A regular meeting of the Board of Adjustment was held at 4:30 p.m. on this date in the City Council Chambers located on 5th Floor, City Hall, 405 - 6th Street, Sioux City, Iowa. The following Board members were present on call of the roll: Geary, Ross, Stewart, O’Neill, Anderson, and Glisar. Absent: Bostinelos.

The following staff members were also present: Jeff Hanson, CD Operations Manager, Caleb Christopherson, City Attorney, Chris Madsen, Senior Planner, and Larissa Carrell, Administrative Secretary.

Geary 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 2020-0015**: Requested conditional use permit pursuant to Section 25.06.13.3(3) of the Municipal Code for the property located at 522 West 3rd Street. (Petitioner: Danny Tuttle Jr.)

**Agenda Item 2020-0017**: Requested conditional use permit pursuant to Municipal Code Section 25.02.120 for the property located at 522 West 3rd Street. (Petitioner: Danny Tuttle Jr.)

Madsen presented items 2020-0015 and 2020-0017 together. Madsen stated the Petitioner would like to establish a commercial use in an existing structure that is zoned residential. The Petitioner is also requesting to sell alcohol and tobacco for off-premise consumption. Madsen stated that the NC.5 zoning district is meant for a variety of housing types and other allowed uses in a mixed-use environment, with improved standards for compatibility through conditional use approval.

The Petitioner would like to establish a business use in a residential zone. The Petitioner is requesting to open a grocery store in the existing building. A conditional use permit was approved in 2008 to use the building as a grocery store, and that use continued until 2017-2018. No use of the property has occurred for approximately 2 (two) years, and the original conditional use permit has expired. No consideration was given to the sale of alcohol in 2008, as the 1976 Zoning Ordinance did not regulate beer and wine sales if no hard liquor was sold, or if less than 25% of the gross floor area was devoted to alcohol sales. The property did not meet those conditions and was allowed to sell beer and wine as a grocery store.

Madsen went over the standards for conditional uses, listing what was met and not met. There was general discussion on the item.

Danny Tuttle Jr., 411 Isabella Street, Petitioner, explained that is was his uncle’s store. Tuttle stated the property been vacant for the past two (2) years and he would like to work for himself. Tuttle stated that he would only be selling tobacco to help bring in customers. O’Neill asked if the Board can put a restriction on the ability to sell alcohol and how that would be tracked. Madsen stated, in this case, Staff would be able to deny a liquor license and the Board can put a condition on the approval of the item.

O’Neill (Glisar) moved to approve item 2020-0015 as presented by staff. Motion carried. 6-0-0 (Yes: Glisar, Stewart, Ross, Anderson, Geary, O’Neill, No: , Abstain: 0).
O’Neill (Stewart) moved to approve item 2020-0017 with the condition of the sale of tobacco products only no alcohol sales. Motion carried. 5-1-0 (Yes: Anderson, Ross, Stewart, Glisar, O’Neill, No: Geary, Abstain 0:).

**Other Business**

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

Geary suggested changes to the opening statements of the Board of Adjustment Meetings.

b. Approval of the minutes from December 10, 2019 January 14, 2020, and January 28, 2020 meetings.

Glisar (Stewart) moved to approve the December 10, 2019 minutes. Motion carried. 4-0-2 (Yes: Geary, Ross, Stewart, O’Neill, No: 0 , Abstain: Anderson, Glisar).

O’Neill (Bostinelos) moved to approve the January 28, 2020 minutes. Motion carried. 5-0-1 (Yes: Anderson, Ross, Geary, Glisar, Stewart, No: 0 , Abstain: O’Neill)

There were only three (3) Commission members able to vote on the minutes for January 14, 2020, so the approval will be deferred until February 25, 2020.

There being no further business, O’Neill motioned, Anderson seconded, and with a 6-0-0 vote the meeting was adjourned at 4:57 p.m.

*Submitted by*

*Larissa Carrell*

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*CHAIR*                            *PLANNING DIRECTOR*