

Meeting Minutes
Zoning Board of Adjustment
Tuesday, May 21, 2019
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The May 21, 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, N.Sungren, K.Tomlinson and B.Walker. Staff present: E.Jensen, E.Carstens, D.Silverthorn, K.Gorman, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MAY 7, 2019 MEETING

Motion by K.Tomlinson to approve the May 7, 2019 meeting minutes as submitted. Second by N.Sungren.
Motion carried 4 – 0 – 1 (Abstain: B.Walker).

COMMUNICATIONS / CORRESPONDENCE

M.Ott asked to have the record reflect that the members of the Board received correspondence from Michael Messerly regarding Item #19-05 that will be received and filed as part of the public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

#19-05

Jason Kapela
Pig n' Pedal
710 SW 3rd Street
Lots 3 and 4, Arthur Place
RE: Special Use Permit

Chair M.Ott opened the public hearing.

Jason Kapela, 4025 Mary Lynn Drive, Urbandale, Iowa stated that they are turning the old heating and cooling building into a restaurant and bar with an outdoor patio to accommodate people who bike on the trail. He shared that they are asking the Board for a Special Use Permit for the patio.

M.Ott commented that the correspondence they received from Michael Messerly in support of their request for the Special Use Permit noted that there would be an 8-foot privacy fence built along the west property line. Jason Kapela stated that they agreed to construct the fence and it is part of their site plan. M.Ott asked him if he had any issues if the Board would choose to add that the 8-foot privacy fence be built and maintained by the applicant as a condition for their Special Use Permit. Jason Kapela stated no.

The Board had no further questions.

Staff Report: K.Gorman reported Jason Kapela, representative of Pig 'n Pedal Restaurant, is requesting a Special Use Permit for an outdoor service area with sound. He 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 explained that the proposed outdoor service area is located at the rear of 710 SW 3rd Street, on the north side of the existing building. He stated the applicant proposes to add a 2,400 square foot patio that can accommodate 80 patrons which includes an outdoor bar with seating for 12 patrons, bicycle parking, and speakers to be placed on the north side of the building. K.Gorman stated the subject property is zoned C-2A, Central Business Commercial District. He shared that the submitted site plan for the property shows that fences would enclose the entire outdoor service area. He explained that they are proposing 4-foot iron fencing to the north, and 8-foot opaque privacy fencing on the east and west, which will tie into the building's east and west façade to create a completely enclosed area. K.Gorman explained to the Board the zoning for the properties surrounding this site. He stated the applicant proposes to utilize the patio from 11:00 AM – 10:00 PM Sunday through Thursday, and 10:00 AM – 12:00 AM Friday through Saturday. Staff notified all property owners of this appeal within 250' of 710 SW 3rd Street and have not received any correspondence endorsing or concerning the Special Use Permit. The staff position regarding the request of a Special Use Permit for an outdoor service area for Pig n' Pedal Restaurant is to recommend approval by the Board of Adjustment with the following conditions:

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 Permit and those hours shall be specifically set out in the Noise Permit.
2. All appropriate building permits and building code regulations need to be reviewed and met.
3. Hours of operation: 11:00 AM – 10:00 PM Sunday through Thursday, and 10:00 AM – 12:00 AM Friday through Saturday.
4. This special use permit may be reviewed annually by staff for approval.

J.Baxter asked if the area to the north is a detention area. K.Gorman commented it is only a small swale, which was all that is needed for this site. N.Sungren asked if there was any correspondence from the residential property to the south. E.Carstens stated that staff has met with individuals regarding redevelopment of that site but does not know whether the property has been sold.

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

Jason Kapela shared with the Board that their establishment will be more of a restaurant than a bar. They will be focusing more on the dining than on the nightlife portion of the business.

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

J.Baxter stated he has no concerns since they received a letter of support from the only resident that will be significantly impacted. He shared that he supports Board Member Ott's recommendation of adding a condition that an 8-foot fence would be built and maintained by the applicant. There was discussion by the Board relating to condition #4 and they determined that they would be in favor of allowing the Special Use Permit to be reviewed annually by staff for approval.

There was no further discussion by the Board.

Board Action on Filing #19-05 property located at 710 SW 3rd Street

Motion by M.Ott that the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1) (I) to Pig 'n Pedal for an outdoor seating area to run concurrently and terminate with a liquor license for said establishment provided the following conditions is 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 Permit and those hours shall be specifically set out in the Noise Permit.
2. All appropriate building permits and building code regulations need to be reviewed and met.
3. Hours of operation: 11:00 AM – 10:00 PM Sunday through Thursday, and 10:00 AM – 12:00 AM Friday through Saturday.
4. This special use permit may be reviewed annually by staff for approval.
5. An 8-foot privacy fence will be built and maintained by the applicant as shown on the submitted site plan.

Second by J.Baxter. Motion carried 5 – 0.

REPORTS

There were no reports.

There being no further business, the meeting adjourned at 5:14 p.m.

Submitted by Brenda Fuglsang, Recording Secretary



Zoning Board of Adjustment