

Meeting Minutes

Zoning Board of Adjustment

Tuesday, March 8, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the March 8, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE FEBRUARY 8, 2022 REGULAR MEETINGS

Motion by M.Ott to approve the February 8, 2022 meeting minutes as submitted. Second by K.Tomlinson. Motion failed 2 – 0 – 2 (Abstain: J.Baxter and N.Sungren). The February 8, 2022 meeting minutes were tabled until the Tuesday, March 22, 2022 meeting.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#22-03

**DRA Properties/Silk Elephant
2410 SW White Birch Drive, Suite 108
Lot 6, Plaza Shops at Prairie Trail Plat 1
RE: Special Use Permit**

Chair M.Ott opened the public hearing.

Orathai Sae Lao, 2410 SW White Birch Drive, Suite 108, Ankeny said they are requesting a Special Use Permit to sell alcohol on the patio along with food at the Silk Elephant restaurant. She said they will be open seven days a week from 11:00 a.m. – 2:30 p.m. and 4:30 p.m. to 9:00 p.m. She stated that the patio will not have any music, they only plan to service food and beverages.

K.Tomlinson commented that the staff report stated 2:00 p.m., and asked whether the hours will be 2:00 p.m. or 2:30 p.m. Orathai Sae Lao said 11:00 a.m. to 2:30 p.m., they will have a breaktime and come back at 4:30 p.m. to 9:00 p.m.

B.Morrissey reported the property is located at 2410 SW White Birch Drive Suite 108 and contains a restaurant named the Silk Elephant. He said it is located at the intersection of SW Plaza Parkway and SW White Birch Drive and is zoned Prairie Trail PUD. He stated all neighboring properties are also part of the PUD. B.Morrissey said the applicant is requesting a Special Use Permit for the restaurant to allow for an outdoor service area that will serve alcohol. He noted that although they are under the same zoning classification, there are properties to the north and west that are within 500 feet and residential in nature, which requires a Special Use Permit. B.Morrissey explained that the proposed outdoor service area is located on the north side of the property adjacent to SW Plaza Parkway. He commented that the patio is approximately 49-feet long and 19-feet deep and will not encroach on any public sidewalks. The patio area will need to be retained via a perimeter that will separate it from surrounding features in the area. He said the proposed hours of operation for the patio are 11:00 a.m. - 2:00 p.m. and 4:30 p.m. - 9:00 p.m. Monday-Sunday and the patio will need to adhere to noise requirements of the Municipal Code Chapter 44, Noise Control and obtain a liquor license from the state.

B.Morrissey stated that Staff has not received any correspondence in support or against the request. Staff recommends 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/Silk Elephant at 2410 SW White Birch Drive, Suite 108 for an outdoor service area 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 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 20 persons.
4. Hours of operation are from 11:00a.m.-2:00p.m. and 4:30p.m.-9:00p.m. Monday-Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.

J.Baxter said the hours of operation stated by the applicant are different from the Staff recommendation. E.Jensen responded that the applicant's letter does state 2:00 p.m., but she now requested 2:30 p.m., so he recommended that the Board set the hours of operation from 11:00 a.m. to 9:00 p.m. Monday-Sunday, which would allow them to set their own breaktime hours.

Orathai Sae Lao informed the Board that the fence has been installed around the patio.

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 4 – 0.

The Board had no concerns with the request.

Board Action on Filing #22-03 property located at 2410 SW White Birch Drive, Suite 108

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)(I) to Silk Elephant at 2410 SW White Birch Drive, Suite 108 for an outdoor service area 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 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 20 persons.
4. Hours of operation are from 11:00a.m. - 9:00p.m. Monday-Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.

Second by K.Tomlinson. All voted aye. 4 – 0.

#22-04

**Chestnut Signs/Horizon Hotels Iowa LLC
2602 SE Hulsizer Road
Lot 1, Hulsizer Commercial Plat 1
RE: Variance - Off-Premise Sign**

Chair M.Ott opened the public hearing.

Donovan Chestnut, Chestnut Signs, 971 NE Broadway Avenue, Des Moines representing the Holiday Inn Express and Staybridge Suites hotels. He said they are requesting a variance to the Code for an off-premise sign. He presented a drawing and explained the basic site layout for both the Holiday Inn Express and Staybridge Suites hotels. He stated that they are proposing one monument sign on the Staybridge Suites property to advertise both hotels. Donovan Chestnut stated that the Code does allow them to have two monument signs, but they would like to forgo the right to have a monument sign on the Holiday Inn Express

property. He feels the proposed placement is the best location for visibility coming from SE Oralabor Road heading northbound. He asked the Commission if they had any questions.

J.Baxter confirmed with the applicant the location of the monument sign. Donovan Chestnut confirmed the location and said the other notations on the site plan are for building signs.

The Board had no further questions or comments.

R.Hulstrom reported the subject property is located at 2602 SE Hulsizer Road, west of SE Hulsizer Road and north of SE Oralabor Road. The property is zoned M-1, Light Industrial District and is the anticipated future location for a Staybridge Suites hotel. She stated the variance request from the applicant is to allow another business, Holiday Inn Express, located north of the subject site at 2502 SE Hulsizer Road to utilize a panel within a proposed monument sign located at 2602 SE Hulsizer Road to advertise their business. R.Hulstrom stated the Ankeny Municipal Code Section 195.05(7) states, *"No sign shall be on property other than the premises on which the business, commodity, service, or entertainment is located"*. The Holiday Inn Express panel within the proposed ground sign would be considered off-premise signage. Public notices were sent to property owners within 250-feet of the subject site, a notice was published in the Des Moines Register and staff has not received any comments from the public in opposition or support of the proposed variance request. The Staff position is to grant a variance to Ankeny Municipal Code Section 195.05(7), to allow for an off-premise user to advertise on a panel as part of a monument ground sign at 2602 SE Hulsizer Road subject to the following conditions:

1. No other ground or monument signage will be allowed for the uses included on the proposed sign, with the exception of accessory or directional signage as determined by staff and
2. The total sign area cannot exceed 100 square feet.

Staff's position is based upon the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood, and that it is found to be 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.

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

The Board had no concerns with the request.

Board Action on Filing #22-04 property located at 2602 SE Hulsizer Road

Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 195.05(7), to allow for an off-premise user to advertise on a panel as part of a monument ground sign at 2602 SE Hulsizer Road subject to the following conditions:

1. No other ground or monument signage will be allowed for the uses included on the proposed sign, with the exception of accessory or directional signage as determined by staff and
2. The total sign area cannot exceed 100 square feet.

The Board's position is based upon the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood, and that it is found to be in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by M.Ott. All voted aye. 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

There were no reports.

There being no further business, the meeting adjourned at 5:26 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment