



Board of Adjustment

March 16, 2022

Agenda

Meeting Held Electronically due to COVID-19

5:30 P.M.

Electronic Meeting as Provided Under Iowa Code, Chapter 21*

***Please note that this Grimes Board of Adjustment Meeting will be an electronic meeting pursuant to Iowa Code Section 21.8 due to the national health emergency that makes it impossible or impractical for an in-person meeting.**

The public is welcome and encouraged to attend and participate in this meeting by either internet or phone as follows:

- 1. Internet- Meeting attendance may be obtained by “Join Zoom Meeting”. Simply enter the following internet address and ID:**

Join Zoom Meeting

<https://us06web.zoom.us/j/87445901219?pwd=MmFpQ2hXK1VCN0k4bWl6akR1RFJiUT09>

Meeting ID: 874 4590 1219

Passcode: 1234

- 2. By Phone: 877 853 5257 US Toll-free.**

Hearing Assistance: If you are deaf or hard of hearing, Grimes will provide a sign language communicator on the internet Zoom meeting video presentation upon request. Please contact the Grimes City Clerk Rochelle Williams by email at rwilliams@grimesiowa.gov to request this service.

For any additional assistance or questions in attending the meeting, please call 515-986-3036 from 8 a.m. to 5 p.m., or contact the Grimes City Clerk Rochelle Williams by email at rwilliams@grimesiowa.gov.

For any additional assistance or questions in attending the meeting, please call 515-986-3036 from 8 a.m. to 5 p.m. Monday-Friday.

Meetings will be recorded

AGENDA

I. GENERAL AGENDA ITEMS.

- 1. Roll Call**
- 2. Approval of the Agenda**
- 3. Approval of Minutes from previous meeting**

II. PUBLIC AGENDA ITEMS.

- 1. Application for Variance: Request to Allow Non-Earth Tone Colored Precast – 2150 E 1st Street**

III. ADJOURNMENT



**BOARD OF ADJUSTMENT MINUTES
DECEMBER 15, 2021**

DEVELOPMENT SERVICES

101 NE Harvey St.

Grimes, Iowa 50111

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www.grimesiowa.gov

LETSCH CALLED THE MEETING TO ORDER AT 5:30 P.M.

BOARD MEMBERS PRESENT: LETSCH, MORAN, BICKFORD, STRUTT

BOARD MEMBERS ABSENT: NA

STAFF PRESENT: MARTIN, GREIVING

I. APPROVAL OF THE AGENDA

MOVED BY BICKFORD, SECONDED BY STRUTT – AYE: UNANIMOUS

II. APPROVAL OF MINUTES – AS AMENDED

MOVED BY BICKFORD, SECONDED BY STRUTT – AYE: UNANIMOUS

III. PUBLIC AGENDA ITEMS

A. Public Hearing Appeal #3-21 request to expand the outdoor storage area at 3355 SE Crossroads Drive.

Staff member Martin presented a recap of the case. It was recently tabled at two meetings. The request is to add additional storage on site, but it is located in Zone 1 of the Highway 141 Corridor. Zone 1 of the Highway 141 Corridor does not allow for any outdoor storage, but the existing outdoor storage was existing before those standards were set in place.

On behalf of the applicant, Nikki Neal of Civil Design Advantage presented details of the case as well. The applicant would be bringing the site up to code, and adding landscaping and fencing for screening to the new and existing outdoor storage. The existing outdoor storage is seen minimally from Highway 141 as it is now, and the new outdoor storage would not be seen either.

The Board asked about the amount of the lot that is located in Zone 1. The maximum area into the property is 79 feet, and all the additional outdoor storage would be located in the portion of the lot that lies in Zone 2. The fencing and any other site improvements would also meet the Zone 2 requirements.

Board member Strutt emailed a list of details for the possible approval of the variance. It read:

(1) the five factors are met;

(2) 10% of the property or less is located within the more restrictive Zone 1;

(3) no outdoor storage is located within the portion of the property within Zone 1;

(4) the site was previously approved for outdoor storage because it was believed to be entirely within Zone 2;

(5) there is a roadway (Crossroads Dr) between the property and the protected Highway 141;



and with the further stipulations that:

- (A) outdoor storage shall be limited to the portion of the property located within Zone 2;
- (B) petitioner shall agree to waive grandfather exceptions that currently exist and shall agree to screen ALL outdoor storage areas that may currently exist or planned to be constructed to meet the current screening requirements for outdoor storage areas within Zone 2; and
- (C) all other current standards with the ordinance for Zone 2 relating to the outdoor storage shall be met.

Staff commented that number 4 of the motion would not apply since the outdoor storage was there before the outdoor storage restrictions were in place.

Strutt updated number 4 to read:

- (4) the site is currently grandfathered for outdoor storage due to timing of adoption of zoning restrictions

The Board and the representative of the applicant discussed the five requirements to have a variance granted.

Board Action Ref: #3-21

MOVED BY STRUTT TO APPROVE REQUEST TO EXPAND THE OUTDOOR STORAGE AREA AT 3355 SE CROSSROADS DRIVE SUBJECT TO DETAILS LISTED IN STRUTT'S EMAIL, SECONDED BY BICKFORD
AYE: UNANIMOUS

B. Public Hearing Appeal #4-21 request to create a lot less than one acre in size at 1884 SE Destination Drive.

Staff member, Martin, provided a staff report to the Board of Adjustment. The lot is located in the Highway 141 Corridor, which restricts lots to be no smaller than 1 acre in size. The lot currently has two buildings already built on it. The request is to split the lot into two and have one of the lots under an acre in size.

A representative of the applicant, Erin Ollendike of Civil Design Advantage, also presented details of the case. The first building had a very specific use, but due to the pandemic, the owner has had some financial issues. The request to split the lot into two would not change the use of the buildings, only that there would be two different owners.

The Board asked why the parking would be split the way shown on the site plan, and the representative of the case explained that it is to meet the parking requirements.

The Board asked how many other lots may be interested in having a smaller lot. Staff explained that the lot size of one acre is only a requirement in the Highway 141 Corridor, but it appears that many commercial spaces are trending toward smaller lots.



Board Action Ref: #4-21

MOVED BY BICKFORD TO APPROVE REQUEST TO CREATE A LOT LESS THAN ONE ACRE IN SIZE AT 1884 SE
DESTINATION DRIVE, SECONDED BY MORAN
AYE: UNANIMOUS

IV. ADJOURNMENT

Meeting adjourned at 6:42pm.

Signature

Planning & Zoning Staff Report



TO: Board of Adjustment Members
FROM: Molly Mannel, Assistant Planner
DATE: March 16, 2022
RE: Walmart - Variance request to allow non-earth tone colored precast

GENERAL INFORMATION:

Applicant:

Harrison French & Associates, LTD.

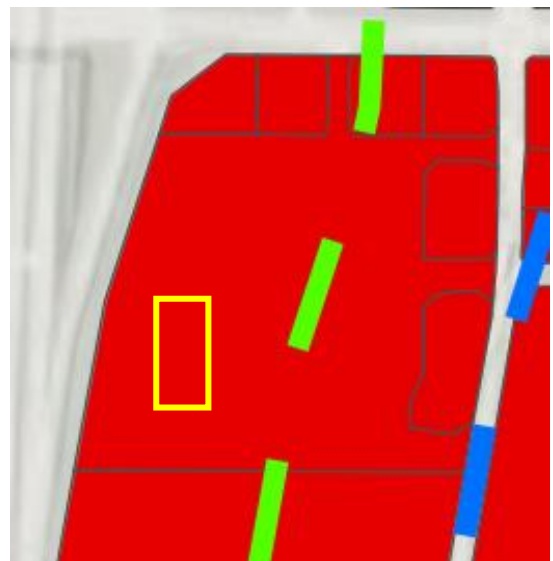
Requested Action

Variance request to allow non-earth tone colored precast

SUPPORTING INFORMATION:



Location Map



Zoning Map

LAND USES & ZONING:

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Commercial	General Commercial	C-2
North	Commercial	General Commercial	C-2
South	Vacant	General Commercial	C-2
East	Commercial/Vacant	General Commercial	C-2
West	Highway 141	Highway 141	Highway 141

BACKGROUND:

The applicant is requesting a variance to allow precast to be painted in a blue color on the northwest corner of the Walmart. The site is located at 2150 E 1st Street, and resides within the Highway 141 Mixed Used Development Corridor District, where all precast is required to be colored or painted in earthtone colors. The northwest corner of the building where the blue is proposed to be painted is approximately 1080 square feet, and is at the location of the online grocery pickup service.

ANALYSIS:

Based upon the approved ordinance, the Board of Adjustment may grant a Variance provided the Board can make a finding on the following factors:

1. A showing of good and sufficient cause; and
2. A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant; and
3. A determination that the hardship is not self-imposed; and
4. A determination that the granting of the variance will not be contrary to the public interest or neighborhood integrity; and
5. A determination that the granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance.

Notice of the variance request was mailed to surrounding property owners within a 250-foot radius.

Based on a detailed analysis of the application, staff has the following comments to offer

concerning this variance request:

GOOD AND SUFFICIENT CAUSE

The applicant states that in an effort to drive brand consistency, Walmart would like to incorporate new signage and gray and blue exterior paint as part of all current remodel projects. They believe that the areas of blue shown in the elevations serve as an overall brand identifier, as well as the background color for directional signage for various store departments and services (i.e. Home & Pharmacy, Market, and Pickup).

SUBSTANTIAL HARDSHIP

The applicant believes that due to brand and directional signage for Walmart stores being white, removing the blue would decrease visibility for customers. They believe that the blue allows Walmart to be easily identified, even from far distances where signage may not be visible. It should be noted that the applicant has indicated they are willing to work with the client to provide other alternatives to the variance request but has not done so.

SELF-IMPOSED HARDSHIP

The applicant does not believe the hardship is self-imposed, as the Highway 141 Mixed Used Development Corridor District does not allow painting of precast panels within the Highway 141 Corridor. They state that the neutral, unpainted color of the precast panels in this area would not align with the Walmart brand, and the gray and blue color scheme that is proposed across all other elevations.

PUBLIC INTEREST

The applicant does not believe that granting the variance will be contrary to the public interest or neighborhood integrity because the proposed color scheme is similar to that of nearby buildings and businesses. They believe that the blue will provide an updated appearance to the store and will better align with the overall aesthetic of surrounding businesses.

Staff asks the Board to consider that a negative precedent may be established if the variance is granted. There are several properties located within the Highway 141 Mixed Use Development Corridor District constructed with precast. Granting a variance could allow other properties within the Highway 141 Corridor to paint their precast in shades other than earth-toned colors. Staff would ask that the Board consider what may be unique about this property compared to others along the Highway 141 Corridor.

ALTERNATIVES TO VARIANCE REQUEST

1. Harrison French & Associates will work with the client to propose variations of current branding initiatives in order to satisfy the requirements of the Zoning Ordinance.
2. The Pickup sign could be altered to include branded blue within the signage itself.
3. The existing CMU block on the northwest corner of the building could be painted blue.
4. Propose alternate building materials to meet the Highway 141 architecture requirements.

SUMMARY

The applicant is requesting a variance to allow the painting of precast in a blue color within the Highway 141 Mixed Used Development Corridor District.

Staff would suggest that if approved, the following conditions be imposed:

1. The precast area to be painted blue be limited to the north façade where the Pickup sign is proposed.

CITY OF GRIMES

Molly Mannel
Assistant Planner



410 SE Main Street, Suite 102 , Grimes, Iowa 50111

P: 515.986.4050 | F: 515.986.4480

BOARD OF ADJUSTMENT
APPLICATION FOR
VARIANCE REQUEST

Applications are due the first of the month at
12:00 p.m. to be added to the next BOA agenda.

You are required to attend your hearing—by agent or
in person. Please read application thoroughly. The
City has the right to refuse an incomplete application.

INSTRUCTIONS FOR REQUIRED INFORMATION

***NO REQUEST FOR VARIANCE CAN BE ACCEPTED FOR FILING UNLESS
ALL OF THE REQUIRED INFORMATION IS PRESENTED***

1. GENERAL INFORMATION. The Grimes Board of Adjustment (BOA) is empowered by Iowa law and by Ordinance to hear requests for variance(s) and to make decisions on said requests pertaining to the Zoning Ordinance, Chapter 165.37 and for certain exceptions to the district regulations. The BOA is a five-member quasi-judicial body with authority to grant variances in exceptional cases and is limited to such cases that are consistent with the general purpose and spirit of the zoning regulations. The BOA has no authority to allow a variance that would have the effect of establishing a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance.

2. MEETING DATES. The Board of Adjustment meets at 5:30 p.m. on the third Tuesday of each month. Submittal of all the information does not in any way guarantee that the application will be placed on the next available BOA agenda. All BOA meetings are open to the public and are held in the Council Chambers of City Hall, 101 NE Harvey Street, Grimes, Iowa.

3. FILING DEADLINE: The deadline to file an application for variance with the BOA is 12:00 p.m. the first day of the month of the board meeting. All materials must be filed in the Development Services Department office at 410 SE Maine Street Suite 102, Grimes, Iowa.

NOTE: Be sure that you have all required materials at that time. Failure to do so may result in your request for variance being delayed to the next regularly scheduled meeting.

4. FILING FEE: A filing fee is required at the time the materials are filed with the Development Services Department office. The fee covers administrative expenses and legal notification of surrounding property owners within 250 feet of the property in question. No request for variance is to be considered filed until this fee is received. The fee is \$150.00 to request a variance and payment must be submitted with the application. The fee shall be paid at the Development Services Department office, 410 SE Main Street Suite 102. Make all checks payable to the City of Grimes. The fee is nonrefundable.

5. SITE PLAN: The applicant must submit a site plan that clearly shows the variance being requested. The site plan should be drawn to scale, and should be a reproducible, black line drawing or free hand drawing on a sheet of paper no larger than 24" x 36" *{Use of an actual property survey is suggested but not required}*. The applicant may submit the same site plan that was submitted for a building permit. The site plan shall include the following information:

- a) Property lines and dimensions

- b) Location and size of all existing and proposed structures (buildings, driveways, parking lots, sidewalks, fences, etc.)
- c) Required setback and buffer location(s)
- d) Any other pertinent information necessary to fully understand the need for a variance (e.g. significant change in topography, location and size of mature trees, etc.)

NOTE: If the request for variance is for a sign, the request must be accompanied by both a fully dimensioned, to-scale elevation drawing of the sign, as well as a fully dimensioned to-scale site plan showing the exact location of the sign whether it is a free standing or a building sign.

6. SUPPORTING INFORMATION FORM: The Board of Adjustment may grant a variance provided that "unnecessary hardship" exists; that the variance is not contrary to the public interest; and that the spirit of the Zoning Ordinance is upheld. The Supporting Information form addresses these issues and asks for responses to each of the "tests" in order to grant a variance. The Supporting Information form must be completely filled out in order to process the application for a variance.

7. ADDITIONAL INFORMATION: If you have questions about this form, or should you require additional information regarding the variance process, please contact the Development Services Department at (515)986-4050.

APPLICATION FOR VARIANCE

All required information must be presented before acceptance of application.

The applicant must complete all sections in bold for review to begin.

Please type or print:

1. **Date:** 02/28/2022

Applicant Name: Harrison French & Associates, LTD. - On Behalf of Walmart Stores, Inc.

Address: 1705 South Walton Blvd., Ste. 3, Bentonville, AR 72712
(Street) (City) (State) (Zip)
Telephone Number: N/A (479) 273-7780 ex. 230
(Home) (Work)
E-Mail Address: cathy.yockey@hfa-ae.com
2. **Location of Property**
Street Address: 2150 E 1st Street, Grimes, IA 50111
Legal Description: Retail- Department and Grocery Store

Zoning Classification: C-2

This request for variance cannot be processed until all required materials are submitted. In addition to this application, the following information is required for submission. On a separate sheet of paper please type or print the following:

3. Response to the attached supporting information form

4. Site plan drawn to scale

This plan shall be no larger than 24" x 36" and easily reproducible.

5. Application fee

An application is not considered filed until filing fee is paid.

The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

This request for variance will not be granted unless sufficient facts are presented in this application and at the BOA hearing to support a positive finding by the BOA. In support of this request, a Supporting Information form shall be completed by the applicant(s).

Approval of this request for variance by the Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary development approvals, such as site plan, building permits, etc. from the City of Grimes or any other applicable agency.

I (We) certify that I (We) have been denied a Building/Zoning permit and I (We) have submitted all the required information to request for a variance and that such information is factual.

Signed by: _____ on date: _____
(Owner)

Or: Cathy Hockey on date: 2-28-22
(Owners Agent)

SUPPORTING INFORMATION FORM

The Board of Adjustment is authorized to grant a variance provided all the following requirements are satisfied. Use a separate sheet of paper if desired, and address each issue below:

- I. A finding showing of good and sufficient cause. **The applicant must show that there is a reason for applying.**

In an effort to drive brand consistency, Walmart would like to incorporate new signage and gray and blue exterior paint as part of all current remodel projects. The areas of blue shown in elevations serve as an overall brand identifier, as well as background color for directional signage for various store departments/services (i.e. Home & Pharmacy, Market, and Pickup).

- II. A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant. **The applicant must show that there is a hardship (utilities, parking, etc.).**

Since brand and directional signage for Walmart stores is white, removing the blue and placing signage on a light neutral background color would decrease visibility for customers, especially from further distances. The blue also allows Walmart stores in general to be easily identified, even from locations or distances where signage is not visible

- III. The hardship is not self-imposed. **The applicant must show that the proposed hardship is being caused by the strict interpretation of the Zoning Ordinance and not self-imposed by the applicant.**

Current Zoning Ordinance does not allow painting of the precast panels facing Highway 141 to align with current Walmart brand initiatives. To maintain the natural, unpainted color of the precast panels in this area would not align with the gray and blue color scheme proposed across all other elevations.

- IV. The variance will not be contrary to the public interest or neighborhood integrity. **The applicant must present information to indicate that the variance will not result in injury or endangerment to other property or persons nor will it devalue nearby property.**

The proposed color scheme does not propose any threat of injury or danger to persons or surrounding property. The proposed color scheme is similar to that of many nearby buildings and business. This would provide an updated appearance to the store and will better align with the overall aesthetic of surrounding businesses.

- V. The granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance. **The applicant must list other options that have been considered in lieu of granting a variance.**

If variance is not granted, Harrison French & Associates will work with our client to propose variations of current branding initiatives in order to satisfy the requirements of the Zoning Ordinance.

