



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

**August 17, 2016**

**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@northlibertyiowa.org](mailto:dwheatley@northlibertyiowa.org)



**NORTH LIBERTY BOARD OF ADJUSTMENT  
MEETING NOTICE AND AGENDA  
August 17, 2016, 6:30 PM**

- 1. Roll Call.**
  - 2. Election of Officers**
  - 3. Public Comment**
  - 4. Conditional Use:** Request of Vito's Restaurant for a conditional use to allow outside eating and drinking at 1295 Jordan Street, generally located the northwest corner of Jordan Street and Ashley Court east of Highway 965.  
(Legal: Lot 3, Corridor Commercial Part 1)
    - a. Staff Presentation and Planning Commission Recommendation
    - b. Applicant's Presentation
    - c. Questions and Comments
    - d. Formal Action
  - 5. Minutes of Previous Meetings (December 2015 and June 2016)**
  - 6. Old Business**
  - 7. New Business**
- Adjournment**



Recommended by  
Planning Commission  
8/2/2016 for approval  
subject to conditions in  
report.

July 26, 2016

## **Memo**

To: North Liberty Planning Commission  
From: Dean Wheatley, Planning Director  
Subject: Accessory Outside Eating at Vito's Restaurant  
(Legal: Lot 3, Corridor Commercial Part 1)

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 small outside eating area at the front of the planned Vito's restaurant at the Corridor Commercial development area located at the northwest west corner of Jordan Street and Ashley Court. The property is zoned C-2-A Commercial, and the association of the multi-tenant building has endorsed this project. The closest residential buildings are about 450' from the patio, both the North Liberty Living Center and row homes to the east on Ashley Court.

The specific plans for the patio are to use wrought iron fencing to establish an approximately 800 square foot area at the front of the restaurant, with string lighting and planters. Food and alcohol will be served if approved.

Due to residential uses in the vicinity, noise will be an issue, and loud music needs to be restricted.

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,
3. Only low-wattage lighting to be added – no floodlighting,
4. Amplified music levels to be agreed to in the field by the owner and City staff, and
5. 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 construction of the area.

**City of North Liberty**  
**Site Plan, Rezoning, Conditional Use, PAD**  
**Application Form**



Request – check all that apply	Fee
<input type="checkbox"/> Site Plan	\$750
<input type="checkbox"/> Revised Site Plan	\$250
<input checked="" type="checkbox"/> Conditional Use	\$300
<input type="checkbox"/> Rezoning	\$300
<input type="checkbox"/> Planned Area Development (PAD)	\$750
<input type="checkbox"/> Revised Planned Area Development	\$250

Project name: Vito's

Site location (address or legal description): 1295 Jordan St.

Existing zoning district:

Project description: Patio

Property owner: BB Vito's NL, LLC

Owner mailing address: 1295 Jordan St

Phone: 319 6654800 Fax: Email:

Applicant if different from owner: Brian Winders

Applicant mailing address: 1511 Hillside Dr NW.

Applicant contact person:

Phone: 319 5338844 Fax: Email: brianwinders@yahoo.com

Applicant's engineer (Contact Person):

Company:

Address:

Phone: Fax: Email:

Applicant's attorney:

Company:

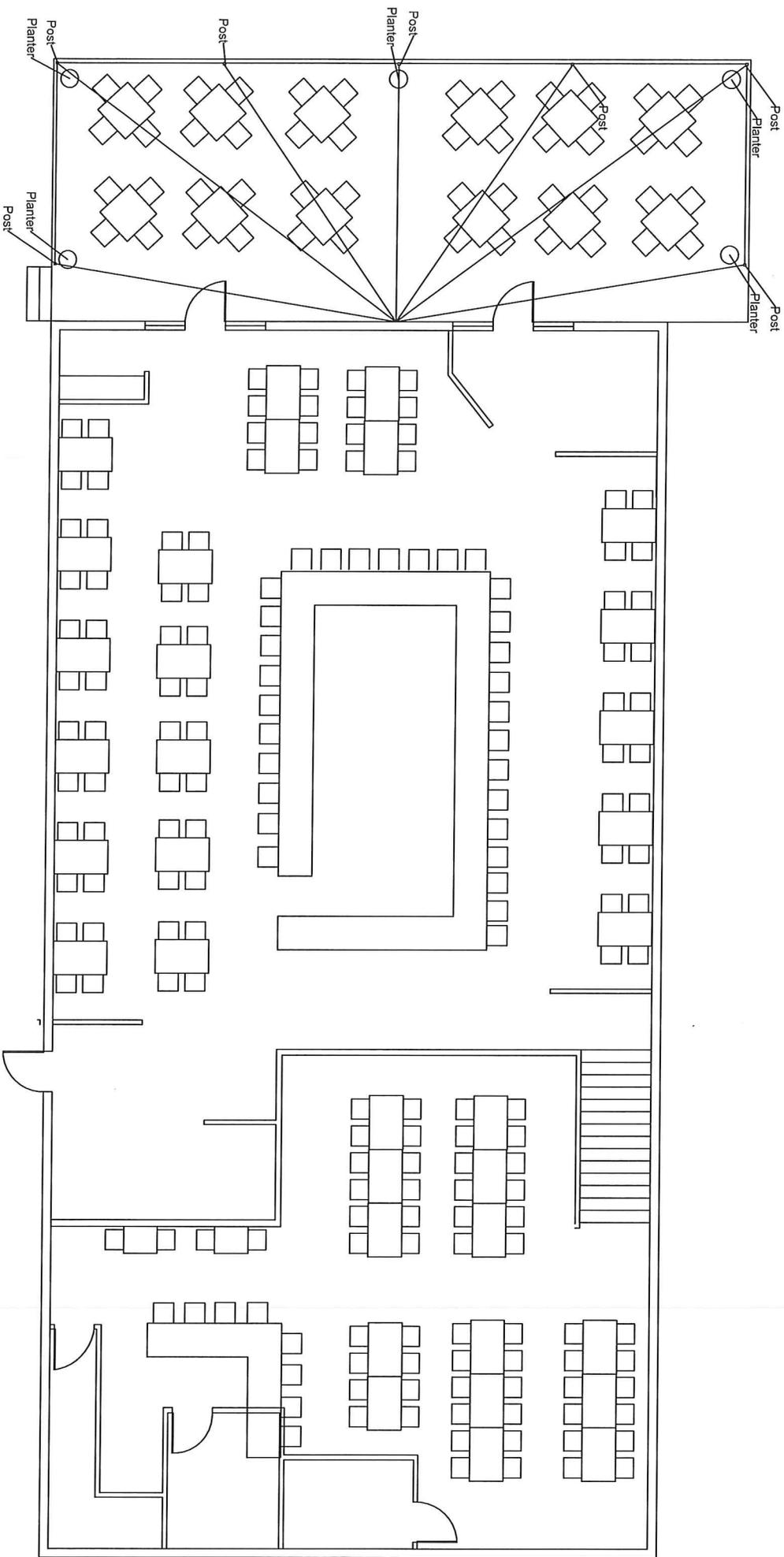
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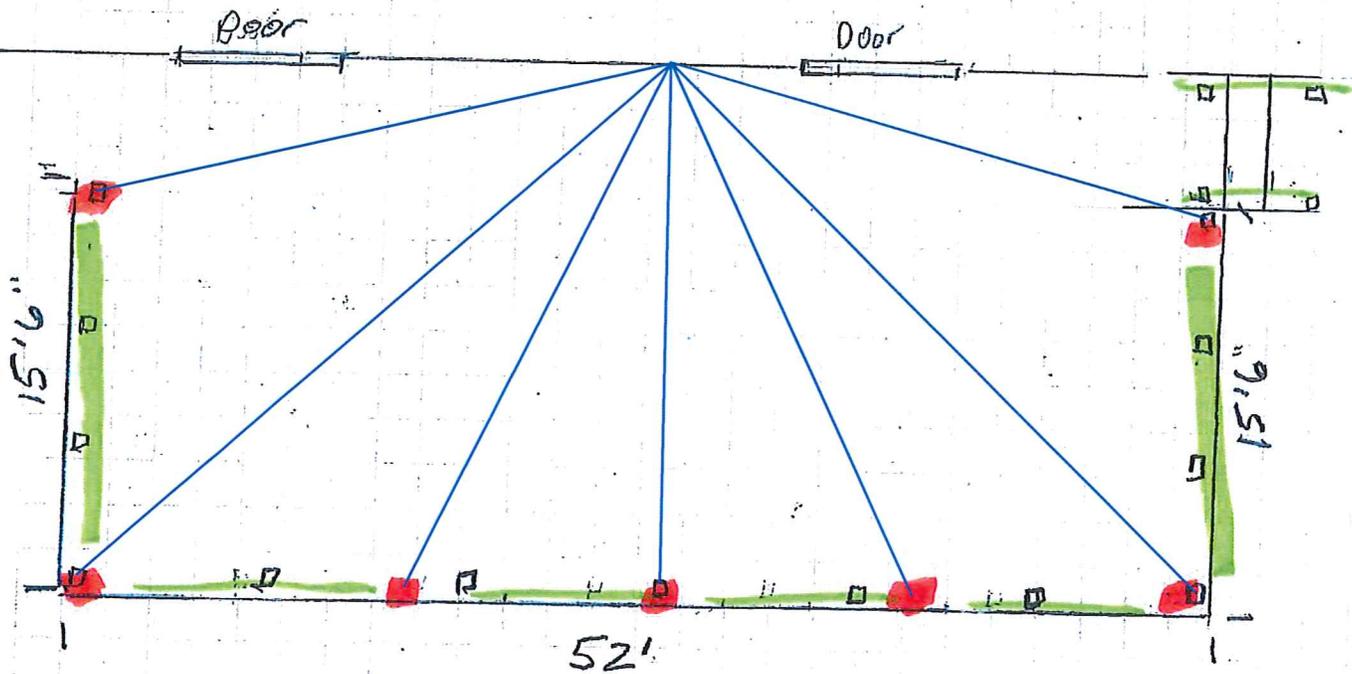
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**OFFICE USE ONLY**

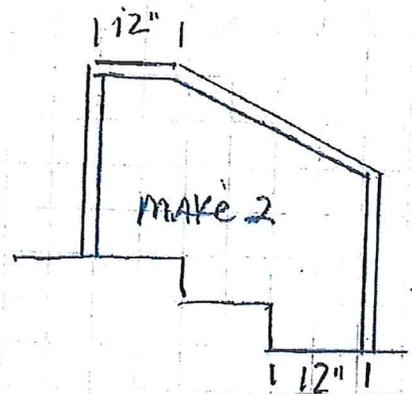
Date submitted:

Fee amount:





13- 2x2 square steel Posts 8' tall  
 Capped with a ring welded @ the top to  
 hook lighting to. No gates 48" tall





**NORTH LIBERTY BOARD OF ADJUSTMENT  
MEETING MINUTES  
December 9, 2015, 6:30 PM**

**Roll Call:** The meeting was called to order by staff at 6:30 p.m. Board of Adjustment members present were: Grell, Ruttum, Reed, Erenberger, Kouri.

Others present: Mrs. Grell.

**ELECTION OF OFFICERS:** Marissa Reed nominated Wayne Grell to serve as Chair for the group. Christopher Kouri seconded the motion, which passed unanimously by roll call vote. Wayne Grell nominated Marissa Reed to serve as Vice-Chair. Eric Ruttum seconded the motion, which passed unanimously by roll call vote. Chair Grell took over for the rest of the meeting.

Public comment on items not on the agenda: None.

**CONDITIONAL USE:** Request of Quality Care for a conditional use to allow a neighborhood mini-warehouse operation at 570 Penn Court, generally located south of West Penn Street in the Liberty's Gate area. (Legal: Lot 3, Liberty's Gate Part 1)

Wheatley briefed the Board on the details of the case and noted that no negative comments have been received from notification letters sent to property owners within 200'. The Planning Commission reviewed the application at their meeting on December 1 and recommended approval to the Board, and City Council has approved the revised site plan at their meeting on December 8.

The Chair opened the public hearing, and closed the hearing immediately since there was no one in the audience to comment. Several members commented favorably on the existing Quality Care location on West Penn Street and on the planned project.

Eric Ruttum moved for approval of the conditional use with no conditions. Christopher Kouri seconded the motion, which passed unanimously by roll call vote.

**Minutes:** The minutes were approved by unanimous voice vote called by the Chair.

**Old Business:** There were questions regarding the status of the outside eating area at Bobby's Live on 965. Why has it not been finished? Staff replied that there has been some difficulty convincing the owner to comply with the obligations he made for fencing the site, and that the Board could reconsider the conditional use permit at any time if desired.

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

**Adjournment:** The Chair declared the meeting adjourned at 6:50 PM.

Dean Wheatley, Planning Director



**NORTH LIBERTY BOARD OF ADJUSTMENT  
MEETING MINUTES  
June 29, 2016, 6:30 PM**

**Roll Call:** The meeting was called to order by Chair Grell at 6:30 p.m. Board of Adjustment members present were: Grell, Ruttum (by phone), Reed, Erenberger. Kouri was absent.

Others present: Mrs. Grell, Mike Bails, Jeff Prybil, other interested parties.

Public comment on items not on the agenda: None.

**Conditional Use:** Request of Restaurant Concepts Inc. to approve outdoor eating for an Arby's restaurant located at the southeast corner of West Penn Street and Kansas Avenue, Lot 24 Liberty's Gate Part 2.

A public hearing was held, with no comments.

Staff reported on the case details, and noted that the Planning Commission has recommended approval. Ruttum moved for approval, and Reed seconded the motion, which was approved unanimously.

**Conditional Use:** Request of Cameron Way Partners to approve an outside eating conditional use at the new BeerBurger restaurant located at the southwest corner of West Penn Street and Cameron Way (former Kyodai restaurant location).

A public hearing was held, with no comments.

Staff reported on the case details, and noted that the Planning Commission has recommended approval with conditions. Grell moved for approval with those conditions, and Ruttum seconded the motion, which was approved unanimously.

**Conditional Use:** Request of PFS, LLC to approve a plan for outside eating at the proposed new Tin Rooster restaurant to be located at the southwest corner of West Penn Street and Community Drive, Lot 12 Liberty Centre Part 1.

A public hearing was held, with no comments.

Staff reported on the case details, and noted that the Planning Commission has recommended approval with conditions. Erenberger moved for approval with those conditions, and Reed seconded the motion, which was approved unanimously.

**Variance:** Request of Gerald T. Prybil Family trust to approve a variance to allow expansion of an existing commercial warehouse building into a required side yard at 720 Liberty Way, Lot 12 of Inter-City Industrial Park.

A public hearing was held, with no comments.

Staff reported on the case details, and pointed out several pertinent pages of information in the packet. Ruttum noted that the case does not meet requirements for a variance. Grell said that cities should not change zoning regulations after some sites are built, and other lots around this one have setbacks similar to the request. Grell moved for approval of the variance, and Reed seconded the motion, which was approved by a vote of 3-1. Voting yes were Grell, Reed, and Erenberger. Ruttum voted no.

**Old Business:** There was a brief discussion about the outside eating permit for the former Bobby's Live business. The new owner will need to apply for their own permit.

**New Business:** None.

**Adjournment:** The Chair declared the meeting adjourned at 7:00 PM.

Dean Wheatley, Planning Director