



**CLIVE BOARD OF
ADJUSTMENT**
AGENDA, REGULAR MEETING
8800 Hickman Road
July 15, 2025 5:30 PM

This meeting will be conducted in-person in the Public Safety Facility Training Room and virtually via Zoom platform. To participate virtually use the following link:

<https://us06web.zoom.us/j/81878042406>

Call to Order

Roll Call

Approval of Meeting Minutes

1. Approve Meeting Minutes 01/21/2025

Staff Report

1. 2025 Legislative Updates

Cases

1. Case #SU25-000001: 1500 NW 118th St- Apiary Schools
2. Case #SU25-000002: 1400 NW 100th Street - Salvation Army Church
3. Case#BOA25-000001: 9051 Swanson Blvd - Calvary Chapel Living Hope

Adjournment

BOARD OF ADJUSTMENT MINUTES
January 21, 2025

This meeting was held in the Clive City Council Chambers. Public access was provided in-person at City Hall and via Zoom. Information on how to access via Zoom was provided on the city's website and on the agenda. The recording of the meeting is available on the city's website at:

https://www.cityofclive.com/boards_and_commissions/board_of_adjustment.php

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

**PRESENT: BREANNE HOCKER, PATRICIA HEMPHILL (via Zoom), ROSIE FITZGERALD,
ABSENT: TERRY BROWN, ROBERT FORTE**

STAFF: GRUTZMACHER, PURVIS, RIVERA

ELECTION OF OFFICERS

MOTION WAS MADE BY HEMPHILL, SECONDED BY HOCKER to postpone the election of officers to the next regularly scheduled meeting

VOTE: YES – UNANIMOUS

MOTION WAS MADE BY HEMPHILL, SECONDED BY HOCKER to approve the April 23, 2024 minutes

VOTE: YES – UNANIMOUS

Case #SU25-000001: 1500 NW 118th ST – Special Use Permit for an Elementary and Secondary School in C-3

The applicant requested a Special Use Permit for an elementary and secondary school located at 1500 NW 118th ST. They expect no more than 600 students at full capacity, however, current plans include approximately 100 students K-8th grade and 20 teachers. The school has recently been accredited by the state.

The school chose this property due to a desire to locate in Clive; the building requires few changes to be used as a school; substantial parking lot accommodates drop-off, pick-up, and queueing; and the unique natural setting.

To mitigate some of the traffic issues, they plan to have staggered drop offs and pickups, crossing guards and bike racks.

Neighbors spoke in opposition to the prospective school:
Sean & Courtney Spellman & Maggie Spellman – 1621 NW 120th ST
Chuck & Vicky Colby – 11721 University AVE
Jo & Jim Wakefield – 1673 NW 120th ST
Suzanne & David Lemon – 1657 NW 20th ST
Ginger Crichton - 1464 NW 120th ST

Concerns stated: traffic congestion, playground too close to the neighboring property, playground in an overland flowage area, playground not flat, too close to lake and children will be drawn to it, people driving on the property at 1621 NW 120th ST, wildlife will be a danger to the children, the project will change the entire neighborhood's environment, homeless people in the area, no guarantee there aren't pedophiles or murderers in the surrounding hotels, etc. They would like a traffic study to be conducted to ascertain the potential traffic impact of the project.

It was determined the case should be continued to a later undetermined date to allow time to complete the traffic study.

MOTION WAS MADE BY HEMPHILL to grant the Special Use Permit for Apiary Leadership Academy at 1500 NW 118th ST - WITHDRAWN

MOTION WAS MADE BY HOCKER, SECONDED BY HEMPHILL to continue the Special Use Permit for Apiary Leadership Academy at 1500 NW 118th ST to a date to be determined

VOTE: YES – UNANIMOUS

Amanda Grutzmacher introduced the new agenda management system, Civic Clerk.

Being no further business before the Board, the meeting was adjourned at 7:12.





Memo

TO: Board of Adjustment members
FROM:
Amanda Grutzmacher, Senior Planner

DATE: July 15, 2025
RE: 2025 Legislative Updates

SYNOPSIS:

The 2025 Legislative Session approved two changes to the Code of Iowa that impacts the Board of Adjustment.

House File 652 establishes a new variance standard in Iowa Code §414.12. Currently, the Iowa Code does not distinguish between use and dimensional variances in the standard for approval. The new standard is applicable to dimensional variances which are included in the new legislation language as "area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking." Variance requests related to these types of matters can be approved where:

1. The variance is not contrary to the public interest, and
2. Owing to special conditions, a literal enforcement of the provisions of the ordinance will result in "practical difficulties" for the property owner in making a beneficial use of the property, and
3. The spirit of the ordinance shall be observed and substantial justice done.

The statute clarifies that a property owner who applies for a dimensional variance must prove the following:

1. The practical difficulties faced are unique to the property at issue, and
2. The practical difficulties faced are not self-created, and
3. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.

The Clive City Code allows "where a use is not expressly listed [in the Principal Permitted Uses Tables), the Community Development Director shall have authority to determine if the use is compatible and consistent with the surrounding environment." As such, the City of Clive does not consider use variances through the Board of Adjustment.

The City is in the process of amending the Zoning Ordinance to be in conformance with HF652. The variance application has not yet been updated to reflect the change from "substantial or unnecessary hardship" to "practical difficulties." Staff has requested an opinion from the City Attorney in order to better understand the new standard and update the application with the best guidance for applicants.

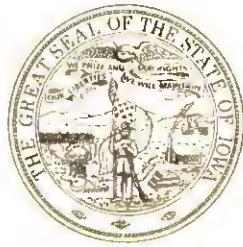
House File 706 HF706 created a requirement that all newly elected and appointed officials of a government body attend training on Iowa's Sunshine laws, codified in Iowa Code Chapters 21 and 22. The Iowa Public Information Board (IPIB) published Advisory Opinion 25AO:0008 with additional guidance. The state requirement only applies to members appointed after July 1, 2025, and re-election or re-appointment to the position does not trigger the training requirement. The City must retain a certificate verifying completion of the training.

IPIB will conduct quarterly, online training and may develop additional in-person or online training resources as needed. The legislation also allows third-party providers to conduct this training after receiving approval of the training by the Iowa Public Information Board (IPIB). Approved trainings must be at least one hour long, but typically should not exceed two hours. Newly elected or appointed officials must complete approved training within 90 days of election, oath of office, or assuming responsibilities when no oath is required.

At this time, the City has not updated procedures in response to the new training requirements. Training regarding the Iowa Sunshine laws may be incorporated in updated procedures for all members, regardless of when they were appointed. Staff will provide additional information to the Board when updates have been made.

Attachments:

1. HF652
2. HF706



STATE OF IOWA
KIM REYNOLDS
GOVERNOR

April 25, 2025

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 652, an Act concerning county and city regulation of real property and the powers granted to a board of adjustment.

The above House File is hereby approved on this date.

Sincerely,

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 652

AN ACT

CONCERNING COUNTY AND CITY REGULATION OF REAL PROPERTY AND THE POWERS GRANTED TO A BOARD OF ADJUSTMENT.


BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 335.15, Code 2025, is amended by adding the following new subsection:

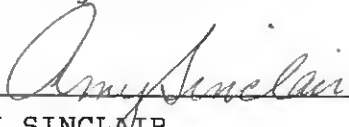
NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

Sec. 2. Section 414.12, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

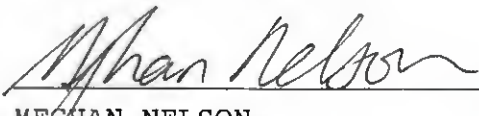


PAT GRASSLEY
Speaker of the House



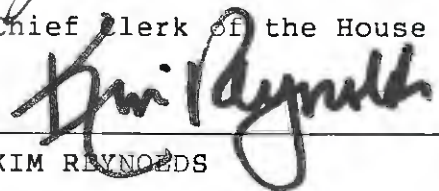
AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 652, Ninety-first General Assembly.



MEGHAN NELSON
Chief Clerk of the House

Approved April 25th, 2025



KIM REYNOLDS
Governor



STATE OF IOWA
KIM REYNOLDS
GOVERNOR

June 6, 2025

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

House File 706, an Act relating to open meetings and open records, providing penalties,
and making penalties applicable.

The above House File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Reynolds".

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



House File 706

AN ACT
RELATING TO OPEN MEETINGS AND OPEN RECORDS, PROVIDING
PENALTIES, AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 21.6, subsection 3, paragraphs a and d, Code 2025, are amended to read as follows:

a. Shall assess each member of the governmental body who participated in its violation damages in the amount of not more than two thousand five hundred dollars and not less than one five hundred dollars. However, if a member of a governmental body knowingly participated in such a violation, damages shall be in the amount of not more than ~~two~~ twelve thousand five hundred dollars and not less than ~~one~~ five thousand dollars. These damages shall be paid by the court imposing it to the state of Iowa, if the body in question is a state governmental body, or to the local government involved if the body in question is a local governmental body. A member of a governmental body found to have violated this chapter shall not be assessed such damages if that member proves that the member did any of the following:

- (1) Voted against the closed session.
- (2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of this chapter.
- (3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney

general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

d. Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter ~~for which damages were assessed against the member during the member's term.~~

Sec. 2. NEW SECTION. 21.12 Member education course required.

1. A newly elected or appointed public official who is a member of a governmental body shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and the governmental body's members under this chapter and chapter 22 not later than the ninetieth day after the date the member does one of the following, as applicable:

- a.* Takes the initial oath of office.
- b.* Assumes responsibilities, if the member is not required to take an oath of office.
- c.* Is elected to the office.

2. The Iowa public information board shall ensure that the training is made available. The Iowa public information board may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity. The Iowa public information board shall ensure that at least one course of training approved or provided by the Iowa public information board is available at no cost.

3. The Iowa public information board or other entity providing the training shall provide a certificate of course completion to persons who complete the training required by this section. A governmental body shall maintain and make available for public inspection the record of the governmental body's members' completion of the training.

a. Completing the required training as a member of the governmental body satisfies the requirements of this section with regard to the member's service on a committee or subcommittee of the governmental body and the member's service

on any other governmental body.

b. The training required by this section may be used to satisfy any corresponding training requirements concerning this chapter and chapter 22 as required by law for the members of a governmental body.

4. If one or more members of a governmental body fail to complete the training required by this section, the failure does not affect the validity of an action taken by the governmental body. However, the member must complete training within sixty days or may be assessed damages as described in section 21.6, subsection 3.

5. This section does not apply to a member of a governmental body if the member or governmental body is excluded from the jurisdiction of the Iowa public information board under section 23.12.

Sec. 3. Section 22.7, Code 2025, is amended by adding the following new subsections:

NEW SUBSECTION. 76. Information obtained from security camera systems operated by the legislative branch monitoring property owned or leased by the state.

NEW SUBSECTION. 77. Information obtained from state employee identification card access systems for buildings and rooms owned or leased by the state.

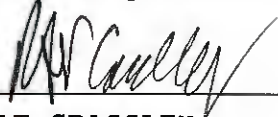
Sec. 4. Section 23.6, subsection 8, Code 2025, is amended to read as follows:

8. After appropriate board proceedings, issue orders with the force of law, determining whether there has been a violation of chapter 21 or 22, requiring compliance with specified provisions of those chapters, imposing civil penalties equivalent to and to the same extent as those provided for in section 21.6, 21.12, or 22.10, as applicable, on a respondent who has been found in violation of chapter 21 or 22, and imposing any other appropriate remedies calculated to declare, terminate, or remediate any violation of those chapters.

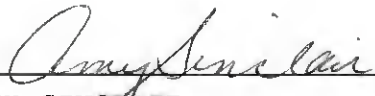
Sec. 5. Section 23.10, subsection 3, paragraph b, subparagraph (1), Code 2025, is amended to read as follows:

(1) Require the respondent to pay damages as provided for in section 21.6, 21.12, or 22.10, whichever is applicable, to the

extent that provision would make such damages payable if the complainant had sought to enforce a violation in court instead of through the board.




PAT GRASSLEY
Speaker of the House

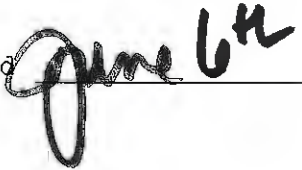


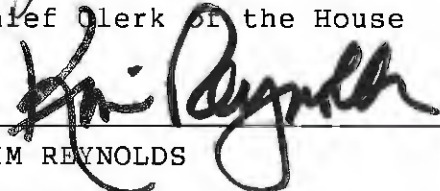
AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 706, Ninety-first General Assembly.



MEGHAN NELSON
Chief Clerk of the House

Approved  , 2025



KIM REYNOLDS
Governor



Memo

TO: Board of Adjustment members
FROM:
Amanda Grutzmacher, Senior Planner

DATE: July 15, 2025

RE: Case #SU25-000001: 1500 NW 118th St- Apiary Schools

SYNOPSIS:

At the January 21, 2025 Board of Adjustment Hearing, the Board voted to continue the action for Case SU25-000001 requesting a Special Use Permit for a private primary school to be located within the C-3 Office Park Commercial District pending receipt of a traffic study and for the applicant to address community concerns brought up at the hearing.

The applicant has advised Staff they wish to withdraw their application for Special Use Permit as they have decided to pursue a different location.

Staff requests the Board to make a motion to accept the withdrawal and close the hearing related to Apiary Schools Special Use Permit request for 1500 NW 118th St.

Attachments:

1. SUP Withdrawal

RE: 1/21 Board of Adjustment

From Michael Shindler <Michael@fergusoncrs.com>

Date Mon 7/7/2025 10:29 AM

To Amanda Grutzmacher <AGrutzmacher@cityofclive.com>; shearer.erin@gmail.com <shearer.erin@gmail.com>

Warning: Unusual sender <michael@fergusoncrs.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good morning, my client decided to pursue a different direction. Thank you.

From: Amanda Grutzmacher <AGrutzmacher@cityofclive.com>

Sent: Wednesday, July 2, 2025 2:23 PM

To: Michael Shindler <Michael@fergusoncrs.com>; shearer.erin@gmail.com

Subject: Re: 1/21 Board of Adjustment

Hi Erin & Michael,

I'm reaching out to follow up on the open special use permit request. Please let me know if you are still intending to submit additional information or if you want to withdraw the request so we can close the file.

Thank you,

Amanda Grutzmacher

Senior Planner | [Community Development](#)



Memo

TO: Board of Adjustment members
FROM: Kathryn Purvis, Planner

DATE: July 15, 2025
RE: Case #SU25-000002: 1400 NW 100th Street - Salvation Army Church

SYNOPSIS:

GENERAL INFORMATION

Applicant: Dan Hull on behalf of The Salvation Army
 Requested Action: Special Use Permit for a religious institution in the C-4 Planned Shopping Center District.
 Location: 1400 NW 100th Street
 Lot 4, Dahls Plaza

LAND USES & ZONING			
Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Property	Office	Commercial- Retail/Services	C-4
North	Single Family Residential	Residential- Low Density	R-1
East	Single Family Residential	Residential- Low Density	R-1
South	Retail	Commercial- Retail/Services	C-4
West	Retail	Commercial- Retail/Services	C-4

BACKGROUND

The subject property was developed in 1989 with an approximately 13,621 square-foot office building. The Salvation Army acquired the property in 2022 for use as an office and community services building; the current uses are permitted in the C-4 Planned Shopping Center District. Recently, the Salvation Army Church has experienced a decline in attendance, leading to the closure of one of the two Des Moines locations. Salvation Army Church desires to relocate the recently closed location to better serve the western metro. Clive City Code Section 11-7-4 "Principal Permitted Uses" states a Special Use Permit is required to operate a Religious Institution in a C-4 Planned Shopping Center Commercial District.

The applicant is requesting a special use permit to approve the use of approximately 2,475 square feet of the existing building for worship services and ancillary needs, such as Sunday school, bible study, and general fellowship. Worship services will take place up to a few days a week and occur outside of office hours. The Salvation Army Church anticipates 50 members attending services at this location. The request is not to change the office use of the building, but rather to allow the additional use of the property when the office is closed.

ANALYSIS

The Board of Adjustment may grant a Special Use Permit provided the Board can make a finding that the use will not adversely affect the health, safety and general welfare of the community. The Board also may require the applicant to modify, alter, adjust or amend the proposal as the Board deems necessary to preserve the intent and purpose of the Zoning Ordinance. The Board must find that the special use permit meets the following criteria:

- That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;
- That such use shall not impair an adequate supply of light and air to surrounding property;
- That such use shall not unduly increase congestion in the streets or public danger of fire and safety;
- That such use shall not diminish or impair established property values in adjoining or surrounding property; and
- That such use will not unduly burden public utilities.

The proposed location, design, construction, and operation of the particular use adequately safeguards the health safety, and general welfare of persons residing or working in adjoining or surrounding property:

The applicant states the proposed use will adequately safeguard the health, safety, and general welfare by only servicing a small congregation, not interrupting the current services the Salvation Army offices provide at this location, and providing additional ways to “engage the neighborhood in community activities” with potential planned events in the future.

That such use shall not impair an adequate supply of light and air to surrounding property:

The proposed use does not propose any substantial exterior modifications and therefore will not impair light or air surrounding the property.

That such use shall not unduly increase congestion in the streets or public danger of fire and safety:

The subject property is served by an existing hard surface driveway and has adequate shared ingress/egress access to the surrounding properties to provide safe circulation and emergency access if needed.

The site contains 32 parking spaces. The existing office use of the property requires 41 parking spaces and is permitted non-conforming due to changes in parking requirements overtime. Religious Institutions are required to provide parking at 10 spaces per 1000 square feet of building area. The small congregation will not cause a noticeable change to the existing traffic on NW 100th Street, or the traffic that circulates through the shared entry to other retail sites near the subject property. The applicant has stated that they have a good relationship with the surrounding properties for any potential spill over during potential special events, and the Salvation Army retail store is

located on the adjacent property with ample parking.

That such use shall not diminish or impair established property values in adjoining or surrounding property:

The proposed use will not diminish established property values, and will continue to operate in a way that “continues to positively impact and enhance the community with their physical, spiritual, emotional, and relational services and programs.”

That such use will not unduly burden public utilities:

There are adequate public utilities to serve the subject property and the proposed additional use.

PUBLIC COMMENT

Notice was sent to the surrounding property owners within 310-feet of the subject site on July 2, 2025. The property was posted with a notice sign on July 7, 2025. To date, no public comments have been received.

SUMMARY

The applicant is requesting approval of a Special Use Permit to allow for a religious institution at 1400 NW 100th Street in the C-4 District.

Staff recommends the conditions required for approval of the Special Use Permit have been met by the applicant. In consideration of potential growth in attendance over time, Staff additionally recommends the special use permit be granted to allow up to 3200 square feet of the existing building to operate as a religious institution, which would allow the religious institution to operate to the fullest extent allowed by the current parking regulations.

Additionally, please be aware that any decision made by the board of adjustment shall not be deemed effective until reviewed and accepted by the City Council at the next regularly scheduled meeting.

Attachments:

- 1. 1400 NW 100th St Special Use Application
- 2. Planning - Meeting Notification Letter
- 3. Public Notification 1400 NW 100th St-Salvation Army
- 4. proposed church worship space shared 2025
- 5. Planning - BOA D&O Special Use Permit



CITY OF CLIVE
 1900 NW 114th Street
 Clive, IA 50325-7077
 Phone (515)223-6221
 Fax (515) 457-3091
 www.cityofclive.com

**APPLICATION FOR
 SPECIAL USE PERMIT**

DATE SUBMITTED
 06/26/2025

APPLICANT INFORMATION		NATURE OF SPECIAL USE											
APPLICANT NAME SALVATION ARMY - DANIEL HULL		LAND USE COMMERCIAL AND RETAIL SERVICES											
ADDRESS 1400 NW 100th St		ADDITIONAL DETAILS, IF APPLICABLE allow up to 3200 square feet of the existing office building to be utilized for worship services outside of the regular office hours.											
CITY, STATE, ZIP Clive, IA 50325													
PHONE 515-282-3599													
FAX													
E-MAIL ADDRESS DANIEL.HULL@USC.SALVATIONARMY.ORG													
PROPERTY LOCATION		ACCEPTANCE OF APPLICANT											
STREET ADDRESS 1400 NW 100th St		I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property. Approval of this request for special use permit 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 Clive or any other applicable agency.											
LEGAL DESCRIPTION LOT 4 DAHLS PLAZA													
ZONING DISTRICT C-4 Planned Shopping Center District													
SUBMITTAL REQUIREMENTS		I certify that I have submitted all the required information to request a special use permit and that such information is factual. I understand that City staff will complete required public notice including, but not limited to, posting a sign on the property and mailing a letter to surrounding property owners.											
For a complete submittal, the following information should be provided:													
<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;"></td> <td style="text-align: right;"><i>Received</i></td> </tr> <tr> <td>Responses to Supporting Information Narrative</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Site Plan</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Application Fee</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Other Relevant Supporting Information</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>					<i>Received</i>	Responses to Supporting Information Narrative	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Application Fee	<input type="checkbox"/>	Other Relevant Supporting Information	<input type="checkbox"/>
	<i>Received</i>												
Responses to Supporting Information Narrative	<input type="checkbox"/>												
Site Plan	<input type="checkbox"/>												
Application Fee	<input type="checkbox"/>												
Other Relevant Supporting Information	<input type="checkbox"/>												
<p>Contact the Community Development Department with questions or for additional information.</p>													
<p>Print Applicant's Name _____</p> <p>Applicant's Signature _____ Date _____</p>													

Supporting Information for Special Use Permit Application

Specifically describe the special use permit being requested.

The Salvation Army would request a special use permit for 1400 NW 100th Street, Clive, IA to allow us to add the use the property as a religious institution in conjunction with our administrative offices, church, food pantry, and distribution center for our community services. The church attendance is anticipated to be up to 50 members. They would be relocating to this building to enhance our congregational life and have direct involvement in our community groups and social services activities. The building currently houses our administrative offices, food pantry, and emergency disaster services. The current office hours are 8 am to 5 pm. The regular food pantry hours are on weekdays from 9 am to 3:30 pm. There are some occasions when the food pantry may occur after 3:30 pm on weeknights or on a Saturday, depending on food availability and demand for those who work during the day. The regular church worship service times would be primarily on Sundays from 8 am to 1 pm. Our current operations involve times where social service groups such as budgeting classes, cooking skills, AA, character building, adult and youth fellowship occur in the building.

Describe the proposed location, design, construction, and operation of the proposed use. Provide supporting information to show the particular use does not affect the health, safety, and general welfare of those living or working in the surrounding area.

The special use would be utilizing the existing building located at 1400 NW 100th Street. The church use would take advantage of using the existing larger multiple-purpose areas with stackable chairs and portable equipment to serve as the congregational worship area as needed. The spaces would be shared as needed to do crafts and/or small group meeting rooms. The existing larger conference room and training/board room would continue to serve as community and small group meeting rooms. The congregation is small, and most activities would be housed within the existing building. It is anticipated that during warm weather, there may be some activity in the grassy area behind our building. These activities would be placed back away from the 100th Street side of the property. Some examples would be an outdoor potluck with tables and chairs, or a family fun fair with a few outdoor games (corn hole, 9 square, balloon animal / craft). If a bounce house or larger games were planned, we would get the required permit. The youth group would have simple yard games to play. During the Fall, a possible trunk or treat event in the parking lot. None of these activities should hurt the surrounding businesses or residents. They will be geared to engage the neighborhood in community activities. A safety concern would be the individuals from the adjacent neighborhood who sometimes (but not lately) come with their motorbikes to do jumps on the sloped area bordering our grassy section, the retention drain depression, and the Fareway property. We have posted no trespassing signs near this area to attempt to reduce this activity for safety and liability reasons.

Provide supporting information to show the proposed use will not impair an adequate supply of light and air to the surrounding property.

The Salvation Army is proposing to locate in an existing building at 1400 NW 100th Street. No notable impacts to the existing light and air supply surrounding the property are anticipated.

Provide supporting information to show the proposed use will not unduly increase congestion in the streets or public danger of fire and safety.

The congregation is small anticipated that fifty members would regularly attend at any one time. The average has been more would be more likely forty. If there is an event that we anticipate will require additional parking, we would check with the neighboring businesses closest to us to seek a shared parking agreement to use their parking lot as overflow parking. One of the neighboring businesses leases to The Salvation Army Thrift Store and there are existing stairs to that parking area as well as a stop sign at the access street in front of our building.

We currently use the bathrooms, the large boardroom, and the training room as our designated severe weather sheltering areas in that order.

Provide supporting information to show the proposed use will not diminish or impair established property values in the surrounding area.

The church operations would not have an impact on the adjacent residential properties nor their value. The anticipated church uses will not be during late-night hours. Our EDS canteen services have been operating for the last several years at our location without disturbing or causing any negative impact. At the times we have had emergency call outs of the canteen /responses to support first responders and survivors of fires and natural disasters; the adjacent residents have not been affected nor are they usually aware of the operations occurring.

We serve a diverse population and their needs through our social services and our church. The individuals who come to our Clive location are members of our community. The Salvation Army has and will continue to positively impact and enhance our community with our physical, spiritual, emotional, and relational services and programs.

Provide supporting information to show the proposed use will not unduly burden public utilities.

The Salvation Army is proposing a church use in an existing building at 1400 NW 100th Street. The property is adequately served by public utilities. The number of users will not significantly increase the volume and use of utilities that would unduly burden the public utilities.

Describe how the requested special use permit is consistent with the spirit and intent of the Zoning Ordinance.

The zoning allows for administrative, social services, and community meetings. The Special Use permit will allow us to enhance the existing service and care to the community. The congregational members will aid and volunteer in our existing food pantry and services. The worship services are conducted when the main office is closed, but use some of the same spaces are shared use.



July 02, 2025

Re: 1400 NW 100TH ST - Salvation Army Church Special Use

Dear Property Owner:

Daniel Hull has petitioned the City of Clive to review a Special Use Permit to allow up to 3200 square feet of the existing office building to be utilized for worship services outside of the regular office hours.

The Clive Board of Adjustment will receive public input on this application during their meeting at 5:30 p.m., July 15, 2025, in the Public Safety Facility Training Room, 8800 Hickman Road, Clive. You may attend this meeting in person at the address above, or virtually via Zoom. Zoom Meeting ID and call-in number will be published on the agenda for the meeting. Meeting agendas are available on the City's website at http://www.cityofclive.com/connect/boards_and_commissions/

As a neighboring property owner, you are being notified and invited to present your views concerning this application, either verbally by attending the meeting, or in writing. Written comments must be received by the City prior to the Board of Adjustment meeting. Written comments should be addressed to the City of Clive, City Planner, 1900 NW 114th ST, Clive IA 50325 or by email at the address below

If you know of any interested parties who have not received a copy of this letter, we would appreciate it if you would inform them of the time, date and place of the Board of Adjustment meeting. If you have any questions concerning this application or if you would like additional information, please call the Community Development Department at (515) 223-6221.

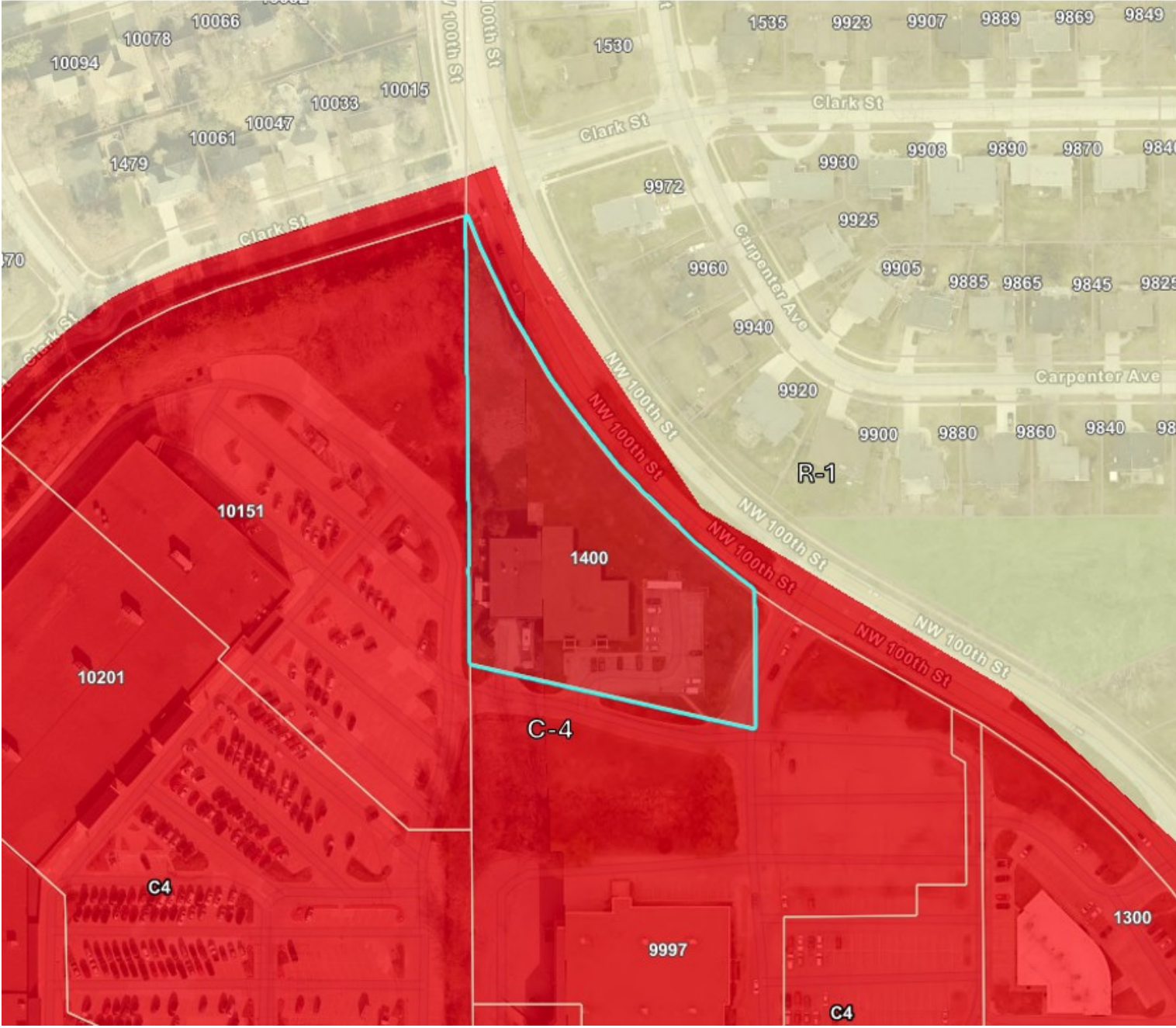
Sincerely,

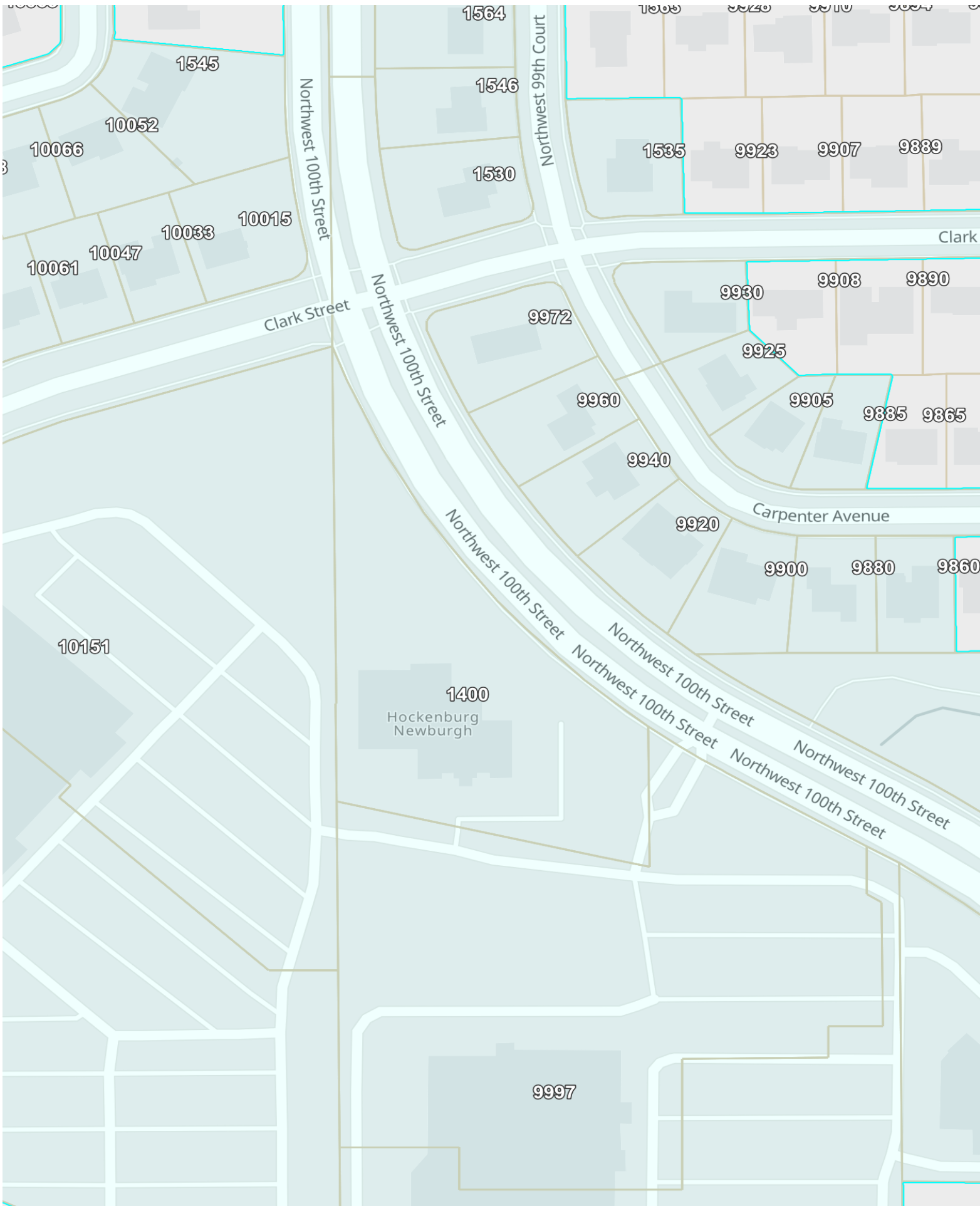
A handwritten signature in cursive script that reads "Kathryn Purvis".

Kathryn Purvis

KPURVIS@CITYOFCLIVE.COM

LOCATION MAP





ALLEN, PATRICIA A
9860 CARPENTER AVE
CLIVE, IA 50325-6408

MCGRATH, DREW
1535 NW 99TH CT
CLIVE, IA 50325-6748

THE SALVATION ARMY
5550 PRAIRIE STONE PKWY
HOFFMAN ESTATES, IL 60192-3713

MENDENHALL, LARISA
9925 CARPENTER AVE
CLIVE, IA 50325-6412

YARDLEY, LORI
9960 CARPENTER AVE
CLIVE, IA 50325-6411

MAUER, BRIAN
10061 CLARK ST
CLIVE, IA 50325-6751

MCCARTNEY, CHLOE
10033 CLARK ST
CLIVE, IA 50325-6751

TAYLOR, KENNETH E
9920 CARPENTER AVE
CLIVE, IA 50325-6411

RYAN, TIMOTHY J
10015 CLARK ST
CLIVE, IA 50325-6751

BRODERS, KEVIN C
1564 NW 99TH CT
CLIVE, IA 50325-6755

BACUYAG, VICKI D
9885 CARPENTER AVE
CLIVE, IA 50325-6407

COSENTINO, ERIC
10052 NW 100TH PL
CLIVE, IA 50325-6710

CITY OF CLIVE
1900 NW 114TH ST
CLIVE, IA 50325-7077

KNAPP PROPERTIES
5000 WESTOWN PKWY STE 400
WEST DES MOINES, IA 50266-5921

FAREWAY STORES INC
PO BOX 70
BOONE, IA 50036-0070

BARKLEY, MARTY L
10047 CLARK ST
CLIVE, IA 50325-6751

GRADY, LIZABETH
1530 NW 99TH CT
CLIVE, IA 50325-6755

IHWOP LLC
4350 WESTOWN PKWY STE 100
WEST DES MOINES, IA 50266-1052

JENKS, DAVID
10066 NW 100TH PL
CLIVE, IA 50325-6710

MOTRONI, AMANDA S
1546 NW 99TH CT
CLIVE, IA 50325-6755

TASLER, BRADLEY F
1545 NW 100TH PL
CLIVE, IA 50325-6703

JASSO, REYNA
9972 CLARK ST
CLIVE, IA 50325-6758

BRAUER, MARK D
9880 CARPENTER AVE
CLIVE, IA 50325-6408

BUYERS REALTY
4350 WESTOWN PKWY STE 100
WEST DES MOINES, IA 50266-1052

BINGMAN, CHARLES
9940 CARPENTER AVE
CLIVE, IA 50325-6411

LINES, VALORIE
9900 CARPENTER AVE
CLIVE, IA 50325-6411

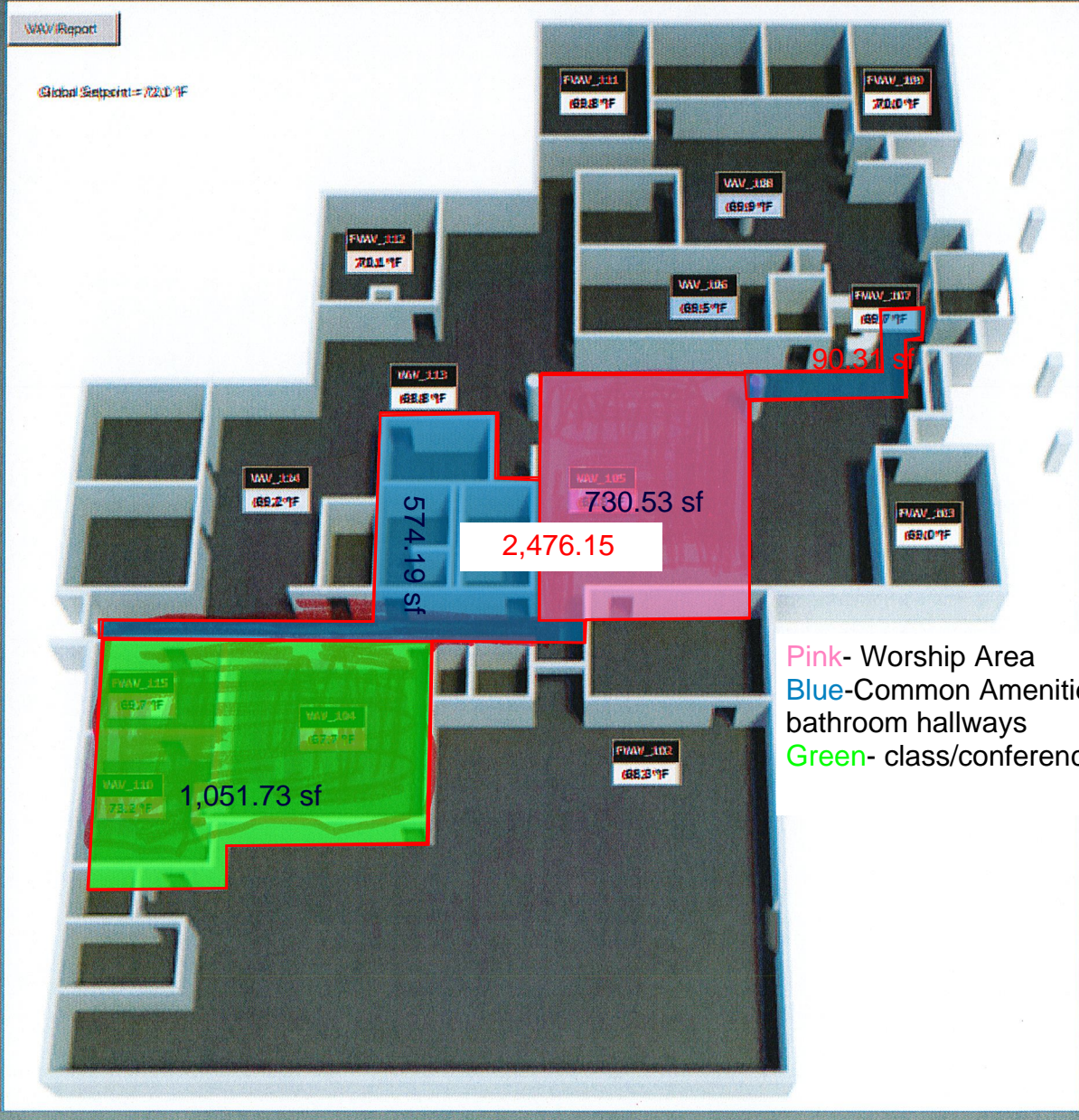
VALLEY COURT DEVELOPMENT LLC
4350 WESTOWN PKWY STE 100
WEST DES MOINES, IA 50266-1052

BURGESS, STEVEN L
9905 CARPENTER AVE
CLIVE, IA 50325-6412

ANDERSON, JOHN AND PAMELA
9930 CLARK ST
CLIVE, IA 50325-6732

The Salvation Army Floor Plan

Graphic



PROPOSED
WORSHIP USE - SHARED
SPACE



**ZONING BOARD OF ADJUSTMENT
CITY OF CLIVE, IOWA
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the property. A Certificate of Occupancy must be obtained before any structure is occupied or reoccupied after a change of use. Any conditions allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The conditions allowed by this Order must commence within **90 days** or this Order will be void and of no further force and effect.

CASE NUMBER: SU25-000002

APPLICANT: Daniel Hull on behalf of the Salvation Army

PROPERTY: 1400 NW 100TH ST

PUBLIC HEARING: Jul 15, 2025

LAND USE REQUESTED: Religious institution

FINDINGS OF FACT

Testimony was taken at the public hearing at 8800 Hickman Road, Clive, Iowa on Jul 15, 2025. At that hearing, Kathryn Purvis, Planner, represented the City of Clive. Daniel Hull were present on behalf of the applicant.

The following information was presented at the hearing:

1. The subject property is located at 1400 NW 100th Street in a C-4 Shopping Center Commercial District.
2. The subject property is legally described as Lot 4, Dahls Plaza, an official plat in Clive, Polk County, Iowa.
3. At the time of the public hearing and deliberation by the Board, the subject property was owned by The Salvation Army.
4. Clive City Code Section 11-7-4 "Principal Permitted Uses" states a Special Use Permit is required to operate a Religious Institution in a C-4 Planned Shopping Center Commercial District.

5. The applicant is requesting a special use permit to approve the use of approximately 2,475 square feet of the existing building for worship services and ancillary needs, such as Sunday school, bible study, and general fellowship.
6. The site contains 32 parking spaces. The existing office use of the property requires 41 parking spaces and is permitted non-conforming due to changes in parking requirements overtime.
7. Clive City Code Section 11-13-8 "Number of Parking Spaces Required" states Religious organizations are required to provide 1 space per 4 fixed seats; in cases where an auditorium is not involved, 10 per 1,000 square feet of gross floor area.
8. The subject property provides parking to allow up to 3,200 square feet of the existing building to operate as a religious institution and remain in compliance with Section 11-13-8.
9. The applicant states the proposed use will adequately safeguard the health, safety, and general welfare by only servicing a small congregation, not interrupting the current services the Salvation Army offices provide at this location, and providing additional ways to "engage the neighborhood in community activities" with potential planned events in the future.
10. The proposed use does not propose any substantial exterior modifications and therefore will not impair light or air surrounding the property.
11. Local data indicates the proposed use will not diminish established property values. The applicant will operate in a way that "continues to positively impact and enhance the community with their physical, spiritual, emotional, and relational services and programs."
12. There is adequate public utilities to serve the subject property and the proposed use.
13. The subject property is served by an existing hard surface driveway and has adequate shared ingress/egress access to the surrounding properties to provide safe circulation and emergency access if needed.
14. Public notice was sent to surrounding property owners within 310-feet of the subject site on July 2, 2025.
15. A public notification sign was posted on the property on July 7, 2025.

DECISION AND ORDER

Based upon this information and its interpretation of the cited code provisions, the general sentiment of the Board is that:

1. The requested land use **WILL / WILL NOT** affect the health, safety, and general welfare of those living or working in the surrounding area.
2. The requested land use **WILL / WILL NOT** impair an adequate supply of light and air to the surrounding properties.
3. The requested land use **WILL / WILL NOT** unduly increase congestion in the streets or public danger of fire and safety.
4. The requested land use **WILL / WILL NOT** diminish or impair established property values in the surrounding area.
5. The requested land use **WILL / WILL NOT** unduly burden public utilities.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested special use permit for Religious institution for the above-described property for Case # SU25-000002 - 1400 NW 100TH ST is:

_____ DENIED

_____ GRANTED AS REQUESTED

_____ GRANTED AS FOLLOWS:

To allow up to 3,200 square feet of the existing building to operate as a religious institution.

Signed and entered into record on the _____ day of _____, 2025.

Robert Forte, Chair

Kelly Rivera, Secretary



Memo

TO: Board of Adjustment members
FROM: Amanda Grutzmacher, Senior Planner

DATE: July 15, 2025
RE: Case#BOA25-000001: 9051 Swanson Blvd - Calvary Chapel Living Hope

SYNOPSIS:

GENERAL INFORMATION

Applicant: Steve Freeman on behalf of Calvary Chapel Living Hope
 Requested Action: Approve a variance to section 11-13-8 of the Clive Code of Ordinances to allow an off-site parking agreement to satisfy parking requirements
 Variance to Section: 11-13-8 "Number of Parking Spaces Required"
 Location: 9051 Swanson Blvd
 Lot 1, Westtown Industrial Park

LAND USES & ZONING			
Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Property	Office	Industrial	M-1
North	One and two family residential	Residential Low Density	R-2
East	One and two family residential	Residential Low Density	R-2/ TC-4
South	Open Space	Industrial/ Open Space	FF/ TC-4
West	Light industrial retail services	Industrial	M-1

RELEVANT CASE HISTORY		
Case	Address	Summary
BOA24-000005	2249 NW 86th St	Request for variance to reduce the number of required parking spaces by 12 to support a new restaurant use based on provided performance evaluations. (Granted)

19-1013	9901 University Ave	Variance to Section 11-13-8: utilizing two separate parking easements located off site to accommodate the needed additional 27 spaces for an additional restaurant use in a strip center. (Granted)
19-1007	12000 Hickman Rd	Request for variance to reduce the number of required parking spaces by 9 to support the expansion of the entry gate facility. (Granted)
16-1025	9900 Swanson Blvd	Request for variance to reduce the number of required parking spaces by 23 to support the expansion of The Front Row. (Granted)
14-2003	7500 University Ave	Request for variance to reduce the number of required parking spaces by 2 to allow for an expanded restaurant for Namaste. (Granted)

BACKGROUND

The subject property is developed with an office building constructed in 1997 and most recently utilized by Big Brothers Big Sisters of Central Iowa. The existing building is 4,144 square feet, including a 700-square-foot interior garage space. Calvary Chapel Living Hope, a religious institution, has entered into a purchase agreement for the subject property. The applicant is requesting a variance to allow the use of an off-site parking easement agreement with the adjacent property to satisfy a portion of the required parking spaces for their operations.

The subject property is an irregular-shaped lot and was platted in conformance with the City of Clive's Subdivision regulations. The site currently contains 20 spaces, including the interior garage space. The Clive City Code Section 11-10-2 Principal Permitted Uses states that religious institutions are permitted in M-1 Districts. Clive City Code Section 11-13-8 states required parking for religious organizations where an auditorium with fixed seats is not involved is calculated as 10 spaces per 1,000 square feet of gross floor area, which would require a minimum of 35 parking spaces to be available on site for the religious institution use.

The applicant is requesting a variance to utilize an off-site parking agreement with the adjacent property to provide a portion of the required parking. Under the proposed parking agreement, a total of 40 parking spaces will be available for use by the proposed religious institution. Additionally, the subject property parking lot will be brought into compliance with current accessible parking requirements.

ANALYSIS

Variations are designed to grant relief from the Ordinance, which, if strictly imposed, would deny a property owner reasonable use of the land and would therefore create undue hardship. Applicants are required to prove that a hardship exists by demonstrating that the overall integrity of the area will not be diminished, a reasonable use cannot be made, the situation is unique, and the hardship is not self-imposed.

The zoning ordinance does not include a mechanism for staff to administratively

approve off-site parking easements to satisfy on-site parking requirements. The proposed parking agreement will allow church attendees to utilize a portion of the parking lot on the adjacent property during that business's off hours.

Hardship

The applicant states that "If the variance is not granted, we would not be able to purchase the property due to being unable to use it as a church." If the variance is not granted, the size of the building under the current parking ordinance would restrict the full use of the building as a religious institution based on the available parking on site. Only permitted uses requiring 4 or fewer parking spaces per 1,000 square feet of gross floor area would be able to utilize the property.

The applicant states that "The property is unique due to the irregular shape of the lot. Due to the triangular shape, the easternmost approximately 100 feet of the lot is unusable for any improvements to the property. The property has provided the maximum amount of parking feasible while maintaining safe vehicular movements and meeting all other zoning requirements related to parking space size, layout, and setbacks."

The applicant states that "Based on the number of families that arrive with multiple people in a vehicle, we believe the parking provided by the parking agreement with our neighbor to the west, in addition to our own parking, will more than suffice for the use of the property as a church."

Staff advises that the subject property is unable to construct additional parking on-site due to the layout of the existing improvements, even though there is an excess of required open space. There is also not an opportunity to acquire land to construct additional parking as the property is adjacent to the railroad to the north and east. Other minimum requirements for the site, such as required parking setbacks and open space, are being met.

Public Interest and Neighborhood Integrity

When considering the granting of a variance, it is always important to consider the implied precedent that may be established by granting said variance. The applicant states that their use protects the public interest by: "... the parking available at our neighbor's lot is closely aligned. Both provide direct access to the building, either via a short walk on the sidewalk or a short walk across the grass." This reduces the impact on surrounding properties as the parking agreement allows the necessary parking to be provided off of public streets or extended into the surrounding neighborhoods.

Spirit of the Ordinance

It is the intent of the Ordinance to create a uniform standard for developments within the City.

With respect to parking, it is the intent to establish minimum parking requirements to ensure that parking lots function in a safe and efficient manner for both automobiles and pedestrians. Additionally, the minimum parking requirements are intended to ensure

there is not a negative impact to surrounding properties from an excess of off-site parking. The applicant states "The variance is consistent with the spirit and intent of the Zoning Ordinance because it helps provide adequate and safe parking access for attendees to the property [through the use of the parking agreement]." Additionally, off-site impacts of granting a reduction in on-site parking will be limited by the absence of street parking on Swanson Boulevard and the barrier created by the railroad tracks.

Other Available Options

Other available options for the applicant include:

1. purchase a different property that allows enough parking on-site to meet the parking ordinance

PUBLIC COMMENT

Notice was sent to the surrounding property owners within 310-feet of the subject site on July 2, 2025. Notice was posted on the Site July 7, 2025. To date, staff has received no public comments.

SUMMARY

The applicant is requesting approval of a variance to Section 11-13-8 to allow for an off-site parking agreement to satisfy a portion of the required parking for a religious institution.

Additionally, please be aware that any decision made by the board of adjustment shall not be deemed effective until reviewed and accepted by the City Council at the next regularly scheduled meeting.

Attachments:

1. 9051 Swanson Variance Application
2. Notification Letter and Mail list
3. Section 11-13-8
4. Proposed building improvements
5. Proposed Site Plan Amendment
6. Proposed Parking Agreement
7. Decision & Order



CITY OF CLIVE
 1900 NW 114th Street
 Clive, IA 50325-7077
 Phone (515)223-6221
 Fax (515) 457-3091

APPLICATION FOR VARIANCE

	DATE SUBMITTED									
APPLICANT INFORMATION	NATURE OF VARIANCE									
APPLICANT NAME	CODE SECTION(s)									
ADDRESS	SPECIFIC VARIANCE REQUEST									
CITY, STATE, ZIP										
PHONE										
FAX										
E-MAIL ADDRESS										
PROPERTY LOCATION	ACCEPTANCE OF APPLICANT									
STREET ADDRESS	<p>I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property.</p> <p>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 Clive or any other applicable agency.</p> <p>I certify that I have been denied a Building/Zoning permit and I have submitted all the required information to request for a variance and that such information is factual.</p> <p>I understand that City staff will complete required public notice including, but not limited to, posting a sign on the property and mailing a letter to surrounding property owners.</p>									
LEGAL DESCRIPTION										
ZONING DISTRICT										
SUBMITTAL REQUIREMENTS										
<p>For a complete submittal, the following information should be provided:</p> <table style="width:100%; margin-left: 20px;"> <tr> <td style="text-align: right;"><i>Received</i></td> <td></td> </tr> <tr> <td>Responses to Supporting Information Narrative</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Site Plan</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Application Fee</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other Relevant Supporting Information</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p>Contact the Community Development Department with questions or for additional information.</p>		<i>Received</i>		Responses to Supporting Information Narrative	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Application Fee	<input type="checkbox"/>	Other Relevant Supporting Information
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Site Plan	<input type="checkbox"/>									
Application Fee	<input type="checkbox"/>									
Other Relevant Supporting Information	<input type="checkbox"/>									
	<p>_____</p> <p>Print Applicant's Name</p> <p>_____</p> <p>Applicant's Signature</p> <p>_____</p> <p>Date</p>									

Supporting Information for Variance Application

Specifically describe the variance being requested.

Describe the nature of the unnecessary hardship. To meet this test, the applicant must show that all beneficial use and/or enjoyment of the property will be lost if the variance is not granted.

Describe the unique circumstances of the property. To meet this test, the applicant must show that the physical circumstances of the property are unlike properties in the vicinity or elsewhere in the City with similar zoning requirements.

Describe why the hardship is not self-imposed. To meet this test, the applicant must show that the unnecessary hardship is being caused by the strict interpretation of the Zoning Ordinance, and not by a proposed or past action of the owner, the applicant, or some other person.

Describe how the requested variance will protect the public interest. To meet this test, the applicant must show that the requested variance will not result in injury or endangerment to other property or persons, nor devalue nearby property.

Describe how the requested variance is consistent with the spirit and intent of the [Zoning Ordinance](#) and [Clive's Comprehensive Land Use Plan](#).

Describe the alternatives considered to ensure the variance requested is the minimum variance necessary to relieve the unnecessary hardship.



July 02, 2025

Re: 9051 SWANSON BLVD - Calvary Chapel Living Hope

Dear Property Owner:

Steve Freeman has petitioned the City of Clive to review a Variance Permit to accept an off-site parking agreement to satisfy a portion of the required parking for a religious institution.

The Clive Board of Adjustment will receive public input on this application during their meeting at 5:30 p.m., July 15, 2025, in the Public Safety Facility Training Room, 8800 Hickman Road, Clive. You may attend this meeting in person at the address above, or virtually via Zoom. Zoom Meeting ID and call-in number will be published on the agenda for the meeting. Meeting agendas are available on the City's website at http://www.cityofclive.com/connect/boards_and_commissions/

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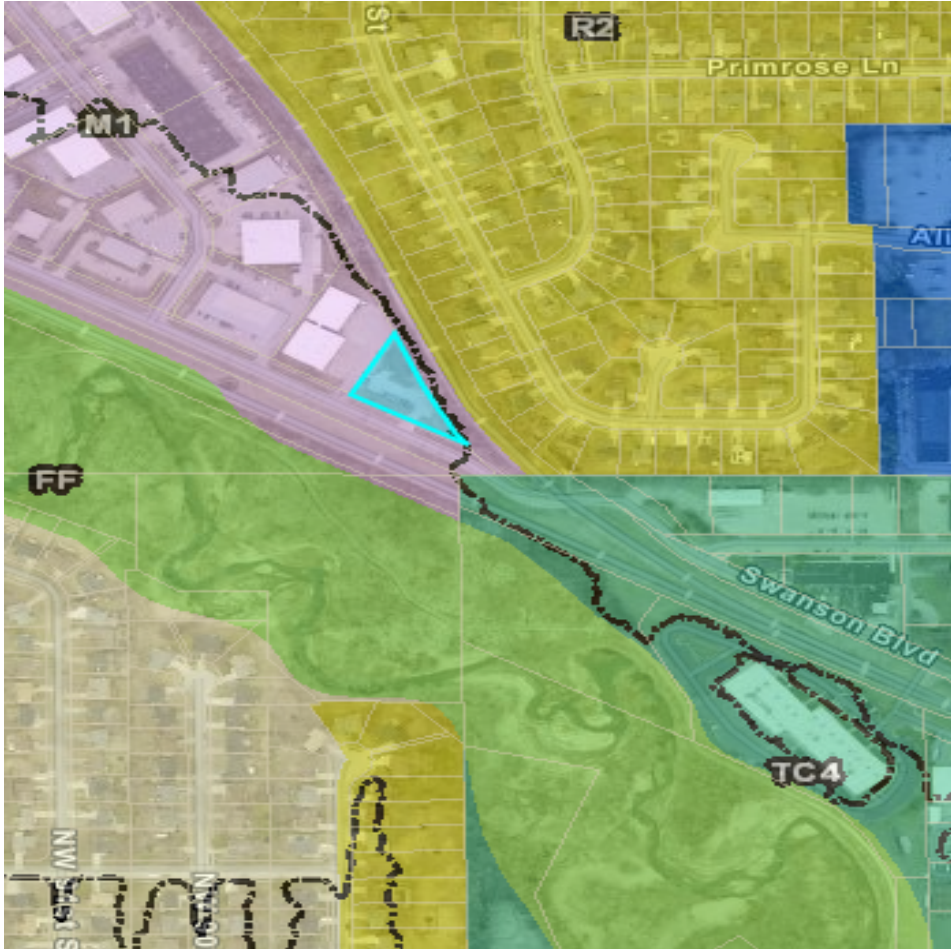
Sincerely,

A handwritten signature in cursive script that reads "Amanda Grutzmacher".

Amanda Grutzmacher

AGRUTZMACHER@CITYOFCLIVE.COM

LOCATION MAP



RAINTREE PROPERTIES LLC
4635 GRAYHAWK RIDGE DR
SIOUX CITY, IA 51106-9716

THANG, LIAN
8905 LUIN DR
CLIVE, IA 50325-5467

NORFOLK SOUTHERN RY
650 W PEACHTREE ST NW
ATLANTA, GA 30308-1925

CITY OF CLIVE
1900 NW 114TH ST
CLIVE, IA 50325-7077

BOWLING, JOHN E
1800 NW 90TH ST
CLIVE, IA 50325-5451

WALTERS TRUSTS
8925 LUIN DR
CLIVE, IA 50325-5467

PTASNIK, JEANETTE
1860 NW 90TH ST
CLIVE, IA 50325-5451

BURROWS, JOSHUA W
1847 NW 90TH ST
CLIVE, IA 50325-5455

MARTURELLO, MICHAEL D JR
1884 NW 90TH ST
CLIVE, IA 50325-5451

ROBERTS, VICTOR J
1815 NW 90TH ST
CLIVE, IA 50325-5455

MAURATH, ANTON
1835 NW 90TH ST
CLIVE, IA 50325-5455

HARRIS, JODI R
1812 NW 90TH ST
CLIVE, IA 50325-5451

CHENG, AH FU
1912 NW 90TH ST
CLIVE, IA 50325-5459

BIG BROTHERS BIG SISTERS
9051 SWANSON BLVD
CLIVE, IA 50325-6913

HARDY, TRACIE
1848 NW 90TH ST
CLIVE, IA 50325-5451

ROHE, NATHAN
1855 NW 90TH ST
CLIVE, IA 50325-5455

FASANO, FRANK
1900 NW 90TH ST
CLIVE, IA 50325-5459

DANIELS, ABRAHAM N
1824 NW 90TH ST
CLIVE, IA 50325-5451

TOBIN, NORA K
1872 NW 90TH ST
CLIVE, IA 50325-5451

HUBBELL REALTY COMPANY
6900 WESTOWN PKWY
WEST DES MOINES, IA 50266-2520

KAYLA A STROH REVOCABLE TRUST
13563 VILLAGE CT
CLIVE, IA 50325-8510

A&J DEVELOPMENT LLC
1901 NW 92ND CT
CLIVE, IA 50325-5449

11-13-8 NUMBER OF PARKING SPACES REQUIRED:

In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use that is mentioned and to which said use is similar shall apply, as determined by the community development director. All following requirements listed are the minimum that must be met:

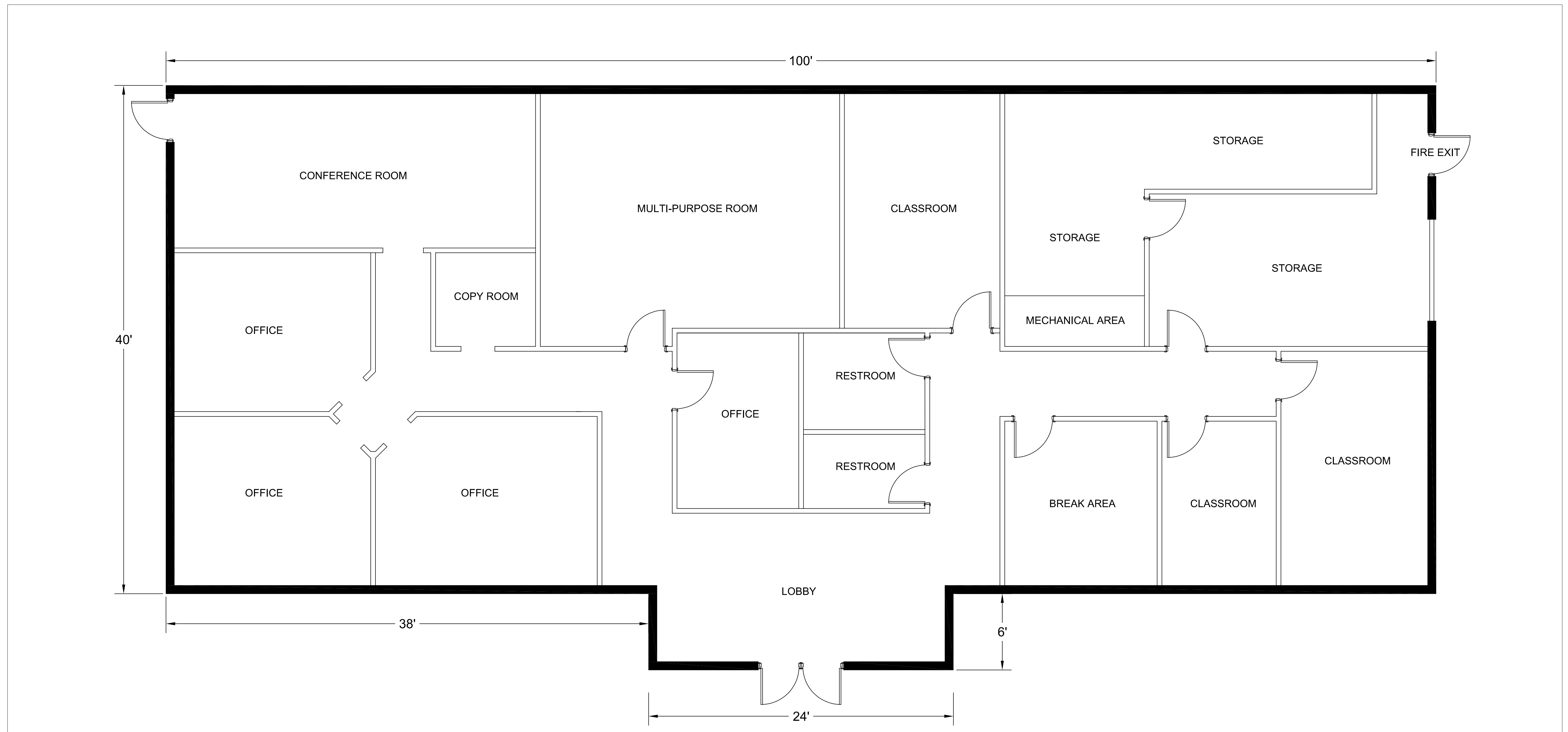
1. **Development Applications:** Development applications, which exceed the minimum requirements up to twenty five percent (25%), shall be required to provide additional open space and landscaping within the site, equal to or greater than the area of parking in excess of the minimum required. For purposes of this chapter, a parking stall shall be calculated as two hundred ninety (290) square feet. This additional open space shall be in addition to the minimum open space required for the site.
2. **Request For Additional Parking:** In the case of a request to exceed the minimum parking requirements by more than twenty five percent (25%), the city council may approve or conditionally approve the additional parking subject to demonstration of need. In determining if the proposed parking is needed, the city council may request a market analysis, estimated employee count, floor plans or other similar materials justifying the need. In no case shall the additional parking be approved without providing additional open space within the site, equal to or greater than the area of parking in excess of the minimum required. This additional open space shall be in addition to the minimum open space required for the site. Additionally, the city council may conditionally approve the additional parking subject to a phased construction schedule, creative surfacing for overflow parking areas or additional open space and/or landscaping.

PARKING REQUIREMENTS

Use	Parking Spaces Required
Animal boarding/kennels	3.0 spaces per 1,000 square feet
Assisted living centers	1 space per 2 dwelling units, plus 1 per staff
Auditoriums and gymnasiums	1 space per 4 seats
Automotive repair stations	3 spaces per service bay; 1 space per service vehicle; 2.5 spaces per 1,000 square feet of nonservice area
Automotive sales	1 per 1,000 square feet of gross floor area, plus 1 per 5,000 square feet of developed area
Banks	3.0 spaces per 1,000 square feet of gross floor area
Barber, beauty shops	2 spaces per chair or beautician station
Bowling centers	3 spaces per lane; 5 spaces per 1,000 square feet of floor area for associated eating and drinking places
Car wash, drive-through oil change	3 spaces per 1,000 square feet; queuing capacity equal to 2 per service capacity
Car washes - self-service	5 spaces per wash bay, plus 2 queuing spaces per bay
Childcare center	1 space per 6 students, 5 spaces minimum; 1 space per each van or bus, plus 1 queue space per 6 students
Commercial entertainment	1 space per 1,000 square feet of outdoor area and building combined
Consumer fireworks	10 spaces per 1,000 square feet of gross floor area

sales	
Convenience stores	5 spaces per 1,000 square feet of gross floor area
Dance and assembly halls, theaters, events centers, auditoriums and gymnasiums	1 space per 4 fixed seats. In the case of no fixed seats, 20 spaces per 1,000 square feet
Delicatessen/donut shop/coffee bar	10 spaces per 1,000 square feet of gross floor area
Display fireworks sales	1 space per 1,000 square feet of gross floor area, or 1 space per 2 employees, whichever is greater
Drinking establishments/lounge	20 spaces per 1,000 square feet of gross floor area
Drive-through lane	5 queuing spaces from the order board for food related uses 3 queuing spaces from window for all other nonfood related uses
Driving ranges	2 per tee area; additional spaces as required for accessory uses
Elementary and junior high schools	1 space per 2 employees, plus auditoriums and gymnasiums - 1 space per 4 seats
Fitness centers/health clubs	2.25 spaces per 1,000 square feet of gross floor area
Funeral homes/mortuary	1 space per 4 fixed seats. In cases of no fixed seats, 10 spaces per 1,000 square feet of assembly area
Furniture, carpet/appliance retail	2.5 spaces per 1,000 square feet of gross floor area
Golf courses	6 spaces per hole; additional spaces as required for accessory uses
Grocery stores	4 spaces per 1,000 square feet of gross floor area
Hotels and motels	1 space per guestroom; additional spaces as required by accessory services
Independent living facilities	1.25 spaces per dwelling unit, plus 1 visitor space per 5 dwelling units
Industrial or manufacturing facility	1.5 spaces per 1,000 square feet of gross floor area
Medical office/clinic	3 spaces per 1,000 square feet of gross floor area
Multi-family dwelling	2 spaces per dwelling unit; 1 visitor space per 5 dwelling units
Outdoor service area (refer to section 11-4-9 of this title for additional requirements):	0-300 sq. ft. 0 spaces 301 sq. ft. and up 10 spaces per 1,000 square feet of gross floor area
Professional/business office	3.0 spaces per 1,000 square feet of gross floor area
Religious organizations	1 space per 4 fixed seats; in cases where an auditorium is not involved, 10 per 1,000 square feet of gross floor area
Restaurant - fast food	15 spaces per 1,000 square feet of gross floor area
Restaurant - sit down, non-fast food	15 spaces per 1,000 square feet of gross floor area
Retail, general commercial	4 spaces per 1,000 square feet of gross floor area
Secondary schools, colleges and universities, and vocational schools	1 space per classroom; 1 space per 4 student seats at capacity Auditoriums and gymnasiums, 1 space per 4 seats

Self-storage and miniwarehousing	1 space per 20,000 square feet gross floor area; 1 space per 50,000 square feet of vehicle or boat storage spaces; office space equal to office space requirement
Single-family dwelling	2 spaces per dwelling unit
Townhomes	2 spaces per dwelling unit; 1 visitor space per 5 dwelling units
Warehousing	1 space per 1,000 square feet of gross floor area or 1 space per 2 employees, whichever is greater



1
A-1.0 **CURRENT LAYOUT**
SCALE: 1/4" = 1'-0"



217 5th St, West Des Moines, IA 50265
515-553-9739

Drawing: Current Layout

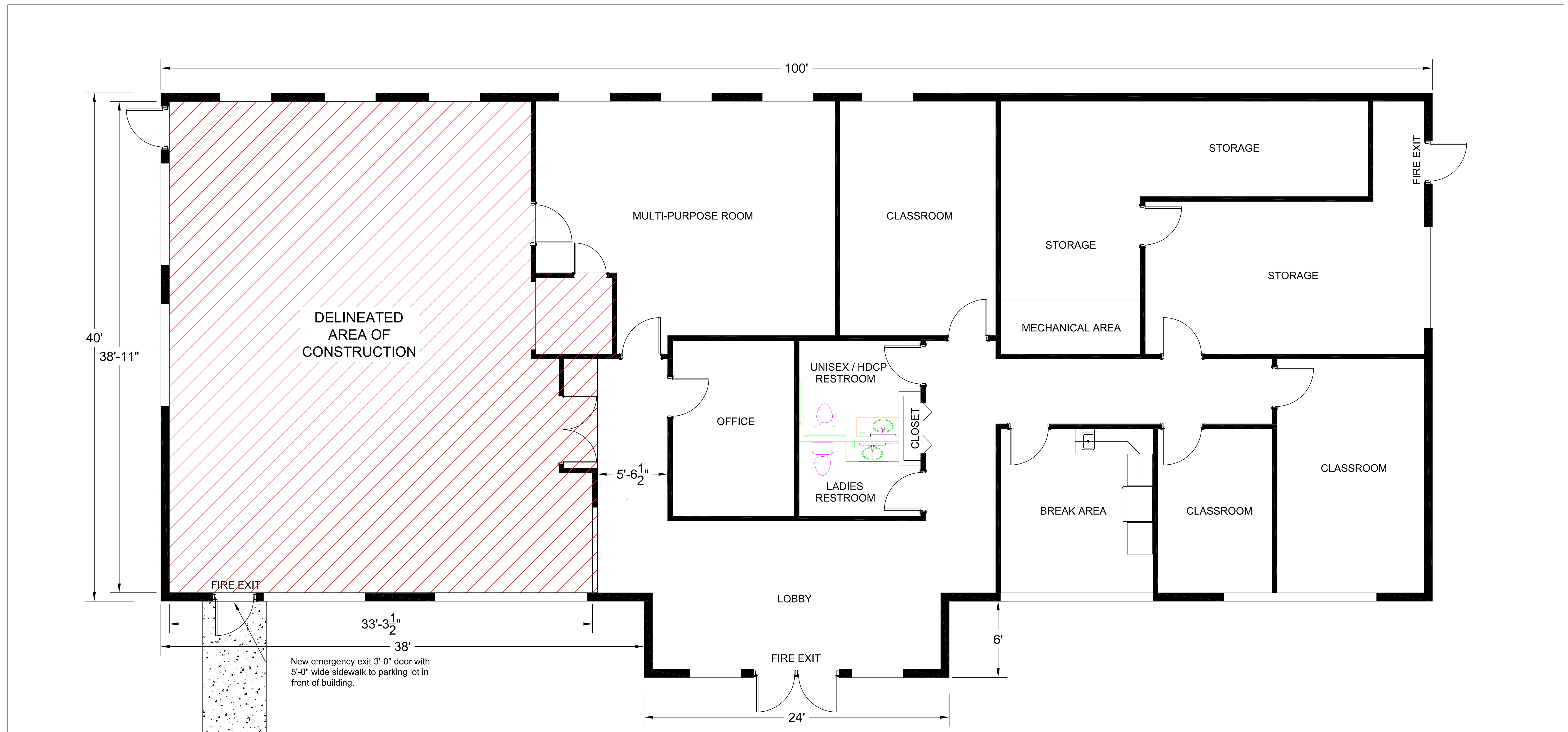
Phase: Preliminary Design **Drawn By:** JC

Revisions:
0 Preliminary

Date:
06.26.25

Project Name: Calvary Chapel Living Hope
Project No: 0001
Client Name: Calvary Chapel Living Hope
Address: 9051 Swanson Boulevard, Clive, IA 50325

A-1.0



1 **AREA OF CONSTRUCTION**
 A-3.0 SCALE: 1/4" = 1'-0"



217 5th St, West Des Moines, IA 50265
 515-553-9739

Drawing: Area of Construction

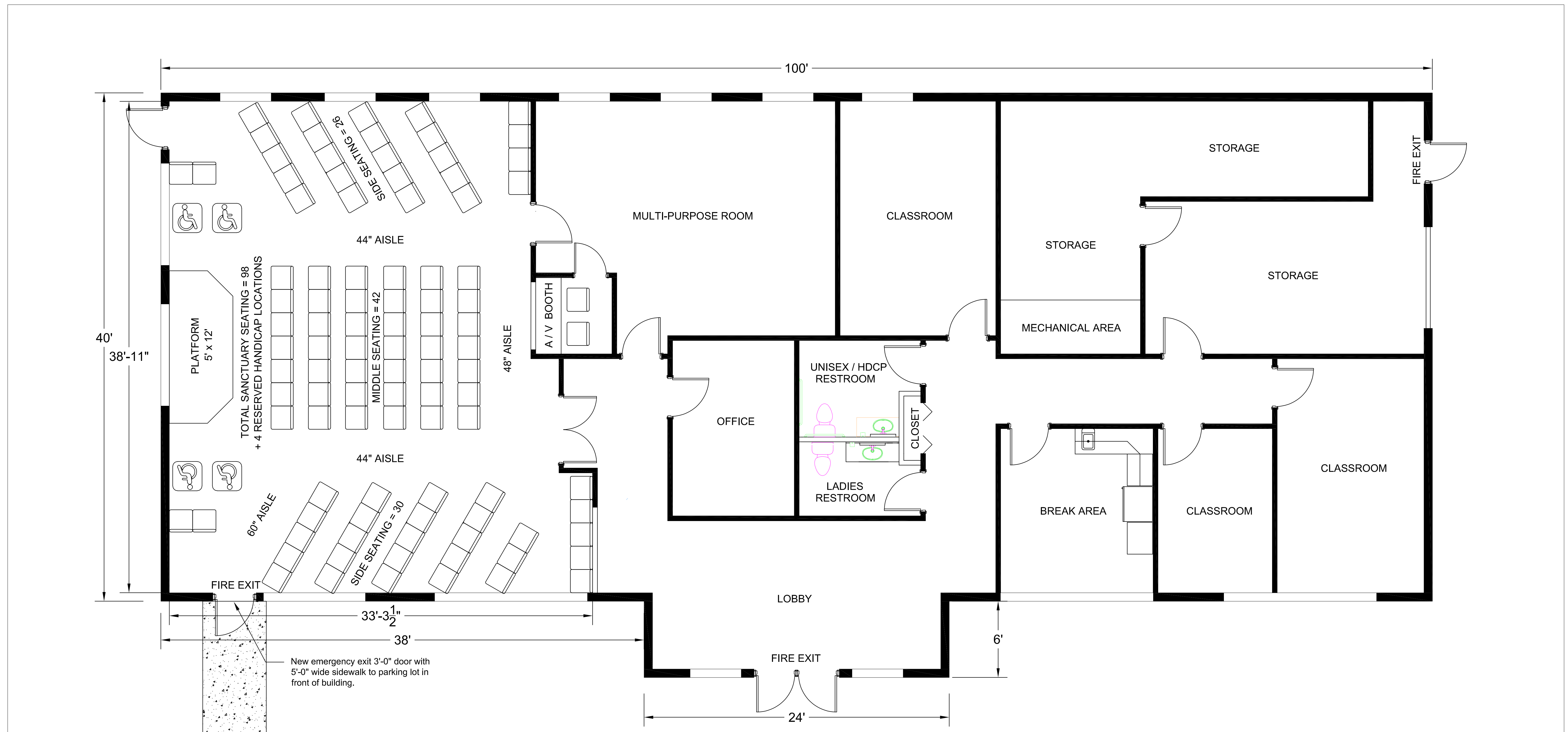
Phase: Preliminary Design **Drawn By:** JC

Revisions:
 0 Preliminary

Date:
 06.26.25

Project Name: Calvary Chapel Living Hope
Project No: 0001
Client Name: Calvary Chapel Living Hope
Address: 9051 Swanson Boulevard, Clive, IA 50325

A-3.0



1 FLOOR PLAN
A-4.0 SCALE: 1/4" = 1'-0"



217 5th St, West Des Moines, IA 50265
515-553-9739

Drawing: Proposed Floor Plan

Phase: Preliminary Design **Drawn By:** JC

Revisions:
0 Preliminary

Date:
06.26.25

Project Name: Calvary Chapel Living Hope
Project No: 0001
Client Name: Calvary Chapel Living Hope
Address: 9051 Swanson Boulevard, Clive, IA 50325

A-4.0

Return to:
Prepared by:

PARKING EASEMENT AND AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS: This Parking Easement Agreement (“Agreement”) is made and entered into as of the ___ day of _____, 20__, by and between Raintree Properties, LLC, an Iowa limited liability company, (“Grantor”), and Calvary Chapel Living Hope, an Iowa nonprofit religious organization (“Grantee”).

RECITALS

WHEREAS, Grantor is the owner of certain real property legally described as Lot 2, Westtown Industrial Park, an official plat in the City of Clive, Polk County, Iowa, commonly known as 9083 Swanson Blvd, Clive, Iowa 50325 (the “Property”);

WHEREAS, Grantee owns the adjacent property legally described as Lot 1, Westtown Industrial Park, an official plat in the City of Clive, Polk County, Iowa, commonly known as 9051 Swanson Blvd, Clive, Iowa 50325;

WHEREAS, Grantee desires to use a portion of the parking lot located on the Property for the parking of vehicles by Grantee’s attendees, agents, employees, and invitees;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easement

Grantor hereby grants to Grantee a non-exclusive easement to use the parking lot located on the Property solely for vehicular parking by attendees, agents, employees, and invitees of Grantee, at times and in areas as mutually agreed by the parties.

2. Term

This easement shall remain in effect for so long as Grantee owns the property located at 9051 Swanson Blvd, Clive, Iowa 50325. The easement shall automatically terminate upon the sale, transfer, or other conveyance by Grantee of its ownership interest in that property.

3. Insurance Requirements

Grantee shall provide Grantor with a certificate of insurance naming Grantor as an Additional Insured, along with a Waiver of Subrogation in favor of the Grantor. Such insurance shall be maintained throughout the term of this Agreement.

4. Indemnification

Grantee shall defend, indemnify, and hold harmless Grantor from and against any and all claims, actions, damages, liabilities, and expenses (including reasonable attorney’s fees) arising out of or in connection with any loss of life, personal injury, or damage to property occurring as a result of the use of the Property by Grantee, its attendees, agents, employees, or invitees.

5. No Lease or Interest Created

This Agreement is not intended to and shall not be construed as a lease or transfer of any ownership interest in the Property. The easement granted is personal to Grantee and may not be assigned without the prior written consent of Grantor.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

GRANTOR:
Raintree Properties, LLC

GRANTEE:
Calvary Chapel Living Hope

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

STATE OF IOWA)

) ss:

COUNTY OF _____)

On this ___ day of _____, 20__, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____, to me personally known, who, being by me duly sworn, did say that they are the _____ of Raintree Properties, LLC, and that they executed the foregoing instrument on behalf of said company.

Notary Public in and for the State of Iowa



**ZONING BOARD OF ADJUSTMENT
CITY OF CLIVE, IOWA
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the property. A Certificate of Occupancy must be obtained before any structure is occupied or reoccupied after a change of use. Any conditions allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The conditions allowed by this Order must commence within 90 days or this Order will be void and of no further force and effect.

CASE NUMBER: BOA25-000001

APPLICANT: Steve Freeman

PROPERTY: 9051 SWANSON BLVD

PUBLIC HEARING: Jul 15, 2025

AFFECTED CODE SECTION: 11-13-8: Number of Parking Spaces Required

VARIANCE REQUESTED: We are requesting a variance on the required number of parking spaces for our use of the building as a church. The code requires 35 spaces. With the parking easement agreed upon with our neighbor to the west, we would be able to get to 40 spaces.

FINDINGS OF FACT

Testimony was taken at the public hearing at 8800 Hickman Road, Clive, Iowa on Jul 15, 2025. At that hearing, Amanda Grutzmacher, Senior Planner, represented the City of Clive. James Carlton was present on behalf of the applicant.

The following information was presented at the hearing:

1. The subject property is located at 9051 Swanson Boulevard, legally described as Lot 1, Westtown Industrial Park, in a M-1 Light Industrial Zoning District.
2. At the time of the public hearing and deliberation by the Board, the subject property was owned by Big Brothers Big Sisters of Central Iowa, Inc.

3. At the time of the public hearing and deliberation by the Board, the applicant had entered into a purchase agreement for the subject property.
4. The subject property is an irregular shaped lot and was platted in conformance with the City of Clive's Subdivision Regulations.
5. Clive City Code Section 11-10-2 Principal Permitted Uses states religious institutions are Permitted in M-1 Districts.
6. Clive City Code Section 11-13-8 states required parking for religious organizations where an auditorium with fixed seats is not involved is calculated as 10 spaces per 1,000 square feet of gross floor area.
7. The existing building is 4,144 square feet, including a 700 square foot interior garage space.
8. The required parking for a religious institution in the existing building is 35 parking spaces.
9. The subject property can provide a maximum of 20 parking spaces, including the interior garage space.
10. The applicant is requesting a variance to utilize an off-site parking agreement with the adjacent property to provide a portion of the required parking. Under the proposed parking agreement, a total of 40 parking spaces will be available for use by the proposed religious institution.
11. If the variance is not granted, the size of the building under the current parking ordinance would restrict the full use of the building as a religious institution based on the available parking on site. Only permitted uses requiring 4 or fewer parking spaces per 1,000 square feet of gross floor area would be able to utilize the property.
12. The property is unique due to the irregular shape of the lot. Due to the triangular shape, the easternmost approximately 100 feet of the lot is unusable for any improvements to the property. The property has provided the maximum amount of parking feasible while maintaining safe vehicular movements and meeting all other zoning requirements related to parking space size, layout, and setbacks.
13. The subject property is unable to construct additional parking on-site due to the layout of the existing improvements, even though there is an excess of required open space.
14. The applicant states "the parking available at our neighbor's lot is closely aligned. Both provide direct access to the building, either via a short walk on the sidewalk or a short walk across the grass."
15. The applicant states granting the "variance is consistent with the spirit and intent of the Zoning Ordinance because it helps provide adequate and safe parking access for attendees to the property."
16. There are no viable alternatives that allow use of the property as requested. Additional parking cannot be accommodated on-site.
17. The 2025 Iowa Legislative session passed HF652 which adds a standard of "practical difficulty" for dimensional variances. The variance application has not been updated to reflect the change in state law and still refers to "unnecessary hardship"; however, the new standard shall be used in determining if the variance should be approved.

DECISION AND ORDER

Based upon this information and its interpretation of the cited code provisions, the general sentiment of the Board is that:

1. The subject property **DOES / DOES NOT** have unique physical characteristics.
2. The hardship stated above **IS / IS NOT** self-imposed.
3. The hardship stated above **IS / IS NOT** based solely on property value or other financial considerations.
4. The granting of the variance **IS / IS NOT** necessary for the reasonable use of land for a permitted use in the property's zoning district designation.
5. The granting of the variance **IS / IS NOT** in harmony with the general purpose and intent of Title 11 Zoning Regulations of the City of Clive Code of Ordinances.
6. The granting of the variance **WILL / WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance requested **IS / IS NOT** the minimum variance that will accomplish this purpose. If the variance requested is not the minimum required, a lesser variance may still be approved.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance from Section 11-13-8 of the Clive Zoning Ordinance for the above-described property for Case # BOA25-000001 - 9051 SWANSON BLVD is:

_____ DENIED

_____ GRANTED AS REQUESTED

_____ GRANTED AS FOLLOWS:

Subject to execution and recording of the proposed parking agreement. A recorded copy of the agreement shall be provided to the City.

Signed and entered into record on the _____ day of _____, 2025.

Robert Forte, Chair

Kelly Rivera, Secretary

