

Meeting Minutes

Zoning Board of Adjustment

Wednesday, January 4, 2023

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the January 4, 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, D.Gervais, B.Fuglsang

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE DECEMBER 6, 2022 REGULAR MEETING

Motion by N.Sungren to approve the December 6, 2022 meeting minutes as submitted. Second by K.Tomlinson.

Motion carried. 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#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

Chair M.Ott opened the public hearing.

Alec Davis, Owner, Dough Co. Pizza, 644 26th Street, Des Moines, said they are in the process of opening up Dough Co. Pizza in The District at Prairie Trail. Their request is for a Special Use Permit to allow alcohol service that includes beer and wine on a patio that will be within 500-feet of residential housing. He noted that approximately 90% of their sales is for food. He asked the Board if they had any questions.

Vice Chair Jeff Baxter arrived at 5:07 p.m.

There were no questions from the Board.

D.Gervais reported Dough Co. Pizza, a tenant of Suite 100 at 2405 SW White Birch Drive and owned by DRA Properties, LC is requesting that alcohol be allowed to be served on an outdoor patio. She stated the patio will be located within 500 feet of residential properties to the north and west and 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. D.Gervais said that the subject property is located north of SW Oralabor Road, west of SW State Street, and south of SW Prairie Trail Parkway; and the surrounding properties are zoned Prairie Trail PUD. She stated that 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. She explained that a patio is proposed to be constructed on the south side of the building with the service area being enclosed with a galvanized steel fence. The outdoor seating area shows seating for up to twenty-four patrons with one exterior speaker to play music at ambient levels. D.Gervais noted that the proposed operating hours of the outdoor service area will be consistent with their regular operating hours, which is 11:00 a.m. - 9:00 p.m. Sunday – Thursday and 11:00 a.m. - 10:00 p.m. Friday – Saturday. 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, 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.

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 K.Tomlinson. All voted aye. Motion carried 5 – 0.

The Board had no concerns with the request.

Board Action on Filing #23-01 property located at 2405 SW White Birch Drive, Suite 100

Motion by B.Walker 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.

Second by M.Ott. All voted aye. Motion carried 5 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

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

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



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment