



North Liberty Board of Adjustment Information Packet

September 12, 2018

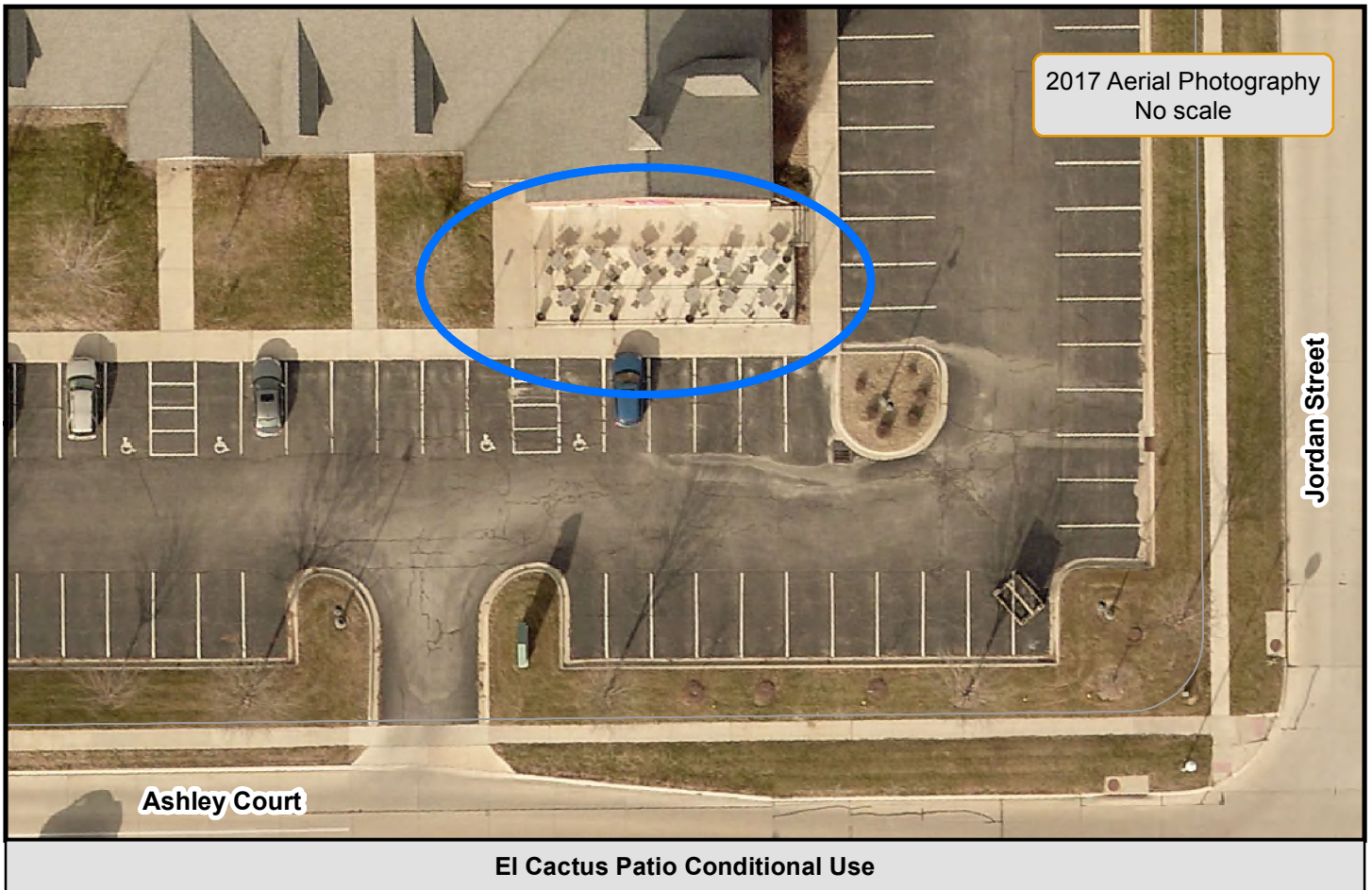
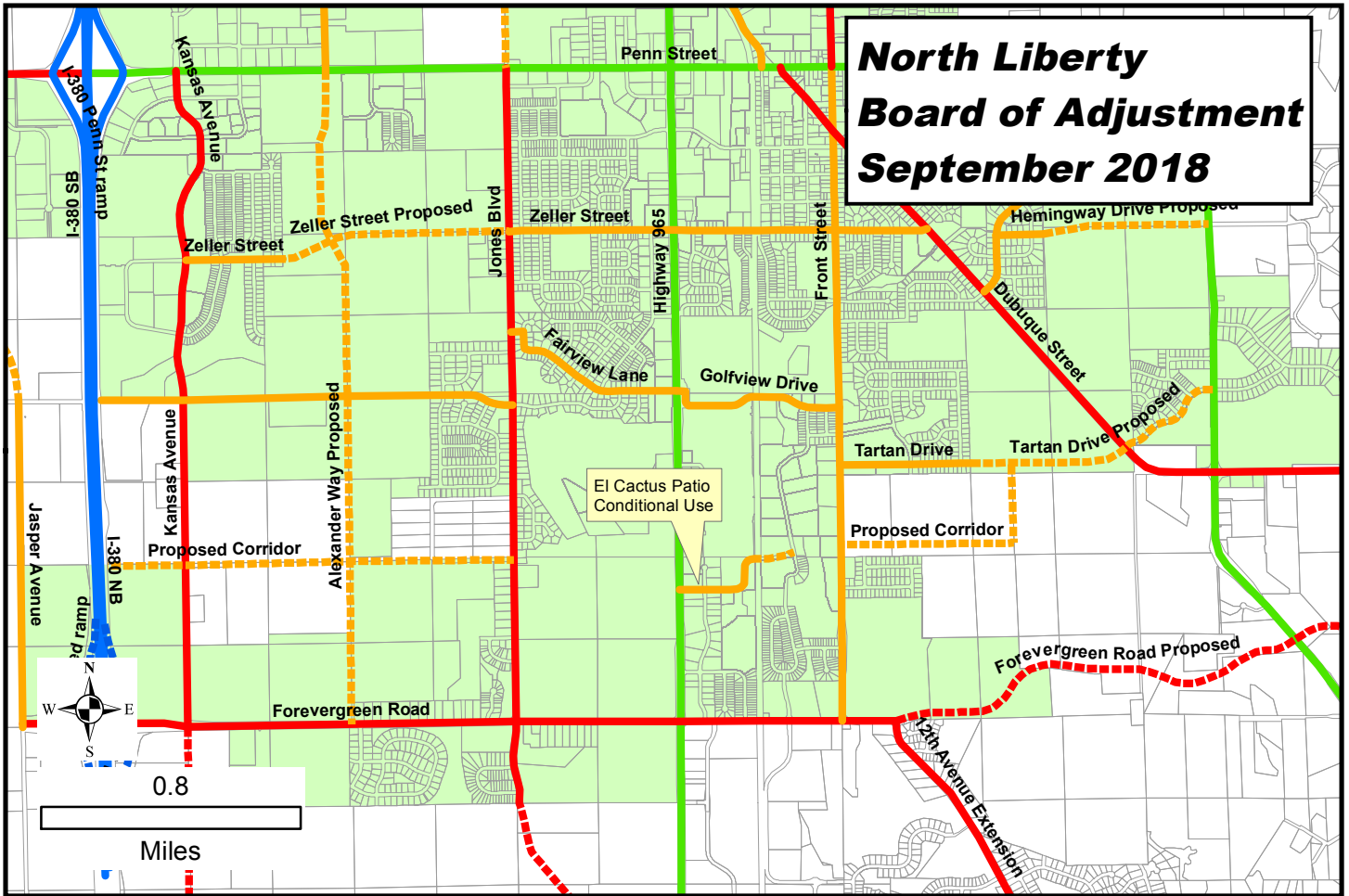
6:30 PM

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



**NORTH LIBERTY BOARD OF ADJUSTMENT
MEETING NOTICE AND AGENDA
September 12, 2018, 6:30 PM
City Council Chambers, 1 Quail Creek Circle**

- 1. Roll Call.**
 - 2. Public Comment**
 - 3. CONDITIONAL USE:** Application for an outside eating conditional use at El Cactus restaurant, located just east of 965/Ranshaw Way on Jordan Street. (Legal: Lots 1-3 Corridor Commercial Part 1A)
 - a. Staff Presentation and Planning Commission Recommendations
 - b. Applicants Presentation
 - c. Public Comments
 - d. Questions and Comments
 - e. Formal Action
 - 4. Minutes of Previous Meeting (July 2018)**
 - 5. Old Business**
 - 6. New Business**
- Adjournment**





September 16, 2018

Memo

To: North Liberty Planning Commission
From: Dean Wheatley, Planning Director
Subject: Accessory Outside Eating at El Cactus
(Legal: Lots 1-3 Corridor Commercial Part 1A)

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 use an existing large outside eating area at the south side of the existing multi-tenant building located on the north side of Ashley Court east of 965/Ranshaw Way. The property is zoned C-2-A, Commercial, and the outside patio was designed and built several years ago. No changes are planned.

The outside eating area is 52'x16' (about 832 square feet). Food and alcohol will be served if approved. Lighting is low-lumen, and low volume amplified music is being proposed.

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 if introduced in the future, and
5. No more seats than allowed by the Building and Fire Codes for this location.

A zoning permit will need to be obtained from Building Department for the area.

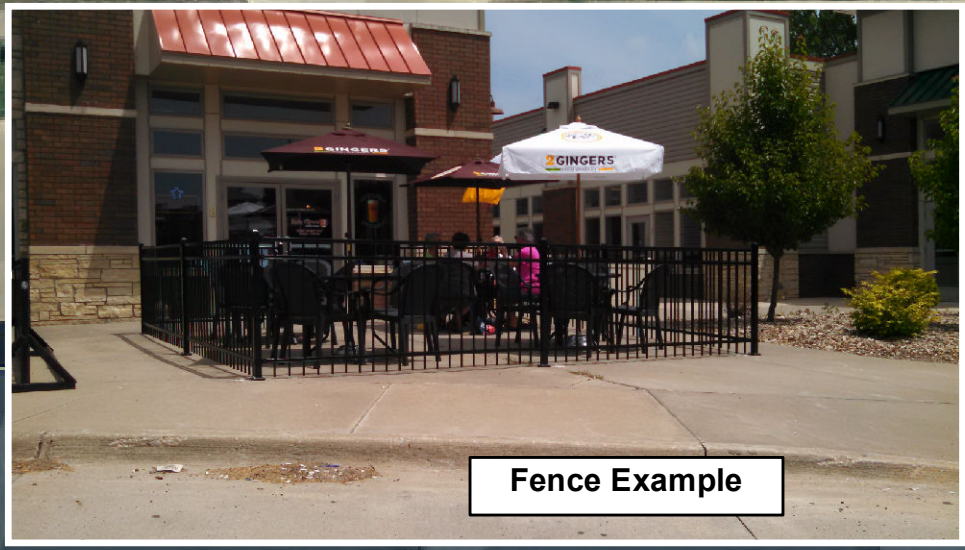


Outside Eating/Drinking Area El Cactus

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

Flower Pots

Ashley Court



Fence Example



Flower Pot Example

1 inch = 30 feet





**NORTH LIBERTY BOARD OF ADJUSTMENT
MEETING MINUTES
July 18, 2018, 6:30 PM
City Council Chambers, 1 Quail Creek Circle**

Members: Marissa Reed, Chair
Eric Ruttum
Krystin Erenberger
Lance Murphy
Robert Strickland

Roll Call: The meeting was called to order by Chairperson Reed at 6:30 p.m. Board of Adjustment members present were: Reed, Murphy, Strickland and Erenberger. Ruttum was absent.

Others present: None.

Public comment on items not on the agenda: None.

Conditional Use Request: Request from Hudson Motors to approve a conditional use for car sales in an industrial district for property located on Kennel Court near 965-Ranshaw Way and 240th Street. (Legal: North Park Lot 2)

Staff reported on the case details, and reported that the Planning Commission has recommended approval. The petitioner had notified staff that a long-planned vacation prevented her from attending the meeting. Erenberger moved for approval of the conditional use. Murphy seconded the motion, which was approved unanimously by roll call vote of all members present.

Minutes from Previous Meeting. Erenberger moved to approve the minutes of the May 2018 meeting as presented. Murphy seconded the motion, which passed unanimously.

Old Business: None.

New Business: None.

Adjournment: The Chair declared the meeting adjourned at 6:45 PM.

Dean Wheatley, Planning Director