



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS BOARD OF ADJUSTMENT
Wednesday, January 17, 2024 - 5:30 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST
ZOOM: <https://us02web.zoom.us/j/7832856334>
Meeting ID: 783 285 6334

1. **Call to Order/Roll Call**
2. **Approval of Agenda**
3. **Approval of Minutes:**
 - A. Consideration of the October 31, 2023 Minutes
4. **Public Hearing on Conditional Use Permit - 1011 64th St**
 - A. Staff Report and Application Materials
5. **Consideration of Conditional Use Permit - 1011 64th St**
6. **Public Hearing on Conditional Use Permit - 6961 University Ave**
 - A. Staff Report and Application Materials
7. **Consideration of Conditional Use Permit - 6961 University Ave**
8. **Adjourn**

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS BOARD OF ADJUSTMENT
Wednesday, March 1, 2023 - 5:30 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST

1. Call to Order/Roll Call

Chaden Halfhill called the meeting to order at 5:35 PM. Members present: John Villotti and Donna Markley. Members absent: Chris Kannapel. Staff Present: City Clerk Adam Strait, Deputy City Clerk Nate Leuthold, and Trey Rouse of Bolton & Menk

2. Approval of Agenda

Motion by Donna Markley to approve. Seconded by John Villotti. Motion passed 3-0.

3. Approval of Minutes

A. Consideration of the August 16, 2023 Minutes

Motion by Donna Markley to approve. Seconded by John Villotti. Motion passed 3-0.

4. Public Hearing on Conditional Use Permit – 1010 69th St

Motion by John Villotti to open Public Hearing at 5:37 PM. Seconded by Donna Markley. Motion passed 3-0. No public comment. Motion to close Public Hearing by John Villotti at 5:38 PM. Seconded by Donna Markley. Motion passed 3-0.

5. Consideration of Conditional Use Permit – 1010 69th St

Trey Rouse presented the staff report. Motion by Chaden Halfhill to approve. Seconded by John Villotti. Motion passed 3-0.

A. Staff Report and Application Materials

6. Appoint Chairperson

Motion by John Villotti to appoint Chaden Halfhill as Chairperson and Donna Markley as Vice-Chairperson. Seconded by Donna Markley. Motion passed 3-0.

7. Adjourn

Motion by John Villotti to adjourn at 5:45 PM. Seconded by Vice Chair Donna Markley. Motion passed 3-0.

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.

STAFF REPORT

Date: January 17th, 2024
To: Windsor Heights Board of Adjustment
From: Justin Ernst, PE
Trey Rouse

Subject: Conditional Use Review: Civic Organization Staff Report
(1011 64th Street)

General Information

Applicant: Kathryn Dickel
1011 64th Street
Windsor Heights, IA 50324

Property Owner: Kathryn Dickel
1007 64th Street
Windsor Heights, IA 50324

Proposed Use: Civic Organization
Zoning: R-2 (Single Family Residential District – Urban Density)
Location: 1011 64th Street

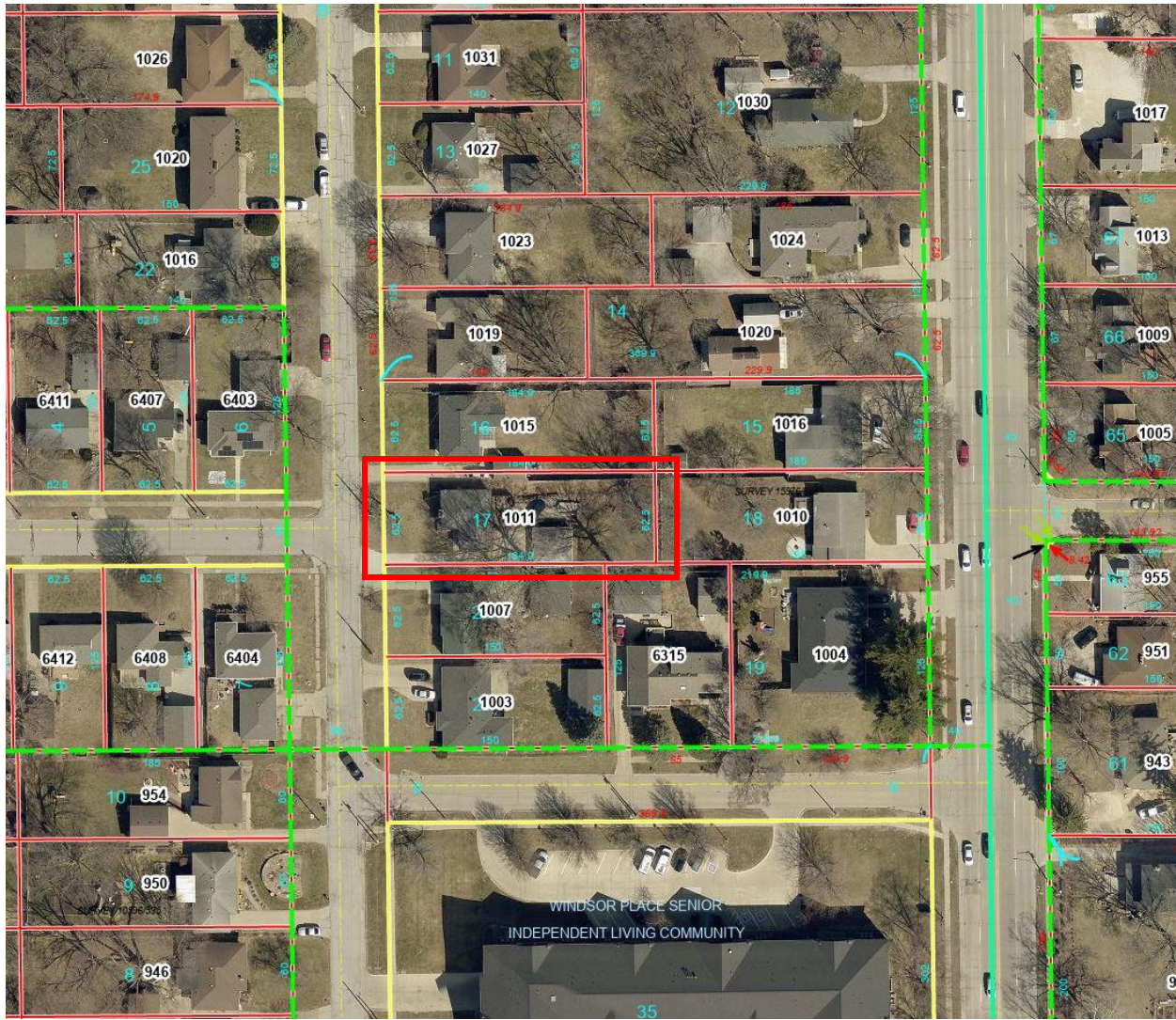
Summary

The applicant, Kathryn Dickel, is requesting a conditional use permit in R-2 – Single Family Residential Zoning District (Urban Density) for the use of the property listed at 1011 64th Street to change from Residential, Single Family to Civic Organization to be a civic organization that brings community and personal services to neighborhoods. The R-2 Single Family Residential Zoning District (Urban Density) allows for the Civic Organization use to be approved conditionally. Staff has completed a review of the conditional use permit application. The submitted application materials are attached to this report.

Existing Conditions

The 0.265-acre lot is in the R-2 – Single Family Residential Zoning District (Urban Density). The lot currently has a 2,000 sq. ft. home as the primary structure with one accessory structure consisting of a detached garage on the property. This property has a single driveway on the west side of the property. This property has a fenced in backyard currently.

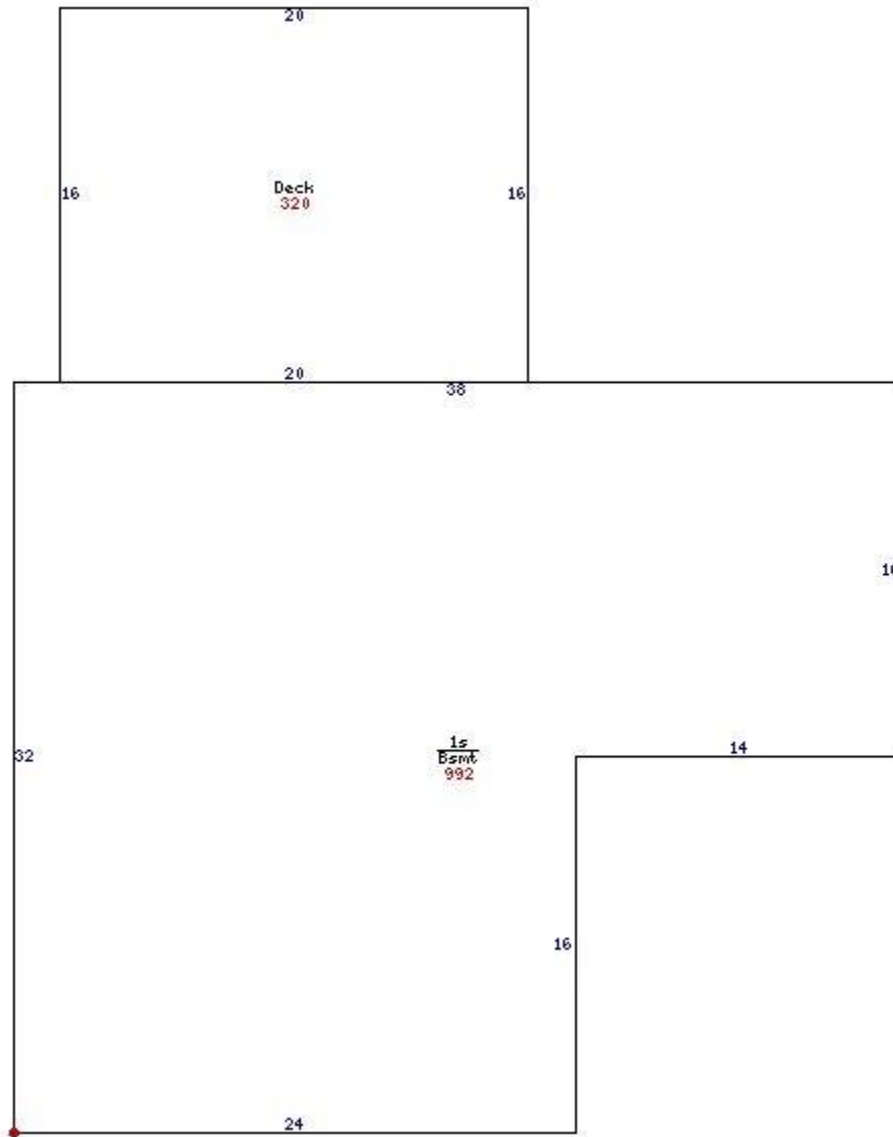
Property Location and Surrounding Properties



Legal Description of Property

LOT 17 LONGLEY PLACE PLAT 2

Existing Layout of Primary Structure on Property



Background

December 15th, 2023: Applicant applied for and filled out the Conditional Use Permit Application

Applicable Code Sections

[166.03 Definitions of Terms](#)

44. "Civic Organizations" means uses providing meeting, recreational, or social facilities for a private, nonprofit, or non-commercial association, primarily for use by members and guests.

[Table 168-2 Permitted Uses by Zoning District](#)

Table 168-2 – Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Administration	C	C	C	C	P	P	P
Adult Entertainment							C
Agricultural Sales/Service					C		P
Alternative Energy Production Devices	C	C	C	C	C		P
Amateur Radio Tower	P	P	P	P	P	P	P
Animal Production							C
Auto Rental/Sales					P		P
Auto Services					P	C	P
Bars					P	P	P
Bed and Breakfast	C	C	C		P	P	
Body Repair					C		P
Broadcasting Tower					C		C
Business Support					P	P	P
Business/Trade School					P	P	P
Cemetery	C	C	C				
Civic Organizations	C	C	C	C	P	P	
College/University	C	C	C	C	P	C	
Commercial Breeders							P

[Chapter 180.06 Standards of Approval](#)

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:
 - a. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - b. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

- c. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - d. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - e. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - f. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
- 2. The request shall be approved if the Board of Adjustments finds that the proposed development meets all Standards of Approval.
 - 3. The request shall be denied if the Board of Adjustment finds a strong probability that any of the following with regards to the proposed development:
 - a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - b. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 - d. Diminish or impair established property values on adjoining or surrounding property, or
 - e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

Chapter 180.08 Board of Adjustment Action on Applications

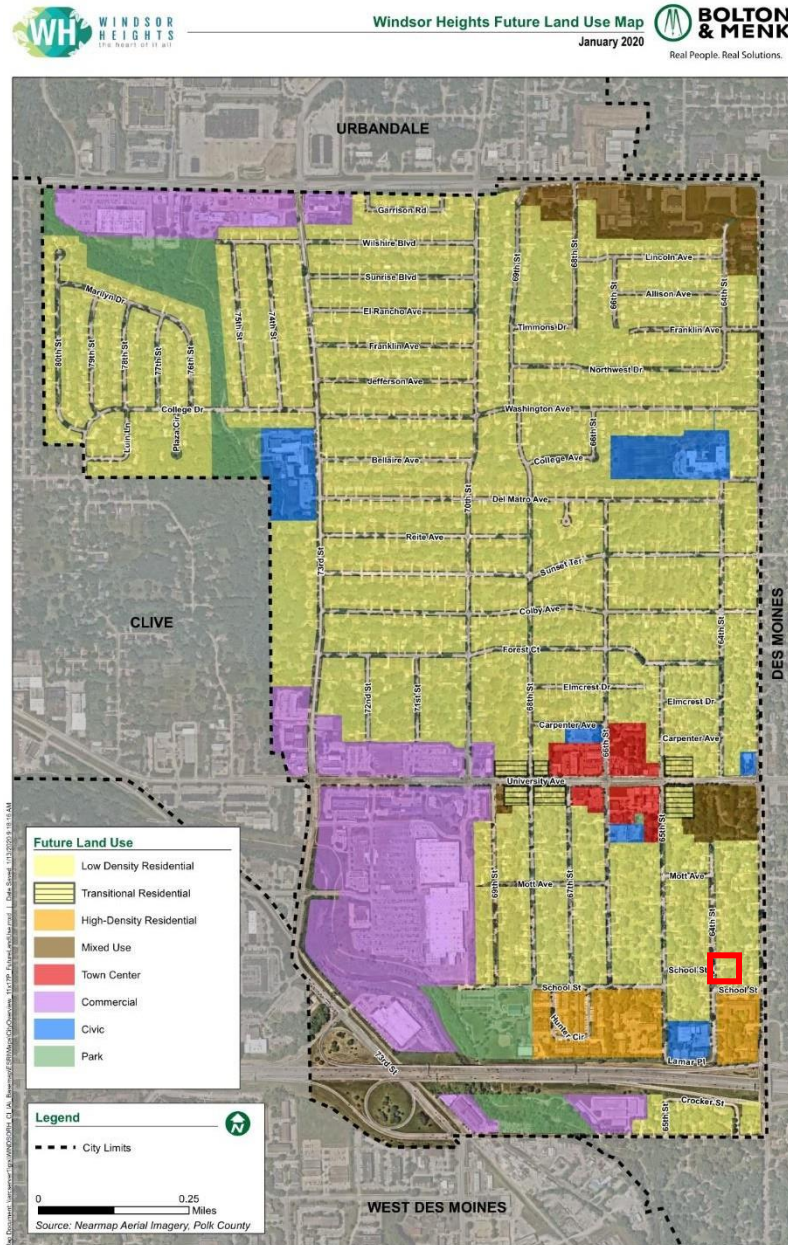
1. In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:
 - a. The Board of Adjustment shall establish findings of fact based upon information contained in the application, the staff report, and information gathered at the Board of Adjustment hearing.
 - b. The board shall consider such reasonable requirements or conditions for the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in 3 or 4.
 - c. The Board of Adjustment shall consider whether the application complies with all of the applicable Standards for Approval set forth in 180.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
 - d. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in 178.06. Separate votes may be taken with respect to each standard. Any such motion regarding compliance or noncompliance of the application to the development criteria or Standards for Approval shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied. Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition it deems necessary to protect the health, safety, and general welfare of the public. All conditions or requirements shall be entered on the permit.

The Board of Adjustments shall not grant a conditional use permit for any home occupation/home-based business which is otherwise prohibited under this zoning code.

Future Land Use Map

The future land use map should be used as guidance for areas throughout the City. The map identifies this location as low density residential, which is defined on page 40 of the 2017 Comprehensive Plan. “Low-Density Residential

Figure 1: Current Future Land Use Map



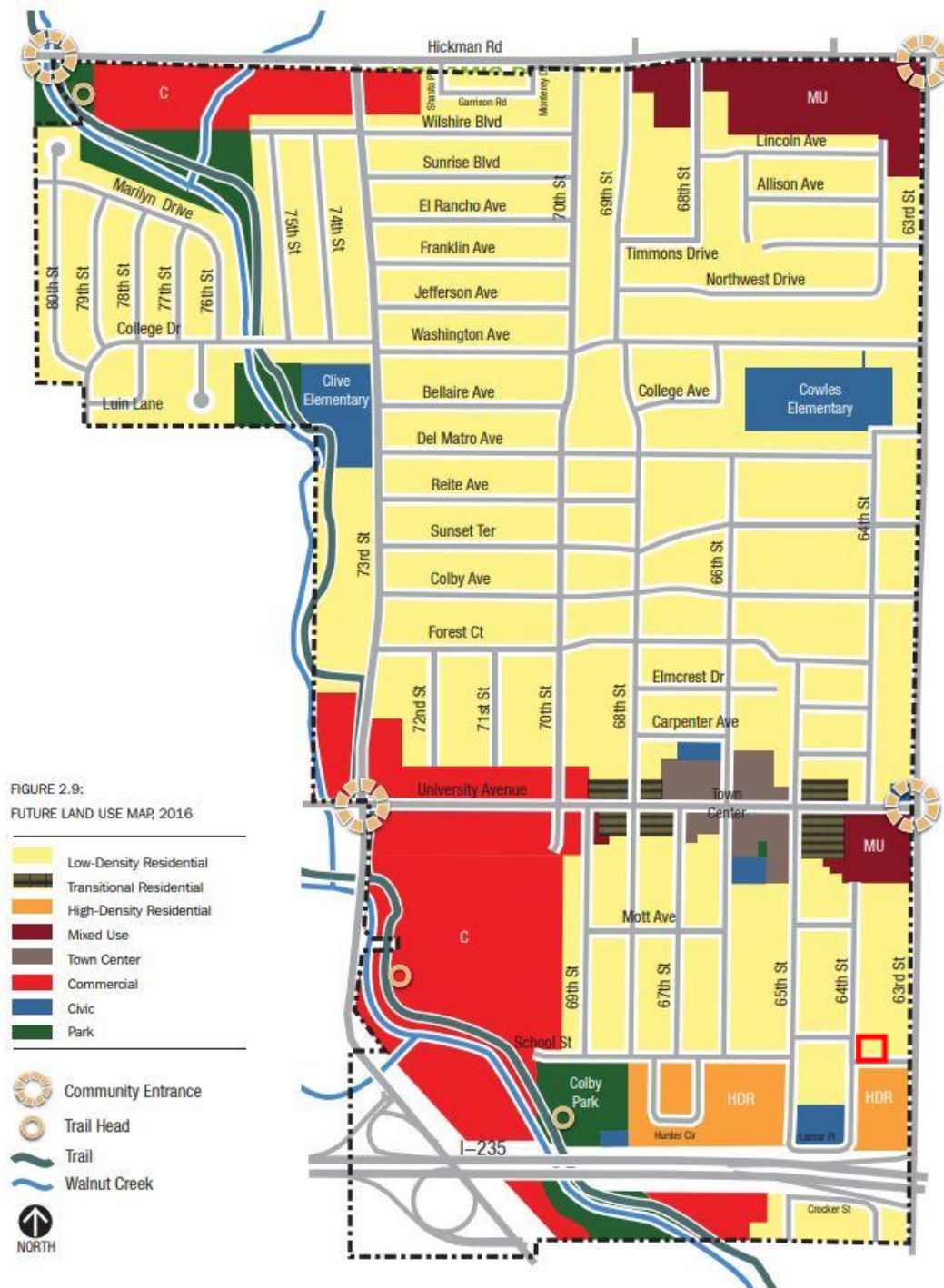
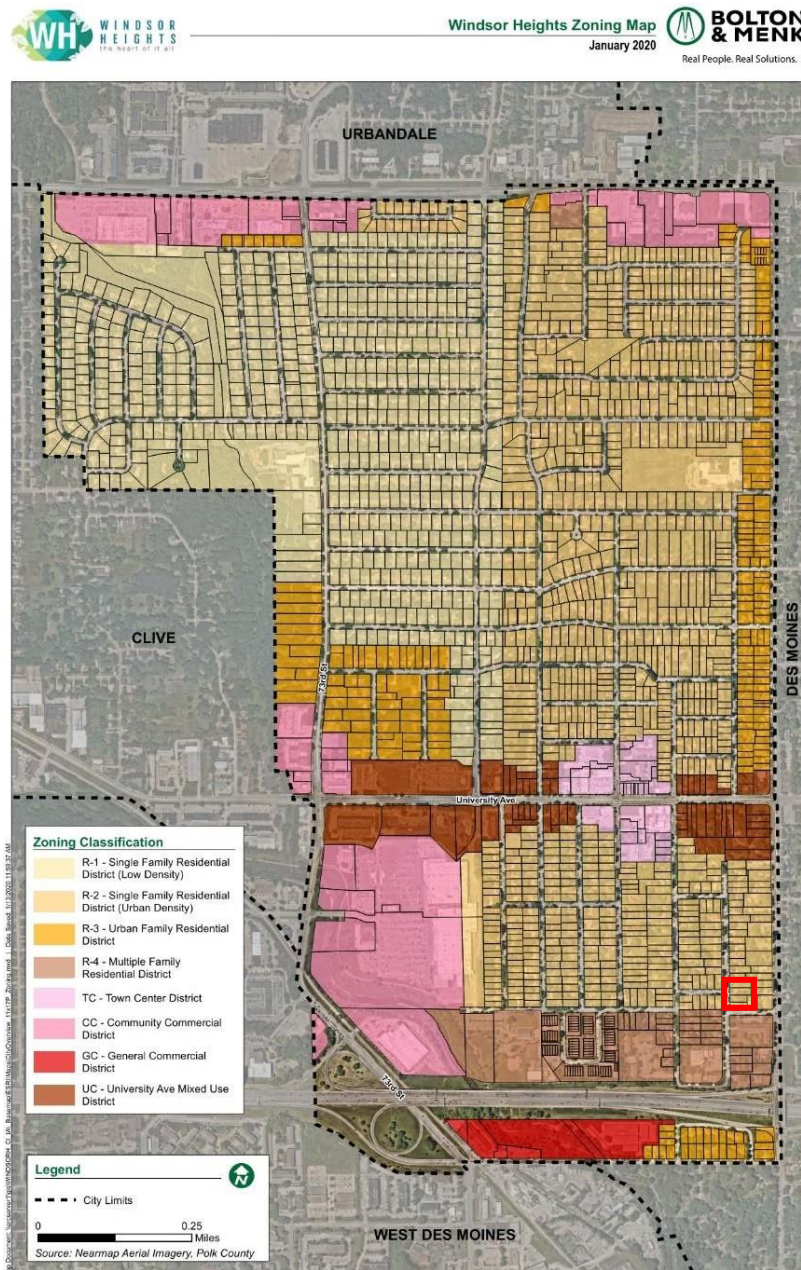


Figure 2: Windsor Heights' 2017 Comprehensive Plan's
Future Land Use Map

Zoning Map

The parcel is currently zoned for Single Family Residential (Urban Density) which is defined in [Table 168-1 Purposes of Zoning Districts](#) as “This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on small to moderately sized lots and low-density, multiple-family development. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and newer neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.”

Figure 3: Current Zoning Map



Recommendation

The staff recommends approval of the Conditional Use Permit for the property located at 1011 64th Street for a change in use from Residential, Single Family to Civic Organization as long as it adheres and abides by all conditions attached to the permit.

The following conditions are attached to the permit:

1. The Property at 1011 64th Street will come into complete compliance with ADA requirements which includes but is not limited to:
 - a. Ramp Access to the Primary Structure
 - b. Paved walkways from any and all customer parking to the primary structure
 - c. Accessible doorways within the Primary Structure
 - d. Accessible Bathrooms and other facilities within the Primary Structure
 - e. Must accommodate for one (1) Handicap Parking Space
2. Any and all signage for the Civic Organization and business at the property must go through the Signage Code and meet the requirements for not only the use on the property but the Zoning District the property resides in.
3. The City of Windsor Heights and Zoning Board of Adjustments reserves the right to revoke the Conditional Use Permit (if approved) to the property located at 1011 64th Street if nuisance complaints are received based on the following, but it not limited to:
 - a. Traffic Congestion
 - b. On-Street Parking or Parking Congestion
 - c. Noise
 - d. Light
 - e. Odors
4. Any proposed updates, changes, or construction on the property will be reported to the City and go through the appropriate permitting and approval process determined by the City of Windsor Heights.
 - a. If a permitting process is required, the City of Windsor Heights reserves the right to require that the property go through the Site Plan Approval Process as well to make sure all necessary procedures are followed.

Attachments

1. Application Materials (as submitted)
2. Hive House Proposal Letter

POLLINATE RITUAL & WILD HEART SANCTUARY

'POLLINATE YOUR WILD HEART'

POLLINATE HIVE HOUSE

A pilot project
to restore
community one
neighborhood
at a time.



515.707.1309



pollinateritual.com



@pollinateritual

hello@pollinateritual.com



CASE STATEMENT

Loneliness is an Epidemic

Given the profound consequences of loneliness and isolation, we have an opportunity, and an obligation, to make the same investments in addressing social connection that we have made in addressing tobacco use, obesity, and the addiction crisis. . .

If we fail to do so, we will pay an ever-increasing price in the form of our individual and collective health and well-being. And we will continue to splinter and divide until we can no longer stand as a community or a country. Instead of coming together to take on the great challenges before us, we will further retreat to our corners—angry, sick, and alone.

-Dr. Vivek H. Murthy 19th and 21st Surgeon General of the United States

The Challenge

Earlier this year Surgeon General of the United States issued an advisory outlining an epidemic of loneliness in the United States. This isn't an opinion. It is the conclusion of multiple scientific studies pointing to human isolation as a driving factor in a host of negative individual health outcomes causing similar detriment to smoking 15 cigarettes a day, as well as a host of community tragedies. Human isolation, and the corresponding consequences, have a compounding effect that exploded during the Covid pandemic. Not to sound alarming, but we are at a critical juncture in our human family. Now that we have science and language around the issue, we must step in with intensive efforts to weave new fabric for the holes in our communities. For such a complex problem, the solutions are quite simple. We need an equally explosive investment in relationship/community building.

The Solution

The Pollinate Hive House, **located at 1011 64h street**, is an innovative pilot project that endeavors to bring a small team of therapeutic practitioners and community developers together in a practice space that is embedded into a neighborhood. From this 'hive' they will offer ongoing and consistent services and programming to meet the immediate needs of the surrounding neighborhood, while providing those outside the neighborhood an opportunity to come to a **therapeutic community** environment and experience the benefit of small, integrated solutions.

The Solution (cont)

Why this approach? Because grouping healing practices and community building efforts in commercial zones, corporate and unfamiliar environments impedes access to experiencing the benefits of therapeutic community. We need to rebuild neighborhoods as places where support is as accessible next door. Our pilot location is ideal as it can serve a large elder community—located just south of The Hive House, and an immediate neighborhood of hundreds, plus it is right off I-235 which provides for easy access to others outside the immediate neighborhood. The project will be managed by a lifelong Windsor Heights resident, living right next door to the property.

The Details

What We Are Doing >> The Hive will be home to 3-5 licensed and insured healing arts practitioners, specializing in such modalities as traditional therapy, wellness consulting, therapeutic massage, acupuncture, etc. All of these activities are currently practiced out of the residential properties as home-based businesses all over the Des Moines metro. These practitioners will serve an average of 10-15 community members a day during traditional operating hours of 9am-5pm, with “neighbor nights” where practitioners will be available into the evening for the immediate neighbors. Because The Hive will operate during traditional business hours for those not in the neighborhood, minimal disruption will be felt by the neighbors.

The Details (cont)

In addition to individual work, The Hive will host small community events (10-20 people) throughout the month during 'off hours,' providing consistent and ongoing programming devoted to connection and relationship building. Activities include a monthly "soup house" night, "family meal", mediation night and Sunday coffee.

We are using the Windsor Heights home-based business license as a scaffold to ensure maximum integration with the neighborhood. There will be no signage and no additional infrastructure will be required to operate the pilot on the property. Adequate parking is available on the property and on the street.

The 24 month pilot period will include quarterly impact surveys with neighbors to gauge both positive and negative impacts to the community.

Expected beneficial outcomes >>

- More engagement, less loneliness within the community.
- Innovative and expanded programming to build therapeutic community.
- Introducing Windsor Heights as an innovative and supportive community to live in.
- Increased home values.
- Intergenerational connection.
- Expanded life expectancies, less reliance on classic social systems.
- More happiness.



The Details (cont)

Expected Challenges >>

- Parking. We don't see this as a significant challenge but will be monitoring trends in traffic in and out of the house and keeping in touch with immediate neighbors who are impacted.
- Engagement. Isolation is deeply embedded in our neighborhoods. We will have to use personal and direct outreach to overcome it.
- Resistance. New initiative and change can frighten people into the path of most resistance. We plan to hold community meetings to work with fears around the project and find proactive solutions.

Our Team on Next Page >>

OUR TEAM



SHANNISSY CATRON

Director of Healing Arts

Shannissy is the founder of Wild Heart Body + Birthwork, which specializes in doula services and supportive, therapeutic massage. In 2023 Shannissy was honored by the Young Women's Resource Center (YWRC) for her work with teen moms over the last seven years. As a certified birth doula with continuing education focuses in lactation and childhood sexual abuse, she attends births, is a mentor for new doulas, and has provided extra training for Iowa doulas. She recently accepted the Doula Coordinator position at YWRC where she's spearheading innovative doula practices that minimize burnout and maximize caregiving integration.

Shannissy has been the Director of Healing Arts for Pollinate Ritual since 2022. In her role as the Director of Healing Arts, Shannissy manages, leads and supports a dynamic group of healing arts practitioners as they positively impact the physical, mental and spiritual health of humans through Pollinate programming.

Shannissy also founded our rural sister project Wild Heart Sanctuary, a renovated century old church and acreage that will provide a similar hive of therapeutic community in the rural Indianola area, as well as be the home for Pollinate retreats beginning in late 2024.

Shannissy will act as co-director of the Pollinate Hive House, focusing on practitioner management and services.

OUR TEAM



KATHRYN DICKEL

Director of Community Outreach

Kathryn is the Founder of Pollinate Ritual. Being a founder, business owner and community activist for over 20 years has given Kathryn a wealth of experience and resources to bring to her work at Pollinate. Her life experience and education has provided her opportunities to execute in the fields of culture, politics, business development, strategic planning, outreach, messaging and healing, leading to successful outcomes for individuals and organizations in start-up and renewal cycles.

"I am fascinated with creation, transition and growth. It is within these cycles that our greatest opportunity to find meaning exists. We silo much of our lives into work, family, recreation etc. I help people to integrate these silos into one connected and meaningful life. Engaging in this process can bring struggle, but it also clarifies a path toward authentic living with purposeful work and deep relationships. Organizations are living organisms too and often experience siloing as well. Searching for and finding cohesion within larger systems helps to bring balance to communities. This is my life's work; to be in service of growth, however and wherever that might manifest." Kathryn has worked with artists, municipalities, CEOs, politicians, parents and non-profits to guide them through their transformation.

Kathryn will act as co-director of the Pollinate Hive House, focusing on community outreach and facility management.

OUR PARTNERSHIP WITH WINDSOR HEIGHTS

Project Director, Kathryn Dickel, has been a lifelong resident of Windsor Heights and as such is excited to be conducting this pilot in her hometown. Here are the ways we would like to explore partnership with the City of Windsor Heights:

- Accepting modifications and/or a waiver around to Home Based Business License that will create a license aligned with the project.
- Exploration if there are economic development or programming funds available from the city for the project.
- Partner in promoting the pilot to the larger community as an innovative response to the loneliness epidemic and rebuilding American neighborhoods.

We are targeting to have the house in its soft opening to a limited number of users in January 2024.

Please contact Kathryn Dickel with any questions and conversation.
Kathryn Dickel | 515.707.1309 | hello@pollinateritual.com



Civic Organization – Hive House: 1011 64th Street

Zoning Board of Adjustment
January 17, 2023



General Information

Applicant: Kathryn Dickel
1011 64th Street
Windsor Heights, IA 50324

Property Owner: Kathryn Dickel
1007 64th Street
Windsor Heights, IA 50324

Current Use: Single-Family Residential Dwelling Unit

Reason for CUP: Allow for Civic Organization (Hive House) to be located on the property

Proposed Use: Civic Organization

Zoning: R-2 (Single Family Residential District - Urban Density)

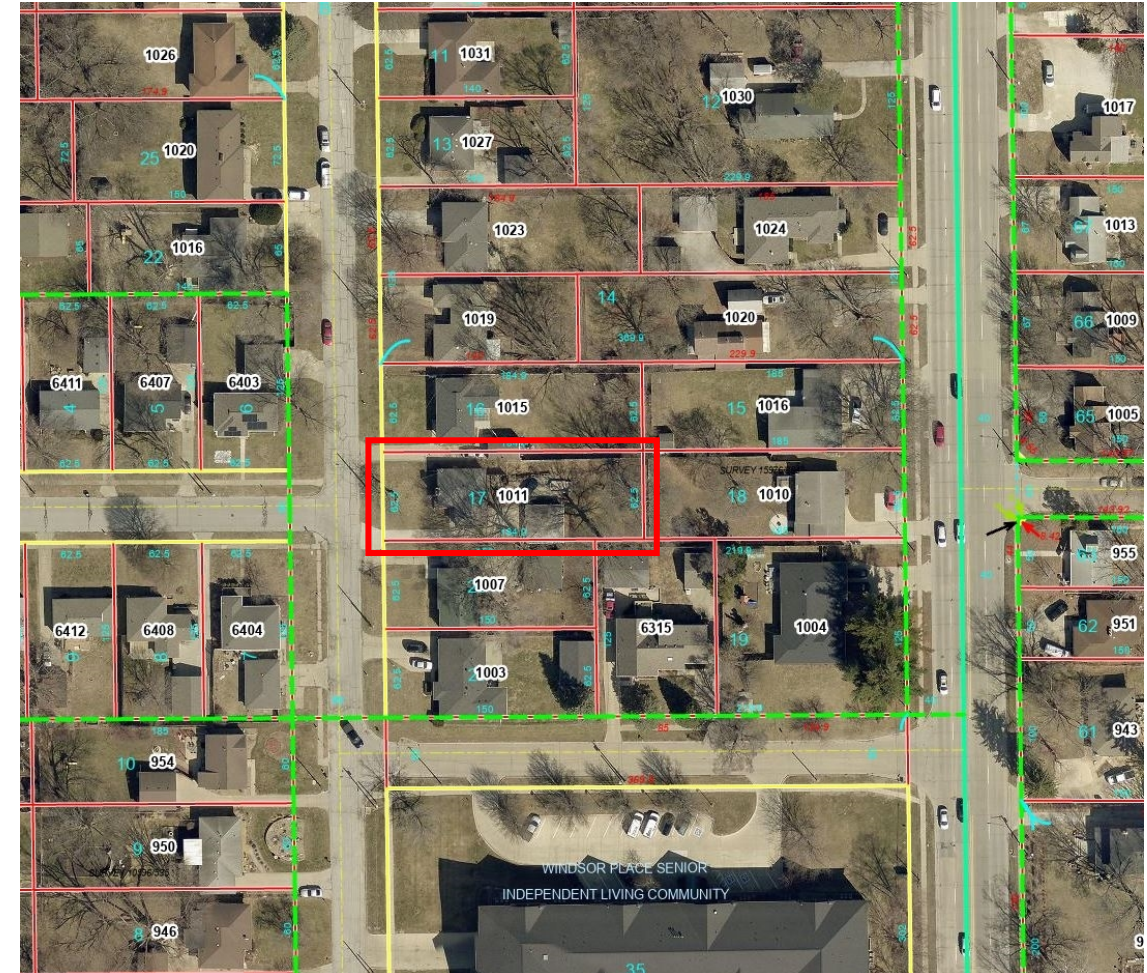
Summary and Existing Conditions

Summary:

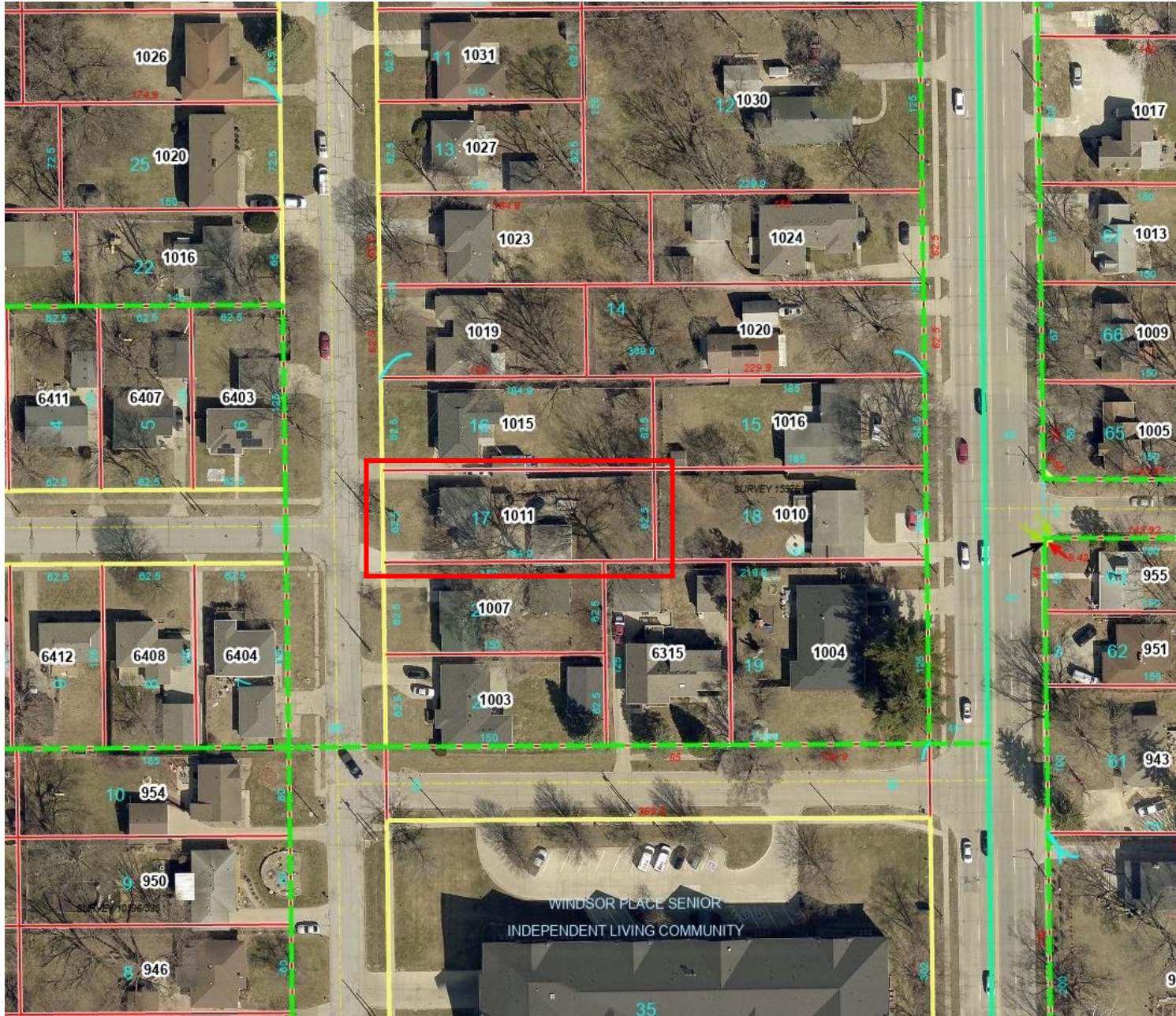
The applicant, Kathryn Dickel, is requesting a conditional use permit in R-2 – Single Family Residential Zoning District (Urban Density) for the use of the property listed at 1011 64th Street to change from Residential, Single Family to Civic Organization to be a civic organization that brings community and personal services to neighborhoods. The R-2 Single Family Residential Zoning District (Urban Density) allows for the Civic Organization use to be approved conditionally. Staff has completed a review of the conditional use permit application. The submitted application materials are attached to this report.

Existing Conditions:

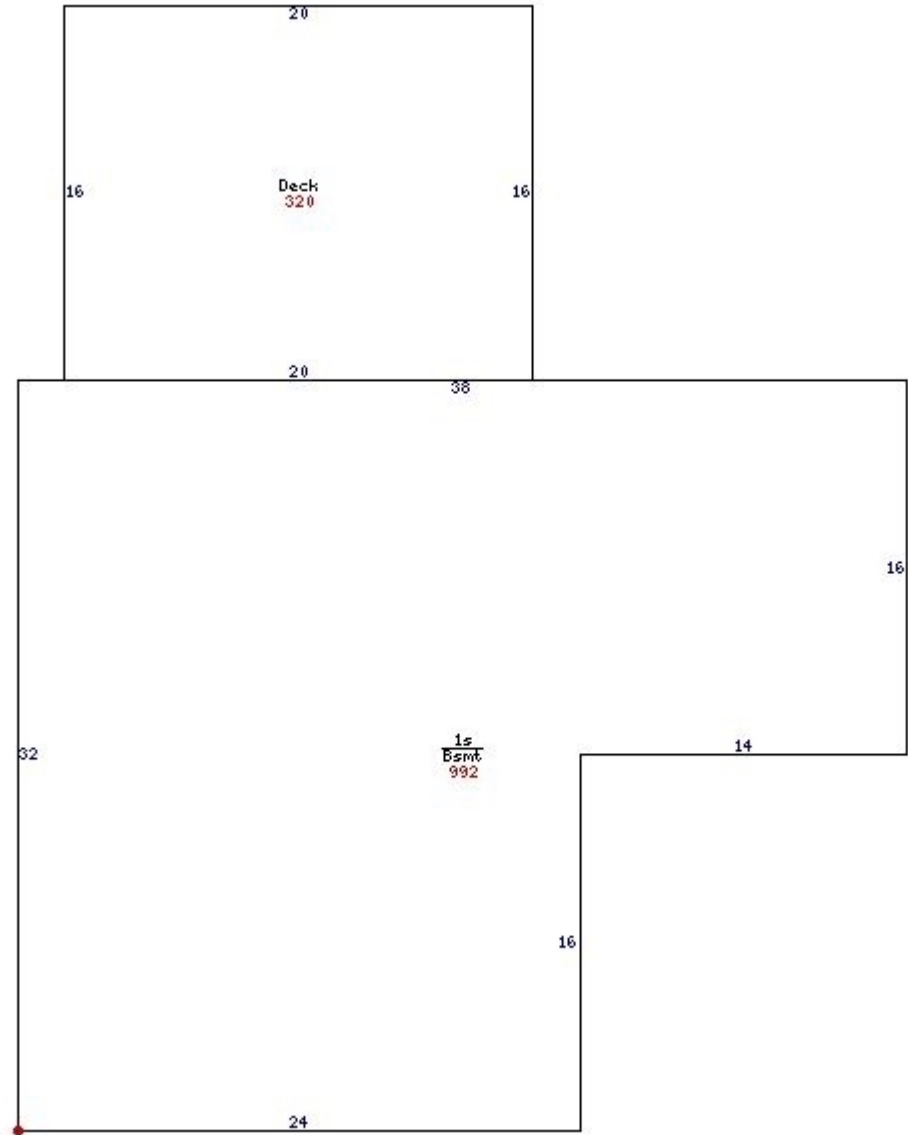
- 7,890 Sq. Ft. Lot
- 1,984 Sq. Ft. Primary Structure
- Detached Garage
- Fenced in Backyard



Location Map



Primary Structure Layout



Applicable Code Sections

166.03 Definitions of Terms

44. “Civic Organizations” means uses providing meeting, recreational, or social facilities for a private, nonprofit, or non-commercial association, primarily for use by members and guests.

Table 168-2 Permitted Uses by Zoning District

Table 168-2 – Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Administration	C	C	C	C	P	P	P
Adult Entertainment							C
Agricultural Sales/Service					C		P
Alternative Energy Production Devices	C	C	C	C	C		P
Amateur Radio Tower	P	P	P	P	P	P	P
Animal Production							C
Auto Rental/Sales					P		P
Auto Services					P	C	P
Bars					P	P	P
Bed and Breakfast	C	C	C		P	P	
Body Repair					C		P
Broadcasting Tower					C		C
Business Support					P	P	P
Business/Trade School					P	P	P
Cemetery	C	C	C				
Civic Organizations	C	C	C	C	P	P	
College/University	C	C	C	C	P	C	
Commercial Breeders							P



Applicable Code Sections

180.06 Standards of Approval

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:
 - a. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - b. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
 - c. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - d. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - e. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - f. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
2. The request shall be approved if the Board of Adjustments finds that the proposed development meets all Standards of Approval.
3. The request shall be denied if the Board of Adjustment finds a strong probability that any of the following with regards to the proposed development:
 - a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - b. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 - d. Diminish or impair established property values on adjoining or surrounding property, or
 - e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

Applicable Code Sections

180.08 Board of Adjustments Action on Application

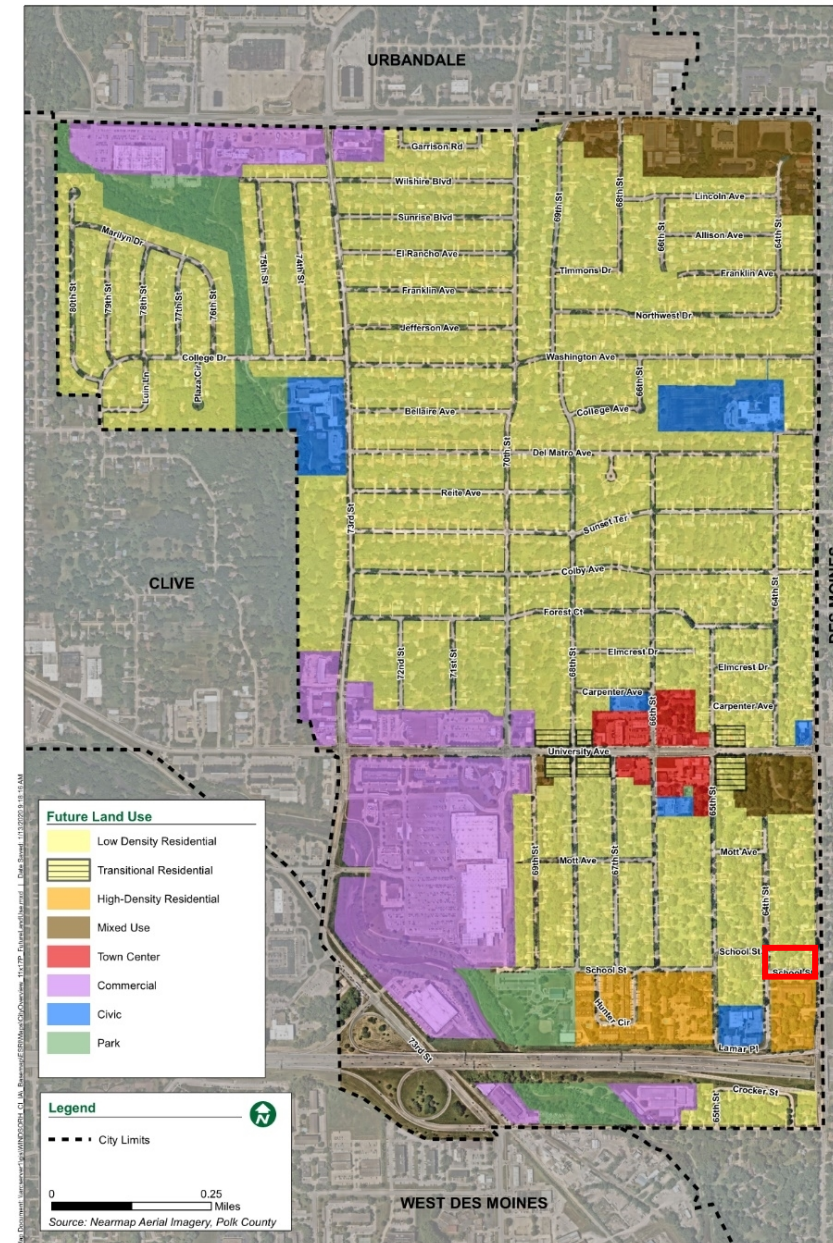
1. In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:
 - a. The Board of Adjustment shall establish findings of fact based upon information contained in the application, the staff report, and information gathered at the Board of Adjustment hearing.
 - b. The board shall consider such reasonable requirements or conditions for the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in 3 or 4.
 - c. The Board of Adjustment shall consider whether the application complies with all of the applicable Standards for Approval set forth in 180.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
 - d. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in 178.06. Separate votes may be taken with respect to each standard. Any such motion regarding compliance or noncompliance of the application to the development criteria or Standards for Approval shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied. Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition it deems necessary to protect the health, safety, and general welfare of the public. All conditions or requirements shall be entered on the permit.

The Board of Adjustments shall not grant a conditional use permit for any home occupation/home-based business which is otherwise prohibited under this zoning code.

Current/Future Land Use

The Current Land Use will not change and will not be greatly impacted by the change in use on the property. By the City of Windsor Heights Code, it is allowed by Conditional Use Permit.

The Future Land Use Map of the Comprehensive Plan states this area as being “Low Density Residential”. This use coincides with the Future Land Use Plan and the Comprehensive Plan definitions of Low Density Residential Land Use.

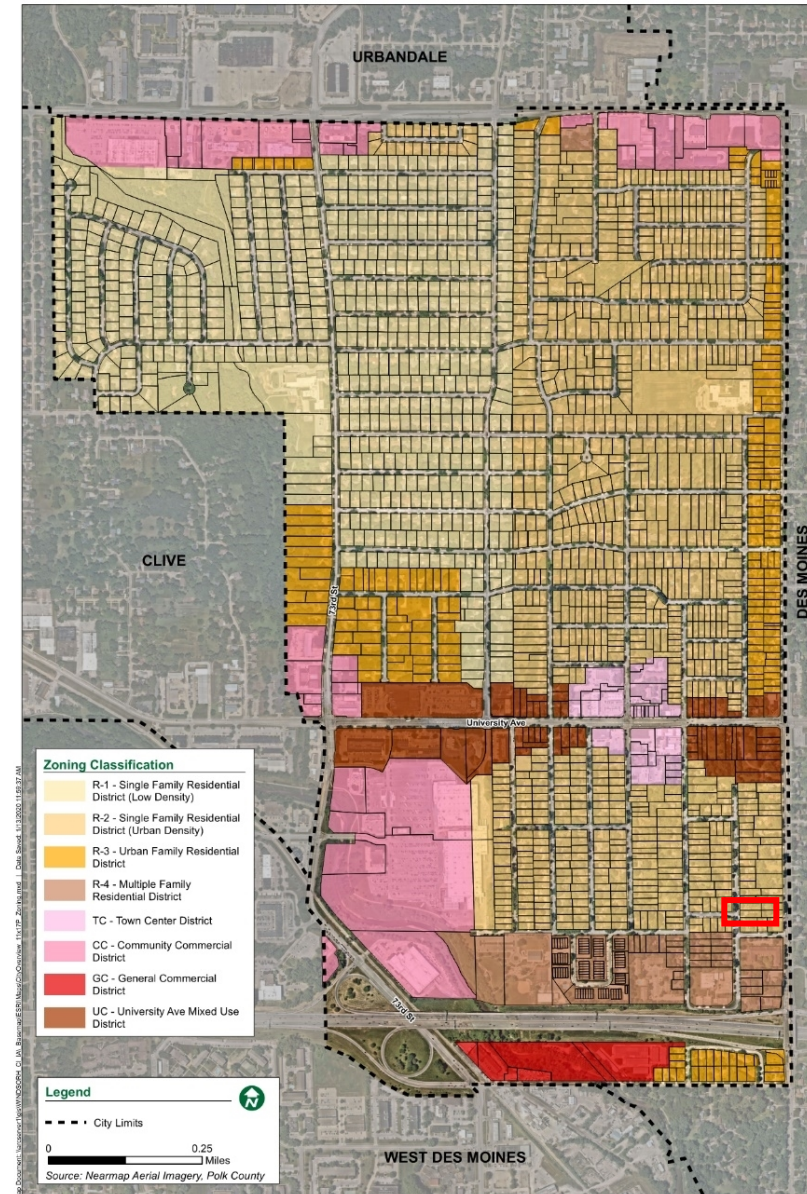


Zoning

The zoning district that this proposed use resides in is the R-2 – Single Family Residential District (Urban Density). This district is defined as:

“This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on moderately sized lots with supporting community facilities and urban services. Its regulations apply to established parts of Windsor Heights and to new areas which are developed to higher residential densities. Regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.”

This Civic Organizations use is a Conditional Use within this district. This use would fit into the character of the neighborhood and allowed by the current zoning district.



Conclusion and Recommendation

Conclusion:

- The proposed use at this location is permitted by conditional use permit by the current zoning district, does not change the character of the neighborhood, the property follows all zoning district requirements, and is in compliance with the Future Land Use Map and Comprehensive Plan of Windsor Heights, IA.

Recommendation:

- The staff recommends approval of the Conditional Use Permit for the property located at 1011 64th Street for a Civic Organization use as long as it adheres and abides by all conditions attached to the permit.

Conditions

General:

1. The Property at 1011 64th Street will come into complete compliance with ADA requirements which includes but is not limited to:
 - a. Ramp Access to the Primary Structure
 - b. Paved walkways from any and all customer parking to the primary structure
 - c. Accessible doorways within the Primary Structure
 - d. Accessible Bathrooms and other facilities within the Primary Structure
 - e. Must accommodate for one (1) Handicap Parking Space
2. Any and all signage for the Civic Organization and business at the property must go through the Signage Code and meet the requirements for not only the use on the property but the Zoning District the property resides in.
3. The City of Windsor Heights and Zoning Board of Adjustments reserves the right to revoke the Conditional Use Permit (if approved) to the property located at 1011 64th Street if nuisance complaints are received based on the following, but it not limited to:
 - a. Traffic Congestion
 - b. On-Street Parking or Parking Congestion
 - c. Noise
 - d. Light
 - e. Odors
4. Any proposed updates, changes, or construction on the property will be reported to the City and go through the appropriate permitting and approval process determined by the City of Windsor Heights.
 - a. If a permitting process is required, the City of Windsor Heights reserves the right to require that the property go through the Site Plan Approval Process as well to make sure all necessary procedures are followed.

Standards of Approval

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:
 - a. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - b. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
 - c. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - d. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - e. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - f. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
2. If the Board of Adjustment concludes that all of the Standards for Approval criteria will be met by the development, it shall approve the application and plans.

Standards of Denial

1. The request shall be denied if the Board of Adjustment finds any of the following with regards to the proposed development:
 - a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - b. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 - d. Diminish or impair established property values on adjoining or surrounding property, or
 - e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

Trey Rouse
Community Planner, Bolton & Menk, Inc.
Trey.Rouse@bolton-menk.com



Bolton-Menk.com



City of Windsor Heights

www.windsorheights.org

1145 66th Street, Suite 1 • Windsor Heights, Iowa 50324 • 515-279-3662 • Fax 515-279-3664

CONDITIONAL USE PERMIT APPLICATION

Date of Submission: Fee Amount: \$200 Application No. _____

Paid 1/11/2024 *Nate Smith*

The Conditional Use and Special Use Permit Procedures provide for Planning and Zoning Commission review and discretionary Board of Adjustment action for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

*** Attach any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.*

*** Provide names, property addresses, and mailing addresses of all surrounding property owners within 200 feet for residential projects or 300 feet for commercial projects of the subject property. Intervening streets and alleys are not to be included in computing the 200 and 300 feet requirement. Names and mailing addresses can be obtained by contacting the Polk County Recorder and providing the property addresses. You do not need to obtain these property owners' permission.*

Applicant Name: Kathryn Dickel /Pollinate Foundation

Applicant Address: 1011 64th Street

Applicant Phone Number: 515.707.1309

Property Owner: Kathryn Dickel (dba, Cree Homes)

Property Address, Zoning Classification, & Legal Description: 1011 64th

Street, Residential, LOT 17 LONGLEY PLACE PLAT 2

A description of the nature and operating characteristics of the proposed use.

The property will be used primarily by supporters/ members and guests of the Pollinate Foundation, a 501c3 nonprofit. for meeting, recreational, educational or social purposes.

A written statement as to how the proposed project fits within the character of the neighborhood and that meets the intent of the City's Comprehensive Plan.

Earlier this year Surgeon General of the United States issued an advisory outlining an epidemic of loneliness in the United States. This isn't an opinion. It is the conclusion of multiple scientific studies pointing to human isolation as a driving factor in a host of negative individual health outcomes causing similar detriment to smoking 15 cigarettes a day, as well as a host of community tragedies. Human isolation, and the corresponding consequences, have a compounding effect that exploded during the Covid pandemic. Not to sound alarming, but we are at a critical juncture in our human family. Now that we have science and language around the issue, we must step in with intensive efforts to weave new fabric for the holes in our communities. For such a complex problem, the solutions are quite simple. We need an equally explosive investment in relationship/community building.

The Solution

The Pollinate Hive House is an innovative pilot project operated by the Pollinate Foundation to support the community members by engaging them in small scale event programming, group meetings with with an emphasis on wellness and 1-1 meeting space for members. From this 'hive' they will offer ongoing and consistent services and programming to meet the immediate needs of the surrounding neighborhood, while providing those outside the neighborhood an opportunity to come to a therapeutic community environment and experience the benefit of small, integrated solutions.

The project specifically embraces the city plan priority to "encourage mixed-use development (so that homes are within walking distance to other daily destinations."

Abutting Property Owner Names and Addresses:

1. Kathryn Dickel, 1007 64th Street
2. Victoria Galinsky, 1015 64th street
3. Bernadette Beck, 6403 School Street
4. Robert Dopf, 6404 School Street
5. Caitlyn Ely, 1010 63rd Street
6. Randall Steen, 6311 School Street
7. Sarah Sheldon, 1016 63rd Street
8. Andrew Blackford, 1003 64th Street

The undersigned hereby certifies that all information provided is complete and accurate to the best of undersigned's knowledge, and that all information required by this application or by the Board's staff on its behalf has been provided.

Printed name of applicant: Kathryn Dickel

Signature of applicant: 

Date: 12.15.23

Note: The Applicant or an authorized agent must personally be present for the request before the Planning and Zoning Commission and Board of Adjustment meetings.

Please contact the Zoning Administrator to obtain a list of meeting dates and submittal deadlines. 515-645-6826.

STAFF REPORT

Date: January 17th, 2024
To: Windsor Heights Board of Adjustment
From: Justin Ernst, PE
Trey Rouse

Subject: Conditional Use Review: Auto Services Staff Report
(6961 University Avenue)

General Information

Applicant: Casey's Marketing Company
One SE Convenience Boulevard
Ankeny, IA 50021

Property Owner: Charles I & Ruth Colby National
Development Trust

Proposed Use: Auto Services
Zoning: UC District (Urban Center District)
Location: 6961 University Avenue

Summary

The applicant, Casey's Marketing Company, is requesting a conditional use permit in UC District (Urban Center District) for the use of the property listed at 6961 University Avenue to change from its current use of Commercial to Auto Services to be a gas station that is located along University Avenue. The UC District (Urban Center District) allows for the Auto Services use to be approved conditionally. Staff has completed a review of the conditional use permit application. The submitted application materials are attached to this report.

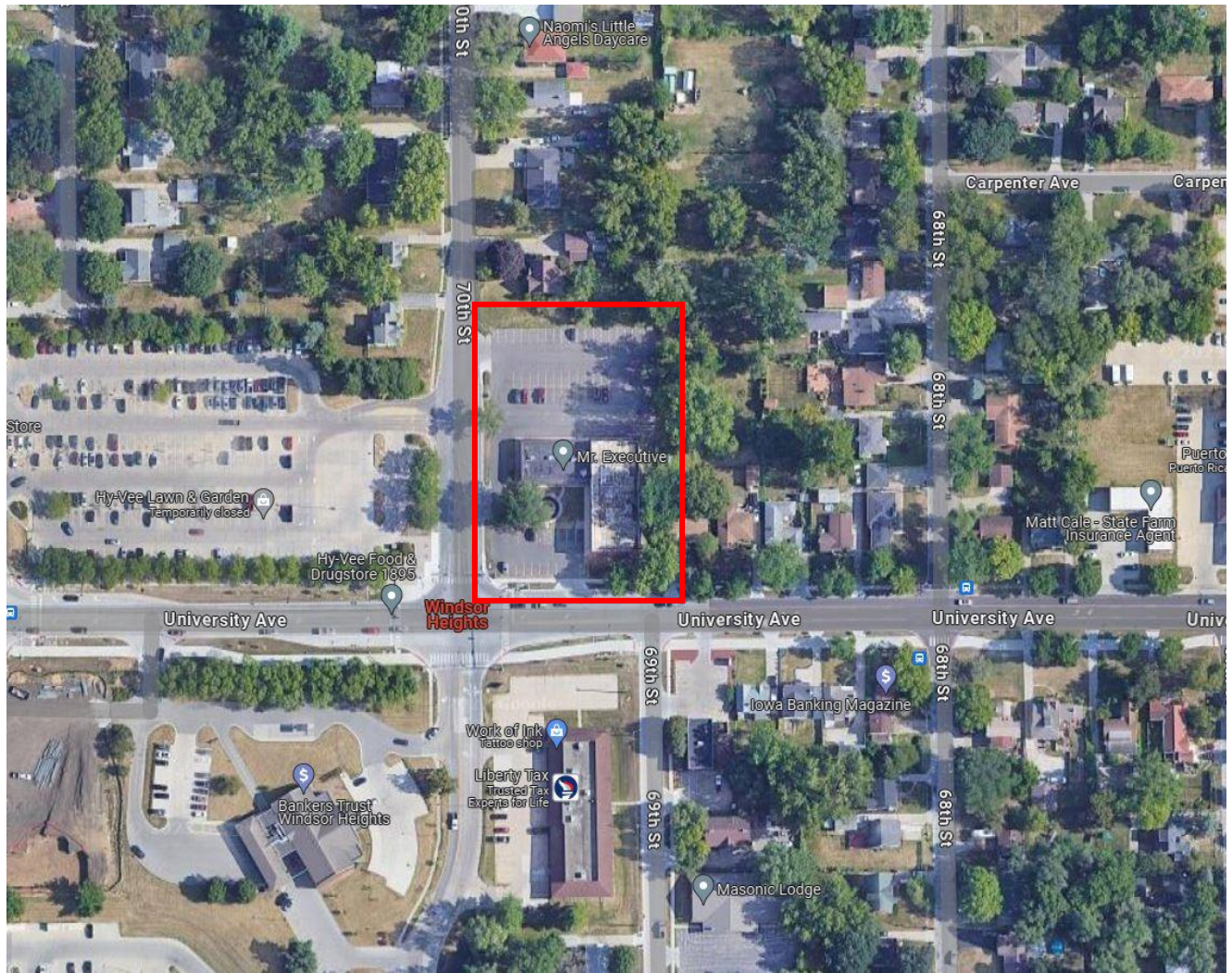
Description of Property Use from Applicant

Demolition of underperforming office infrastructure and construction of 4,283 sq. ft. Casey's Convenience Store and Gas Station. The redevelopment effort constitutes \$3-\$5 million in building and development costs and will produce significant property tax benefits to the city. The sale of motor fuel, prepared foods, and other goods will generate significant local option sales tax benefits. Between 25 & 35 full & part-time jobs are created with construction of each new Casey's store.

Existing Conditions

The 1.29-acre lot is in the UC – Urban Center Zoning District. The lot currently has a 16,700 sq. ft. retail and office space building as the primary structure with two parking lots located on the south and north sides of the building connected through the east side of the property. This property has three access points through driveways located on University Avenue and two access driveways located along 70th Street. Currently there are no active businesses within the structures.

Property Location and Surrounding Properties



Legal Description of Property

EX BEG SE COR LT 41 W 199.95F N 299.46F E 4F S 269.44F E 10F S 20F E 185.94F S 10F TO POB-
LTS 40, 41 & 42 MOTT PLACE

Site Plan for Development

motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

[Table 168-2 Permitted Uses by Zoning District](#)

Table 168-2 – Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Administration	C	C	C	C	P	P	P
Adult Entertainment							C
Agricultural Sales/Service					C		P
Alternative Energy Production Devices	C	C	C	C	C		P
Amateur Radio Tower	P	P	P	P	P	P	P
Animal Production							C
Auto Rental/Sales					P		P
Auto Services					P	C	P
Bars					P	P	P
Bed and Breakfast	C	C	C		P	P	
Body Repair					C		P
Broadcasting Tower					C		C
Business Support					P	P	P
Business/Trade School					P	P	P
Cemetery	C	C	C				
Civic Organizations	C	C	C	C	P	P	
College/University	C	C	C	C	P	C	
Commercial Breeders							P

[Chapter 180.06 Standards of Approval](#)

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:
 - a. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - b. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

- c. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - d. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - e. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - f. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
- 2. The request shall be approved if the Board of Adjustments finds that the proposed development meets all Standards of Approval.
 - 3. The request shall be denied if the Board of Adjustment finds a strong probability that any of the following with regards to the proposed development:
 - a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - b. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 - d. Diminish or impair established property values on adjoining or surrounding property, or
 - e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

Chapter 180.08 Board of Adjustment Action on Applications

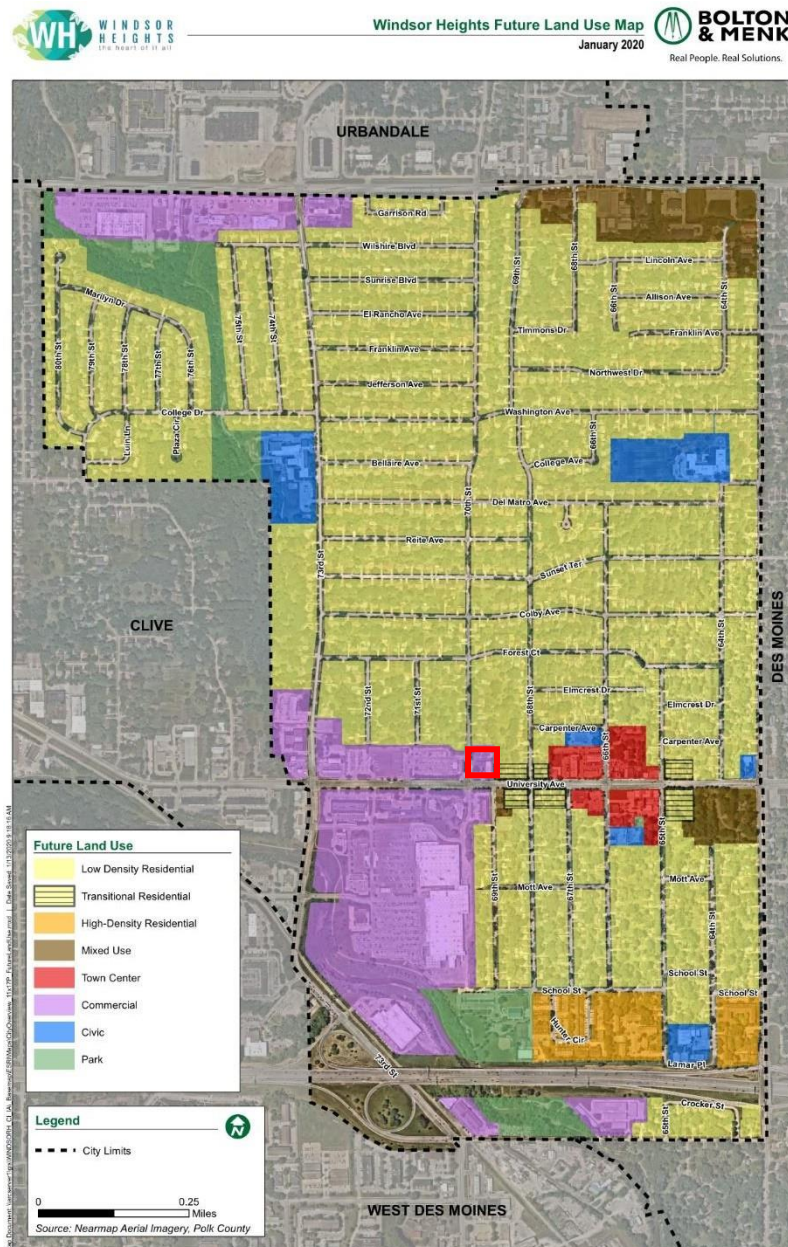
1. In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:
 - a. The Board of Adjustment shall establish findings of fact based upon information contained in the application, the staff report, and information gathered at the Board of Adjustment hearing.
 - b. The board shall consider such reasonable requirements or conditions for the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in 3 or 4.
 - c. The Board of Adjustment shall consider whether the application complies with all of the applicable Standards for Approval set forth in 180.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
 - d. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in 178.06. Separate votes may be taken with respect to each standard. Any such motion regarding compliance or noncompliance of the application to the development criteria or Standards for Approval shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied. Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition it deems necessary to protect the health, safety, and general welfare of the public. All conditions or requirements shall be entered on the permit.

The Board of Adjustments shall not grant a conditional use permit for any home occupation/home-based business which is otherwise prohibited under this zoning code.

Future Land Use Map

The future land use map should be used as guidance for areas throughout the City. The map identifies this location as commercial, which is defined on page 40 of the 2017 Comprehensive Plan. “Commercial and office uses that are typically more auto oriented.” This use aligns with the Future Land Use Map of the City of Windsor Heights.

Figure 1: Updated Future Land Use Map



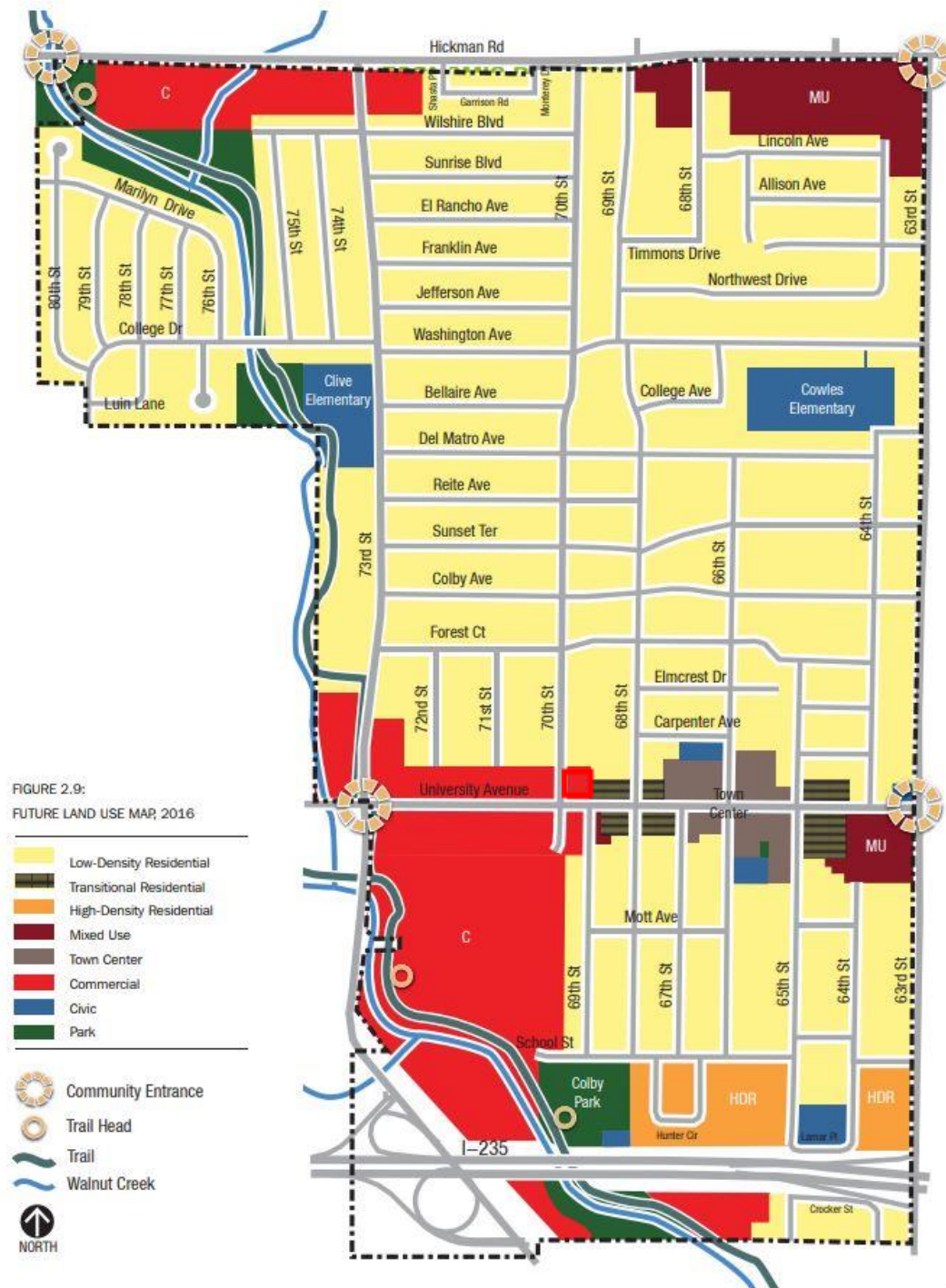
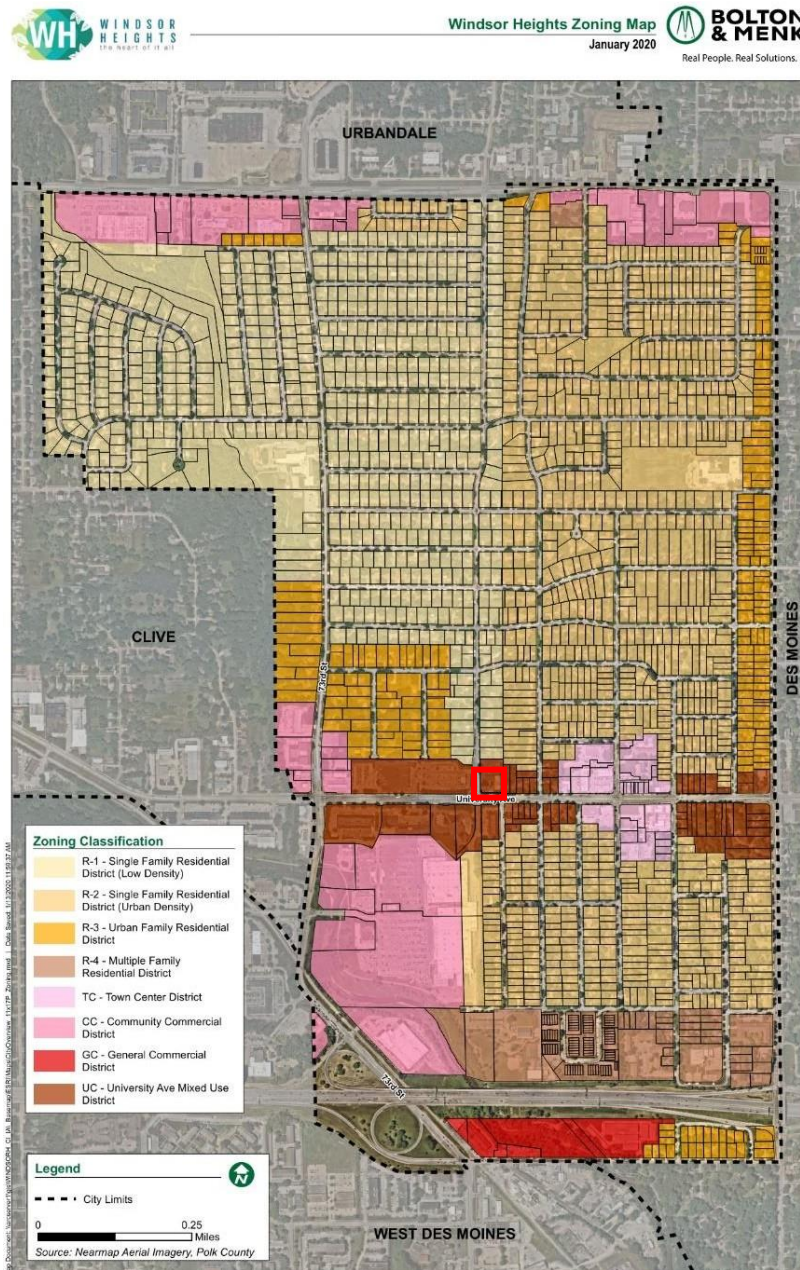


Figure 2: Windsor Heights' 2017 Comprehensive Plan's
Future Land Use Map

Zoning Map

The parcel is currently zoned for Urban Center District which is defined in [Table 168-1 Purposes of Zoning Districts](#) as “This district recognizes the mixed-use character primarily along the University Avenue corridor, which is the principal route through central Windsor Heights. This district contains a combination of residential, commercial, and office uses and is known for its walkability and main street feel.”

Figure 3: Current Zoning Map



Recommendation

The staff recommends approval of the Conditional Use Permit for the property located at 6961 University Avenue for a change in use from Commercial to Auto Services as long as it adheres and abides by all conditions attached to the permit. The following conditions are attached to the permit:

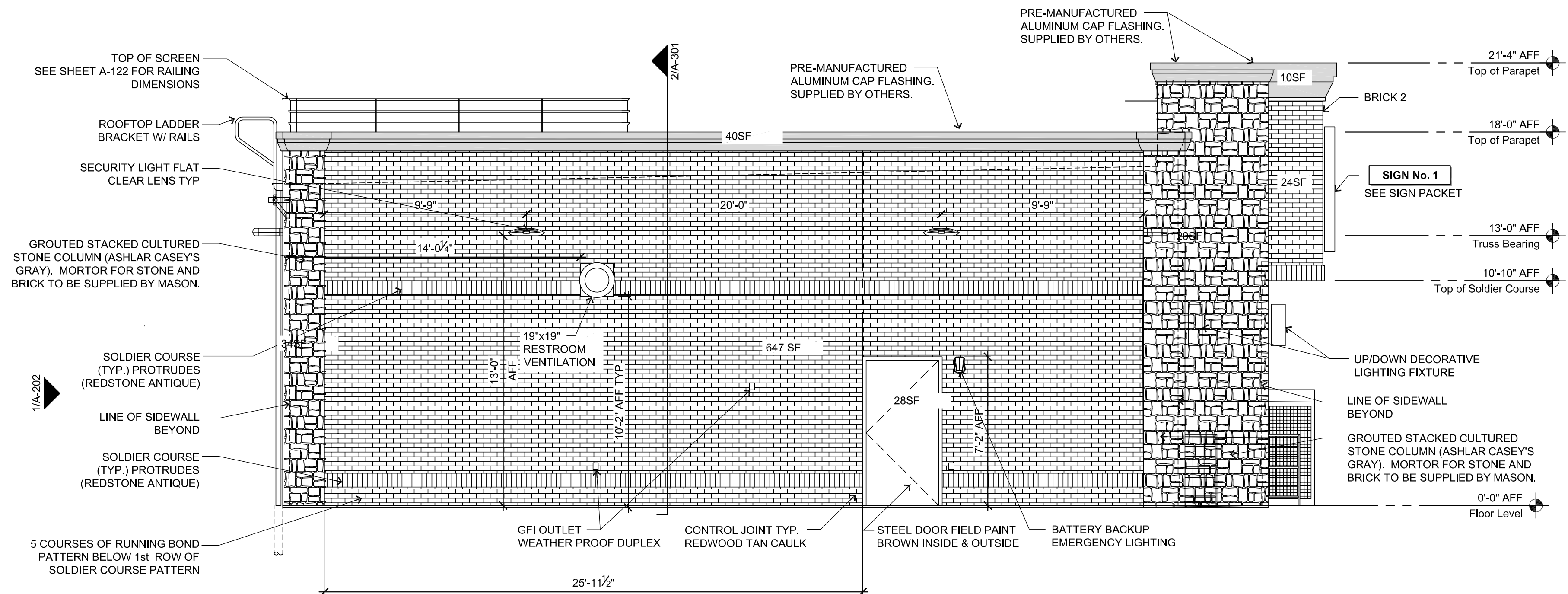
1. The Property at 6961 University Avenue goes through the entire Site Plan Review and Approval process and is approved by the Planning and Zoning Commission and City Council. This includes:
 - a. All comments from City Staff and Departments are addressed in their entirety
 - b. All processes through the Site Plan Review process are followed
 - c. All Fees are paid for the Site Plan Review process
2. All appropriate permits for development and construction are acquired prior to the beginning of development and construction on the site.
3. Approval of signs and utility from Safe Building.
4. Approval of streets and access from Iowa Department of Transportation.
5. Provide 10 ft. of fully screened buffer between the site and abutting Residential districts.
6. Abide by all other conditions placed on this Conditional Use Permit as decided by the City of Windsor Heights Zoning Board of Adjustments.

Attachments

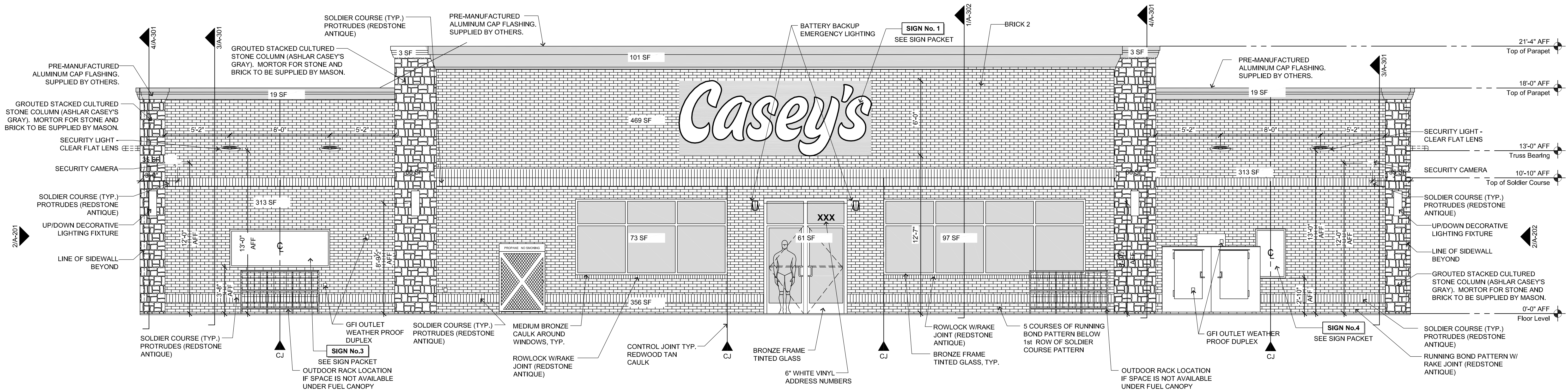
1. Application Materials (as submitted)
2. Preliminary Site Plan - Draft

General Notes

1. REVIEW AND COORDINATE WITH ALL DETAIL PAGES REFERENCED ON THIS PLAN. NOTIFY ARCHITECT AND OWNER OF DISCREPANCIES
2. RELATED DRAWING SHEETS: REFER TO THE FOLLOWING:
AL-101: FOR BUILDING LOCATION ON SITE
AL-601: FOR INFORMATION RELATING TO SIGNAGE
A-101: PRIMARY FLOOR PLAN FOR CONSTRUCTION LAYOUT
A-121: ROOF PLAN/ROOF TOP EQUIPMENT
A-601: DOOR & WINDOW SCHEDULES AND NOTES
S-101: FOOTINGS AND FOUNDATIONS
S-102: ROOF TRUSSES
3. WORKING POINT: THE WORKING POINT (WP) INDICATED ON THE DRAWINGS IS RELATIVE TO THE FACE OF SHEATHING ON THE EXTERIOR WALL AND IS A COMMON POINT OF REFERENCE WHERE EVER USED IN THESE DRAWINGS
4. ALL VENT PENETRATIONS ON BACK OF BACKSIDE OF ROOF.



2 Exterior Elevation - Left Side of Building (Plan West)
1/4"=1'-0"



1 Exterior Elevation - Front of Building (Plan South)
1/4"=1'-0"

PRIMARY MATERIALS	FRONT	BACK	RIGHT	LEFT
GLASS	231 SF			
STONE	206 SF 12%	44 SF 3%	154 SF 18%	154 SF 18%
BRICK 1	982 SF 54%	1098 SF 69%	647 SF 74%	647 SF 74%
BRICK 2 (THIN SET)	469 SF 26%		24 SF 3%	24 SF 3%
SECONDARY MATERIALS				
CONCRETE		379 SF 24%		
METAL FLASHING	145 SF 8%	60 SF 4%	50 SF 6%	50 SF 6%
ACM PANELS				
TOTAL AREA OF ELEVATION	2,033 SF	60 SF	50 SF	50 SF
PERCENT TOTAL OF PRIMARY MATERIALS (EXCLUSIVE OF GLASS)	91.95%	95.64%	88.70%	88.70%
PERCENT TOTAL OF SECONDARY MATERIALS (EXCLUSIVE OF GLASS)	8.05%	4.36%	11.30%	11.30%

ELDS DESIGN SERVICES
Architecture | Engineering | Surveying
2323 Dixon Street, Des Moines, Iowa 50316 | P.O. Box 4626 Des Moines, Iowa 50305 | P: 515-265-8196 F: 515-266-2259
PELDS JOB NO. 22-201

CASEY'S CONSTRUCTION DIVISION
One Convenience Blvd., P.O. Box 3001, Ankeny, Ia. 50021 515-965-6100

PROJECT:
UNIVERSITY AVE. & 70TH ST.
WINDSOR HEIGHTS, IA

PUBLISHED:
03/15/23
REVISED ON:
09/15/23

DRAWING INFORMATION:
EXTERIOR ELEVATIONS

PROTOTYPE AND VERSION:
2023 - U4 - V.01

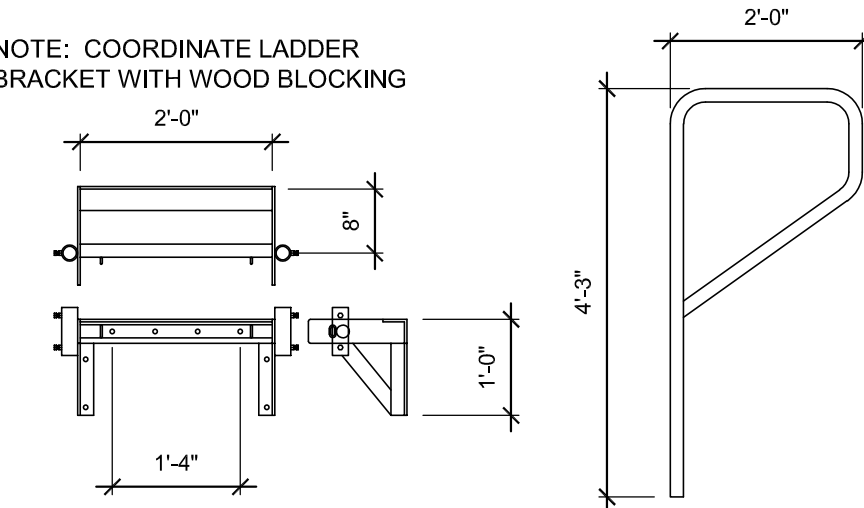
DRAWN BY:
Arion Goforth III

CHECKED BY:
D. WILLRICH

A-201

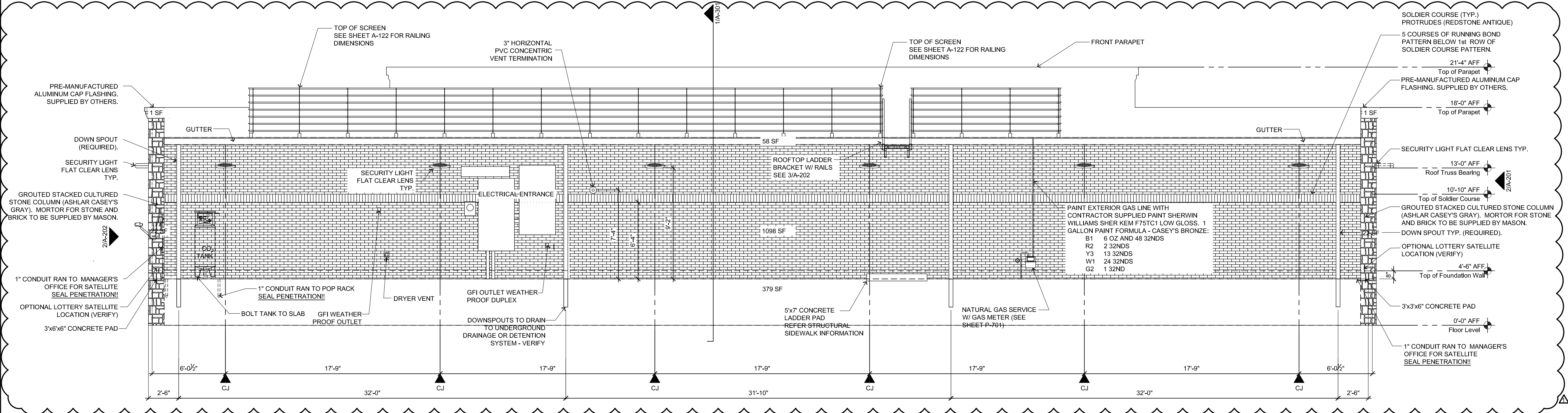
General Notes

- 1. REVIEW AND COORDINATE WITH ALL DETAIL PAGES REFERENCED ON THIS PLAN. NOTIFY ARCHITECT AND OWNER OF DISCREPANCIES
- 2. **RELATED DRAWING SHEETS:** REFER TO THE FOLLOWING:
AL-101: FOR BUILDING LOCATION ON SITE
AL-601: FOR INFORMATION RELATING TO SIGNAGE
A-101: PRIMARY FLOOR PLAN FOR CONSTRUCTION LAYOUT
A-121: ROOF PLAN/ROOF TOP EQUIPMENT
A-601: DOOR & WINDOW SCHEDULES AND NOTES
S-101: FOOTINGS AND FOUNDATIONS
S-102: ROOF TRUSSES
- 3. **WORKING POINT:** THE WORKING POINT (WP) INDICATED ON THE DRAWINGS IS RELATIVE TO THE FACE OF SHEATHING ON THE EXTERIOR WALL AND IS A COMMON POINT OF REFERENCE WHERE EVER USED IN THESE DRAWINGS
- 4. ALL VENT PENETRATIONS ON BACK OF BACKSIDE OF ROOF.



2 Exterior Elevation - Right Side of Building (Plan East)
1/4"=1'-0"

3 Ladder Bracket
1/2"=1'-0"



1 Exterior Elevation - Back of Building (Plan North)
1/4"=1'-0"



ELDS DESIGN SERVICES

Architecture | Engineering | Surveying

2323 Dixon Street, Des Moines, Iowa 50316 | P.O. Box 4626 Des Moines, Iowa 50305 | P: 515-265-8196 F: 515-266-2259
PELDS JOB NO. 22-201



CASEY'S CONSTRUCTION DIVISION

One Convenience Blvd., P.O. Box 3001, Ankeny, Ia. 50021 515-965-6100

PROJECT:	PUBLISHED: 03/15/23	DRAWING INFORMATION:
UNIVERSITY AVE. & 70TH ST. WINDSOR HEIGHTS, IA	REVISED: 09/15/23	EXTERIOR ELEVATIONS
PROTOTYPE AND VERSION: 2023 - U4 - V.01		
DRAWN BY: Arion Goforth III	CHECKED BY: D. WILLRICH	

A-202



Auto Services– Casey’s: 6961 University Avenue

Zoning Board of Adjustment
January 17, 2023



WINDSOR
HEIGHTS
the heart of it all

General Information

Applicant: Casey's Marketing Company
One SE Convenience Boulevard
Ankeny, IA 50021

Property Owner: Charles I & Ruth Colby National Development Trust

Current Use: Business and Office Space

Reason for CUP: Allow for Auto Services (Gas Station) to be located on the property

Proposed Use: Auto Services

Zoning: UC (Urban Center) District

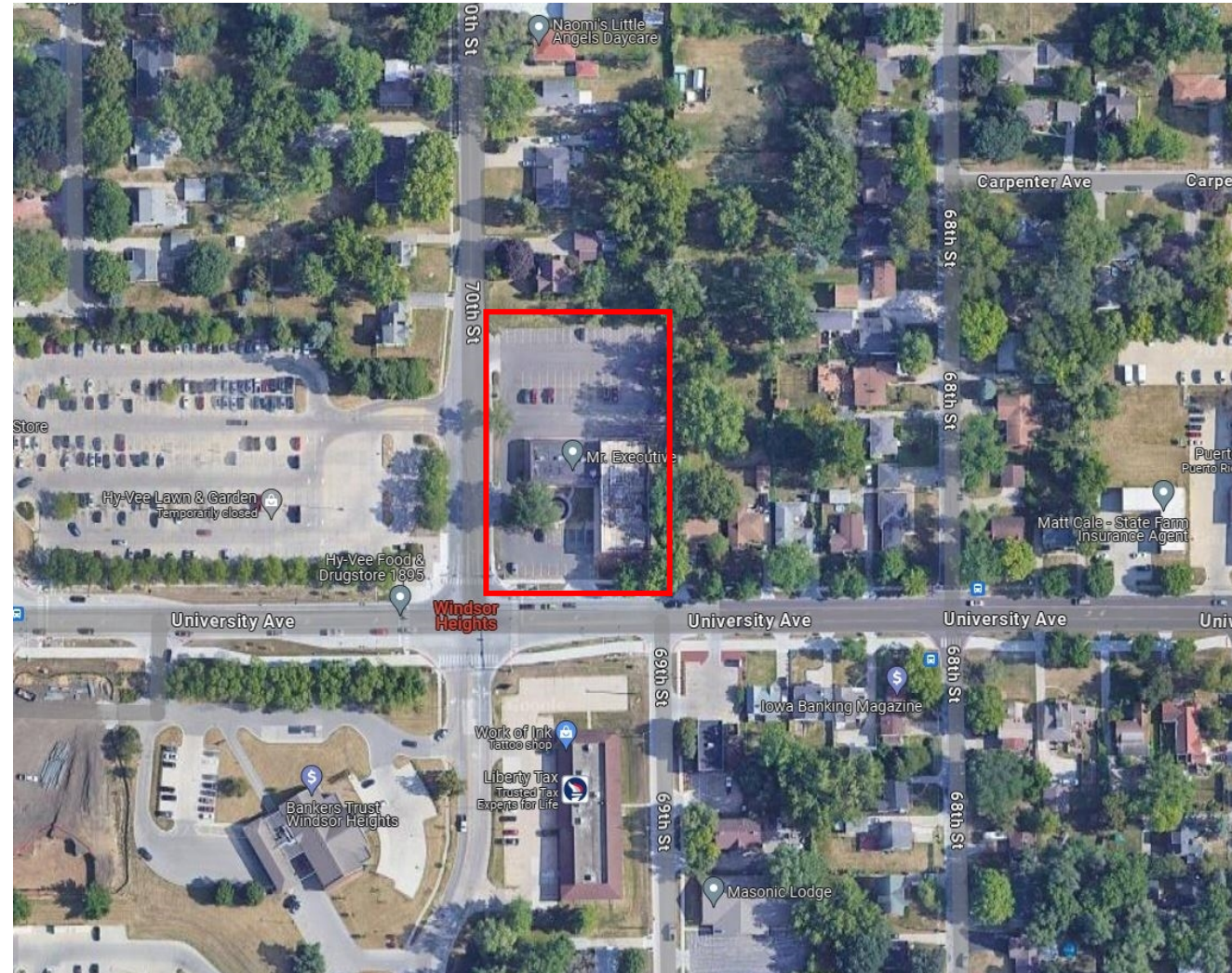
Summary and Existing Conditions

Summary:

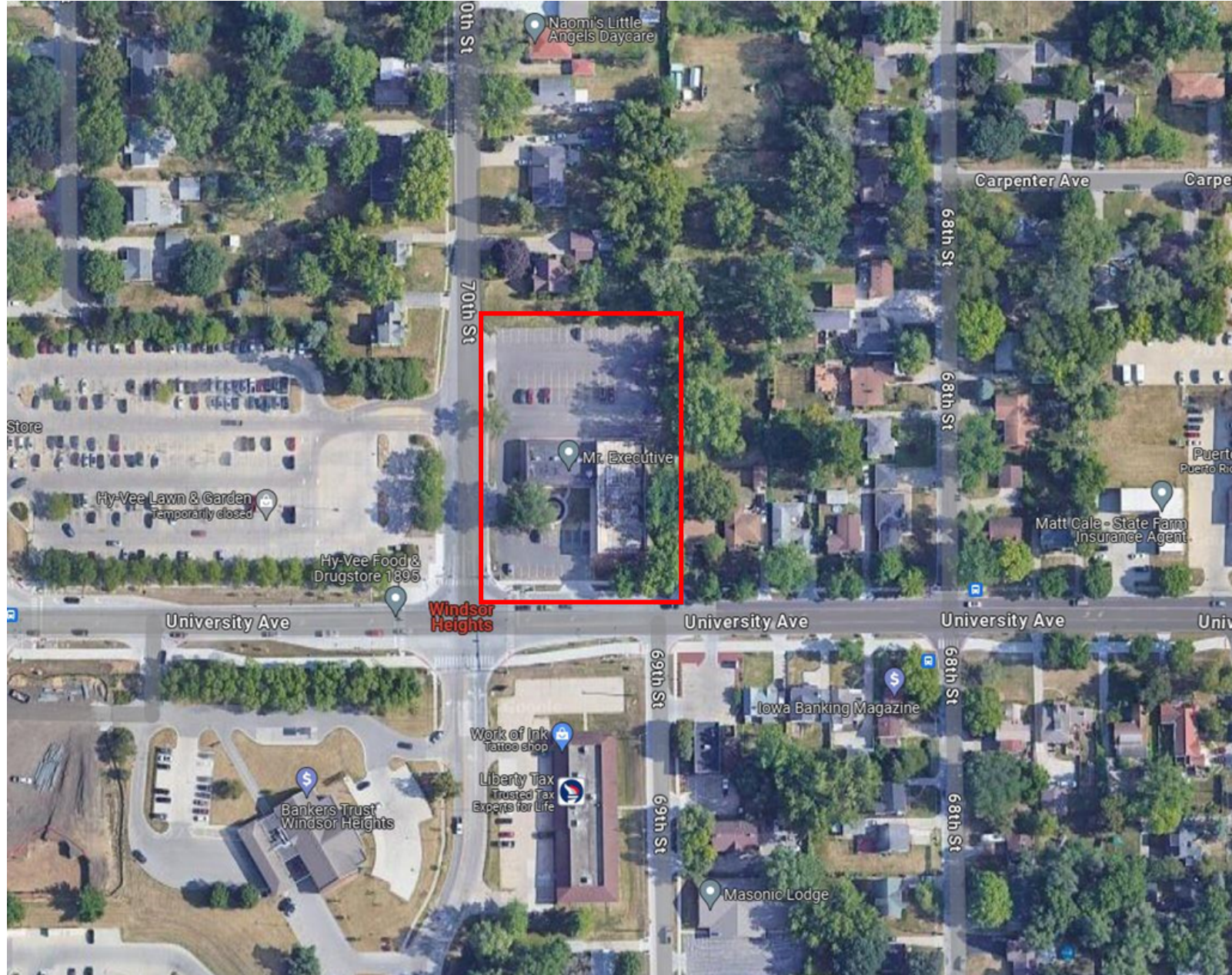
The applicant, Casey's Marketing Company, is requesting a conditional use permit in UC District (Urban Center District) for the use of the property listed at 6961 University Avenue to change from its current use of Commercial to Auto Services to be a gas station that is located along University Avenue. The UC District (Urban Center District) allows for the Auto Services use to be approved conditionally. Staff has completed a review of the conditional use permit application. The submitted application materials are attached to this report.

Existing Conditions:

- 1.26 Acre Lot
- 16,700 Sq. Ft. Primary Structure
- Two parking lots (North and South of Primary Structure)
- Three access driveways (One on University, two on 70th Street)



Location Map





Applicable Code Sections

166.03 Definitions of Terms

15. “Auto Services” Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

Table 168-2 Permitted Uses by Zoning District

Table 168-2 – Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Administration	C	C	C	C	P	P	P
Adult Entertainment							C
Agricultural Sales/Service					C		P
Alternative Energy Production Devices	C	C	C	C	C		P
Amateur Radio Tower	P	P	P	P	P	P	P
Animal Production							C
Auto Rental/Sales					P		P
Auto Services					P	C	P
Bars					P	P	P
Bed and Breakfast	C	C	C		P	P	
Body Repair					C		P
Broadcasting Tower					C		C
Business Support					P	P	P
Business/Trade School					P	P	P
Cemetery	C	C	C				
Civic Organizations	C	C	C	C	P	P	
College/University	C	C	C	C	P	C	
Commercial Breeders							P



Applicable Code Sections

180.06 Standards of Approval

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:
 - a. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - b. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
 - c. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - d. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - e. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - f. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
2. The request shall be approved if the Board of Adjustments finds that the proposed development meets all Standards of Approval.
3. The request shall be denied if the Board of Adjustment finds a strong probability that any of the following with regards to the proposed development:
 - a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - b. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 - d. Diminish or impair established property values on adjoining or surrounding property, or
 - e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

Applicable Code Sections

180.08 Board of Adjustments Action on Application

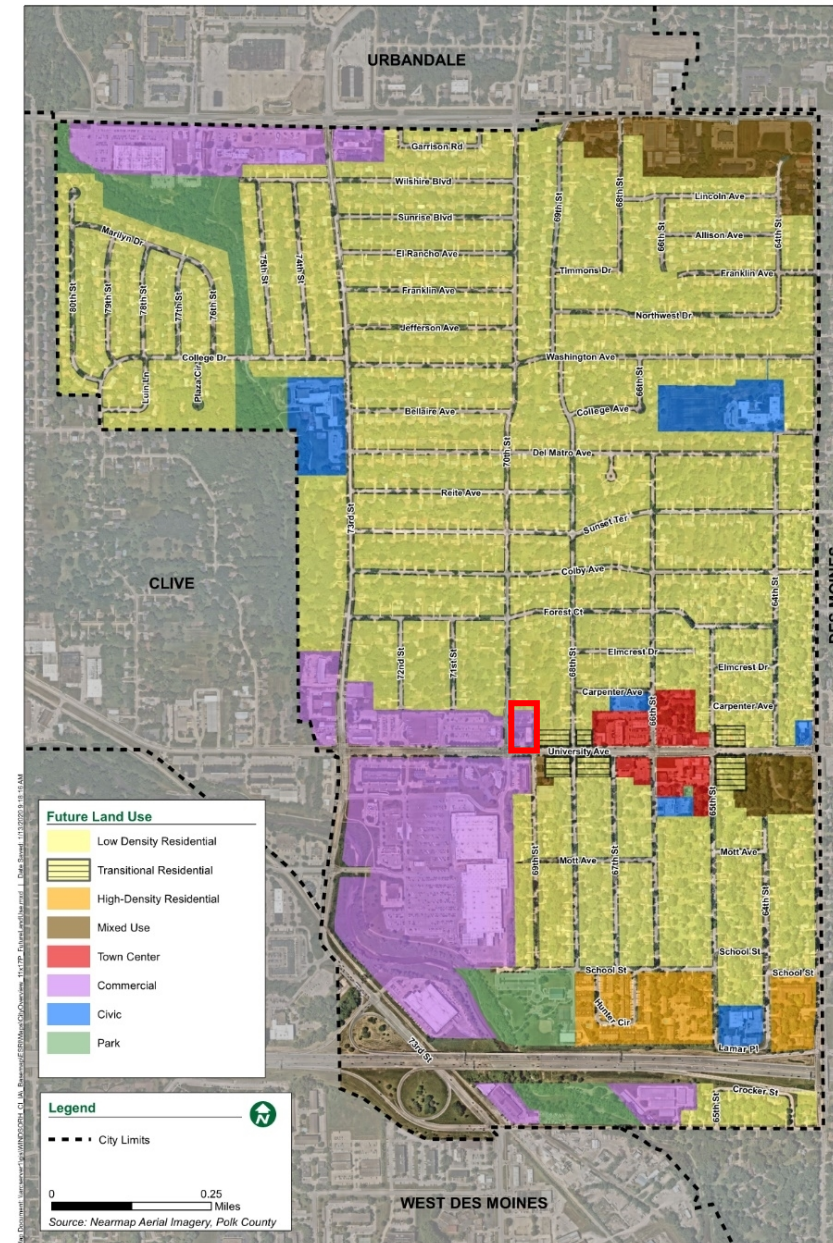
1. In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:
 - a. The Board of Adjustment shall establish findings of fact based upon information contained in the application, the staff report, and information gathered at the Board of Adjustment hearing.
 - b. The board shall consider such reasonable requirements or conditions for the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in 3 or 4.
 - c. The Board of Adjustment shall consider whether the application complies with all of the applicable Standards for Approval set forth in 180.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
 - d. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in 178.06. Separate votes may be taken with respect to each standard. Any such motion regarding compliance or noncompliance of the application to the development criteria or Standards for Approval shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied. Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition it deems necessary to protect the health, safety, and general welfare of the public. All conditions or requirements shall be entered on the permit.

The Board of Adjustments shall not grant a conditional use permit for any home occupation/home-based business which is otherwise prohibited under this zoning code.

Current/Future Land Use

The Current Land Use will not change and will not be greatly impacted by the change in use on the property. By the City of Windsor Heights Code, it is allowed by Conditional Use Permit.

The Future Land Use Map of the Comprehensive Plan states this area as being “Commercial”. This use coincides with the Future Land Use Plan and the Comprehensive Plan definitions of Commercial Land Use.

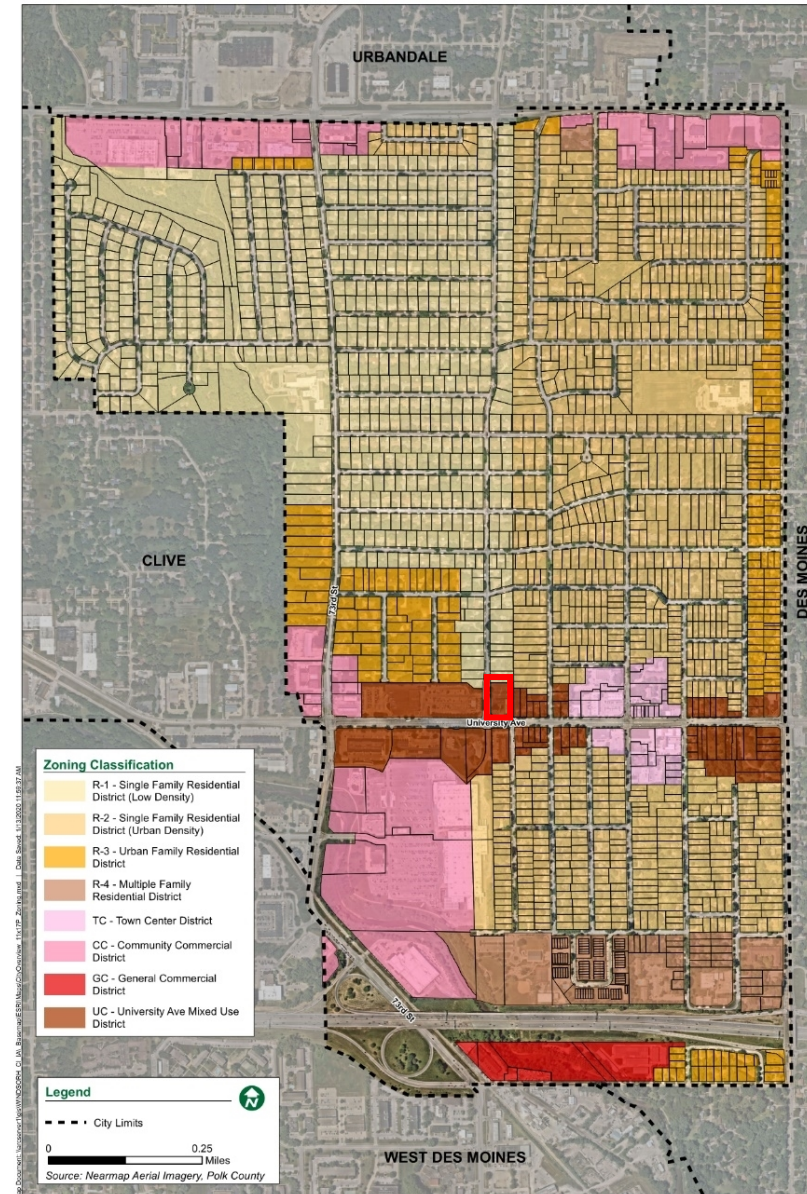


Zoning

The zoning district that this proposed use resides in is the UC Urban Center District. This district is defined as:

“This district recognizes the mixed-use character primarily along the University Avenue corridor, which is the principal route through central Windsor Heights. This district contains a combination of residential, commercial, and office uses and is known for its walkability and main street feel.”

This Auto Services use is a Conditional Use within this district.



Conclusion and Recommendation

Conclusion:

- The proposed use at this location is permitted by conditional use permit by the current zoning district, the property is going through the Site Plan review process to confirm it follows all zoning district requirements, and is in compliance with the Future Land Use Map and Comprehensive Plan of Windsor Heights, IA.

Recommendation:

- The staff recommends approval of the Conditional Use Permit for the property located at 6961 University Avenue for an Auto Services use (Gas Station) as long as it adheres and abides by all conditions attached to the permit.

Conditions

General:

1. The Property at 6961 University Avenue goes through the entire Site Plan Review and Approval process and is approved by the Planning and Zoning Commission and City Council. This includes:
 - a. All comments from City Staff and Departments are addressed in their entirety
 - b. All processes through the Site Plan Review process are followed
 - c. All Fees are paid for the Site Plan Review process
2. All appropriate permits for development and construction are acquired prior to the beginning of development and construction on the site.
3. Approval of signs and utility from Safe Building.
4. Approval of streets and access from Iowa Department of Transportation.
5. Provide 10 ft. of fully screened buffer between the site and abutting Residential districts.
6. Abide by all other conditions placed on this Conditional Use Permit as decided by the City of Windsor Heights Zoning Board of Adjustments.

Standards of Approval

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:
 - a. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - b. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
 - c. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - d. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - e. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - f. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
2. If the Board of Adjustment concludes that all of the Standards for Approval criteria will be met by the development, it shall approve the application and plans.

Standards of Denial

1. The request shall be denied if the Board of Adjustment finds any of the following with regards to the proposed development:
 - a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - b. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 - d. Diminish or impair established property values on adjoining or surrounding property, or
 - e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

Trey Rouse
Community Planner, Bolton & Menk, Inc.
Trey.Rouse@bolton-menk.com



Bolton-Menk.com



CONDITIONAL USE PERMIT APPLICATION

Date of Submission: 1/2/2024 Fee Amount: \$200 Application No. _____

Paid 1/5/2024 *Nate Smith*

The Conditional Use and Special Use Permit Procedures provide for Planning and Zoning Commission review and discretionary Board of Adjustment action for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

**** Attach any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.**

**** Provide names, property addresses, and mailing addresses of all surrounding property owners within 200 feet for residential projects or 300 feet for commercial projects of the subject property. Intervening streets and alleys are not to be included in computing the 200 and 300 feet requirement. Names and mailing addresses can be obtained by contacting the Polk County Recorder and providing the property addresses. You do not need to obtain these property owners' permission.**

Applicant Name: Casey's Marketing Company

Applicant Address: One SE Convenience Blvd.; Ankeny, IA 50021

Applicant Phone Number: 515-985-9622

Property Owner: Charles I & Ruth Colby National Development Trust

Property Address, Zoning Classification, & Legal Description: 6961 University Avenue

UC - University Avenue Mixed Use District

-EX BEG SE COR LT 41 W 199.95F N 299.46F E 4F S 269.44F E 10F S 20F E 185.94F S 10F TO POB- LTS 40, 41 & 42 MOTT PLACE

A description of the nature and operating characteristics of the proposed use.

Demolition of underperforming office infrastructure and construction of 4,283 s.f. Casey's Convenience

Store and Gas Station. The redevelopment effort constitutes \$3-\$5 million in building and development

costs and will produce significant property tax benefits to the city. The sale of motor fuel, prepared foods,

and other goods will generate significant local option sales tax benefits. Between 25 & 35 full & part-time

jobs are created with construction of each new Casey's store.

A written statement as to how the proposed project fits within the character of the neighborhood and that meets the intent of the City’s Comprehensive Plan.

See attached

Abutting Property Owner Names and Addresses: NOTE: Addresses below are physical addresses

- 1. 1233 70th Street: Fred Frye Jr. (north-adjacent property)
- 2. 6900 University Avenue: Charles Colby (south-adjacent property)
- 3. 6817 University Avenue: Diann Walls Kipper (east-adjacent property)
- 4. 7101 University Avenue: WH Development LLC (west-adjacent opposite city ROW)

The undersigned hereby certifies that all information provided is complete and accurate to the best of undersigned’s knowledge, and that all information required by this application or by the Board’s staff on its behalf has been provided.

Printed name of applicant: Aaron Wolfe, Site Development Manager on behalf of Casey's Marketing Company

Signature of applicant:  Date: 1/2/2024

Note: The Applicant or an authorized agent must personally be present for the request before the Planning and Zoning Commission and Board of Adjustment meetings.

Please contact the Zoning Administrator to obtain a list of meeting dates and submittal deadlines. 515-645-6826.

Neighborhood Character:

The subject property is zoned University Ave Mixed Use District and is shown as "Commercial" on the Comprehensive Plan Land Use Map. Appropriate land uses for said category are typified by auto-oriented land uses. Gas Station/Convenience store is identified as a use that is appropriate for the subject location provided the use can be operated in a manner to be compatible with district and surrounding uses. We have designed our site to provide a buffer between the subject property and north-adjacent single-family residential district to insure compatibility. The building sits between the parking lot and north-adjacent property to further separate possibility of headlight glare and vehicle noise. While the east-adjacent property is currently occupied residentially, the property is zoned University Avenue Mixed Use District and is shown on the Comprehensive Plan Land Use Map as "Transitional Residential". Both the zoning and future land use map recognize the property may redevelop in the future to a more intense use; however, our site plan shows use of shrubs and evergreens to help buffer the current residential use of the property.

Comprehensive Plan:

Redevelopment of the subject property supports the intent of the city's comprehensive plan goals as found at the following Chapters/pages:

ECONOMIC DEVELOPMENT GOALS PG. 19: Attract new businesses to Windsor Heights and support strategic redevelopment along key corridors including University Avenue. ***Redevelopment of the property will replace an underperforming and aging office complex with a use that will increase the tax valuation of the property.***

ECONOMIC DEVELOPMENT ACTION PLAN PG. 20: Create a streetscape plan for University Avenue. ***Our proposed redevelopment effort supports the city's comprehensive planning efforts by providing Street Trees at 50' intervals along University Avenue and 70th Street which furthers the city's desire to increase plantings within city ROW.***

COMPLETE STREETS- ACTION PLAN PG. 103: Develop an ongoing evaluation and funding plan to maintain an effective stormwater management system. See also Chapter 5: Improving Amenities. Identify actions and projects related to Walnut Creek to eliminate further degradation and enhance drainage and stream health. ***Our proposed redevelopment effort supports the city's comprehensive planning efforts by taking a property that currently exhibits no stormwater controls and bringing into compliance with today's codified stormwater detention requirements.***