



BOARD OF ADJUSTMENTS

September 4, 2019
6:00 P.M.
City Council Chambers

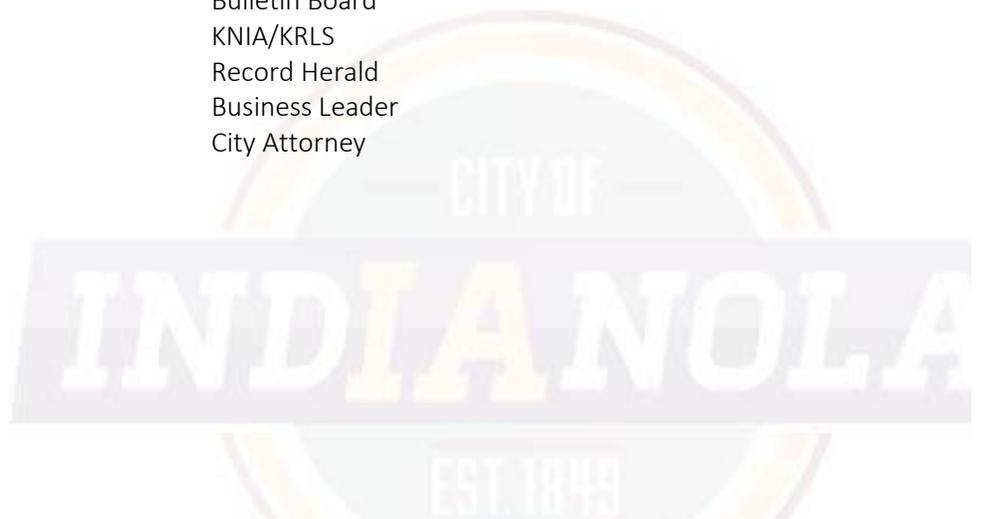
AGENDA

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. August 7, 2019
5. New Business
 - A. Consider request from Cheryl Geurts of Indianola Preschool for a special exception under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the use of a preschool or day care center in the C-2 Highway Commercial and located at 1508 North Jefferson Way.
6. Comments
 - A. Board Members
 - B. Staff
7. Adjournment

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BOARD OF ADJUSTMENTS

August 7, 2019

6:00 P.M.

City Council Chambers

Minutes

The meeting was called to order by Chairperson Sharp at 6:00 PM and on roll call the following members were present:

Wes Sharp
Jim Sullivan
Rene Soldwisch
Bill Mettee (phone)
Marty Miller

Also present: Charlie Dissell, Tim Little, Brian Becker, Tamra Becker, Robbie Foxen

The August 7, 2019 meeting agenda was approved on a motion by Rene Soldwisch and seconded by Jim Sullivan. On voice vote: Motion carried unanimously.

The minutes of the July 2, 2019, meeting was approved on a motion by Jim Sullivan and seconded by Marty Miller. On voice vote: Motion carried unanimously.

Consider request from Robbie Foxen on behalf of Missouri Valley Line Constructors Apprenticeship & Training Program for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an industrial building at 1600 East Iowa Avenue, to which if constructed as requested, would not be in conformity with the requirements of Section 165.09 (M-1 Limited Industrial Maximum Height) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the proposed industrial building to be constructed with a mean roof height of 56' above finished grade.

Robbie Foxen spoke to his request. Mr. Foxen noted that this facility will have an indoor pole yard for apprentices to train on, which requires a certain height.

Jim Sullivan asked what the allowed height was. Tim Little noted it was 50' in this zoning district.

Tim Little presented the facts of this request for the variance to the Board.

Marty Miller asked what the current facility on 14th Street has for an indoor pole yard. Robbie Foxen noted the current facility does have an indoor pole yard.

Motion to approve was made by Jim Sullivan and seconded by Marty Miller. On voice vote: Motion approved unanimously.

Consider request from Brian Becker for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure at 706 East Euclid, to which if constructed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the proposed detached accessory structure to be constructed with a mean roof height of 16' above finished grade.

Brian Becker spoke to his request. Mr. Becker noted that he needs a 12' overhead door for his camper. Mr. Becker noted that there are other similar sized structures behind his property, however, have a different zoning.

Marty Miller asked if this building is separate from the existing building.

Tim Little presented the facts of this request for the variance to the Board.

Wes Sharp asked for clarification on the two buildings.

Motion to approve was made by Jim Sullivan and seconded by Marty Miller. On voice vote: Motion approved unanimously.

Motion to adjourn the meeting at 6:11 PM was made by Jim Sullivan, seconded by Marty Miller. Meeting was adjourned.

Wes Sharp, Chairperson

Charlie Dissell, Community Development Director

August 21, 2019

Indianola Preschool has made an offer to purchase the property currently owned by Destiny Bible Church located at 1508 N Jefferson Way in Indianola. The building would be used for our preschool and full day childcare program. The property is currently Zoned C2, which according to city code allows for preschools/day cares if the following requirements are met:

- a. no preschool or day care center shall commence operations in any building nearer than one hundred fifty (150) feet to any building wherein there is the sale of beer, wine or liquor for consumption on the premises
- b. preschools or day care centers shall be licensed by the State of Iowa, and all day care
- c. preschools centers shall have one off-street parking stall per employee
- d. that the granting of the special exception will not adversely affect the public interest.

The nearest establishment that sells alcohol for consumption on the premises is Cal's, which is located across Highway 65/69 from the church and is more than 150 feet away.

We hold a current license with the State of Iowa Department of Human Services which is valid until December of 2020. We will continue to renew this license every two years as required by DHS.

There is more than one off-street parking space for each of our employees on the property and ample parking for parents dropping off and picking up children.

We do not foresee any adverse effect on the public interest on us relocating to this property.

Thank you for your consideration,

Cheryl Geurts

Indianola Preschool Director

A handwritten signature in black ink that reads "Cheryl Geurts". The signature is written in a cursive style with a large, prominent "C" at the beginning.

August 22, 2019

CITY OF INDIANOLA

Board of Adjustment Member

110 North 1ST. Street Indianola, IA 50125

Dear Board of Adjustment Members,

The purpose of this letter is to inform you that the Indianola Preschool has made an offer to purchase Destiny Bible Church located at 1508 North Jefferson Way.

This letter authorizes Indianola Preschool's Board President, Director, or any of its representatives to file the application for special consideration with the Board of Adjustment in order that they may move forward with the due diligence process.

Should you have any questions please contact Pastor John Meaux by email: destinybiblechurch@msn.com or by phone 515-681-7979.

On behalf of the Board of Directors of Destiny Bible Church I Thank You for consideration.

Sincerely,

Pastor John A. Meaux

PO BOX 652 1508 NORTH JEFFERSON WAY/ INDIANOLA, IA 50125

Provider Information

Provider Name	Address 1	Address 2	City	State	Zip
Indianola Preschool Inc	205 S Howard Ste B		Indianola	IA	50125

Mail Address 1	Mail Address 2	City	State	Zip
205 S Howard Ste B		Indianola	IA	50125

Director/Owner	Status	Phone	Fax Number
,	Active	(515) 961-3798	

License/Registration Issue Date	Provider Type	QRS Level	Approved to Accept Child Care Assistance?
12/1/2018	Licensed Center	5	No

Capacity

Rates

Hours of Operation

Type of Care	Capacity	Age Group	Amount	Time	Rate	Day	Start	End
Licensed Center	45					Monday	8:15AM	5:00PM
						Tuesday	8:15AM	5:00PM
						Wednesday	8:15AM	5:00PM
						Thursday	8:15AM	5:00PM
						Friday	8:15AM	5:00PM

Current Vacancies

License Issue Date	Expiration Date	Type of Care
12/1/2018	11/30/2020	Licensed Center

Questions? Contact the Centralized Child Care Unit at: 1-866-448-4605

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 (<http://www.iowa.gov>)



Community Development

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

Staff Report

Board of Adjustment

Date of Meeting: September 4, 2019

Agenda Item: 5.A. Consider request from Cheryl Geurts of Indianola Preschool for a special exception under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the use of a preschool or day care center in the C-2 Highway Commercial and located at 1508 North Jefferson Way

Application Type: Special Exception

Applicant: Cheryl Geurts of Indianola Preschool

Property Address: 1508 North Jefferson Way

Zoning: C-2 Highway Commercial

Comprehensive Plan Designation: Highway Commercial

Application Summary: A special exception is requested to permit the use of a preschool or day care center in the C-2 Highway Commercial and located at 1508 North Jefferson Way.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

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

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specially authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are appropriate under this chapter and to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:
 - A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
 - B. Notice shall be given at least fifteen (15) days in advance of the public hearing by publication in a newspaper of general circulation in the City.
 - C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
 - D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

C-2 HIGHWAY COMMERCIAL SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 165.35(2) and the other requirements contained herein, the Board of Adjustment may permit the following:

2. Preschools or day care centers provided that no preschool or day care center shall commence operations in any building nearer than one hundred fifty (150) feet to any building wherein there is the sale of beer, wine or liquor for consumption on the premises, and all preschools or day care centers shall be licensed by the State of Iowa, and all day care and preschools centers shall have one off-street parking stall per employee.

ANALYSIS

Indianola Preschool has made an offer to purchase the property located at 1508 North Jefferson Way, which is currently owned by the Destiny Bible Church and located in the C-2 Highway Commercial Zoning District. Indianola Preschool is currently located at 205 South Howard Street, and is seeking to move to a location that fits its growing business. Preschools are allowed in the C-2 Zoning District by a special exception reviewed by the Board of Adjustment.

The Board of Adjustment shall decide such questions as are involved in determining whether special exceptions with such conditions and safeguards are appropriate and deny special exceptions when not in harmony with the purpose and intent of the City’s zoning regulations. The purpose of the zoning regulations are to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan.

This proposed location is located about 500’ to the east of the nearest establishment where there is the sale of beer, wine or liquor for consumption on the premises. According to State records, Indianola Preschool is licensed with the State, and its current license expires on November 30, 2020. The proposed building is about 6,500 square feet and is located on a lot that is 2.96 acres in size. Assuming a stall width of 9 feet, stall depth of 18 feet and an aisle width of 26 feet, staff estimates there is room to park around 50 cars on this site, with room to expand parking areas if needed.

ALTERNATIVES

The City of Indianola Planning and Zoning Commission may consider the following alternatives:

- 1) The City of Indianola Board of Adjustment approves the special exception request, as submitted.
- 2) The City of Indianola Board of Adjustment approves special exception request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the special exception request.
- 4) The City of Indianola Board of Adjustment remands the special exception 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 City of Indianola Board of Adjustment move alternative 1, approving the special exception request as submitted.