A regular meeting of the Board of Adjustment was held this date in the City Council Chambers located on 5th Floor, City Hall, 405 - 6th Street, Sioux City, Iowa, at which time the following items were considered.

**MEMBERS PRESENT**
Jason Geary, Chair
Robert Anderson
Suzan Stewart
Cindy O'Neill
Michelle Bostinelos
Andrew Glisar

**MEMBERS ABSENT**
Ryan Ross, Vice Chair

**STAFF PRESENT**
Jeff Hanson, CD Oper Manager
Chris Madsen, Senior Planner
Ron Kueny, Zoning Enf Officer
Larissa Carrell, Admin Secretary
Caleb Christopherson, City Attorney
Erin Berzina, Planner
Brent Nelson, Senior Planner

Geary called the meeting to order at 5:28 p.m., and read the opening statement explaining the procedure. He then introduced the Board members and City staff to the audience. The Board was asked if any had contact with the owner, petitioner, agent, or anyone listed on the notification list regarding the agenda items.

**Agenda Item 2019-0080:** Requested conditional use permit pursuant to Municipal Code Section 25.02.120 on property located at 441 Gordon Drive.

Madsen refreshed the Board members on the conditional use permit for 4401 Gordon Drive. The site plan was approved on April 4, 2019 via DRC review, with the final plat being approved on April 23, 2019. Currently, Dollar General is open and operating without the sale of alcohol and tobacco products. The conditional use permit is for the sale of alcohol and tobacco for off-premise consumption which is currently prohibited within 200 feet of residentially zoned properties and within 300 feet of a Public and Institutional (PI) zoned property. Madsen went over the standards needed for the approval of the conditional use permit. Madsen stated the Dollar General property is only 140 feet from a residentially zoned property. Madsen gave a list of other businesses in the area, that have liquor licenses for the sale of liquor for off-premise consumption. Madsen stated no comments had been received from the notices that were sent out on this item.

Madsen noted the Board of Adjustment deferred action on the proposed conditional use permit at the December 10, 2019 meeting with the question to Legal and Planning staff regarding the Board’s ability to review and approve a CUP that does not meet all of the conditional standards. Staff met and determined that Section 25.06.090.7 Conditional Use Permit states that the Board shall consider the criteria when reviewing a CUP, but that the proposal does not have to meet those requirements. The Board of Adjustment has the discretion to approve a CUP that does not meet the conditional requirements in the Zoning Ordinance.

Jeff Vanvelzen, 421 Barrington Drive, Sergeant Bluff, District Manager for Dollar General, spoke briefly about not advertising the alcohol with window signs. Vanvelzen stated they do everything in their power to not sell to minors. Vanvelzen stated that alcohol and tobacco accounts for about four percent (4%) of their sales; that it is a convenience for their customers by not having to make more than one stop. Vanvelzen stated that only two (2) locations in Sioux City do not sell alcohol; those being the stores located on Myrtle Street and Riverside Boulevard (in the older/residential areas).
Geary wanted to clarify, with only four (4) Board members present, if all four (4) members did not vote yes, then the item could not be heard again for one (1) year. Madsen stated that was correct.

Stewart (Geary) moved to approve item 2019-0080. Motion carried. 4-0-0 (Yes: Geary, Stewart, Bostinelos, O’Neill No: 0 Abstain: 0).

**Agenda Item 2020-0003:** Requested conditional use permit pursuant to 25.02.100.11, Residential and Commercial uses of the home, for the properties located at 2900 Jackson Street and 717 29th Street.

Berzina requested, on behalf of the Petitioner, deferral until the January 28, 2020 meeting.

Connie Cohen-Nelson, 2915 Jackson Street, stated that she was against deferral. She stated she had taken time of work to be here and felt since it is on the agenda the item should be heard. The Board members apologized to Cohen-Nelson. However, with the quorum issue, Stewart motioned to defer the item until January 28, 2020.

Stewart (Geary) moved to defer item 2020-0003 until January 28, 2020. Motion carried. 4-0-0 (Yes: Geary, Stewart, Bostinelos, O’Neill No: 0 Abstain: 0).

**Other Business**

a. Other items brought forward by the Board and / or staff.

b. Approval of the minutes from December 10, 2019

There were only 3 Commission members able to vote on either set of minutes, so the approval will be deferred until January 28, 2020.

**There being no further business, the meeting was adjourned at 5:50 p.m.**

*Submitted by*

*Larissa Carrell*

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CHAIR                                    PLANNING DIRECTOR