

**City of Coralville**  
**Board of Adjustment Meeting**  
**September 21, 2020**

Staff: Dave Johnson, Community Development Director and Dee Marshek, Administrative Assistant

**Item 1:** Meeting called to order 6:02 PM

**Item 2:** Member present: Nicola, Wise, and Pearl

Absent: Borde

Others: Jeff Mallory (representing both Hy-Vee locations)

**Item 3:** **Approval of March 16, 2020 Minutes.**

**Motion to approve:** Pearl

**2<sup>nd</sup>:** Wise

**Motion carried: 3-0**

**Item 4:** **Public Hearing** request by Hy-Vee for a Conditional Use Permit according to Section 165.28 (4) ( E) for a tent and Tent Sales at the Hy-Vee located at 1914 8th Ave.

**Public Hearing Open:**

Jeff Mallory represented both stores and stated with no football season the tent sales is a way to get extra traffic into the store or onto the properties. Local vendor's have excess inventory to sell and have struggled because of COVID. Both Hy-Vee's are hoping to keep the tents up until October 31<sup>st</sup>.

**Public Hearing Close:**

**a) Consider approval of Conditional Use Permit.**

**Motion to consider approval:** Wise

**2<sup>nd</sup>:** Pearl

The property in question is zoned C-2 Commercial District. Section 165.28(4)(E) of the Coralville City Code only allows the outdoor sales of goods and services under a Conditional Use Permit.

Johnson explained that Hy-Vee approached the City about a month and a half ago and the City Attorney stated that Conditional Use Permits were required. The City did allow the tent sales to start with the understanding that they need to abide by the outcome of this meeting. These are being treated like the Lawn and Garden Centers. According to City Code no conditional use permit shall be granted unless the Board determines on the basis of specific information presented at the public hearing or contained in the application for such use that each of the following conditions have been satisfied:

1. The proposed conditional use will comply with all applicable regulations of the Zoning Ordinance, including, but not limited to lot requirements, use limitations and all other standards and conditions contained in the provision authorizing such use; and
2. Adequate utility, drainage and other necessary facilities or improvements have been provided or will be provided; and
3. Adequate access will be provided and designed so as to prevent traffic hazards and to minimize traffic congestion on public streets and alleys and on site; and
4. All necessary licenses and permits required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the property; and
5. The location and size of the conditional use, the nature and intensity of the activities to be involved or conducted in connection with it, the size of the site in relation thereto and the size of the site with respect to streets giving access to the conditional use, shall be such that it will be in harmony with appropriate and orderly development of the district and the neighborhood which it is located; and
6. The location, nature and height of buildings or structures on the site and nature and extent of the landscaping and screening on the site shall be such that the use will not reasonably hinder or discourage appropriate development, use or enjoyment of adjacent land, buildings or structures; and

7. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

The proposed outdoor sales do not appear to conflict with parking requirements and no public utilities are required. The applicants will need to obtain tent permits from the City of Coralville Fire Department. The tents do not appear to have an adverse impact on the neighborhood, surrounding property or site. The sales of goods and services are not contained well inside the tent. Should the Board of Adjustment find the application meets the required criteria, Staff recommends the following conditions be applied:

1. All goods, services, and equipment necessary for the outdoor sales must be contained within the tent area.
2. The Conditional Use Permit shall expire November 1, 2020 at which time all goods and the tent must be removed by that date.
3. A tent permit is obtained from the Coralville Fire Department.
4. The tent area may not exceed what is proposed on the site plan provided in the application.

The role of the Board of Adjustment is to consider the application and determine whether the proposed outdoor sales is in conformance with the criteria for approval of a Conditional Use Permit. If the Board finds the use does comply with the required criteria for consideration, Staff requests any motion to consider the above suggested conditions.

Wise asked about the Fire Department permits.

Johnson replied that the 8<sup>th</sup> Avenue / Hy-Vee #1 has that permit, but we would still need Hy-Vee #2 to acquire the Fire Department permit. The purpose of that permit is to have the Fire Department inspect that the tents are of appropriate material and setup appropriately.

Wise questioned the use for outdoor dining or possible competing sales with other area stores.

Mallory stated that the merchandise had already been purchased and there will be no outdoor seating / dining.

Pearl asked about extending the October 31<sup>st</sup> date.

Mallory replied he's hope is to sell most of the merchandise and close earlier if possible. He added they will only be open Thursday thru Sunday.

Wise also questioned the safety of the tents.

Johnson stated he has been to both sites and the tents are anchored into the concrete surface. The Fire Department will also be out to inspect if approved tonight.

Mallory added if we are allowed to move forward, we would obtain the permits and have the Fire Department do the inspections as soon as possible.

**Motion carried: 3-0 with 4 conditions required by City Staff**

**Item 5:** **Public Hearing** request for a Hy-Vee for a Conditional Use Permit according to Section 165.28 (4) ( E) for a tent and Tent Sales at the Hy-Vee located at 3285 Crosspark Rd.

**Public Hearing Open:**

**Public Hearing Close:**

**a) Consider approval of Conditional Use Permit.**

**Motion to approve:** Pearl

**2<sup>nd</sup>:** Wise

Johnson states this is the same request and has the same criteria. The one additional thing that is different is a trailer has been stored on site and that trailer must be removed prior to the sales operation continuing.

Mallory announced the trailer has already been moved.

Wise asked if alcohol would be sold at either location.

Mallory added absolutely zero alcohol would be sold in these tents.

Pearl had concerns at Hy-Vee #2 and the water flow into the water retention area.

Mallory stated with the slope of the parking lot, the last large rains flowed right through the tent and into the retention ponds.

**Motion carried: 3-0 with the 5 conditions required by City Staff**

**Item 6: Adjourn Meeting @ 6:21 PM**

**Motion to Adjourn: Wise**

**2<sup>nd</sup>: Pearl**

**Motion Carried: 3-0**

Respectfully submitted,

Dee Marshek