

Meeting Minutes
Zoning Board of Adjustment
Tuesday, August 22, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the August 22, 2023 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, D.Silverthorn, J.Heil, B.Morrissey, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JULY 18, 2023 REGULAR MEETING

Motion by N.Sungren to approve the July 18, 2023 meeting minutes as submitted. Second by B.Walker. All voted aye. Motion carried 3 – 0 – 2 (Abstain: M.Ott and K.Tomlinson)

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#17-02 (2023)

Brandon Wheelock

Wheelock & Family, Inc.

dba Luddy's Tavern

for property located at

106 SW State Street, Ste. 100

Lot 1, Frontier Village Plat 1

RE: Special Use Permit

Chair M.Ott opened the public hearing.

The applicant, Brandon Wheelock, was not in attendance due to flight delays related to Hurricane Hilary in Los Angeles.

R.Kirschman reported Luddy's Tavern at 106 SW State Street, Suite 100 is requesting a Special Use Permit to allow an outdoor service area. He said the proximity of the outdoor service area to a residential zoning district is the condition, which requires the establishment to obtain a Special Use Permit. The existing outdoor service area is currently located on the east side of the building. He stated the subject property is zoned C-1, Neighborhood Retail Commercial District. The properties located directly to the east and west are zoned R-2, One-Family and Two-Family Residence District. R.Kirschman said that the space was previously owned by Crankie's Inc. dba Wheel House Pizzeria & Pub, and was approved for a Special Use Permit in 2017. The new owner is not proposing any changes to the patio except the hours of operation. He noted that the previous hours approved were 3:00 p.m. to 11:00 p.m. Monday – Thursday; 11:00 a.m. – 12:00 a.m. Friday – Saturday; 9:00 a.m. – 11:00 p.m. Sunday. He stated the applicant is proposing to align the outdoor service hours with their hours of operation, which is 10:00 a.m. - 12:00 a.m. Monday – Sunday. Public Notices were mailed and staff has not received any correspondence for or against the request. The staff position is that the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to Brandon J. Wheelock, Wheelock & Family, Inc., dba Luddy's Tavern at 106 SW State Street, 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 29 persons.
4. Hours of operation are 10:00 a.m. - 12:00 a.m. Monday – Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.

K.Tomlinson asked whether the Board has approved other establishments with patio hours that operate until midnight Monday – Thursday, that are not in an entertainment district? E.Jensen responded yes. He commented that he would find the names/hours of other establishments and forward them to the Board.

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

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's discussion included the extension is one hour on weekdays, closest residential is to the west, no concerns raised by residents who were notified, Luddy's will need to comply with the noise ordinance, and if there are complaints, it would come back to the Board for further review.

Board Action on Filing #17-02 (2023) property located at 106 SW State Street, Ste. 100

Motion by J.Baxter that the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(l) to Brandon J. Wheelock, Wheelock & Family, Inc., dba Luddy's Tavern at 106 SW State Street, 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 29 persons.
4. Hours of operation are 10:00 a.m. - 12:00 a.m. Monday – Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.

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

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#16-02 Filet Steakhouse, LLC, 1802 N Ankeny Blvd., Suite 100

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



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment