



## **Meeting Agenda**

### **Zoning Board of Adjustment**

**Wednesday, January 4, 2023**

**5:00 PM**

**Ankeny City Council Chambers**

**1250 SW District Drive, Second Floor, Ankeny, Iowa**

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

Zoning Board of Adjustment regular meetings are the first and third Tuesday of each month at 5:00 p.m. All Board of Adjustment meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing.

#### **CALL TO ORDER**

##### **A. ROLL CALL**

##### **B. AMENDMENTS TO AGENDA**

##### **C. MINUTES**

**Minutes of the December 6, 2022 regular meeting.**

##### **D. COMMUNICATIONS/CORRESPONDENCE**

##### **E. BUSINESS ITEMS**

**PUBLIC HEARINGS** Public Hearings are held during the Zoning Board of Adjustment's regular meetings. Those who wish to speak will be requested to provide their name and address for the record when called upon. The order of proceedings for each application will be as follows: 1). The applicant will present testimony and evidence regarding their request; 2). City staff will summarize the project and present their findings; 3). Testimony may be heard from any members of the audience who wish to speak in support of or in opposition to the appeal; 4). The Board will give the applicant and the city staff an opportunity to present concluding summaries and arguments. At the conclusion of all public testimony, the Board will close the public hearing. The Board will discuss the issues and evidence and come to a decision. The applicant or appellant may withdraw their application or appeal at any time prior to the decision by the Zoning Board of Adjustment.

**#23-01**

**Orvis Horatio Group, LLC dba Dough Co. Pizza**

***for property located at***

**2405 SW White Birch Drive, Suite 100**

**Lot 5, Plaza Shops at Prairie Trail Plat 2-Except Parcel 2022-26 recorded Book 19046 Page 12**

**RE: Special Use Permit**

**F. OLD BUSINESS:**

**G. NEW BUSINESS**

**H. REPORTS**

**Renewed Special Use Permits**

**#15-01 Main Street Cafe & Bakery - 2510 SW White Birch Dr., Suites 1 & 2**

**I. ADJOURNMENT**



ZONING BOARD OF ADJUSTMENT

January 4, 2023

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the December 6, 2022 regular meeting.

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

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 [ZBOA Minutes 2022-12-06](#)

# **Meeting Minutes**

## **Zoning Board of Adjustment**

Tuesday, December 6, 2022

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

### **CALL TO ORDER**

Chair Matt Ott called the December 6, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

### **ROLL CALL**

Members present: Jeff Baxter, Matt Ott, Nichole Sungren, Kristi Tomlinson, and Brett Walker. Staff: E.Jensen, E.Carstens, R. Kirschman, B.Fuglsang

### **AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

### **MINUTES OF THE NOVEMBER 22, 2022 REGULAR MEETING**

Motion by K.Tomlinson to approve the November 22, 2022 meeting minutes as submitted. Second by N.Sungren. Motion carried. 5 – 0.

### **COMMUNICATIONS / CORRESPONDENCE**

There were no communications.

### **BUSINESS ITEMS**

#### **PUBLIC HEARINGS:**

#### **#22-21**

##### **Douglas Playle**

for property located at

**2002 NE Cortina Drive**

**Lot 14, Briarwood South Plat 1**

**RE: Variance – Rear Yard Setback**

Chair M.Ott opened the public hearing.

Douglas Playle, 2002 NE Cortina Drive, Ankeny said they have lived in the home for over 18 years. Their deck is original to the home and currently needs to be replaced. He said the contractor notified them that building requirements are different when you place a cover over the deck. He presented their plan for the requested covered deck and asked the Board to consider granting the 2-foot variance. This would then allow them to replace the existing deck with a new covered deck. He asked the Board if they had any questions.

There were no questions from the Board.

R.Kirschman reported that the request is for a variance to Ankeny Municipal Code 192.03(3)(E) to allow a 33-foot rear yard setback for a covered deck at 2002 NE Cortina Drive. He stated that the subject property is located north of NE 20th Street and east of N Ankeny Boulevard within the northeastern quadrant of Ankeny and is zoned R-1, One-Family Residence District. He noted that the neighboring properties are also zoned R-1 and contain single family homes on similarly sized lots. R.Kirschman stated that the applicant is requesting a variance to encroach approximately 2-feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. He provided details to the Board of the location and size of the proposed covered deck and stated that should the variance for the covered deck be approved, a 33-foot rear yard setback will be the resulting setback on the west side of the property. He noted that all property owners within 250-feet of the subject property were notified of the proposed variance, and to date, staff has not received any correspondence either for or against the request. Staff recommends the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 33-foot rear yard setback for the conversion of an existing deck into a covered deck at 2002 NE Cortina Drive. Staff's position is based on a determination that the decreased rear yard

setback from the resulting covered deck would not impair adequate supply of air and light, would 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.

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

There were no comments from the Board.

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.

**Board Action on Filing #22-21 property located at 2002 NE Cortina Drive**

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 33-foot rear yard setback for the conversion of an existing deck into a covered deck at 2002 NE Cortina Drive. The Board's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would 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 N.Sungren. All voted aye. Motion carried 5 – 0.

**NEW BUSINESS**

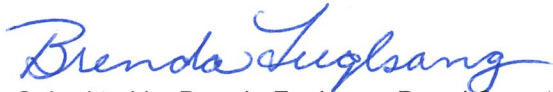
There was no new business.

**REPORTS**

Renewed Special Use Permits

#12-02 Sports Page Grill – 1704 N Ankeny Blvd.

There being no further business, meeting adjourned at 5:10 p.m.



Submitted by Brenda Fuglsang, Board Secretary  
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

January 4, 2023

5 : 00 PM

 [Print](#)

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

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ACTION REQUESTED:

Public Hearing

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LEGAL:

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SUBJECT:

**#23-01**

**Orvis Horatio Group, LLC dba Dough Co. Pizza**

*for property located at*

**2405 SW White Birch Drive, Suite 100**

Lot 5, Plaza Shops at Prairie Trail Plat 2-Except Parcel 2022-26 recorded Book 19046 Page 12

**RE: Special Use Permit**

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EXECUTIVE SUMMARY:

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FISCAL IMPACT: **No**

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STAFF RECOMMENDATIONS:

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PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

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PUBLIC OUTREACH EFFORTS:

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ACTION REQUESTED:

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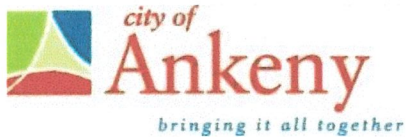
ADDITIONAL INFORMATION:

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ATTACHMENTS:

Click to download
 <a href="#">#23-01 Applicant Submittal</a>
 <a href="#">#23-01 Staff Report</a>





#23-01

**APPLICATION FOR  
ZONING BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT**

Applicant is: ☐ Property Owner ☒ Tenant ☐ Other \_\_\_\_\_

Applicant Dough Co. Pizza

Address / Phone # 515-318-1093

E-mail alec@doughco.pizza

Property Owner DRA Properties

Address / Phone # 1515 NE 36th St, Ankeny IA

E-mail kellyw@draprop.com

(Owner must sign the application or submit a letter of authorization)

**PAID**  
CK NO. CK# 1460 \$180.<sup>00</sup>  
DATE 12/16/22

**To the Members of the Board of Adjustment:**

I hereby request authorization for a Special Use Permit:

For (description of use) Outdoor beer and wine service

Location (address) of the proposed special use 2405 SW White Birch Dr, Suite 100

Legal description (Plat & Lot #) LOT 5 -EX PARCEL 2022-26 BK 19046 PG 12- PLAZASHOPS AT PRAIRIE TRAIL PLAT 2

Zoning Commercial Principal use of property (existing) Commercial

Attached hereto and made a part of this request, I submit the following:

- A statement indicating the reasons for my request, evidence concerning the feasibility of the proposed request and its effect on surrounding property.
- A site plan drawing defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.
- A letter of authorization from the owner or lessee, if applicable.

Complete submittals are required for review

**AFFIDAVIT**

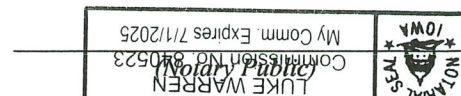
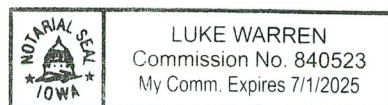
State of Iowa )ss  
County of Polk )

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

(Signature of Applicant)

Signed and sworn to before me, this

16<sup>th</sup> day of Dec, 20 22



Office Use Only

Date received RECEIVED

Paid ☐ Cash ☒ Check # 1460 \$180.<sup>00</sup>

Filing # 23-01 DEC 16 2022

Scheduled Meeting Date 1-4-2023

CITY OF ANKENY

December 2020



Dear Zoning board of adjustment,

I am writing to request a special use permit to allow a liquor license with outdoor service at the property of 2405 SW White Birch Dr, Ankeny IA 50023, that is within 500 feet of residential properties, for the operation of a Dough Co. Pizza restaurant.

Dough Co. Pizza is a fast casual pizzeria founded in Des Moines in 2020 and will be opening a second location in Ankeny in 2023. Our brand offers New York Style pizza with made from scratch ingredients in a family friendly atmosphere. We will also outdoor dining option on the adjacent patio to our location. To compliment our pizza we offer a selection of beer and wine, but do not offer liquor or full bar service. Our sales are over 90% from food and we exist first and foremost as a restaurant, with the vast majority of our alcohol sales coming with meal orders.

We believe outdoor service will allow our patrons and members of the community to enjoy our full menu on the outdoor patio without any negative impact to the negative community. Service will be limited to a designated fenced area. Additionally, our operations close at 9pm on weekdays and 10pm on weekends and we do not offer any service beyond these time periods.

We are also requesting the ability to have outdoor music, serviced by a single speaker connected to our audio system that will play our indoor music outside. The volume will have the ability to be controlled independently, and the music will be played at ambient levels that will be limited to immediate surrounding area. We will not be holding any live music performances on the outdoor patio space.

Thank you,



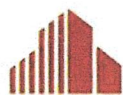
Alec Davis

President

Dough Co. Pizza

515-318-1093

#23-01



**CUSHMAN &  
WAKEFIELD**

Iowa Commercial Advisors

Cushman & Wakefield  
Iowa Commercial Advisors  
3737 Woodland Avenue  
Suite 100  
West Des Moines, Iowa 50266  
Tel +1 515 309 4002  
Fax +1 515 309 4040  
iowacommercialadvisors.com

Orvis Horatio Group, LLC, dba Dough Co. Pizza  
Attn: Alec Davis  
2405 SW White Birch  
Suites 100 & 101  
Ankeny, Iowa 50023

December 15, 2022

RE: Letter of Authorization – Outdoor Alcohol Service

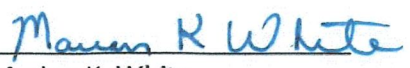
Alec:

We understand that you are currently in the process of applying for your liquor license for your new Dough Co. Pizza location at 2405 SW White Birch, Suites 100 & 101. Since your new outdoor patio will be within five hundred (500) feet of residential properties, the City of Ankeny requires that a Special Use Permit Application be filled out.

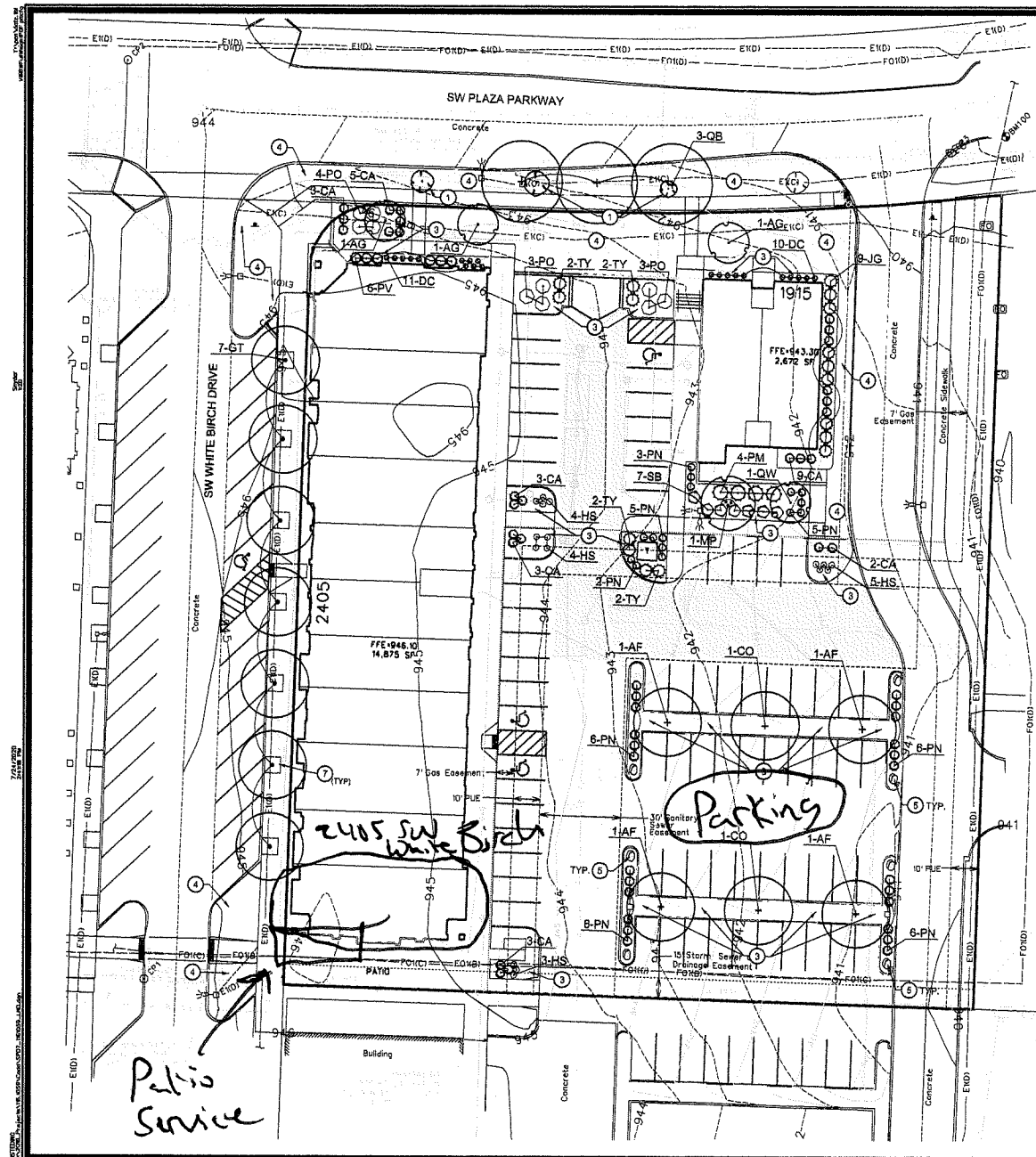
As part of this application process, a letter of authorization is required from the Property Owner, which is DRA Properties, Inc. As Managing Agent for DRA Properties, Iowa Commercial Advisors approves of this planned patio adjacent to your restaurant.

Please let us know if you need any other information.

Regards,  
**Iowa Commercial Advisors as Managing Agent  
For DRA Properties, LC**

  
Marian K. White  
Director of Property Management

#23-01



- PLANTING PLAN CONSTRUCTION NOTES:**
1. REMOVE STUMP AND ROOT MASS OF EXISTING TREE TO MINIMUM 24" DEPTH.
  2. ALL PLANT MATERIAL SHALL AT LEAST MEET MINIMUM REQUIREMENTS SHOWN IN THE "AMERICAN STANDARDS FOR NURSERY STOCK" (ANSI Z60.1-LATEST EDITION).
  3. AREA TO RECEIVE 3 INCH RIVER GRAVEL PLACED TO A DEPTH OF 4 INCHES WITH WEED BARRIER FABRIC UNDERLAMENT UNLESS OTHERWISE DIRECTED BY OWNER. PROVIDE 3/16" STEEL EDGING ON PERIMETER OF PLANTING BED OR TREE RING. COLOR TO BE BLACK.
  4. SEED ALL AREAS DISTURBED BY CONSTRUCTION WITH TYPE 1 SUDAS SEED MIX UNLESS OTHERWISE INDICATED.
  5. LANDSCAPE BOULDER (MIN. 3'X2') PLACED IN PARKING LOT ISLAND.
  6. CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF PROJECT ACCEPTANCE.
  7. PROVIDE NEENAH R-8115 72"X72" TREE GRATE OR OWNER APPROVED EQUAL.

**PLANTING PLAN REQUIREMENTS**

OPEN SPACE REQUIREMENTS  
 14,789 SFT 5000PSF + 8.83 PLANT UNITS REQ.  
 14,789 SFT 5000PSF + 8.83 PLANT UNITS REQ. (14 PROVIDED)  
 4.83 PU X 2 TREES = 9.66 TREES REQ. (10 PROVIDED)  
 4.83 PU X 8 SHRUBS = 38.64 SHRUBS REQ. (14 PROVIDED)

PAVEMENT SHADING REQUIREMENTS FOR NEW PAVEMENT  
 24,754 SFT PAVEMENT X 202' = 5,333 SFT SHADING REQ.  
 5,333 SFT X 7.58 OVERSTORY TREES REQ.  
 (6 PROVIDED)

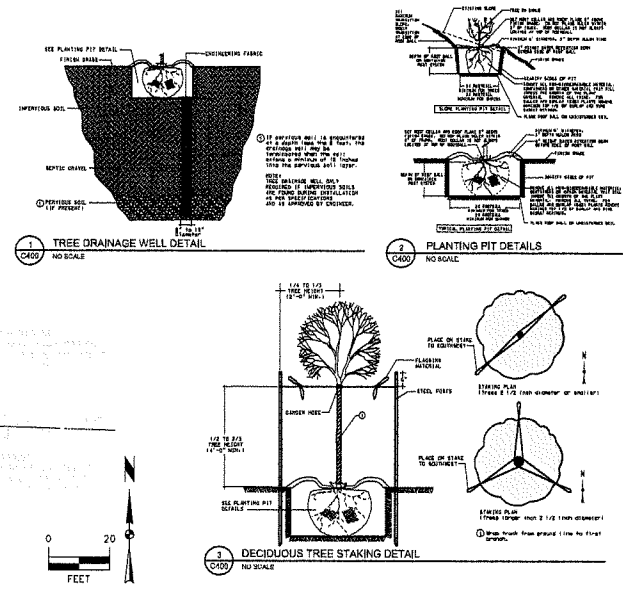
PAVEMENT OVERSTORY TREES PROVIDED  
 WITHIN 10' OF PAVED AREA ON ONE SIDE LOCATED AT 501'  
 (6) PAVEMENT OVERSTORY TREES PROVIDED  
 WITHIN 10' OF PAVED AREA ON 2 OR MORE SIDES  
 (COUNTED AT 100%)  
 5,848 SFT PAVEMENT SHADING PROVIDED

3 TREES REMOVED AND REPLACED ALONG SW PLAZA PKWY

**PLANT SCHEDULE**

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
4	AF	Acer x freemontii 'Spartan'	SENA GLEN MAPLE	1 1/2" CAL.	DBB
3	AG	Amelanchier x canadensis 'Autumn Brilliance'	AUTUMN BRILLIANCE SERVICEBERRY	1 1/2" CAL.	DBB
2	CO	Cornus occidentalis 'Prize Winner'	PRIZE WINNER DOGWOOD	1 1/2" CAL.	DBB
7	OT	Quercus macrocarpa var. laevis 'Skyline'	SKYLINE HONEYLOCUST	1 1/2" CAL.	DBB
1	MP	Metaxa 'Princess'	PRINCESS TREE ORANGE	1 1/2" CAL.	DBB
3	OR	Quercus laevis	SHARP WHITE OAK	1 1/2" CAL.	DBB
1	WR	Quercus x laevis 'Lance'	REGAL PRINCE OAK	1 1/2" CAL.	DBB
9	AC	Aspidistra virginiana 'Star of Gail'	GREY OIL AMPLER	12" HL.	CONT. (5/0/0/1)
4	FW	Pinus strobus 'White Blue'	WHITE BLUE MUGO PINE	24" HL.	CONT. (6/0/0/0)
10	PO	Phlox paniculata 'Stromboli'	LITTLE DEVIL NINEBARK	24" HL.	CONT. (5/0/0/1)
1	SR	Salix babingtonii 'Yellow Ribbon'	YELLOW RIBBON SALICATA	24" HL.	CONT. (5/0/0/1)
8	TY	Thuja occidentalis 'Yellow Ribbon'	YELLOW RIBBON ARBORVITAE	36" HL.	CONT. (5/0/0/1)
28	CA	Calamagrostis x acutiflora 'Wolfscreeper'	KARL FOERSTER FEATHER REED GRASS	1 GAL.	CONT. (4/0/0/1)
21	LC	Lactuca scariola	INVERTED LAMB'S EARS	1 GAL.	CONT. (12/0/0/1)
16	HS	Hemerocallis 'Stargazer'	STARGAZER DAY LILY	1 GAL.	CONT. (12/0/0/1)
18	PN	Parthenocissus vitacea 'Hortland'	HORTLAND SWITCHGRASS	1 GAL.	CONT. (4/0/0/1)
6	PV	Parthenocissus vitacea 'Shannon'	SHANNON SWITCHGRASS	1 GAL.	CONT. (4/0/0/1)

NOTE: QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR TO VERIFY PLANT MATERIAL PRIOR TO BIDDING. IN THE CASE OF A DISCREPANCY, THE PLAN QUANTITY SHALL GOVERN.



**PLAZA SHOPS AT PRAIRIE TRAIL PLAT 2, LOT 5**

**PLANTING PLAN**

**SNYDER & ASSOCIATES, INC.**

2405 SW WHITE BIRCH DR & 1915 SW PLAZA PKWY ANKENY, IOWA

2727 S.W. SNYDER BLVD.  
 ANKENY, IOWA 50023  
 515-964-2020 | www.snyder-assoc.com

Project No: 1161059  
 Sheet C500

2405 SW White Birch Dr  
Suite 100

#23-01

**Service Area**







1 inch = 100 feet  
Date: 12/19/2022

**Dough Co**  
**2405 SW White Birch Drive, Suite 100**





**CITY OF ANKENY  
ZONING BOARD OF ADJUSTMENT  
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

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**To:** Members of the Zoning Board of Adjustment  
**From:** Deb Gervais, Senior Planner *ESL*  
**Filing #:** 23-01  
**Meeting Date:** January 4, 2023  
**Address:** 2405 SW White Birch Drive, Suite 100

**APPELLANT REQUEST**

A Special Use Permit to allow an outdoor service area for Orvis Horatio Group, LLC dba Dough Co. Pizza at 2405 SW White Birch Drive, Suite 100.

**STAFF POSITION**

That the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to DRA Properties, LC / Orvis Horatio Group, LLC dba Dough Co. Pizza at 2405 SW White Birch Drive, Suite 100 for an outdoor service area to run concurrently and terminate with the 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 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. Seating on the patio for 24 persons.
4. Hours of operation are 11:00 a.m. - 9:00 p.m. Sunday – Thursday and 11:00 a.m. - 10:00 p.m. Friday - Saturday.
5. This Special Use Permit may be reviewed annually by staff for approval.

**PROJECT SUMMARY**

The property at 2405 SW White Birch Drive, Suite 100 is owned by DRA Properties, LC and is within 500 feet of residential properties to the north and west. A 360 SF outdoor patio is proposed to be constructed on the south side of the existing building. The tenant of suite 100, Orvis Horatio Group, LLC doing business as Dough Co. Pizza, is requesting that alcohol is allowed to be served on the proposed outdoor patio. Due to the subject property's proximity to the residential properties, a Special Use Permit is required to serve alcohol within the outdoor patio area.



## **PROJECT REPORT**

### **196.02 SPECIAL PERMITS.**

- (1) **Zoning Board of Adjustment Authorization:** The Zoning Board of Adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Zoning Ordinance:

I. With the exception of properties located within Entertainment Districts as defined and regulated in Chapter 143 of the Ankeny Municipal Code, premises with a beer permit or liquor control license not contained within a completely enclosed and covered structure and located less than five hundred feet from a residential zoning district; provided the following standards are met:

- (1) The applicant meets all other requirements listed in Chapter 130 of this Code of Ordinances.
- (2) The special permit, if granted, shall expire one year after the grant thereof, subject to renewal...
- (3) Sound levels emanating from the outdoor seating area 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.
- (4) The Board may exact any other regulations and assurances, covenants, and warranties as may be necessary to protect the rights of the neighboring residents, including but not limited to the following: (a) hours of operation; (b) lighting; and (c) screening.

### **130.07 OUTDOOR SEATING AREAS.**

1. With the exception of properties located within Entertainment Districts as defined and regulated in Chapter 143 of the Ankeny Municipal Code, the premises for which a beer permit or liquor control license is sought shall require a special use permit for an outdoor service area as described in paragraph 196.02(1)(I) if it is less than five hundred (500) feet from a residential zoning district. This requirement may be waived by the City Council upon showing that the applicant for such license conforms to the requirements of Section 130.05 of this chapter.
2. The outdoor seating area shall be delineated by a barrier that is a minimum of thirty-six (36) inches in height and discourages the free movement of people between the outdoor service area and non-licensed areas and shall conform to all physical requirements of the State Code of Iowa as well as all Building Code requirements of the City of Ankeny.
3. Emergency exits, sized and spaced in accordance with the Building Code, must be provided with a clear and unobstructed access to the public way.
4. The site shall meet the parking requirements listed in Section 194.01 of this Code of Ordinances.

**196.02(2) Pre-Issuance Review:** Before issuing any special permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture. The Zoning Board of Adjustment may approve the special permit as submitted or, before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Zoning Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this Zoning Ordinance to promote public health, safety, morals and the general welfare.

**196.02(3) Application; Feasibility Evidence and Site Plan Required:** Application for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property; and shall include a site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.

**196.02(4) Changes; Resubmittal Required:** In the event a special permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

### **Findings of Fact**

The subject property, 2405 SW White Birch Drive, is located north of SW Oralabor Road, west of SW State Street, and south of SW Prairie Trail Parkway. The legal description is Lot 5, Plaza Shops at Prairie Trail Plat 2 except Parcel 2022-26 as recorded book 19046 page 12. The subject property and surrounding properties are zoned Prairie Trail PUD.

Residential uses within 500 feet of the proposed outdoor service area occur to the north of SW Plaza Parkway and west at The Sterling at Prairie Trail. The proximity to residential uses requires the tenant to obtain a Special Use Permit if they are to serve alcohol on the outdoor patio.

A patio is proposed to be constructed on the south side of the building. The service area fencing is proposed to extend from the southwest corner of the building 14-feet 9-inches south and 24-feet east before connecting back to the building. The service area will be enclosed with a galvanized steel fence that will contain 2-inch by 2-inch painted wire mesh paneling. The proposed perimeter fencing will need to meet the exit criteria of the Code, which will be reviewed by the Chief Building Official.

The outdoor seating area as drawn, shows seating for up to twenty-four patrons. The approved site plan on file for the subject area has parking calculations that account for patio seating for up to forty seats. An east / west pedestrian sidewalk will be maintained on the property to the south connecting the parking lot to the public sidewalk along SW White Birch Drive.

One exterior speaker is planned to play music at ambient levels. There are no plans for live music in the outdoor patio space. The applicant must comply with Municipal Code Chapter 44, Noise Control. The proposed operating hours of the outdoor service area will be consistent with their regular operating hours, 11:00 a.m. - 9:00 p.m. Sunday – Thursday and 11:00 a.m. - 10:00 p.m. Friday – Saturday.

At this time, staff has not received any correspondence, either for or against the request from neighboring property owners.



*View of Dough Co. Pizza and proposed patio area looking east from SW White Birch Drive*

The staff position is that Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to Orvis Horatio Group, LLC dba Dough Co. Pizza at 2405 SW White Birch Drive, Suite 100:

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. Seating on the patio for 24 persons.
4. Hours of operation are from 11:00 a.m. - 9:00 p.m. Sunday – Thursday and 11:00 a.m. - 10:00 p.m. Friday - Saturday.
5. This Special Use Permit may be reviewed annually by staff for approval.



ZONING BOARD OF ADJUSTMENT

January 4, 2023

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

**Renewed Special Use Permits**

#15-01 Main Street Cafe & Bakery - 2510 SW White Birch Dr., Suites 1 & 2

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

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 [Special Use Permit Renewal](#)





City of Ankeny  
**Outdoor Service Area Renewal Application**

**\*Special Permit Resolution # 15-01**

**If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.**

Name of Applicant: Main Street Café & Bakery, Inc.  
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Main Street Café & Bakery

Address of Premise: 2510 SW White Birch Dr., Suite 1 & 2

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes ☒ No

If yes, what changes have been made. (Please include a sketch)

- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes ☒ No

*Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)*

**I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.**

**The applicant hereby swears or affirms that all statements set forth herein are true and correct.**

Signature

Ryan McCawley  
Name of Applicant (printed)

Date

11/23/22

ADMINISTRATIVELY  
☒ **APPROVED**

12/19/22 EJC