

Meeting Minutes

Zoning Board of Adjustment

Tuesday, May 2, 2017
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The May 2, 2017 regular meeting of the Zoning Board of Adjustment was called to order at 5:00 p.m. by Chair M.Ott. Members present: J.Baxter, M.Ott, N.Sungren, K.Tomlinson, and B.Walker. Staff present: E.Carstens, E.Bodeker, D.Gervais, D.Silverthorn, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments.

MINUTES OF THE FEBRUARY 7, 2017 MEETING

Motion by K.Tomlinson to approve the February 7, 2017 meeting minutes as submitted. Second by J.Baxter. Motion carried 5 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

PUBLIC HEARINGS:

#17-02 & #17-03 Crankie's Inc., dba Wheel House Pizzeria & Pub
106 SW State Street, Ste. 100
Lot 1 Frontier Village Plat 1
RE: Special Use Permit & Parking Variance

Chair M.Ott opened the public hearing.

Chandler Evans, 106 SW State Street, CEO and Owner of Wheel House Pizzeria & Pub stated he is requesting a variance for parking due to an addition of an outdoor patio with seating, which would add to the occupant load. He stated most of the additional activity would be bicyclists and would be during the months when Backspin Golf is not in operation. Mr. Evans stated that the surrounding businesses have many different hours of operation. He states from his vantage point, he seldom sees the parking lot completely full. He does understand that public safety comes first and does not see this as a public safety issue. He continued to state that their establishment is a big bicyclist spot.

M.Ott asked what percentage of your business comes from bicycle patrons. Mr. Evans stated he expects about 25% on the patio within those six months.

N.Sungren asked whether the music on the patio would be just low background music, and do they plan to have any special events. Mr. Evans stated they do not plan to have any live music outside and if they did, they would apply for a permit. He stated they consider themselves family friendly.

M.Ott asked what the hours of operation would be on the patio. Mr. Evans stated it would be the same as their current hours, Monday - Thursday 3:00 p.m. to 11:00 p.m., Friday and Saturday 11:00 a.m. to 12:00 midnight, and Sunday 9:00 a.m. to 11:00 p.m.

M.Ott asked if he has reached out to the surrounding residents. Mr. Evans stated yes they have. He stated especially the Strawberry Patch next door to them. He also stated that three different neighbors came in and shared with him that they like the idea of patio seating. M.Ott shared with Mr. Evans that the Board received correspondence today from a property owner stating they were not in favor of the outdoor patio. Mr. Evans stated he was not aware of anyone against the request. K.Tomlinson asked if there is a fence behind the business between them and the residents. Mr. Evans stated yes. Mr. Evans stated we are more of a restaurant than a bar. M.Ott asked what percentage of sales come from food versus liquor. Mr. Evans stated 51% food and 49% liquor.

Staff Report: E.Bodeker reported there are two separate requests. The first being the variance to Code Section 194.01 Off-Street Parking and Loading to allow a reduction in the required number of parking stalls at 106 SW State Street. 106 SW State Street is located at the southwest corner of SW State Street and West First Street and is zoned C-1, Neighborhood Retail Commercial District. The site has a full access off of SW State Street and a right in right out access off of West First Street. She stated the current building tenants are Wheel House Pizzeria & Pub, Advanced Dance Academy, Backspin Golf, Emma's Nails and Chu Chu Donuts. E.Bodeker stated the approved site plan for this building shows 56 parking spaces provided on site. The 56 parking spaces meet the requirements of the code for the building's current tenants with the 10% reduction in parking the Director is allowed to grant. Without the 10% reduction and with the proposed outdoor service area the building would be required to have 72 parking spaces. She stated the letter provided by the applicant explains the different parking needs of the existing tenants. The applicant states that Backspin Golf has seasonal business patterns; Emma's Nails has daytime business hours only; Chu Chu Donuts has early daytime business hours only; and Advanced Dance Academy has very limited hours of operation. The letter also explains that the intention of the patio is that bicyclists would mostly occupy it. E.Bodeker states the staff position is to grant a variance to Ankeny Municipal Code Section 194.01 Off-Street Parking and Loading, to allow a reduction in the required number of parking stalls from 72 to 56 at 106 SW State Street. The staff position is based upon the fact that the parking needs for the tenants at 106 SW State Street have different peak hour parking needs, a reduction in parking does not diminish property values, and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

E.Bodeker stated the second request is for a Special Use Permit to allow an outdoor service area with amplified sound where patrons may be served alcohol. She stated the proximity of the outdoor service area to a residential zoning district and the use of sound, other than sound arising from conversation of patrons are the conditions, which require the establishment to obtain a Special Use Permit. The subject property, is zoned C-1. Property zoned R-2, One-Family and Two-Family Residence District is located directly to the east and west of the subject property. The proposed outdoor service area is located on the east side of the existing building. She stated the drawing of the proposed patio submitted with the application shows seats for 29 patrons and the approximate locations of the proposed speakers as well as bike racks. E.Bodeker states the staff position for the request for a Special Use Permit for an outdoor service area for Wheel House Pizzeria & Pub is to recommend approval by the Board of Adjustment with the following conditions:

1. Any sound, amplified or otherwise, from the outdoor service areas shall not be at a level greater than is necessary to reach the audience and shall not be of such a volume so as to interfere with normal conversation on adjacent properties shall be in compliance with Ankeny Municipal Code Chapter 44, Noise Control.
2. All appropriate building permits and building code regulations need to be reviewed and met.

J.Baxter asked what the distance is from the location of the Wheel House to the residential property around them. E.Bodeker shared the outdoor patio would be approximately 250' from the residents to the east and 150' from the residents to the west.

Brock Rude, Child's View Daycare, 118 SW State Street, stated he purchased his building in 1998 and built a daycare business along with some professional retail lease spots. Mr. Rude stated they have seen an increase in traffic with the retail gatherings. He stated the Strawberry Patch parking lot is always full. He stated their concern is that they are currently very tight on parking right now with their customers and the individuals who lease from them. They do not want further parking issues. He stated his staff needs their spot to park and they do not want to have to track people down if there are vehicles left over night in their lot. Mr. Rude stated their business hours are from 6:00 a.m. to 6:00 p.m. Monday – Friday.

M.Ott asked if they have a reciprocal parking agreement in place with the Wheel House or the property to the north or south. Mr. Rude stated no. J.Baxter clarified the location of Mr. Rude's building on the aerial map as it relates to the Wheel House. Mr. Rude stated they do have an agreement with the Alpha Women's Center to park their three-daycare vehicles in their parking lot.

M.Ott clarified with Mr. Rude that his main concern is the request for the parking variance. Mr. Rude stated yes. They do not feel their property can sustain any additional traffic.

Mr. Evans stated he respects Mr. Rude's concerns, but has not seen patrons from the Wheel House use the daycare parking lot.

K.Tomlinson verified the Wheel House operating hours with Mr. Evans. K.Tomlinson then confirmed that the majority of the bicyclists are on the weekends during the day. Mr. Evans stated yes, along with evenings. He stated they would not impact daytime retail.

E.Carstens then provided an explanation of the Zoning Board of Adjustment process to Mr. Evans and Mr. Rude and shared that there is a yearly renewal process. E.Carstens continued to state that they are not eliminating any parking spaces by adding the outdoor seating. There are currently 56 parking spaces available and that will not change. E. Carstens stated by adding additional seats on the patio that, by Code, it would require more parking than what is currently there. The patio will be on the sidewalk next to the building with a fence enclosure, which does not eliminate any parking spaces. Mr. Rude commented that he does not feel that everyone that will be using the patio will be riding a bicycle. J.Baxter commented that the hours of operation for the other businesses surrounding the Wheel House are significantly different and this is where the applicant feels their clientele will not be overlapping.

Motion by M.Ott to close the public hearing and receive and file documents. Second by J.Baxter. All voted aye. Motion carried 5 – 0.

M.Ott commented that if the Board were to take staff's position, he would like to see the Special Use Permit come before the Board next year. J.Baxter stated that he feels the hours of operation should also be included in the conditions.

Board Action on Filing #17-02 property at 106 SW State Street, Ste. 100

Motion by M.Ott that the Zoning Board of Adjustment grant a Special Permit in accordance with Sections 130.07 and 196.02(1) (I) to Wheel House Pizzeria & Pub for an outdoor seating area to run concurrently and terminate with a liquor license for said establishment provided the following conditions are met:

1. Any sound, amplified or otherwise, from the outdoor service areas shall not be at a level greater than is necessary to reach the audience and shall not be of such a volume so as to interfere with normal conversation on adjacent properties and shall be in compliance with Ankeny Municipal Code Chapter 44, Noise Control.
2. All appropriate building permits and building code regulations need to be reviewed and met.
3. Hours of operation between 3:00 p.m. to 11:00 p.m. Monday – Thursday; 11:00 a.m. – 12:00 Midnight Friday – Saturday; 9:00 a.m. – 11:00 p.m. on Sunday.
4. This Special Use Permit is not up for automatic staff approval. Approval of subsequent Special Use Permits must come before this Board.

Second by N.Sungren. All voted aye. Motion carried 5 – 0.

Board Action on Filing #17-03 property at 106 SW State Street, Ste. 100

Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 194.01 Off-Street Parking and Loading, to allow a reduction in the required number of parking stalls from 72 to 56 at 106 SW State Street. The Board's position is based upon the fact that the

parking needs for the tenants at 106 SW State Street have different peak hour parking needs, a reduction in parking does not diminish property values, and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by K.Tomlinson. All voted aye. Motion carried 5 – 0.

#17-04 Kent and Kimber Powell
522 SW Springfield Dr.
Lot 44 Siena Hills Plat 4
RE: Rear Yard Setback Variance

Chair M.Ott opened the public hearing.

Kimber Powell, 522 SW Springfield Drive stated she and her husband Kent Powell are requesting a variance to place a roof over their current deck, which is 16' deep and 18' wide. She stated their rear yard setback is 35' and they would need a variance to allow for a 29.75' setback.

N.Sungren asked if they were just adding a roof. Ms. Powell stated yes. She stated they visited with the property owners directly behind them and they are perfectly fine with the addition of a roof on their deck.

Staff Report: D.Gervais reported the subject property address is 522 SW Springfield Drive and the legal description is Lot 44, Siena Hills Plat 4. The property is located west of S Ankeny Boulevard and south of SW Oralabor Road and SW Ankeny Road. The property is zoned Siena Hills Planned Unit Development (PUD). She stated the neighborhood area consists of single-family detached homes. The subject site consists of a one-story, single-family residential dwelling situated on the northeast corner of SW Springfield Drive and SW Cherry Court. Easements on the property include 7' Gas within 15' Public Utility Easement and a 5' tree easement in the front yards adjacent to SW Springfield Drive and SW Cherry Court. D.Gervais stated the required rear yard setback in the Siena Hills PUD is 35-feet. A building permit for the home was issued September 2007, which included a 16'x18' deck, which extends 5.25-feet into the rear yard setback. The Zoning Code allows uncovered decks to encroach into the rear yard setback up to 12 feet. She stated the applicant has proposed to extend a roof from the main body of the house to cover the deck. The deck is 29.75-feet from the rear property line. Because the deck would be covered, it must comply with the 35-foot setback requirement. D.Gervais stated the applicant is requesting a 5.25-foot variance to the rear yard setback of the Siena Hills PUD zoning district regulations. The staff position is to grant the requested variance for a covered deck inside the required 35-foot rear yard setback. The staff position is based on a determination that the resulting structure does not impair adequate supply of air and light, does not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

Motion by M.Ott to close the public hearing and receive and file documents. Second by J.Baxter. All voted aye. Motion carried 5 – 0.

The Board members expressed no concerns.

Board Action on Filing #17-04 property at 522 SW Springfield Drive

Motion by J.Baxter that the Zoning Board of Adjustment grant the requested 5.25-foot variance to the City of Ankeny of the Siena Hills PUD zoning district regulations to allow a 29.75-foot rear yard setback at 522 SW Springfield Drive. The Board's position is based on a determination that the resulting structure does not impair adequate supply of air and light, does not increase public danger of fire, or

diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by M.Ott. All voted aye. Motion carried 5 – 0.

REPORTS

Renewed Special Use Permits

- #07-12 – 2785 N Ankeny Blvd., Ste 12 – Noodle Zoo
- #16-03 – 1375 Vintage Parkway – District 36 Wine Bar & Grille
- #16-02 – 1802 N Ankeny Blvd. – The Fletcher
- #16-05 – 1550 N Ankeny Blvd., Ste 100 – Zombie Burger
- #15-13 & #14-07 – 716 SW 3rd St. – Firetrucker Brewery

There being no further business, the meeting adjourned at 5:51 pm.

Submitted by Brenda Fuglsang, Recording Secretary



Zoning Board of Adjustment