

Grimes Board of Adjustment Agenda

Grimes Community Complex
410 SE Main Street, Room 202
Grimes, Iowa 50111
Phone | 515.986.4050
www.grimesiowa.gov

Chair | Matthew Moran
Board Members | Trevor Brown, Charles Strutt,
Joshua Stott

Mission Statement

The mission of Grimes City Government is to provide excellent/exceptional city services and facilities in a financially responsible and community-friendly manner through a high performing city team that result in adding value to resident's lives.

Grimes Board of Adjustment Grimes Board of Adjustment Meeting November 20, 2024 @ 5:30 PM In Person at Grimes Community Center, 410 SE Main Street

GENERAL AGENDA ITEMS

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes from Previous Meeting

PUBLIC AGENDA ITEMS

1. Vote for Chair and Vice Chair of the Board
2. Variance Request to Increase Outdoor Sales Area at 4400 W 1st Street

ADJOURNMENT



101 NE Harvey Street, Grimes, Iowa 50111 | P: 515.986.3036

This meeting of the Grimes Board of Adjustment was called to order Wednesday, July 17, 2024 at 5:30 P.M.

Roll Call: Present: Matthew Moran, Charles Strutt, Joshua Stott

Staff: Alex Pfaltzgraff, Evann Martin, Rachel Greving

Absent: Trevor Brown

A. GENERAL AGENDA ITEMS

1. APPROVAL OF THE AGENDA

Motion by Strutt, Second by Stott, to approve the agenda

Roll Call: Ayes-All; Nays-0 Motion passes: 3-0

2. APPROVAL OF THE MINUTES

Motion by Strutt, Second by Stott, to approve the minutes from the May 15, 2024 meeting

Roll call: Ayes-All: Nays-0 Motion passes: 3-0

B. PUBLIC AGENDA ITEMS

Public Hearing Request for Variance to Modify Design Requirements for a Ground-Mounted Sign at 104 SE Main Street.

Staff member Pfaltzgraff provided a staff report to the Board of Adjustment. Located a half block south of East 1st Street, the property was a single-family home up until a couple of months ago. The applicant plans to convert it into a commercial use for a wine bar. The proposal is for a pole sign and has a shorter setback than is allowed.

The Board discussed the request and asked questions of the applicant and staff.

Motion by Strutt, Second by Stott to approve Variance to Modify Design Requirements for a Ground-Mounted Sign at 104 SE Main Street.

Roll Call: Aye-All Nay-0 **Motion Passes 3-0**

C. ADJOURNMENT

Meeting is adjourned at 5:57 p.m.

Chairperson Signature

Clerk Signature

DATE

November 20, 2024

APPLICANT

South 44 Farms, LLC

LOCATION

4400 W 1st Street

REQUESTED ACTION

Variance request to increase outdoor sales area

ZONING

C-2

Transportation Corridor Mixed Use Development Overlay District

PLANNER

Evann Martin
emartin@grimesiowa.gov
515-986-4050



Location Map



Zoning Map

Background

LAND USES & ZONING

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Tree Farm/Commercial	Mixed Use-1	C-2
North	Agriculture	Medium-Density Residential	A-1
South	Agriculture	Low-Density Residential	A-1
East	Agriculture	General Commercial	A-1
West	Agriculture	Mixed Use 1/High-Density Residential	A-1

In 2018, South 44 Farms, LLC purchased the subject property and rezoned a portion of the property along Highway 44 from A-1 agricultural to C-2 commercial. The C-2 zoning area was intended for the commercial retail operation of the business. The remainder of the property stayed A-1 for the tree farm growing operations.

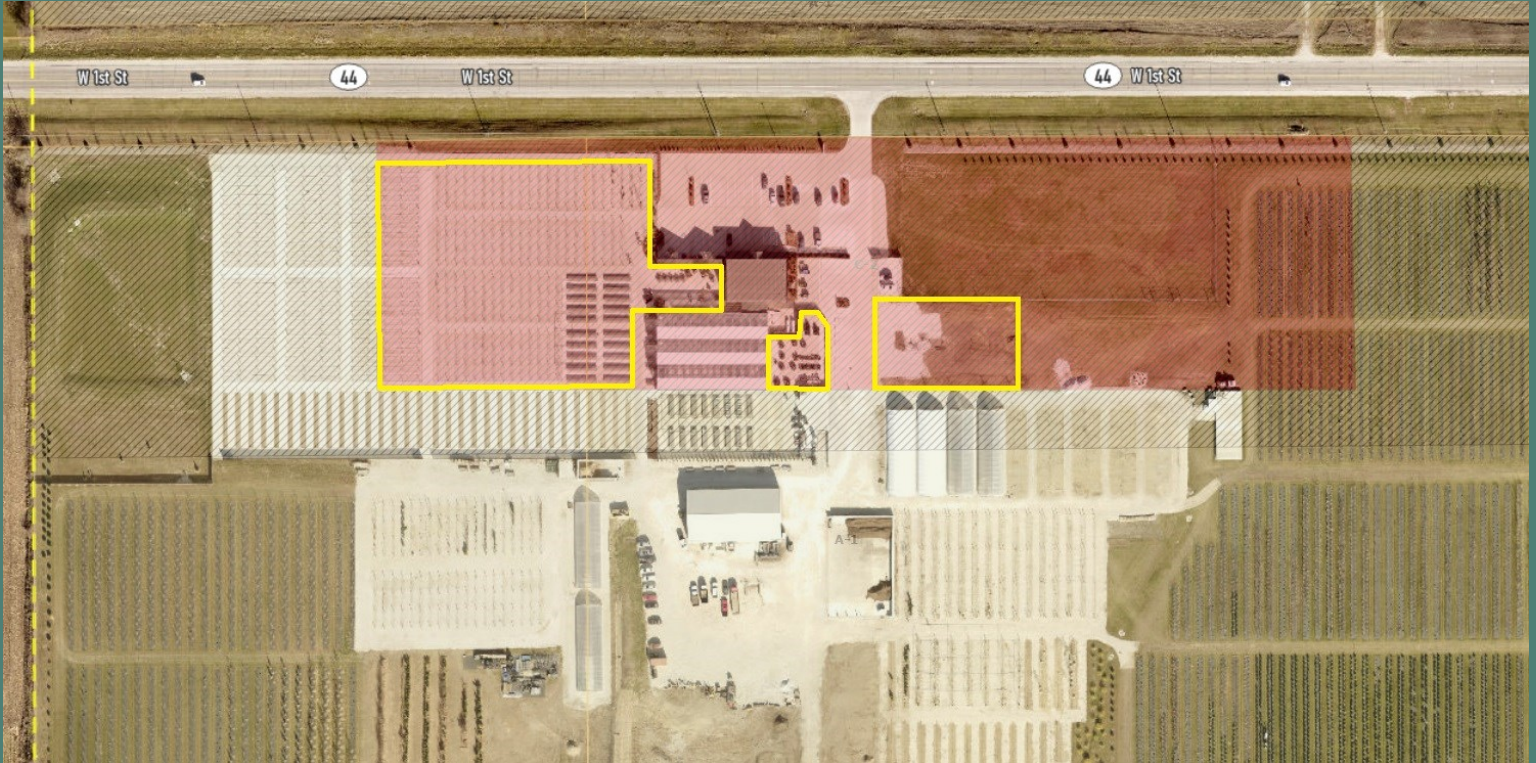
After the rezone, the first site plan for the tree farm and commercial retail buildings was approved and started construction in 2018. On the original site plan, portions of the site that were located in the C-2 zoning district were approved to be developed with the tree farm growing and outdoor sales operations. At the time the site plan was approved, the outdoor sales requirements were not in place and therefore did not apply. The existing outdoor sales areas are considered legal non-conforming. However, the existing outdoor sales exceeds the area that is currently permitted for outdoor sales.

In 2022 and 2024, site plan amendments were submitted to the City for approval of additional pavement and new building on the site. No additional gravel was proposed in the C-2 zoning area as part of the site plan amendments. However, a granular area for plant staging was shown on the 2024 site plan amendment as existing and it was discovered during review of the plans that the granular area had been installed in 2023 within the C-2 zoning area without approval from the City. Because the granular area is considered outdoor sales, the granular area is limited to 1% of the total site area but in no case more than 5,000 square feet. The granular staging area of 19,332 sf exceeds the permitted threshold of 3,598 square feet. In addition, there are already outdoor sales areas within the C-2 and A-1 zoning areas.

As a result, the applicant has submitted the variance request for the staging area.

Background

The total area of the C-2 zone is 8.26 acres. Of that area, approximately 2 acres consists of outdoor sales areas that were existing prior to 2023 when the outdoor sales requirements were not in place. The staging area that was installed in 2023 would have been subject to the outdoor sales requirements. The staging area is 19,332 sf . Per the zoning ordinance, a total of 3,598 sf of outdoor sales area is permitted.

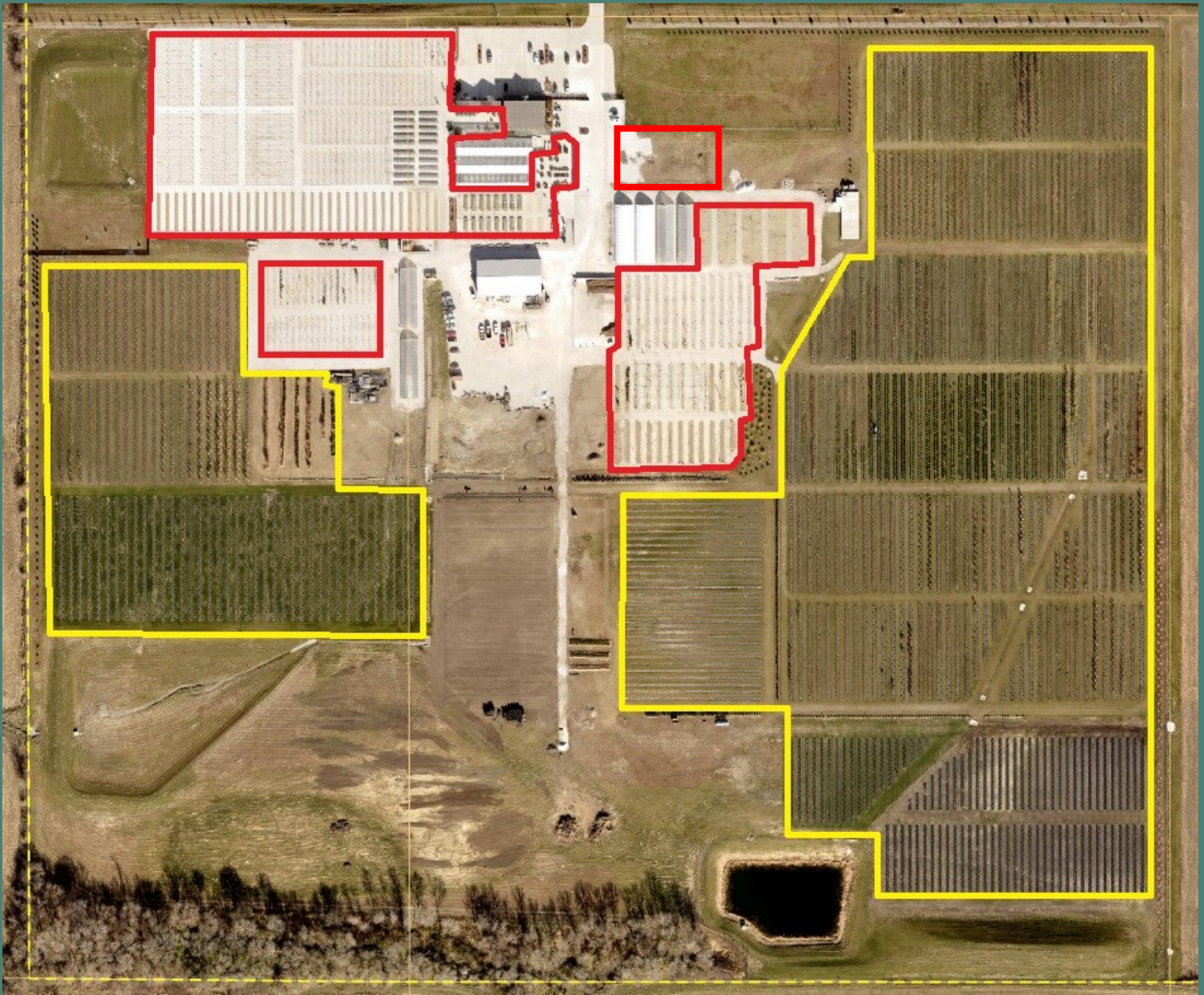


Yellow = Existing Outdoor Sales Area in C-2 Zone

Background

The total site area is 75 acres. Of that area, approximately 30 acres consists of growing plants. Once the plants have matured enough to be harvested, they are potted and placed in the outdoor sales areas which consist s of 8.04 acres: 7.6 acres existing prior to 2023 and 0.44 acres added in 2023. Currently, 40% of the site is used to grow plants while 10.72% of the site consists of outdoor sales.

The staging area would be 5% of the total outdoor sales area.



Red = Outdoor Sales Area

Yellow = Growing Area

Case History and the Variance Request

Case History

No variances have been granted regarding outdoor sales.

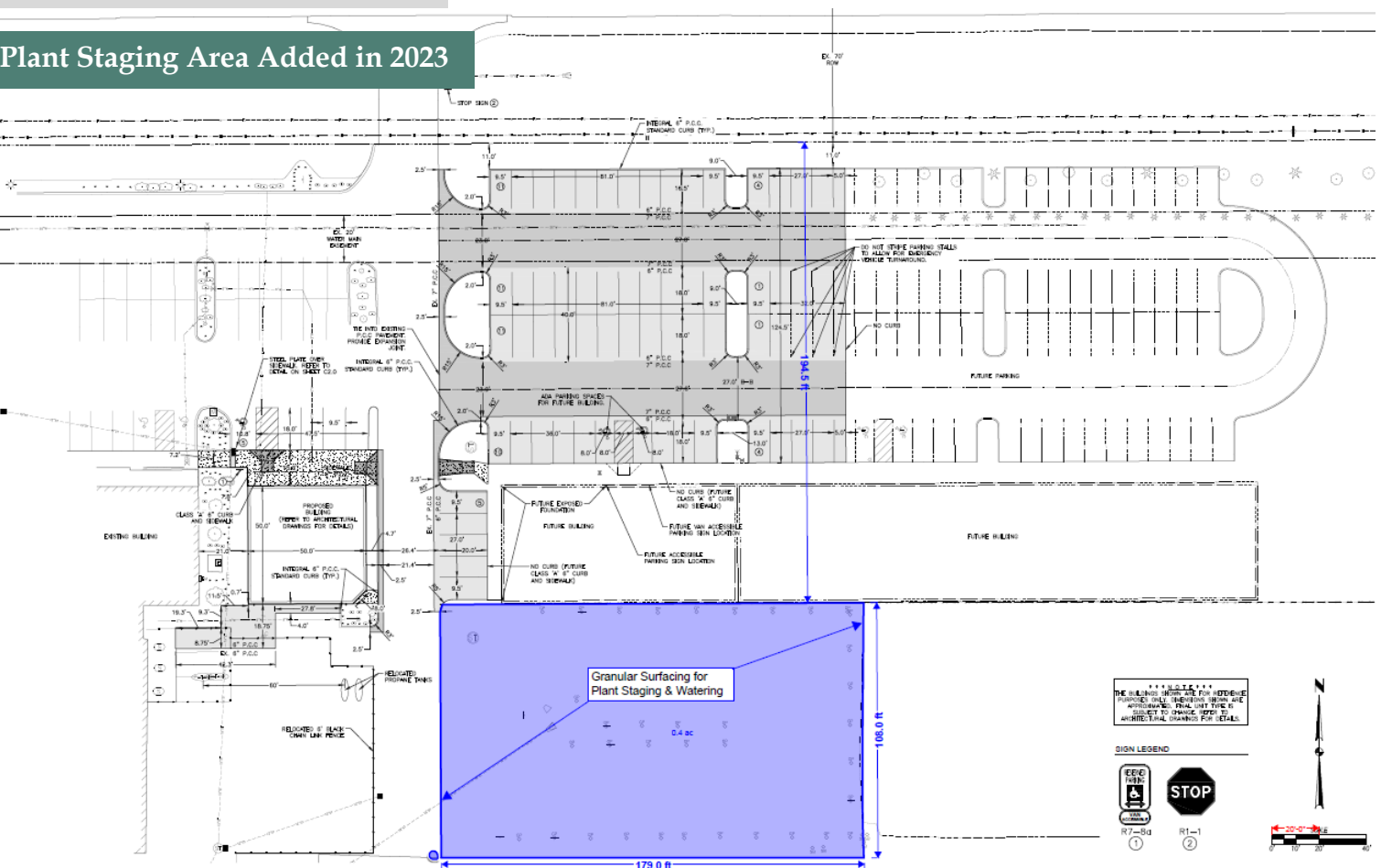
The Variance Request

The applicant is requesting that a plant staging area, which is considered outdoor sales, be larger than the permitted 3,598 square feet.

To grant the request, a variance is required to allow outdoor sales areas larger than 1% of the total site area but in no case more than 5,000 square feet per Section 12-5-15.2.F of the Zoning Ordinance.

The proposed plant staging area is 179' by 108' for a total of 19,332 square feet.

Plant Staging Area Added in 2023



Analysis

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.

GOOD AND SUFFICIENT CAUSE

The applicant states that the requested granular surfacing area is for staging and watering plant material that is ready for pick-up & delivery. As such, the plants cannot be placed on pavement because the heat will destroy the root systems. The applicant also states that plants cannot be placed on grass as the plants need to stay watered while waiting for pick-up and would result in a muddy mess with vehicle tracking.

SUBSTANTIAL HARDSHIP

The plants cannot be placed on pavement because the heat will destroy the root systems. The plants can't be placed on grass as the plants need to stay watered while waiting for pick-up and would result in a muddy mess with vehicle tracking.

NON SELF-IMPOSED HARDSHIP

The applicant does not believe the hardship is self-imposed because Code Section 12-5-15.2 allows alternative surfacing for Outdoor Sales, but limits the area to 1% of the total site. The C-2 area is 360,000 sf (1% = 3,600 sf). The granular staging area is 19,332 sf. 1% of the overall total site area including the agricultural zoned area is 32,670 sf (1% of 75 Acres).

PUBLIC INTEREST

The applicant does not believe the request is contrary to the public interest because there are no residents within 800' of the proposed gravel staging area and will ultimately be located behind a future building.

PRESERVING SPIRIT OF ORDINANCE

The applicant states that the plants cannot be placed on pavement because the heat will destroy the root systems. In addition, the plants cannot be placed on grass as the plants need to stay watered while waiting for pick-up and would result in a muddy mess with vehicle tracking.

Conclusion

ALTERNATIVES TO REQUEST

1. Remove the staging area and utilize the existing outdoor sales areas to accommodate order staging and pickup.
2. Reduce the size the of staging area to the permitted 3,598 sf.

CONDITIONS OF APPROVAL

Staff asks that the Board consider the precedent that would be set by granting the variance and to consider factors that make this request unique from others. Conditions can be placed on the variance approval.

Should the variance request be approved, staff would ask that the following conditions be considered:

1. Make any approval of the variance specific to outdoor sales for permanent nursery businesses, not temporary garden centers, such as those at a home improvement store.
2. Consider limiting the size of outdoor sales areas to a certain square footage or percentage for permanent nursery businesses.

SUMMARY

The applicant is requesting that the property be permitted to have a plant staging area, which is considered outdoor sales, to be larger than the permitted 3,598 square feet. The proposed staging area is 19,332 square feet.

In addition to the staging area, there is approximately 2 acres of existing outdoor sales area within the commercial zoned portion of the site.

To grant the request, a variance is required to allow outdoor sales areas larger than 1% of the total site area but no more than 5,000 square feet per Section 12-5-15.2.F of the Zoning Ordinance.

Staff asks that conditions be applied to the variance to ensure the variance is specific to the subject situation to avoid negative consequences across the City.



CITY OF GRIMES

DEVELOPMENT SERVICES

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 Wednesday 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:** 10/16/2024

Applicant Name: SOUTH 44 FARMS, LLC

Address: 9500 University Ave, Suite 2112, WDM, IA 50266
(Street) (City) (State) (Zip)

Telephone Number: 515-327-0800
(Home) (Work)

E-Mail Address: kjohnson@accuratedevelopment.com

2. **Location of Property**

Street Address: 4400 W. 1st Street

Legal Description: Part of the NW Qtr & NE Qtr, Section 2, T79N, R26W

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.

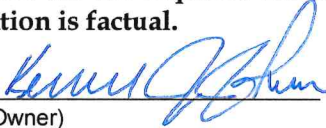
The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

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: 10-15-24
(Owner)

Or: _____ on date: _____
(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.**

The requested granular surfacing area is for staging and watering plant material ready for pick-up & delivery. The plants cannot be placed on pavement because the heat will destroy the root systems. The plants can't be placed on grass as the plants need to stay watered while waiting for pick-up and would result in a muddy mess with vehicle tracking.

- 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.).**

The plants cannot be placed on pavement because the heat will destroy the root systems. The plants can't be placed on grass as the plants need to stay watered while waiting for pick-up and would result in a muddy mess with vehicle tracking.

- 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.**

C-2 zoning does not provide for a landscape business exception to pavement surfacing or grass. Code Section 12-5-15.2. allows alternative surfacing for Outdoor Sales, but limits the area to 1% of the total site. The C-2 area is 360,000 sf (1% = 3,600 sf). The granular surface area is 19,332 sf. 1% of the overall total site area including the Ag zoned area is 32,670 sf (1% of 75 Acres).

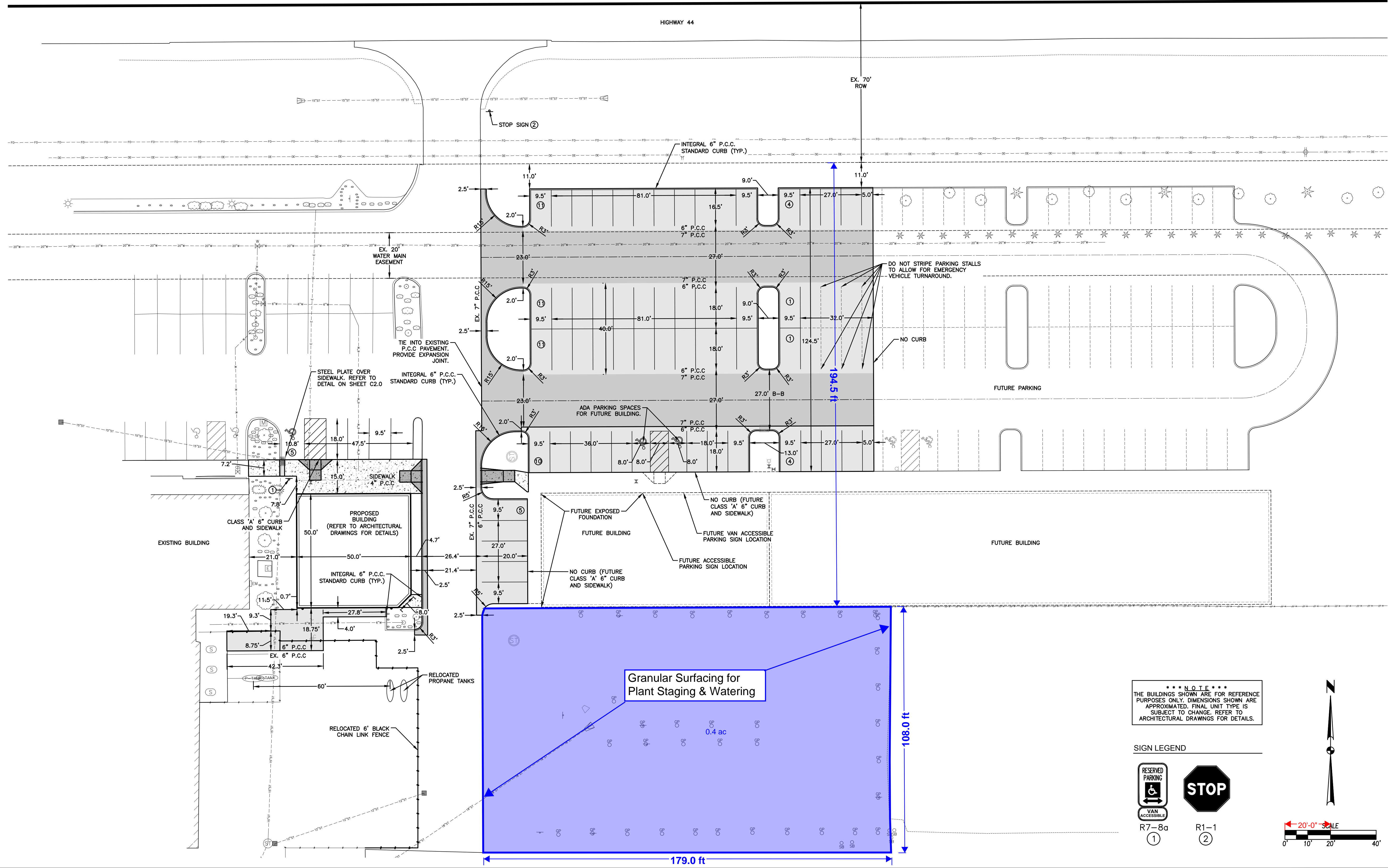
- IV. The variance will not be contrary to the public interest or neighborhood integrity. **The applicant must present information to indicate that the variance will not result in injury or endangerment to other property or persons nor will it devalue nearby property.**

There are no residents within 800' of this area and will ultimately be located behind a future building.

- 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.**

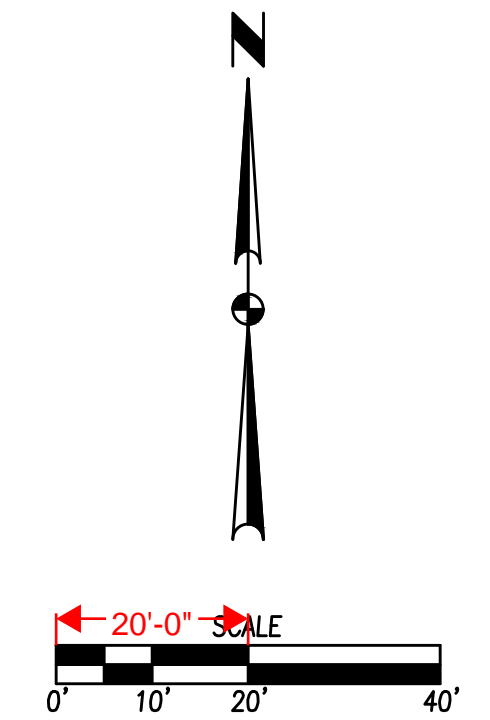
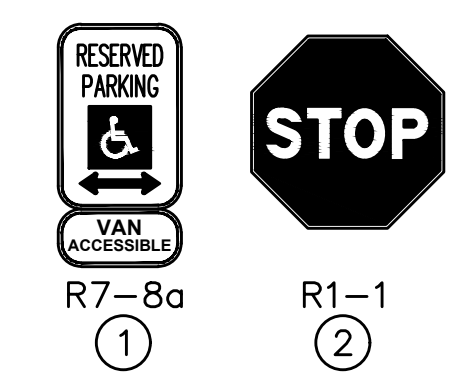
The plants cannot be placed on pavement because the heat will destroy the root systems. The plants can't be placed on grass as the plants need to stay watered while waiting for pick-up and would result in a muddy mess with vehicle tracking.

FILE: H:\2024\2405393\WORK\2405393-SITE PLANS.DWG
 PLOTTED BY: CRAIG MURRAY TECH
 DATE: 8/29/2024 1:19 PM
 COMMENT: ENCL



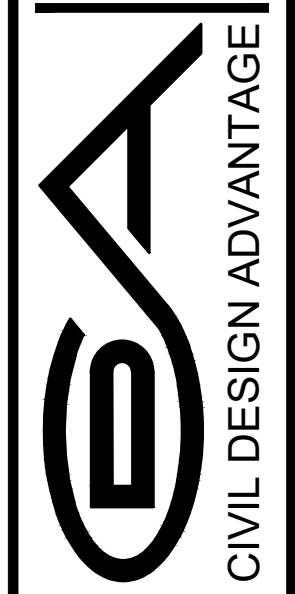
***** NOTE *****
 THE BUILDINGS SHOWN ARE FOR REFERENCE PURPOSES ONLY. DIMENSIONS SHOWN ARE APPROXIMATED. FINAL UNIT TYPE IS SUBJECT TO CHANGE. REFER TO ARCHITECTURAL DRAWINGS FOR DETAILS.

SIGN LEGEND



REVISIONS	DATE
FINAL SITE PLAN SUBMITTAL	08/29/2024
SITE PLAN SUBMITTAL #3	08/20/2024
SITE PLAN SUBMITTAL #2	08/02/2024
SITE PLAN SUBMITTAL #1	07/09/2024

4121 NW URBANDALE DRIVE
 URBANDALE, IA 50322
 PHONE: (515) 369-4400



GRIMES TREE FARM EXPANSION
DIMENSION PLAN

GRIMES, IOWA
 ENGINEER: RDR
 TECH: JDS
C4.0
 2405.393