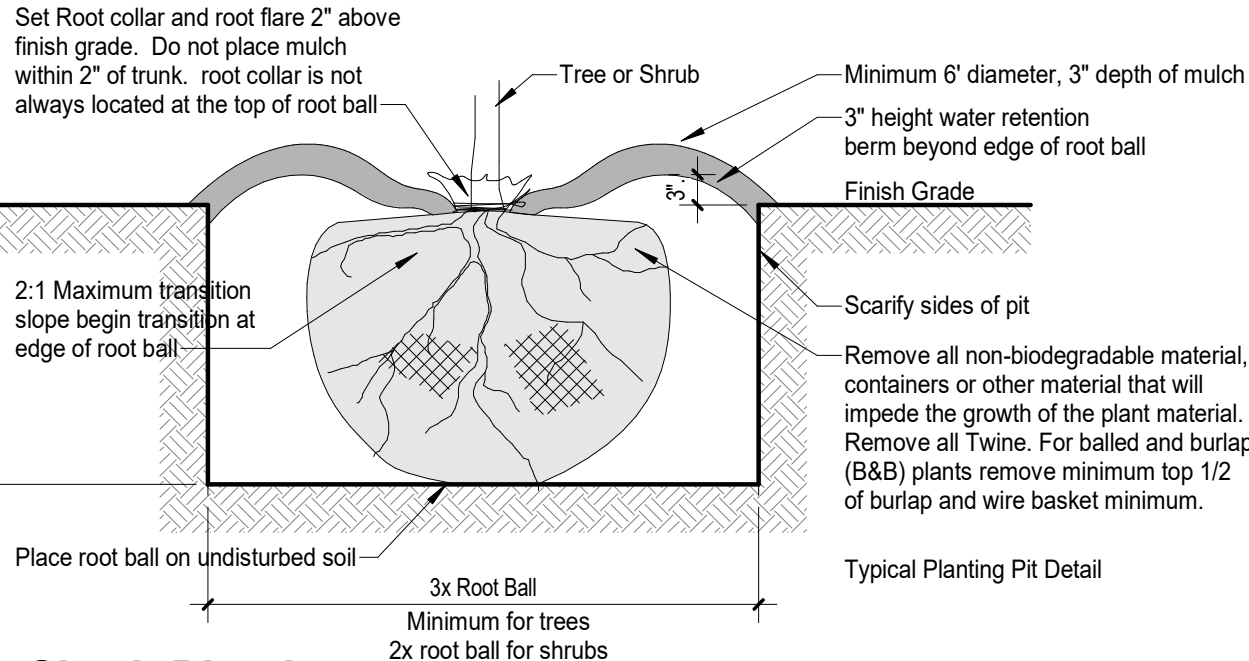
Legal Description:

23-76-24 Indianola Aders Addition
Lot 4 & South 75' on West Block 1,
now included and forming part of
the City of Indinaola, Warren
County, Iowa



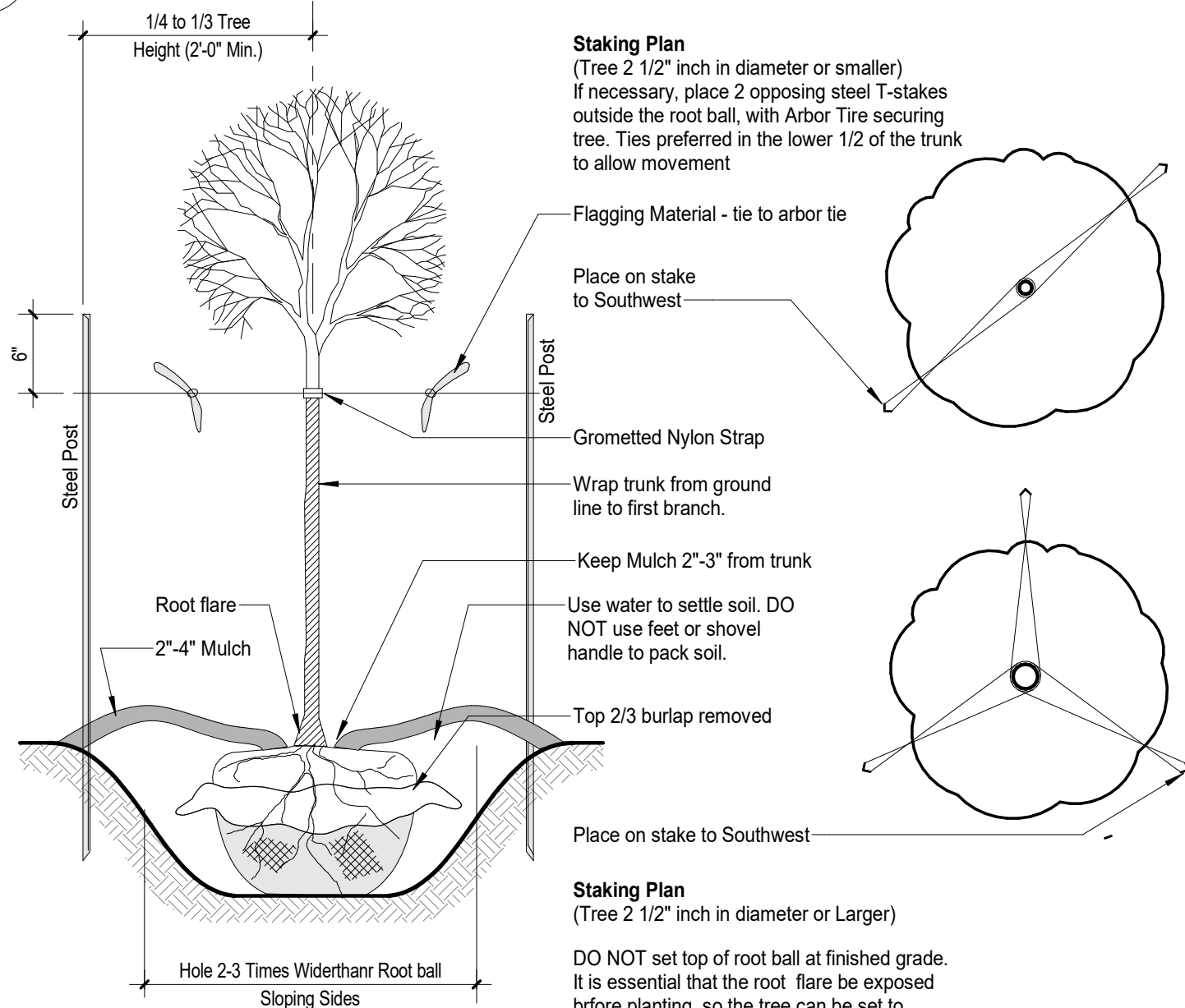


Slope Planting Pit Detail



Typical Planting Pit Detail

7 Shrub Planting
C103 1 1/2" = 1'-0"

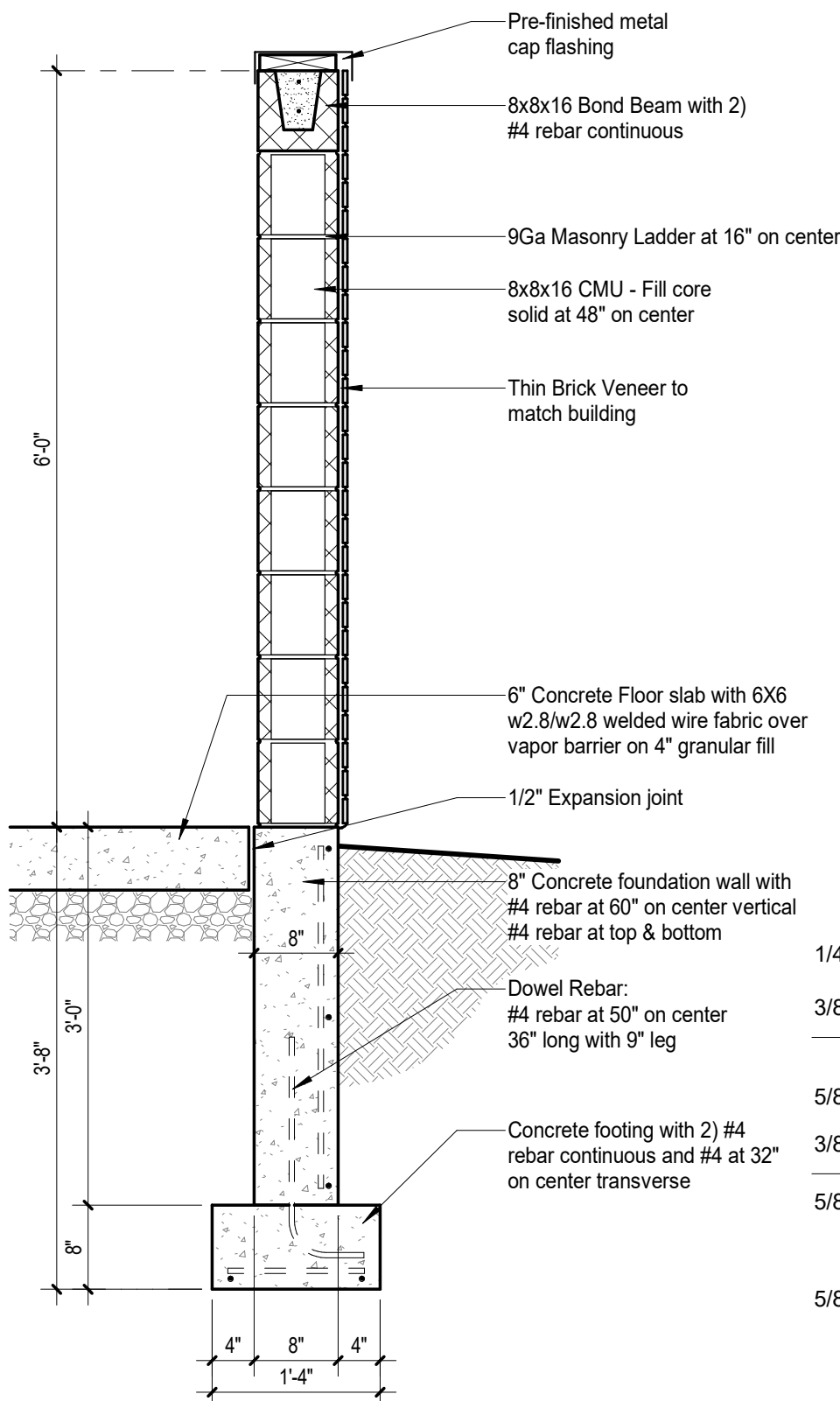
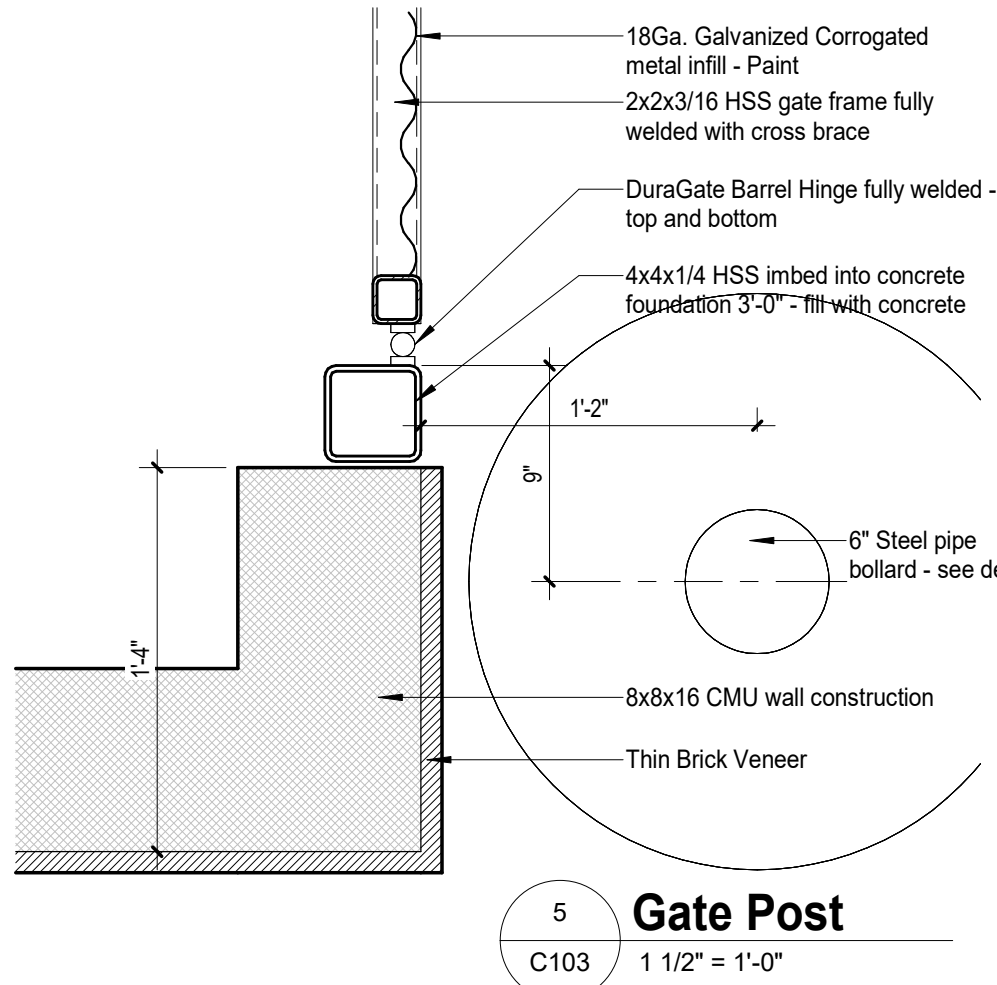


Staking Plan
(Tree 2 1/2" inch in diameter or smaller)
If necessary, place 2 opposing steel T-stakes outside the root ball, with Arbor Tie securing tree. Ties preferred in the lower 1/2 of the trunk to allow movement

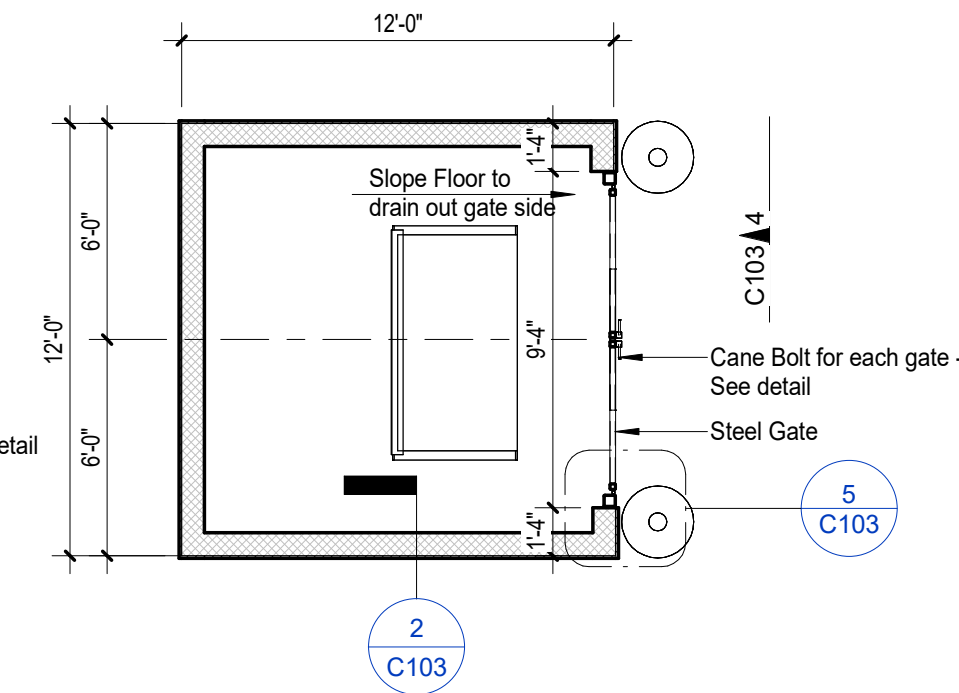
Staking Plan
(Tree 2 1/2" inch in diameter or Larger)
DO NOT set top of root ball at finished grade. It is essential that the root flare be exposed before planting, so the tree can be set to show root flare at finished grade

8 Tree Planting Detail
C103 1" = 1'-0"

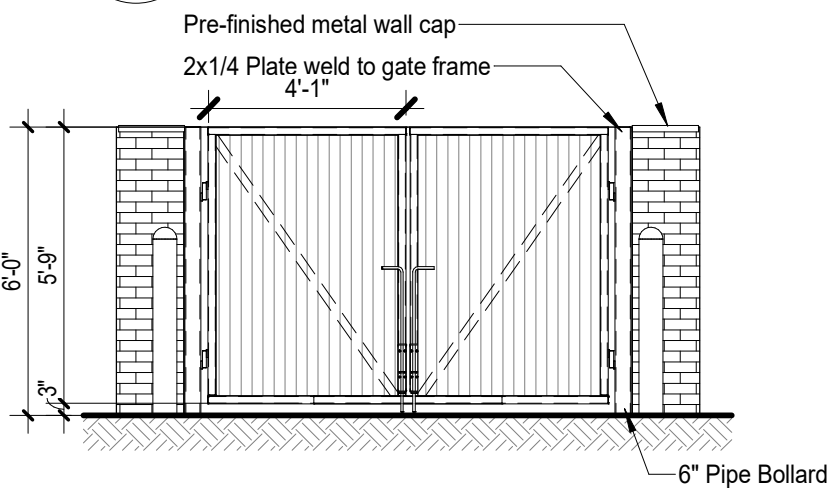
- Step 1 - peel back rope/burlap/cage and remove sufficient soil to expose root flare.
- Step 2 - measure from root flare to bottom of root ball.
- Step 3 - dig hole to depth where topmost roots are buried 1-2 inches and the root flare sits slightly above ground level. Dig a hole 2-3 times wider than the diameter of the root ball with sloping sides to allow for proper root growth.
- Step 4 - remove lower third of wire cage.
- Step 5 - set tree in hole. Support with some soil. Ensure that it's straight, then remove entire wire cage and top Two-thirds of burlap.
- Step 6 - backfill with two-thirds of loose native soil (unless it's all clay) and use water to settle. Do not tamp Or step on soil.
- Step 7 - backfill balance and water again. Excess soil may be used to create a berm/saucer outside of root ball.
- Step 8 - add 2-4 inches of wood mulch, leaving a 1- to 2-inch clearance between the mulch and the trunk.
- Step 9 - water a final time.
- Step 10 - if necessary, place two opposing steel t-stakes outside the root ball with arbor tie securing tree. Ties preferred on lower half of trunk to allow movement.



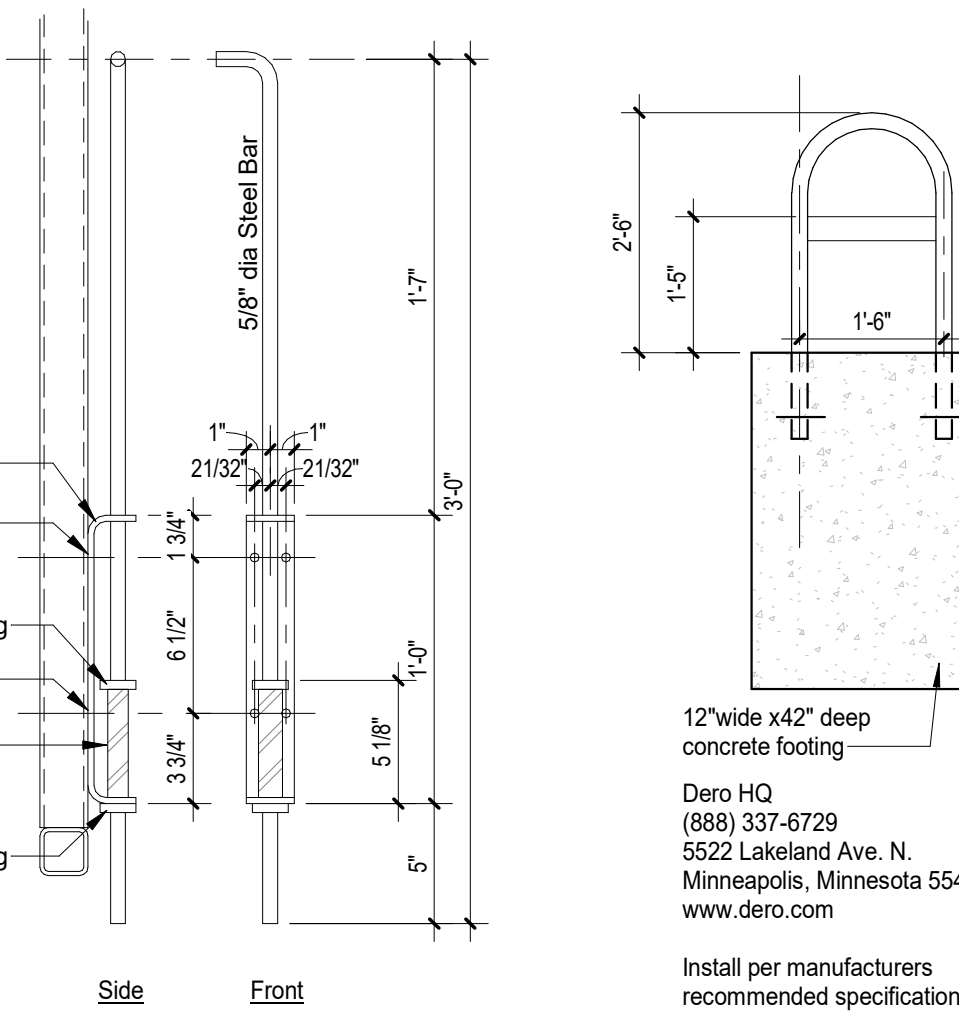
2 Trash Enclosure Section
C103 3/4" = 1'-0"



3 Trash Enclosure
C103 3/16" = 1'-0"



4 North Elevation - Trash Enc.
C103 1/4" = 1'-0"



1 Cane Bolt
C103 1 1/2" = 1'-0"

6 Bike Rack
C103 1/2" = 1'-0"

#	Date	Description
1	12/05/23	For Review

12/22/2023 11:28:17 AM

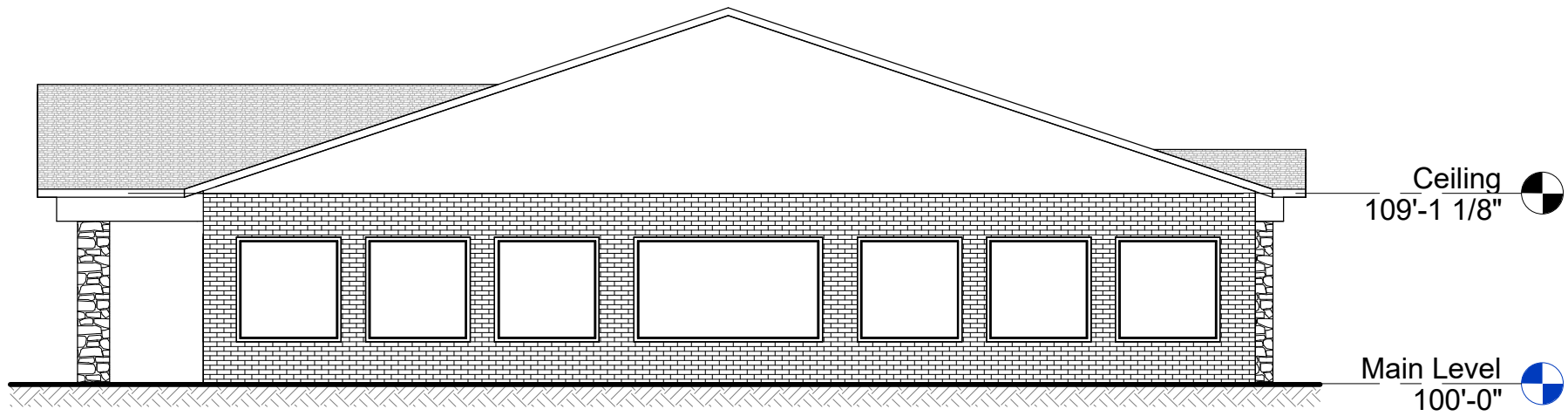
PROJECT NUMBER:
2311M

TITLE:
Site Details

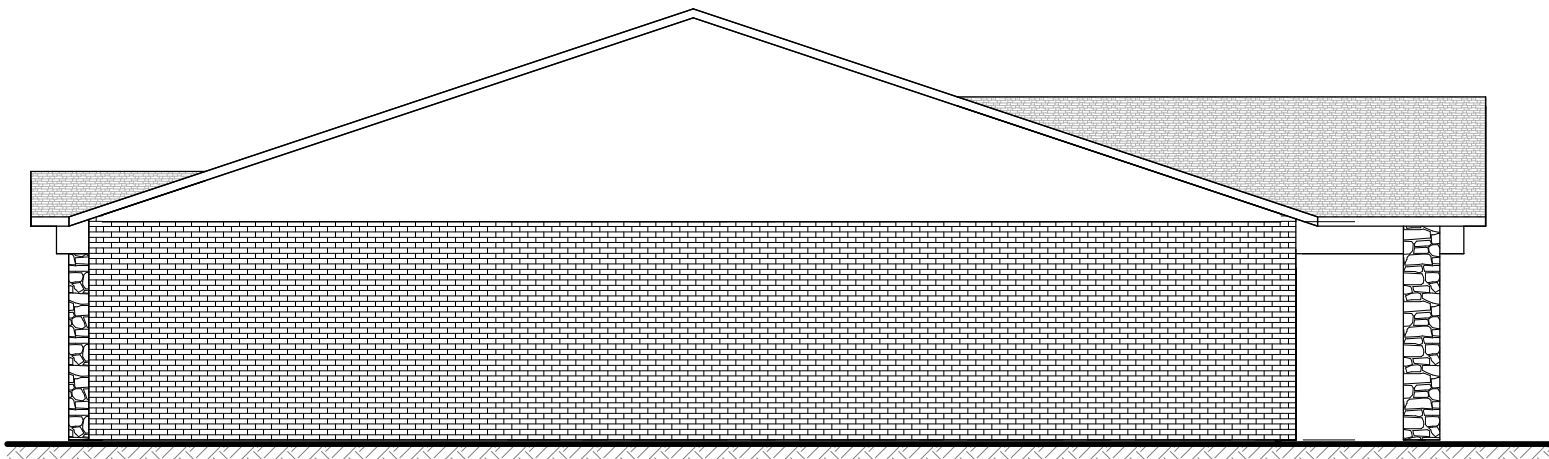
SHEET:

C103

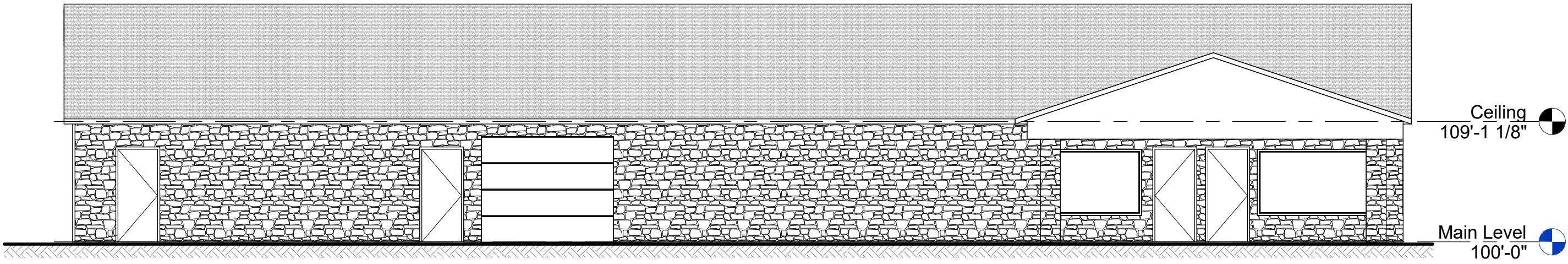
This drawing is provided as an instrument of service by the Architect and is intended for use on this project only. Any reproduction, use, or disclosure of information contained herein without the prior written consent of the Architect is strictly prohibited. (C) Copyright 2022 by Creative Concepts Architecture, PLC.



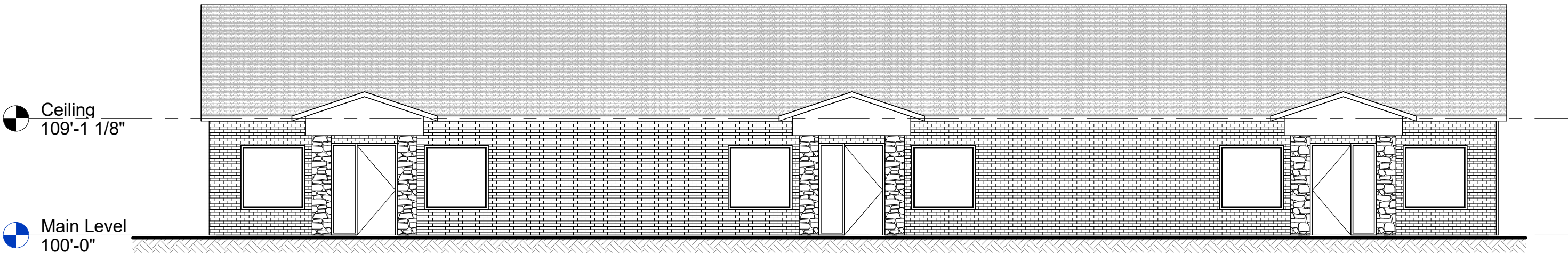
1 **East Elevation**
C202 1/8" = 1'-0"



4 **West Elevation**
C202 1/8" = 1'-0"



3 **South Elevation**
C202 1/8" = 1'-0"



2 **North Elevation**
C202 1/8" = 1'-0"

#	Date	Description
1	12/05/23	For Review
12/22/2023 11:28:18 AM		
PROJECT NUMBER: 2311M		
TITLE: Exterior Elevations		
SHEET:		

CITY OF INDIANOLA, IOWA

BOARD OF ADJUSTMENT

IN THE MATTER OF THE APPLICATION OF:

Prime Assets Investments LLC for a special use permit, under the terms of Section 165.02(3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa, that would permit a liquor store located at 501 North Jefferson Way.

FINDINGS OF FACT

The City of Indianola, Iowa Board of Adjustment has reached the following Findings of Fact:

- 1. The property at 501 North Jefferson Way is owned by Prime Assets Investments LLC.*
- 2. The property at 501 North Jefferson Way is in the C-2, Highway Commercial Zoning District.*
- 3. Liquor stores require approval of a Special Use Permit from the Board of Adjustment.*
- 4. Improvements proposed at the site will bring the site closer into conformity with the City of Indianola Zoning Code.*
- 5. The proposed use is not anticipated to impact the health, safety, and general welfare of citizens nor diminish or impair established property values.*
- 6. The application meets all findings of facts required for approval of a Special Use Permit, as outlined in Section 154.02(3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa.*

DECISION

According to Section 165.02 (3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa to review and consider approval of a Special Use Permit for a Special Use as identified Permitted and Special Uses Table contained in CHAPTER 165.05 of the Zoning Regulations. The following shall be required:

- i. Special Use Permit Application - A site plan (including number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Special Use Permit Application fee as established by resolution of the City Council.
- ii. Special Use Permit Procedure - The Special Use Permit Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.
- iii. Special Use Permit Review by Board of Adjustment - Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Board a copy of the Special Use Permit Application along with a written recommendation as to the application's conformity with the rules and regulations of the city.

- iv. The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the Application for conformity with the zoning regulations and standards. The Board may approve, approve with conditions, or deny the Special Use Permit Application.
- v. Findings for Approval - In order to approve a Special Use Permit, the Board shall make the following findings:
 - 1. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - 2. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - 3. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - 4. The proposed use and site improvements shall not unduly increase traffic congestion;
 - 5. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - 6. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
 - 7. The issuance of the Special Use Permit will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- vi. Expiration of Special Use Permit Approval - All Special Use Permit approvals shall expire and terminate 24-months after the date of the Board approval unless a building permit has been issued for the construction provided for in the related site plan. In the event the building permit for the construction provided for in the related site plan expires or is canceled, then such site plan approval shall thereupon terminate.

Analysis of Code Criteria

Kyle Kruidenier, on behalf of Prime Assets Investments LLC, is requesting approval of a special use permit to allow for a liquor store to be located at 501 North Jefferson Way. The property currently contains a multi-tenant building with uses including a restaurant and tobacco sales. The land is zoned for the C-2 Highway Commercial Zoning District.

The proposed site plan request proposes a trash enclosure to screen waste and equipment from views from the public roadways and adjacent properties. No other additions, structures, or buildings are proposed. The site plan shows site improvements to bring the site closer into conformity with city zoning codes and ordinances, including screening negative effects and providing required accessible parking and routes into the facility. The site improvements show the removal of a parking area which currently constitutes as a safety risk due to spacing to the intersection of North Jefferson Way and East Detroit Avenue – this improvement will assist with removing relational conflicts between the parking area and the adjacent highway and improve traffic circulation.

The site does not propose any façade changes. Landscaping will be provided to bring into closer conformity with current zoning regulations.

ORDER

MOTION:

Prime Assets Investments LLC for a special use permit, under the terms of Section 165.02(3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa, that would permit a liquor store located at 501 North Jefferson Way:

VOTE:(_____ - _____) (_____ - _____)

WHEREFORE, it is ordered that the application from Prime Assets Investments LLC for a special use permit, under the terms of Section 165.02(3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa, that would permit a liquor store located at 501 North Jefferson Way, is hereby **approved** as evidence by the Board's finding that all code criteria **have** been met as required by the Code of Ordinances of Indianola, Iowa; and

WHEREFORE, any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, pursuant to Iowa Code 17A.19, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

Ordered this 3rd day of January 2024

Chairperson
Board of Adjustment
City of Indianola, Iowa

FILING DATE:

From: [Chad Kuehl](#)
To: [Community Development](#)
Subject: Special Use Permit for ANOTHER Liquor Store
Date: Friday, December 29, 2023 4:25:39 PM

Some people who received this message don't often get email from chad.kuehl.jb6u@statefarm.com. [Learn why this is important](#)

To Whom It May Concern:

I am NOT in favor of allowing a liquor store at 501 North Jefferson Way! Indianola has plenty of liquor stores – do we need one on every block?!?

Same thing goes for all these Vape Shops – I wish someone would pay me for parking in my private business parking lot as they walk to these other shops (The Hideout, Route 69 Vapor, Subway, the other new Vape Shop at 501 North Jefferson) & then have the decency to litter on my grass & parking lot.....it's great fun cleaning up & picking up litter & other trash all the time just to keep my property looking nice, but I feel like that doesn't really matter!

Enough is enough,

Chad Kuehl - Agent

409 N Jefferson Way

Indianola, IA 50125

' (515) 961-2842



www.chadsf.com

If this communication is securities related, see the [additional disclosures](#).



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director, Emily Rizvic, Associate Planner

Date: January 3, 2024

Subject: Consider request from Parker Signs and Graphics, Inc. to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet.

Recommendation: Staff recommends that the Indianola Board of Adjustment move alternative 1, to approve the variance request, as submitted.

Attachments:

1. Staff Report
2. Application
3. Written Narrative
4. Proposed Signage
5. Decision and Order



COMMUNITY DEVELOPMENT

110 N. First Street, Indianola IA 50125-0299 • www.indianolaiowa.gov
(515) 961-9430 • comdev@indianolaiowa.gov

STAFF REPORT

BOARD OF ADJUSTMENT

Date of Meeting: January 3, 2024

Agenda Item: 5.D Consider request from Parker Signs and Graphics, Inc. to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet.

Application Type: Variance

Applicant and Property Owner: Missouri Valley JATC

Property Address/Parcel: 1600 East Iowa Avenue (Parcel ID #488/7020-0500)

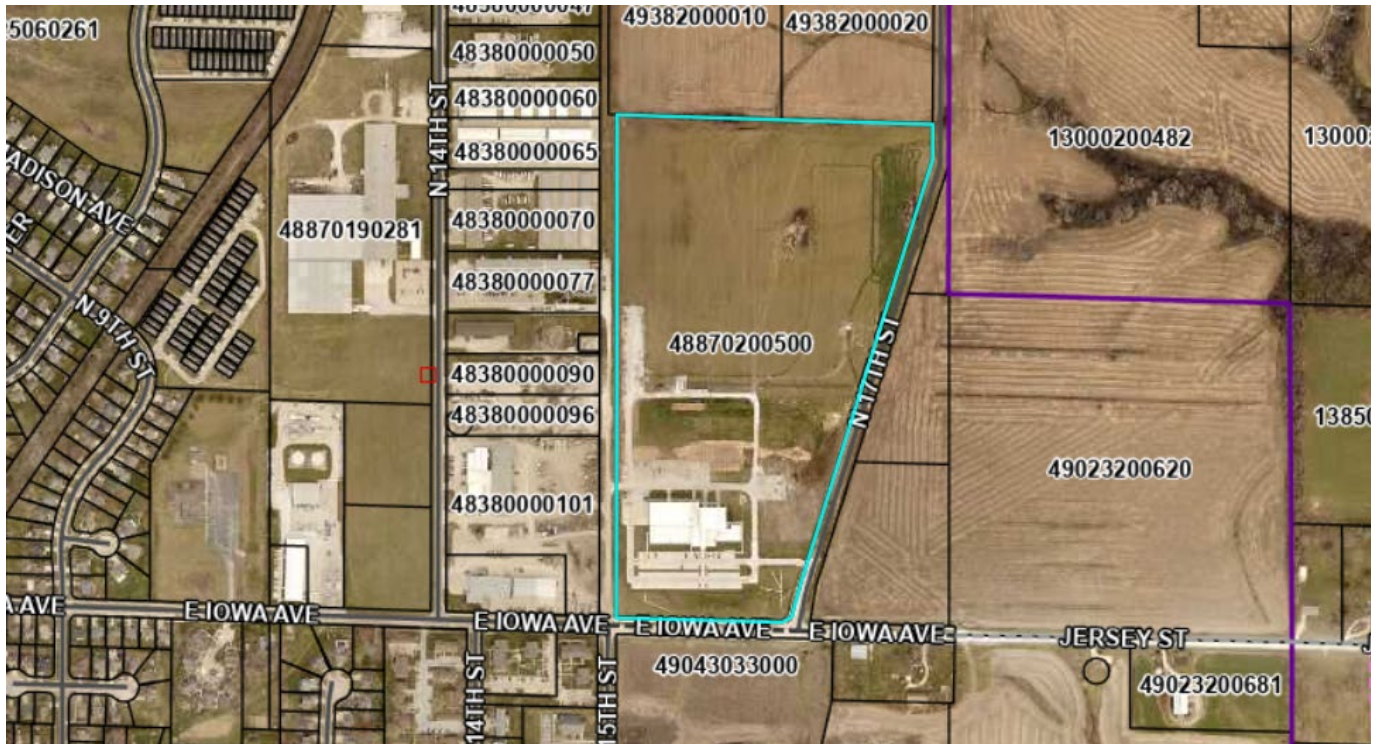
Zoning: PUD, Planned Unit Development

Application Summary

Parker Signs and Graphics, Inc. is requesting a variance on the behalf of Missouri Valley JATC, to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage, by 4 feet for a maximum allowable size of 10 feet. Such signage would not conform to Section 165.10.9.A.(1)g. and 165.10.9.A.(1)h of the City of Indianola Sign Code.

Agenda Item: 5.D Consider request from Parker Signs and Graphics, Inc. to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet.

AERIAL MAP



APPLICABLE CODE SECTIONS

The following code sections of the Code of Ordinances of Indianola, Iowa apply to this request:

165.02(3)(B) POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

3. Variances: Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application of a variance is submitted demonstrating:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given as in subsection 2(B) above.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

Agenda Item: 5.D Consider request from Parker Signs and Graphics, Inc. to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet.

D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.

E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

165.10.9.A.(1) Building Sign Regulations

g. Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided that the panel area does not exceed six (6) feet in height and six (6) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.

h. No individual letter or symbol shall exceed six (6) feet in height and six (6) feet in width. All letters and symbols should be individually attached to the building wall. Raceways are prohibited. In any situation where it is not physically practical to mount a wall sign without a raceway, a pan-style raceway may be authorized at the discretion of the Zoning Administrator.

ANALYSIS

Subject Property and Surrounding Land Uses

Parker Signs and Graphics, Inc. has submitted a variance request for property located at 1600 East Iowa Avenue (#488/7020-0500), on behalf of the property owner, Missouri Valley JATC. The variance requested is to allow for signage that would not conform to Sign Code regulations outlined in Section 165.10.9.A.(1)g. and 165.10.9.A.(1)h by allowing for letters and symbols that would exceed 6ft in height and width, and allowing for a panel type sign that would exceed 6ft in height and width.

To the north of the subject property exists two vacant industrially zoned properties. One has an active site plan application for the construction of an industrial building. To the east exists three vacant parcels. To the south exists one vacant residentially zoned property. To the west exists nine industrially zoned, developed properties.

The property is a corner lot and fronts along East Iowa Avenue and North 17th Street. According to the Iowa Department of Transportation (IDOT), East Iowa Avenue has an Annual Average Daily Traffic (AADT) of 370 vehicles as of 2012. North 17th Street will connect north to East Hillcrest Avenue. At this time, no or predicted AADT is provided.

East Iowa Avenue is considered a minor arterial roadway and is one of the few continuous east/west streets in the city. Minor arterials are moderate to high capacity streets that primarily provide for the movement of through traffic and provide access to lower-capacity collector streets.

Agenda Item: 5.D Consider request from Parker Signs and Graphics, Inc. to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet.

Minor arterials create continuous routes between major arterials and bisect the northeast and northwest quadrants of the city, providing access to residential and industrial developments.

The subject building currently contains one (1) building sign on the south building elevation and faces towards East Iowa Avenue. This sign is setback from the front property line by approximately three-hundred and sixty feet (360'). The existing sign is approximately one-hundred and forty-four square feet (144 sq. ft.). The panel portion of the sign and symbols exceed 6 feet in height and 6 feet in width.

Future Land Use

The 'Elevate Indianola' Comprehensive Plan shows the subject parcel's future land use as Industrial. The Industrial future land use designation calls for office and warehouse buildings, manufacturing, and other industrial uses. Outdoor storage or operations must be screened from public rights-of-way and adjacent properties.

The variance application would allow for identical signage next to the current existing signage, of the same size, height, and width. Current code requirements however do not allow for panel type signage to exceed 6ft in height/width, nor for any letters and symbols to exceed 6ft in height/width. The variance requested would allow for panel type signage and symbols/letters to be up to 10 feet wide/tall. This would increase the allowable size by 66.7% of the current minimum requirements.

FINDINGS OF FACT

According to Section 165.02.3.B.(3)b. of Indianola's Zoning Code, in deciding whether to grant a variance request, the Board of Adjustment shall consider all the following legal principles. **All legal principles shall be satisfied in order for the Board of Adjustment to grant a variance.**

- i. **That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;**

Staff Comment: This finding of fact asks for the Board to find whether special conditions or circumstances exist which are peculiar to the land and which are not applicable to other lands in the same zoning district. The property is zoned for a Planned Unit Development (PUD). The property is unique compared to other properties within this zoning district, as well as the adjacent properties within proximity of the site due to the characteristics of the building design, its proximity to the front property line, as well as the proposed building sign location.

The front-most wall plane of the existing building to the front property line at East Iowa Avenue is measured at approximately 300 feet. The signage is proposed to be located within a recessed wallplane, that measures approximately 350 feet between the edge of the plane and the front property line. The minimum setback for industrial type properties is established as 35-feet, with the building exceeding this setback by over 900%.

Because the proposed signage will be setback a further distance than what a typical industrial building would have for signage, staff finds that this finding of fact may be found favorably.

This criterion is met.

Applicant Comment: The building is positioned farther from the street on the property due to stormwater retention.

- ii. **That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter. This finding of fact asks if the applicant would be deprived of a right commonly enjoyed by other properties within the zoning district;**

Staff Comment: This finding of fact asks whether the applicant would be deprived of a right that is commonly enjoyed by other properties within the same zoning district, under the terms of this chapter. Current sign code requirements are established to encourage the opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or discriminate use of communication facilities. This includes ensuring that signage is legible from the public right-of-way.

Should a variance request be denied, the applicant would be deprived of a sign that is legible from the public right-of-way. Additionally, undersized signage for the site may create confusion or a potential hazard due to being illegible. For these reasons, staff finds that this finding of fact may be viewed favorably.

This criteria is met.

Applicant Comment: Due to the size of the property and the distance from the street, a sign sized to meet code is not visible. No other property in the area has this physical condition.

- iii. **That the special conditions and circumstances do not result from the actions of the applicant;**

Staff Comment: This finding of fact asks whether conditions or hardship experienced by the applicant are self-imposed. While the site was developed by the property owner, the rules and regulations for the signage were not established as they are in current day nor does current code requirements take into account for properties which contain a greater setback than average.

Likewise, the property also has a greater setback than typical industrial properties due to stormwater control facilities on the site. This setback, at the time of development, was outside of the property owners control and required to ensure minimum stormwater management on the site to decrease flooding and pooling during large storm events.

Staff finds that this finding of fact may be viewed favorably.

This criteria is met.

Applicant Comment: Building structure had to be placed farther from the road to allow for stormwater retention.

- iv. **That granting the variance request will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.**

Staff Comment: This finding of fact asks whether a special privilege would be granted to the applicant that is otherwise denied to other lands, structures, or buildings within the same zoning district. Variances are granted when a hardship for a property owner occurs, which simultaneously disenfranchises the property owner from a right that other property owners within the same zoning district commonly have. If this variance were to be granted, staff does not find that a special right or privilege would be granted to the property that other properties, that have yet to be developed in this Planned Unit Development (PUD) District, do not have.

Likewise, staff finds that the unique circumstances and situation is special to this property itself and would require a variance to adjust signage so that it has the same effect, appearance, and proportionality as similar signage would have for industrial or commercial properties that do not have a significant setback as the subject property has.

Staff finds that this finding of fact could be answered favorably, as the property owner could be disenfranchised from having legible signage from the public road right-of-way, which is a common right that other properties would have.

This criteria is met.

Applicant Comment: There are no other neighboring properties that are the size of the applicant's and would not have a need for the granting of this special right.

SUMMARY OF FINDINGS

The following summary of findings are provided as reasonings to deny the variance request:

- 1) The variance request is favorable towards all findings of fact, outlined in the Zoning Code.
- 2) The property is unique due to the characteristics of the building design, its proximity to the front property line, as well as the proposed building sign location.
- 3) Granting the variance would not provide a right and privilege that other properties do not have under the City of Indianola's Zoning Code Regulations.
- 4) Denial of a variance could result in signage that is illegible from the public road right-of-way and could result in undersized signage that may create confusion or a potential hazard due to being illegible.

Agenda Item: 5.D Consider request from Parker Signs and Graphics, Inc. to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet.

- 5) The property owner may be disenfranchised to the right of legible signage from the public road right-of-way.
- 6) The proposed signage meets the intent and purpose of the City of Indianola Sign Code.
- 7) A hardship does exist if the request is denied, as the applicants would not be able to make reasonable economical use of the land.

If the variance were to be denied, the Board of Adjustment should be prepared to summarize, for inclusion in the minutes of the meetings, its reasons to deny, which will serve as the applications decision and order.

COMMENTS FROM THE GENERAL PUBLIC

Notification letters were mailed to surrounding property owners within 200-feet of the subject property regarding the variance request on December 20, 2023. No comments were received at the time of the writing of this report.

ALTERNATIVES

The City of Indianola Board of Adjustment may consider the following alternatives:

- 1) **The City of Indianola Board of Adjustment approves the variance request, as submitted.**
- 2) The City of Indianola Board of Adjustment approved the variance request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the variance request.
- 4) The City of Indianola Board of Adjustment remands the variance request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends that the Indianola Board of Adjustment move alternative 1, to approve the variance request, as submitted.

BOARD OF ADJUSTMENT APPLICATION

Community Development

110 North 1st Street, Indianola, Iowa 50125-0299
(515) 961-9430 • comdev@indianolaiowa.gov



PROPERTY OWNER

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

APPLICANT (if not Property Owner)

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

☐ APPEAL

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Completed Application
- ☐ Filing Fee: \$300 per request
- ☐ Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa .
- ☐ Other Information as required by Director

☐ SPECIAL USE PERMIT

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$300 per request
- ☐ Site Plan and Elevations as outlined in 165.06
- ☐ Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

☐ VARIANCE

Submittal Requirements:

*All submittal requirements must be completed.
Incomplete applications will not be considered*

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$300 per request
- ☐ Site Plan and Elevations
- ☐ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature _____

Name (printed) _____

Date _____

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

14th December 2023

Dear Ms. Rizvic,

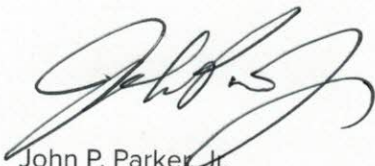
Parker Signs and Graphics, Inc. on behalf of Missouri Valley Line Constructors Apprenticeship & Training Program is requesting a variance to the Indianola Sign Code 165.10.9.(1).g: *Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed six (6) feet in height and six (6) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol, to allow for a 10' x 10' sign.*

The new sign we are proposing for the front of the building is designed and sized to match the existing sign that is located on the building, installed in March of 2020 under a different sign code. The proposed 10' x 10' sign fits within the current allowable sign area and continues the overall look and design of the building front. We believe that a 6' x 6' sign would not fit in the overall look of the building. Also with the set back of the building the viewing distance would be as such that one would not be able to read or understand what is on the sign.

I have provided a building elevation with the sign at the current sign code max size of 6' x 6' as well as one with the 10' x 10' proposed size for your review. If you have any questions or need any other information don't hesitate to contact me at jr@parkersign.com or 515-720-3743.

Thank you for your consideration.

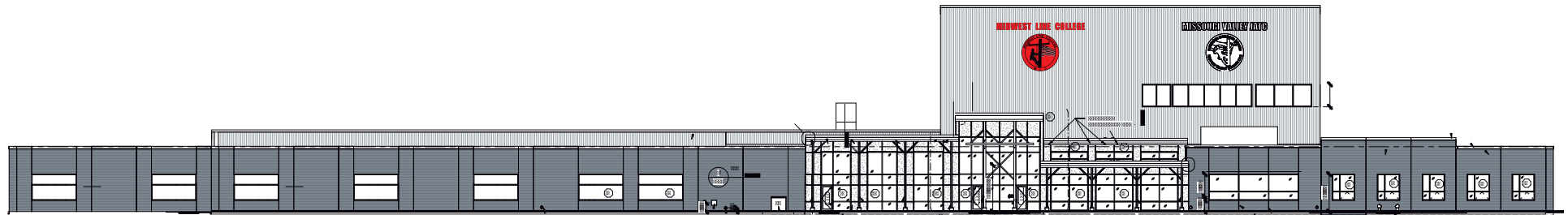
Respectfully,



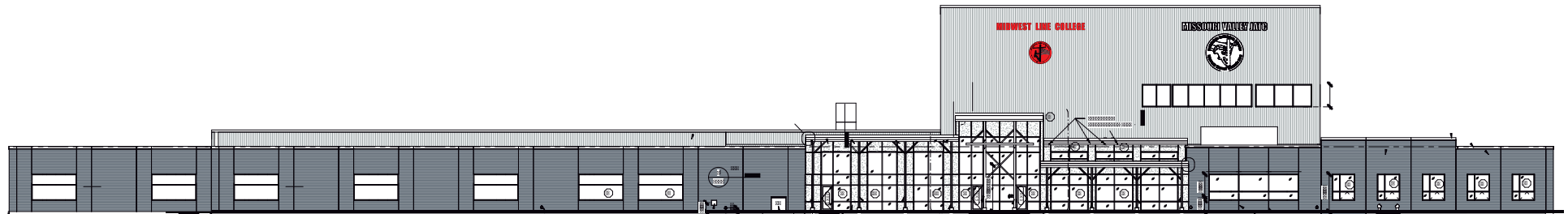
John P. Parker, Jr.

President

Requested Size



Size per current code



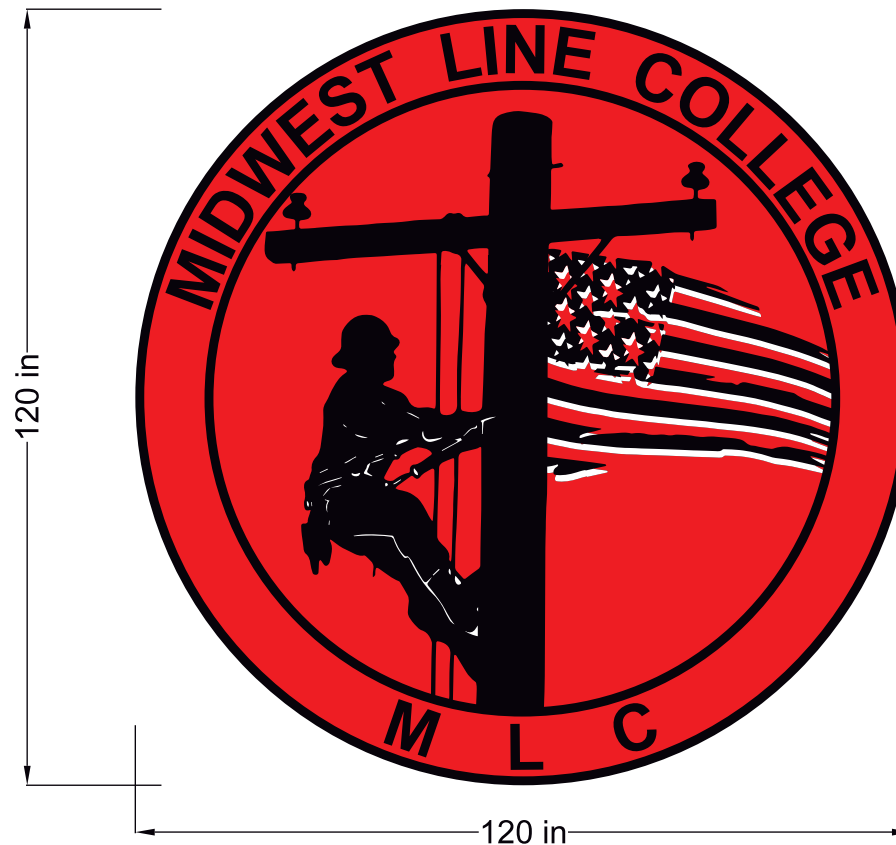
Date 12/11/23	Project Name Midwest Line College	Customer Approval	Date
Drawn By John Parker	Address 1600 East Iowa	© 2023 Parker Signs & Graphics, Inc. Parker Signs & Graphics , Incorporated has the exclusive right to reproduce, display, prepare derivative works of, or distribute copies of the copyrighted work above. All manners of infringement prohibited by law.	
Revision # 2	City/State Indianola, IA		



278 7/16 in

23 in

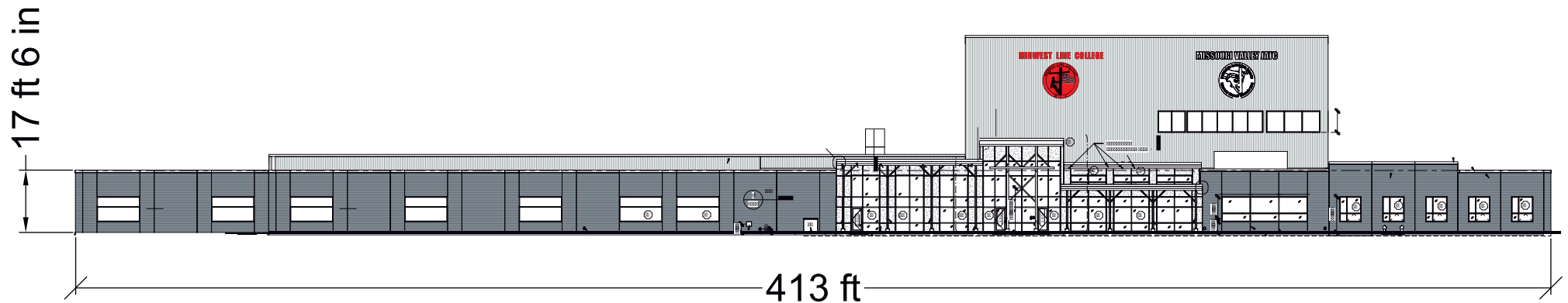
MIDWEST LINE COLLEGE



- 2" deep fabricated aluminum letters
- Logo is aluminum with 2" thick aluminum frame, graphics masked and painted

Date 8/15/23	Project Name Midwest Line College	Customer Approval	Date
Drawn By John Parker	Address 1600 East Iowa	© 2023 Parker Signs & Graphics, Inc. Parker Signs & Graphics, Incorporated has the exclusive right to reproduce, display, prepare derivative works of, or distribute copies of the copyrighted work above. All manners of infringement prohibited by law.	
Revision # 1	City/State Indianola, IA		





Date 12/11/23	Project Name Midwest Line College	Customer Approval	Date
Drawn By John Parker	Address 1600 East Iowa	© 2023 Parker Signs & Graphics, Inc. Parker Signs & Graphics , Incorporated has the exclusive right to reproduce, display, prepare derivative works of, or distribute copies of the copyrighted work above. All manners of infringement prohibited by law.	
Revision # 2	City/State Indianola, IA		



CITY OF INDIANOLA, IOWA

BOARD OF ADJUSTMENT

IN THE MATTER OF THE APPLICATION OF:

Missouri Valley Line Constructors Joint Apprenticeship & Training Fund, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet, for a maximum allowable size of 10 feet, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10.9.A.(1)g. and 165.10.9.A.(1)h. of the City of Indianola Sign Code.

FINDINGS OF FACT

The City of Indianola, Iowa Board of Adjustment has reached the following Findings of Fact:

- 1. The property identified as 1600 East Iowa Avenue is owned by Missouri Valley Line Constructors Joint Apprenticeship & Training Fund.*
- 2. The property identified as 1600 East Iowa Avenue is in the Planned Unit Development (PUD) zoning district for the Missouri Valley JATC PUD.*
- 3. City Code Section 165.10.9.A.(1)g. requires that letters and symbols for new signage not exceed 6-feet in height or in width.*
- 4. City Code Section 165.10.9.A.(1)h. requires that panel-type signage not exceed 6-feet in height or in width*
- 5. A variance is requested in order to allow for proposed signage to exceed the maximum allowable size by 4-feet, for a maximum allowable size of 10-feet on the site.*
- 6. The property is unique due to the characteristics of the building design, its proximity to the front property line, as well as the proposed building sign location.*
- 7. The proposed signage meets the intent and purpose of the City of Indianola Sign Code.*
- 8. The variance request is found to be favorable towards all findings of fact, outlined in the Zoning Code.*

DECISION

According to Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa to grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:

- i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- iii. That the special conditions and circumstances do not result from the actions of the applicant;
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district. If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

Analysis of Code Criteria

Missouri Valley Line Constructors Joint Apprenticeship & Training Fund are seeking to construct new signage at 1600 East Iowa Avenue. As part of this sign erection, they are seeking to size the sign as a ten-foot by ten-foot (10'x10') panel-type signage, with letters and symbols, increasing the maximum allowable size of six feet by four feet.

The site is a corner lot and fronts along East Iowa Avenue and North 17th Street. East Iowa Avenue is considered a minor arterial roadway. Minor arterials are considered moderate- to high-capacity streets that provide for the movement of through traffic and provide access to lower-capacity collector streets.

The site is utilized as an educational/technical school, training journeyman linemen. The primary structure is setback from the front property line by approximately 300-feet. The signage proposed is shown to be located within a recessed wall plane, that measures an additional 50-feet from the property line.

The primary structure does contain existing signage, which would remain. This signage is measured at approximately ten-foot by ten-foot (10'x10') and is a nonconforming, legal structure within the City of Indianola.

ORDER

MOTION:

Move to approve the request from Missouri Valley Line Constructors Joint Apprenticeship & Training Fund, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet, for a maximum allowable size of 10 feet, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10.9.A.(1)g. and 165.10.9.A.(1)h. of the City of Indianola Sign Code.

VOTE:(–) (–)

WHEREFORE, it is ordered that the application from Missouri Valley Line Constructors Joint Apprenticeship & Training Fund, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to allow for building signage to exceed the maximum allowable size in width and height of 6 feet for letters, symbols, and panel-type signage by 4 feet, for a maximum allowable size of 10 feet, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10.9.A.(1)g. and 165.10.9.A.(1)h. of the City of Indianola Sign Code is hereby **approved**, as evidence by the Board's finding that all code criteria **have** been met as required by the Code of Ordinances of Indianola, Iowa; and

WHEREFORE, any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, pursuant to Iowa Code 17A.19, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

Ordered this 3rd day of January 2024

Chairperson
Board of Adjustment
City of Indianola, Iowa

FILING DATE: