



# **North Liberty Board of Adjustment Information Packet**

**Wednesday, May 6, 2015**

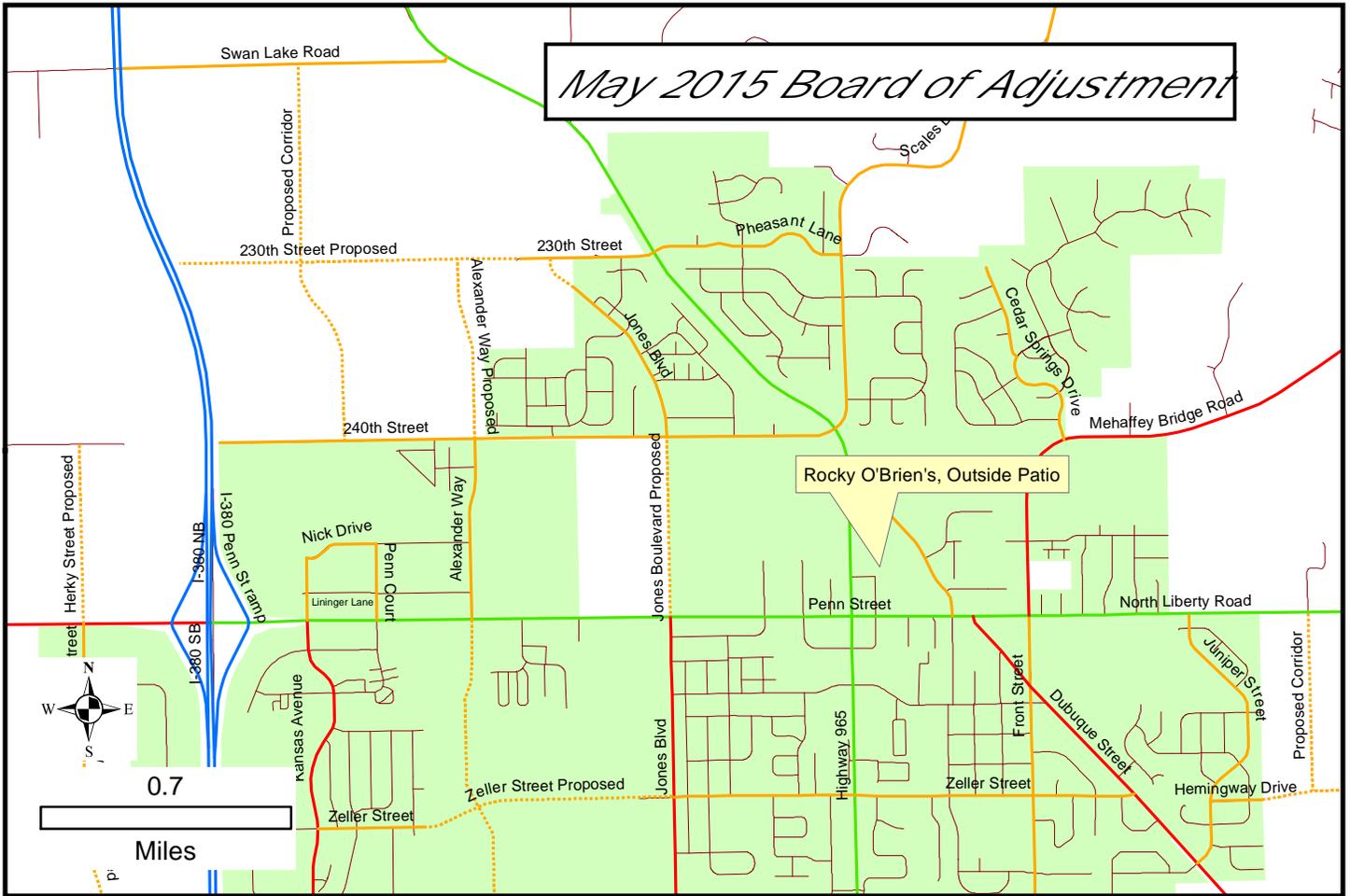
**6:30 PM**

If you would like additional information, larger-scale maps, or other information before the meeting, please contact Dean Wheatley at 626-5747 or at [dwheatley@ci.north-liberty.ia.us](mailto:dwheatley@ci.north-liberty.ia.us)



**NORTH LIBERTY BOARD OF ADJUSTMENT  
MEETING NOTICE AND AGENDA  
May 6, 2015, 6:30 PM**

1. Roll call.
  2. Public comment on any item not on the agenda.
  3. **CONDITIONAL USE:** Request of Kelly Crawford to add a front patio eating area at Rocky O'Briens restaurant, located at Penn Landing.
    - a. Applicant's Presentation
    - b. Public Hearing
    - c. Questions and Comments
    - d. Formal Action
  4. Minutes of previous meeting (November 2014)
  5. Old business
  6. New business
- Adjournment



2014 Aerial Photography  
No scale





April 27, 2015

## Memo

To: North Liberty Planning Commission  
From: Dean Wheatley, Planning Director  
Subject: Accessory Outside Eating at Rocky O'Brien's Restaurant  
(Legal: Lot 1 Grand North Plaza)

Your North Liberty city staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator  
Tracey Mulcahey, Assistant City Administrator  
Tom Palmer, City Building Official  
Scott Peterson, City Attorney  
Kevin Trom, City Engineer  
Dean Wheatley, Planning Director

This request is to allow a second outside eating area at the Rocky O'Brien's restaurant at the existing Penn Landing commercial development located at the northeast corner of Penn Street and Highway 965. The property is zoned C-2-A Commercial, and the owner of the plaza has endorsed this project for the tenant. The closest residential buildings are approximately 700 feet away, south of Penn Street.

The specific plans for the patio are to use wrought iron fencing to establish a 16'x16' area near the front of the restaurant on an existing large concrete area, with large flower pots added for some degree of aesthetic enhancement. Wine and beer will be served if approved, but amplified music will not be played.

The Zoning Ordinance specifies provisions that apply to every outdoor eating accessory use:

- *All businesses shall be subject to the approval of a conditional use permit and approval by the Council of a site plan meeting requirements of this code. Any City action against the outdoor eating accessory use shall also be enforceable against the associated restaurant operation, and may include withdrawal of certifications or permits for both the accessory use and for the principal restaurant use on the property. The City shall have the discretion to require a formal agreement, specifying conditions for operations, to be approved in any case.*
- *All Zoning Ordinance requirements shall be observed, including parking, yards, and signage. No additional signage is allowed in conjunction with the outside eating area.*
- *The area used for the establishment shall be clearly delineated by fencing, plant materials or other landscaping or other aesthetically pleasing means, to be specified and approved*

*through the site plan process.*

- *The area used for the establishment shall be hard-surfaced with concrete, asphalt, or other suitable permanent materials.*
- *The principal use on the site must meet all Zoning Ordinance and site plan requirements.*
- *Temporary structures or other facilities may be approved through the site plan review.*
- *Businesses must provide evidence that appropriate State and local licensing has been obtained.*
- *All applicable local, county, and State regulations must be met.*
- *Businesses may not serve alcoholic beverages unless specifically approved by formal agreement.*
- *Businesses may not provide lighting unless specifically approved by formal agreement.*
- *Businesses may not provide any amplified music or public address system unless specifically approved by formal agreement.*

This application meets the requirements of the Zoning Ordinance and the conditional use is recommended for approval with the following conditions:

1. Permit is for this owner only (future owners would need to reapply),
2. Alcoholic beverage sales allowed, subject to a formal agreement,
3. No amplified music, and
4. No more seats than allowed by the Building and Fire Codes for this location.

A building permit will need to be obtained from Building Department for the purpose of verifying accessibility and restroom requirements.



Relocate bike rack.

16'x16' fenced area with ADA opening on building side.

Flower Pots



Fence Example

1 inch = 30 feet





**NORTH LIBERTY BOARD OF ADJUSTMENT  
MEETING MINUTES  
November 19, 2014, 6:30 PM**

**Roll Call:** The meeting was called to order by Vice-Chairperson Chipman at 6:30 p.m. Board of Adjustment members present were: Chipman, Grell, Reed, Kouri. Absent: Werner-Smith.

Others present: Dave LeBlanc, applicant; Chad Keune, neighboring property owner.

Public comment on items not on the agenda: None.

1. **VARIANCE:** Request of New Horizon Management, LLC for a variance to setback requirements to allow an industrial building addition closer to a side lot line than the minimum requirement of the Zoning Ordinance.

(Legal: Lot 11, Inter-City Industrial Park)

Wheatley briefed the Board on the history of the case and noted that staff can not recommend approval because the seven prescribed criteria for granting a variance have not been shown.

Applicant Dave LeBlanc was present and addressed the Board, stating that offsetting the building addition as staff suggested would create inefficiencies in his business.

Neighboring property owner Chad Kuene spoke, saying that he had no objection to the variance as long as the addition would not get closer to his lot than the existing building.

Wayne Grell discussed doors, internal drives, and site circulation with the applicant, and stated that the variance would lead to better operations than alternatives. Art Chipman agreed.

The variance criteria were briefly discussed and members stated that they felt this case merits approval based on practical considerations.

Wayne Grell moved for approval of the variance. Chris Kouri seconded the motion, which passed unanimously by roll call vote.

**Minutes:** Marissa Reed moved to approve the minutes of August 2014. Art Chipman seconded the motion, which passed unanimously.

**Old Business:** There was no old business.

**New Business:** Staff reported that there are no known applications for upcoming months.

**Adjournment:** The Chair declared the meeting adjourned at 6:55 PM.

Dean Wheatley, Planning Director