

Meeting Minutes

Zoning Board of Adjustment

Tuesday, February 5, 2019
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The February 5, 2019 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, B.Walker, and K.Tomlinson. Absent: N.Sungren. Staff present: E.Jensen, E.Carstens, R.Hulstrom, K.Gorman, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JANUARY 8, 2019 MEETING

Motion by K.Tomlinson to approve the January 8, 2019 meeting minutes as submitted. Second by J.Baxter. Motion carried 3 – 0 – 1. (Abstain: B.Walker)

COMMUNICATIONS / CORRESPONDENCE

There were no communications / correspondence.

BUSINESS ITEMS

PUBLIC HEARINGS:

#18-04 (2019) Grumpy Goat Tavern
810 E. 1st Street
Lot 2, Wanda Manor Plat 1
RE: Special Use Permit

Chair M.Ott opened the public hearing.

Nicholas Fogle, General Manager, Grumpy Goat Tavern, 810 E. 1st Street, Ankeny stated their request is to renew their Special Use Permit.

M.Ott asked if he had any additional information that he would like to share with the Board regarding their request. Mr. Fogle stated no.

The Board had no further questions.

Staff Report: K.Gorman reported Grumpy Goat Tavern is requesting continuation of their Special Use Permit for an outdoor service area with amplified sound where patrons may be served alcohol. He shared their requested hours of operation are 11:00 a.m. to 12:00 a.m. Monday through Friday, 10:00 a.m. to 2:00 a.m. Saturday, and 10:00 a.m. to 12:00 a.m. Sunday. K.Gorman stated Grumpy Goat Tavern is located at 810 E 1st Street. The legal description for the site is Lot 2, Wanda Manor Plat 1. He explained that the subject property is zoned C-2, General Retail, Highway Oriented, and Central Business Commercial District and is within 500 feet of residentially zoned property south of E. 1st Street. He said there are also residential apartments directly north of the property which are zoned C-2 and the neighboring properties located directly to the north, south, east, and west of the subject property are zoned C-2. K.Gorman 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. He shared that the times proposed in the appellants request are slightly different then what was approved for last year's Special Use Permit. K.Gorman explained that the proposed outdoor service area is located on both the rooftop and ground level of the building and the submitted building plans show seats for 60 patrons at the ground level patio and seats for 98 patrons on the rooftop patio. K.Gorman stated the Building, Fire, and Police departments were notified and asked if there were any complaints or citations from the past year. All of the departments responded that there were no complaints or citations from this address. K.Gorman shared that the surrounding residents within 250-feet were notified of the request for the Special Use Permit and staff did not receive any communication endorsing or disapproving

the request. The staff position is to recommend approval for a Special Use Permit for Grumpy Goat Tavern, with the conditions that any sound shall comply with Ankeny Municipal Code Chapter 44, Noise Control, the hours of operation shall be 11:00 a.m. - 12:00 a.m. Monday through Friday, 10:00 a.m. - 2:00 a.m. Saturday, and 10:00 a.m. - 12:00 a.m. Sunday, and that the permit be reviewed annually by staff. This position is based on the premise that there were no complaints received regarding the patio over the past year.

J.Baxter confirmed with K.Gorman the difference in the requested hours of operation for the patio this year from what had been approved last year. E.Jensen reiterated to Mr. Fogle that their plan is to no longer have the patio open on Friday night until 2:00 a.m. Nicholas Fogle stated that is correct. J.Baxter commented that the Board just wants to make sure he realizes Grumpy Goat is reducing their hours of operation for the patio on Fridays.

K.Tomlinson asked for clarification on the notification area. K.Gorman shared the notification area is 250-feet. K.Tomlinson asked why staff does not provide notification within the 500-feet. E.Jensen shared, by law, the city is only required to notify within 250-feet. K.Tomlinson commented that she would like to know if any of the homes to the south of 1st Street have any concerns. K.Gorman again shared that there were no complaints filed with the Police, Fire or Building departments.

There was no one in the audience to speak for or against the request.

Motion by J.Baxter to close the public hearing, and receive and file documents. Second by M.Ott. All voted aye. Motion carried 4 – 0.

J.Baxter shared that it is a renewal, with a very small change in the hours of operation and it has been a whole year with no complaints. He does not have any concerns with the request.

Board Action on Filing #18-04 (2019) property located at 810 E. 1st Street

Motion by M.Ott that the Zoning Board of Adjustment grant a Special Use Permit for an outdoor service area in accordance with Sections 130.07 and 196.02 (1) (I) to Grumpy Goat Tavern at 810 E 1st Street, to run concurrently and terminate with a liquor license for said establishment provided the following conditions are met:

1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Use Permit and those hours shall be specifically set out in the Noise Permit.
2. Hours of operation: 11:00 a.m. - 12:00 a.m. Monday through Friday, 10:00 a.m. - 2:00 a.m. Saturday, 10:00 a.m. - 12:00 a.m. Sunday.
3. Special Use Permit may be reviewed annually by staff for approval.

Second by J.Baxter. All voted aye. Motion carried 4 – 0.

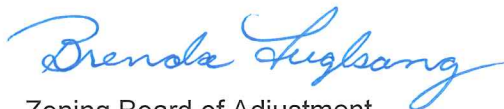
REPORTS

Renewed Special Use Permits

#08-03 – 2005 S. Ankeny Blvd., Ste. 300 – Wig & Pen Pizza Pub

There being no further business, the meeting adjourned at 5:12 p.m.

Submitted by Brenda Fuglsang, Recording Secretary



Zoning Board of Adjustment