

IOWA CITY BOARD OF ADJUSTMENT MEETING

Wednesday, January 8, 2020 – 5:15 PM

City Hall, 410 East Washington Street
Emma Harvat Hall

AGENDA

A. Call to Order

B. Roll Call

C. Nomination and selection of Board Chair and Vice Chair

D. Consider the November 13, 2019 minutes

E. Special Exception Item

1. EXC19-12: An application submitted by Kum & Go, LLC for a special exception to allow for a quick vehicle servicing station in the Riverfront Crossings District in the Riverfront Crossings – South Gilbert (RFC-SG) zone located at the northeast corner of S. Gilbert Street and Highland Avenue

F. Adjourn

NEXT BOARD OF ADJUSTMENT MEETING:

Wednesday, February 12, 2020

If you will need disability-related accommodations in order to participate in this meeting, please contact Anne Russett, Urban Planning at 319-356-5251 or at anne-russett@iowa-city.org. Early requests are strongly encouraged to allow sufficient time to meet your access needs.

**MINUTES
BOARD OF ADJUSTMENT
NOVEMBER 13, 2019 – 5:15 PM
EMMA J. HARVAT HAZELL, CITY HALL**

PRELIMINARY

MEMBERS PRESENT: Gene Chrischilles, Ernie Cox, Zephan Hazell, Amy Pretorius
MEMBERS ABSENT: Connie Goeb
STAFF PRESENT: Susan Dulek, Jessica Lile
OTHERS PRESENT: Jesus Loria, Ken Valley

CALL TO ORDER:

The meeting was called to order at 5:15 PM.

ROLL CALL:

A brief opening statement was read by Pretorius outlining the role and purpose of the Board and the procedures that would be followed the meeting.

CONSIDER THE OCTOBER 9, 2019 MINUTES:

Chrischilles moved to approve the minutes of October 9, 2019. Cox seconded the motion.

A vote was taken and the motion carried 4-0.

Pretorius noted there is a request to amend the agenda to hear the second item first because there is a Board member that needs to recuse himself from that item.

Hazell moved to address EXC19-11 before EXC19-10, Cox seconded the motion. A vote was taken and the motion carried 4-0.

SPECIAL EXCEPTION ITEM EXC19-11:

An application submitted by Arts Iowa City for a special exception to allow for a specialized education center for classroom/workshop space for a community arts center in an Intensive Commercial (CI-1) zone located at 1423 Waterfront Dr.

Lile began the staff report an aerial view of the area, it is located south of Highway 6. The subject property is mostly surrounded by Community Commercial zoning. For some background Arts Iowa City is a nonprofit organization that's been operating since 1975. They promote and teach visual arts and craftsmanship around Iowa City. The subject property was built in 1996 as a warehouse, and it's about approximately 43,000 square feet. It was remodeled in the early

2000s to be a chocolate factory, which was bought out in 2012 and has been vacant since the factory moved. The applicant is proposing to remodel the property and make it into a community art center, which has a gallery, performance and studio space and classrooms and workshop space. All of those uses are allowed except for the specialized education in the intensive commercial zone which is the classroom space. The role of the Board of Adjustment is to approve, approve with conditions or deny the application based on the facts presented. In order to approve the special exception the Board must find that it meets all the approval criteria.

Lile noted for the specific standards: that the use will be functionally compatible with surrounding uses such that the health and safety of clients and students are not compromised, the Board will consider factors such as the type of businesses that predominate in the immediate vicinity, whether there are any significant negative externalities created by these usage such as excessive noise, dust or vibrations from outdoor work areas that may pose a health or safety risk for clients and students of the proposed use, and where such negative externalities exist whether the building and site can be designed to mitigate these harmful effects. Lile stated the proposed classroom space will be located indoors and not impacted by other businesses in the area, which include grocery stores, a gas station, and retail and restaurant uses. The area businesses do not produce significant externalities such as excessive noise, dust or outdoor work.

Next the general standards: that these specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed disciplines to be taught are jewelry making, woodworking, ceramics and sculpture and the instructor teaching these would be determining the age restrictions for these classes based on age, experience and performance of the student. Students would be taught safety procedures and tested before being allowed to access the shops or equipment. One of the things that they would be taught was the tool safety checkout certification and the usage class. The applicant would add additional ventilation systems such as hood extractors, dust collectors and etc. based on the specific requirements for each discipline, and the applicant has been in contact with building inspection services to inquire about additional requirements. There would be specific youth and children classes based on age, ability and level with appropriate materials and tool training. The applicant proposes to use eco-friendly materials and procedures in order to lessen the environmental and personal health impacts.

Second, that the specific proposed exception will not be injurious to the use and enjoyment of other properties in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood. Again, all activities would take place inside the building and on the property. The subject property is currently vacant so the applicant proposes building improvements, and filled storefronts typically increase property values in a neighborhood.

That the establishment of the specific proposed exception will not impede the normal and orderly development and improve of the surrounding property for uses permitted in the district in which the property is located. Again, the applicant is proposing to reuse and redevelop an existing building and the classroom space inside would not impede the surrounding development or improvement of properties.

That adequate utilities access roads, drainage and unnecessary facilities have been or are being provided. The area is fully developed with access to all utilities and facilities

That adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets. Lile showed a photo noting the existing parking lot has two access points on the Waterfront Drive, one north of the building and one south. Additionally this area of Waterfront Drive is not heavily trafficked, therefore there is not a lot of traffic concerns in this area.

That except for the specific regulations and standards applicable to the exception being considered the specific proposed exception and all other respects conforms to the applicable regulations or standards in the zone of which it is located. Lile stated the subject property conforms to all other standards and regulations for the CI-1 zone.

That the proposed exception will be consistent with the Comprehensive Plan of the City. The City's Comprehensive Plan contains many goals that support arts and culture development including recognizing the economic development potential of arts and culture programming, seeking the participation of diverse populations when developing cultural programs and providing opportunities for arts and all neighborhoods and exploring the creation of a community arts center and supporting nonprofits that are involved in arts programming.

Staff recommends the approval of EXC19-11, an application submitted by Arts Iowa City for a special exception to allow for a specialized education center for classroom/workshop space for a community arts center in an Intensive Commercial (CI-1) zone located at 1423 Waterfront Dr.

Pretorius opened the public hearing.

Jesus Loria (Neumann Monson) stated they are trying to raise awareness of this project and it here tonight to answer any questions the Board may have about the project. He also wanted to do a quick presentation. Loria stated everyone knows Iowa City has like a diverse group of artists. Organizations in the City are trying to find spaces to have a center in the community. Neumann Monson is helping Arts Iowa City with this project. They are holding events and trying to promote this project in the community. They have been talking with the City, they have been trying to bring people from different sectors. They are trying to take advantage in this place, the zone where is because with all the development that is happening in this area it is a great opportunity for Iowa City to have a better connection in the south side to the rest of the City. Taking advantage of the transportation, roads, the bicycle trails. They feel there is a decisive effort about arts in Iowa City and there is room and a need for that. There is an importance of art and they are thinking the way in the City is growing there are opportunities in this location. They also think it is vital that they offer the type of services like the educational services in this in this component. There will be other types of programming activities in the building as well, but education is probably a core of, of the project. They have done a study on the potentials and opportunities at this site and also some programmatic interviews and exercises with people in the community. It is a two-story building, they are proposing to have the main floor be the educational components and the second floor be the function of a rental studios. The idea is to provide reduced rent prices so artists in the community can afford this. By having this in Iowa City, a lot of the people in in the community won't have to relocate or find another reason to stay and practice the arts in our community. The building is a very simple structure, a box, they are

proposing to make improvements such as providing windows in the studios. But they also want to integrate the community to participate in designing and being part of the aesthetic image of the project.

Chrischilles asked what Loria's involvement was with the project. Loria noted he is the Vice President of the board and he is concerned about the cultural life of the City. He has been living in Iowa City for 16 years and as an architect, he feels this a perfect way where he can make a contribution.

Hazell asked what was in the space right now because when he drove by earlier a massive semi pulled out from the back. Loria stated it is currently empty space. They are hosting tours for people who are interested in their group.

Pretorius closed the public hearing.

Chrischilles noted it sounds like a good use of the building. Hazell agreed and noted there's plenty of parking with easy access and overall adding some positive elements to that area and no way detracting from what's already happening.

Chrischilles moved to approve EXC19-11, an application submitted by Arts Iowa City for a special exception to allow for a specialized education center for classroom/workshop space for a community arts center in an Intensive Commercial (CI-1) zone located at 1423 Waterfront Dr.

Hazell seconded the motion.

Chrischilles stated that regarding agenda item EXC19-11 he concurs with the findings set forth in the staff report of November 13, 2019, and conclude the general and specific criteria are satisfied so unless amended or opposed by another Board member he recommends that the Board adopt the findings in the staff report as our findings with acceptance of this proposal.

Hazell seconded the findings of fact.

A vote was taken and the motion carried 4-0.

Pretorius stated the motion declared approved, any person who wishes to appeal this decision to a court of record may do so within 30 days after this decision is filed with the City Clerk's Office.

SPECIAL EXCEPTION ITEM EXC19-10:

An application submitted by Lucas Off Campus for a special exception to allow for a before and after school daycare in the Low-Density Single Family Residential (RS-5) zone located at 3001 Muscatine Ave.

Cox noted he needed to recuse himself as he has a child that attends this program. After consultation with the city attorney, it was decided he would recuse himself to avoid a conflict of interest in this application.

Lile began the staff report showing a zoning map and noted it is surrounded by single family residential with two schools across the street on Muscatine Avenue. For some background Lucas Off Campus is an Iowa City nonprofit childcare provider that provides before and after school care for children ages kindergarten through sixth grade. They moved from the Lucas Elementary to the current location at 3001 Muscatine Avenue, which is the location of the River Community Church just recently. They currently have approximately 50 children enrolled in their childcare program and they're applying for a special exception to operate a daycare facility in a residential zone. Lile noted again the role of the Board is to approve, approved with conditions or deny the application based on the facts presented.

With regards to the specific standards for daycare uses. For the required indoor activity areas, child daycare centers must contain at least 35 square feet of usable interior floor space per child. When collected in a facility that has this other uses or services the proposed daycare use must have its own separate identifiable space for program activities during operational hours. Lile showed the site plan submitted by the applicant that shows the childcare areas inside. The required square footage for 50 children is 1750 square feet and the site plan submitted and shows two childcare areas, the first primary one is located next to the entrance and it is 1771 square feet, the secondary area is 2124 square feet for a total of just under 4000 square feet inside. They also have access to a gymnasium to the south of the building that has another almost 4000 square feet.

For the required outdoor areas and child daycare uses must provide a fenced outdoor play area of not less than 100 square feet per child based on the maximum number of children that will be using the outdoor play area at any given time. The outdoor player must meet the following standards.

1. That playground equipment is not permitted within the front and side setbacks
2. The outdoor play area must be well drained, free from hazards, readily accessible to the daycare center. In residential zones outdoor play areas must be completely enclosed by a fence at least four feet in height. In commercial and industrial zones the outdoor play area must be completely enclosed by a fence built to the S4 standard and screened along the parameter to the S3 standard. The City may waive the screening requirement if it is determined that the land uses surrounding the daycare will not pose a nuisance or safety hazard to the children.

Lile noted the applicant has proposed breaking the children into groups by age and having no more than 25 children outside at one time. This will make the required fenced area 2500 square feet. The applicant is also proposed installing a four-foot chain link fence around the play area. Per DHS standards the applicant must provide one supervisor for every 15 children ages five to 10. The applicant would be required to provide at least two supervisors for the anticipated 25 children that will be using this play area at one time. The applicant has shown an outdoor play area on the northwest corner of the site in the submitted site plan. Lile stated this area is not ideal due to the proximity to both Muscatine Avenue and Dover Street. Staff has recommended the applicant explore alternative areas for the required outdoor space, but

the applicant does not own the building in any changes the existing site would have to be approved by the property owner. In order to improve the safety of the proposed outdoor play area staff has proposed the following conditions:

1. That the applicant must provide a striped pedestrian crossing area from the building to the fenced outdoor play area
2. That the fenced area must be located 30 feet from both Muscatine Avenue and Dover Street in order to provide a buffer between the street and play area and to shift the play area away from the intersection.
3. That the fence area must only serve children kindergarten and up. Lile noted there is also a preschool located in this building and staff does not feel that this area be appropriate for them as they have another fenced area already.
4. That the applicant must close the exit onto Muscatine Avenue nearest the play area when it is in use and not allow traffic to enter or exit that location between the building and the fenced play area. Lile stated an additional condition that staff is proposing is that the circulation route shown on the submitted site plan be modified to show that parents exit on to Dover Street instead of driving between the building and the play area.

Regarding vehicular circulation, the use must provide a drop off and pick up area and a location that is convenient to or has good pedestrian access to the entrance of the facility. This drop off and pick up area must contain sufficient stacking spaces and parking spaces to ensure that traffic does not stack into adjacent streets or other public right-of-ways. to promote safe vehicular circulation one-way drives are encouraged. Lile noted the site plan shows a parking area outside of the main daycare entrance that's connected to the entrance by a sidewalk and the 27 parking spaces shown is more than the required 22 spaces. The entrance is located away from the public right-of-way so onsite traffic will not impede traffic onto adjacent streets particularly Muscatine. Again, staff is proposing the condition that the circulation plan be modified to show parents exiting onto Dover instead of around on to Muscatine.

For pedestrian circulation, a sidewalk must be constructed connecting the main entrance of the center to the adjacent public right-of-way. Pedestrian access must be clearly separated or distinguished from the vehicular circulation areas to minimize the extent to which users of the facility are required to walk across drives or aisles to gain access to the daycare center. Lile stated since the staff report was published staff and the applicant have discussed two possibilities to meet this requirement. Lile presented both options and then the applicant will provide more information about which they would prefer and why. The first option is to extend the sidewalk from the crosswalk on Muscatine Avenue directly to the main entrance of the church. Lile noted there are some top topography issues here that the applicant can go into further. The second option was presented by the applicant, where Lucas Off Campus would extend a sidewalk that connects to the private sidewalk owned by the Village Green HOA to the east of the church. Staff has a few safety concerns mainly that the children would have to cross the drive shown in the circulation plan, therefore staff is proposing other conditions for the sidewalk plan.

1. That the applicant must provide a striped pedestrian area that connects the entrance of the daycare to the sidewalk extension.
2. That the applicant must put cones or another barrier out across the entrance drive to block cars entering the parking area during the use of the walkway in order to provide the required separation from vehicle circulation.
3. That there must be a written agreement between Lucas Off Campus and the Village Green HOA for the use of their sidewalk.

4. That the applicant must escort the children to and from school using this sidewalk connection. Lile added it is also a requirement of DHS that the children are escorted to and from school.

Regarding site development standards, if the proposed use is located in a residential zone or in the Central Planning District it must comply with the multifamily site development standards set forth in 14-2B-6 of this title. Daycare facilities that are an accessory use are exempt from this specific provision. Lile stated this building is preexisting of this site development standard and non-conforming building, but the applicant is not proposing any changes to the building itself but asking this as an additional use. Therefore staff feels that this is not a necessary requirement for this particular building.

Lile next discussed the general standards. That this specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. With the conditions proposed staff believes that this site is a safe and suitable area for a childcare facility. The site is also equipped to handle large volumes of people and has a sufficient occupancy limit.

The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood. This proposed center is located in an existing building and will not operate on neighboring sites aside for the sidewalk that they would get an agreement with the HOA. The addition of a chain link play fence and the area will not substantially change the site or affect the surrounding property. Additionally, there are other childcare programs and schools nearby including in the existing preschool at this site. The addition of other children will not diminish the use or enjoyment of surrounding property.

That the establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which the property is located. The surrounding residential neighborhood is fully developed and the proposed facility will operate on site and will not impede the development or improvement of the surrounding properties.

That adequate utilities, access roads, drainage and necessary facilities have been or are being provided. The subject property already has access to all the necessary utilities and facilities.

Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets. The subject property currently has three access points, two off of Muscatine and one off of Dover Street. Staff has proposed the condition to change the proposed circulation pattern to minimize traffic leaving off the site onto Muscatine by routing them on to Dover Street and avoiding going in between the playground area in the building.

That except for the specific regulations and standards applicable to the exception being considered the specific proposed exception in all other respects conforms to the regulations or

standards of the zone and which is to be located. The proposed exception will not substantially change the site layout and the building meets all the setback and height requirements of the RS-5 zone

That the proposed exception will be consistent with the Comprehensive Plan of the City. Iowa City's Comprehensive Plan supports development that provides opportunities for people of all stages of life, including children, young adults, families and seniors. Iowa City also lacks childcare facilities to support these families and the addition of another childcare facility near two elementary schools would help support the children and families of this neighborhood.

Staff recommends the approval of EXC19-10, an application submitted for a special exception to allow for a before and after school daycare in the Low-Density Single Family Residential (RS-5) zone located at 3001 Muscatine Avenue with the following conditions:

1. That the applicant must provide a striped pedestrian crossing area from the building to the fenced outdoor play area.
2. That the fenced area must be located 30 feet from both Muscatine Avenue and Dover street in order to provide a buffer between the street and play area and to shift the play area away from the intersection.
3. That the fenced area must only serve children kindergarten and up.
4. That the applicant must close the exit on the Muscatine Avenue near the play area when it is in use in order to reduce vehicle traffic.
5. That the circulation plan must be modified to show parents exiting the site on to Dover Street, instead of driving between the building and the play area.
6. That the applicant must escort children to and from school at the ratio determined by DHS.

Lile noted additionally, if the Board chooses to allow the sidewalk connection presented by the applicant onto the Village Green HOA sidewalk, staff recommends the following additional conditions:

1. That the applicant must provide a striped pedestrian area that connects the entrance of the daycare to the sidewalk extension.
2. That the applicant must put cones or another barrier out across the entrance drive to block cars entering the parking area during use of the walkway in order to provide the required separation from vehicle circulation areas.
3. That there must be a written agreement between Lucas Off Campus and the Village Green HOA for the use of their sidewalk.

Hazell asked how far away Lucas Elementary is from the subject location. Lile noted it is just to the north across Muscatine Ave on Southlawn Drive.

Chrischilles asked if some of the children walk there every day and some of the children are driven there every day to the before and after school program. Lile assumes most of the children are driven to the before school program and dropped off by their parents. For the after-school program the applicant is required by DHS to pick the children up from school and escort them across the street to the daycare.

Hazell asked where's the other play area that was mentioned. Lile said it is shown on the lower right-hand corner of the site plan, it's a play area with some slides and stuff but it's been created for the preschool children, not really a suitable play area for older kids.

Chrischilles asked if the applicant is already occupying this space, and how long they have been there. Lile said the applicant can speak to that.

Hazell asked if the original staff recommendation for the sidewalk going into the front of the church would then be the primary entrance for the daycare. Lile said for the pedestrian circulation requirement there must be a sidewalk constructed connecting the main entrance of the center to the adjacent public right-of-way. Currently, the entrance they are using is the one next to the parental drop off and pick up point, but they also have access to the main area connecting to the main door. So if this condition is the one that is required, they would have to make that their main entrance.

Lile noted the side entrance is currently the primary entrance that they use, but if the sidewalk was constructed from the main entrance of the building, then that would have to be their primary entrance.

Chrischilles asked if it is allowable to use the side entrance as designated as the primary if they do the shared sidewalk on this on the side. Lile confirmed that was correct.

Hazell thinks the concern is how parents will come pick children up if that's going to be used to exit, if cones are put up to block that how is the traffic flow going to happen through that area. He noted that at his son's after school some of the kids do walk themselves home so he's assuming that the sidewalk will also be used at the same time when parents may be driving in to pick up. He feels there is a potential issue with that kind of cross traffic if the daycare is going to be blocking it off from use. Lile said staff is envisioning that they would block off that area when they were walking the kids to school and then walking them back to the center after school.

Chrischilles asked if the screening requirement would be waived and does that need to be specified in the recommendations. Lile stated the screening requirement is for daycares located in the commercial and industrial zones, the ones located in residential zones are required fencing.

Pretorius opened the public hearing.

Ken Valley (909 Maplewood Lane) is the board president of Lucas Off Campus. With regards to the outdoor play space, initially they had talked with the Village Green homeowner's association who has a very large open area right next door to the church, however, after speaking with them because of the fence scenarios required they were not willing to put a fenced-in area on their open space. That is why they ended up going with the area that is on the north west corner of the churches lot. The church has agreed to the area on their property being fenced in. Valley noted there wasn't really any other space that fits the criteria. Another suggestion was just to the to the left of the church which is right next to the parking lot. However, upon further

inspection of that area it is a very steep sloped area and they weren't sure it could be a fenced in or that it would be big enough.

Valley stated regarding the two options for the sidewalk extensions their main concern with the first one is they are afraid drainage would be impeded. Additionally along Muscatine there are actually walkways further down the street that would be very similar to this and they are either stepped or sloped to a point where it makes it very difficult for handicapped accessibility. However, on the Village Green sidewalk it is completely sloped and a straight shot straight up towards Muscatine, the big sidewalk that's along Muscatine Avenue.

Valley commented on the question about kids walking home. Their policy is once they are at Lucas Off Campus they are not allowed to leave by themselves. They do have one student who actually does walk home, but they have someone escort him across Muscatine so he can get home. The rest are all picked up by parents after work.

Chrischilles stated regarding the timeline, before school he is assuming that almost all the kids are dropped off by vehicle. Valley said either by vehicle or walked by their parents. Valley said then they are there less than an hour and then escorted by staff to school along Muscatine where there's a crosswalk that is stationed with a crossing guard before school and after school. There is a crossing guard that helps stop traffic to allow the children along with the escort get across to school. And then after school, the children meet and go in groups of 15, which is the DHS standard ratio of one supervisor, plus one, per 15 children, it is a considered a field trip scenario, so they pick them up, escort 15 children across the street to the center, and then based on staffing that day, they either have two staff that are still back there to pick up the next 15 or one of those staff goes back to school to help escort.

Chrischilles asked if they walk year-round, never driven by vehicle. Valley confirmed they walk all year. Chrischilles noted then it becomes an issue of is the sidewalk on the east side safe. When it is the end of the day and some of the kids are picked up by vehicle by their parents at that point would there be any children outside the building. Valley confirmed they would not be outside the building, the play area would be closed. Chrischilles stated then once the children are in the facility, either before or after school, the entrance could be shut off and closed. Valley confirmed yes. He added the space that are available inside of the church pretty much triples any other childcare facility that he is aware of. Not a lot have a full-size gymnasium that they have access to. Even the daycare that still remains at Lucas Elementary is two rooms, not three, so the room that is available here is far surpasses anything. The outdoor space is more for a nice fall day or a nice spring day, or they've talked about having a summer program where there will be times during the day that they would go out and be in the play area. Valley noted for example, today is a Wednesday, students would have gotten out of school at 2:55. All the children have been escorted over to the program by 3:15. They would go from 3:15 to 4:00 in the play space and that would pretty much be about it. The vehicular traffic is later, the program is open until 6:00pm.

Chrischilles asked if they are also operating a summer program. Valley replied they've talked about, they have in the past but this is their first year outside of Lucas Elementary so they do not know if they're going to or not

Pretorius closed the public hearing.

Chrischilles thinks it's okay to have the sidewalk on the on the side of the building they just need to clarify what the after-school program needs to do in terms of safety of the children in terms of shutting off entrances at certain times. All the other conditions apply, the circulation plan must be modified to have people exit onto Dover Street, they must close the exit on Muscatine when the play area is in use. Chrischilles wondered if it would it be easier just to say they can't exit on Muscatine Avenue period, that they have to exit onto Dover, and then that would make number four a moot point.

Hazell clarified Chrischilles is suggesting it would be closed off the entire time the program is in session. Cox feels it's probably simpler for them when they're ready to go take the kids out to put the cones up and close it and then when they when they all go back inside open it.

Chrischilles asked if the recommendation is to suggest cars exit onto Dover Street or is it requiring that they exit onto Dover Street. He feels if the Muscatine Avenue exit is open people will use it. Chrischilles suggest recommending that they have to exit onto Dover Street and just to be extra safe when the play area is in use they also have to close the Muscatine Avenue exit or they could just close it when they get there while the program is in session and keep it closed.

Hazell asked about the mornings, they are just for there for about 40 minutes. Chrischilles doesn't think it is necessary as he doesn't think the kids will be outside playing at that time.

Pretorius noted she doesn't feel as strongly about it. But if it ends up being what's motioned she will support.

Chrischilles stated then do they want to still have Muscatine Avenue as an exit some of the time.

Pretorius questions to close it off kind of quasi permanently, is it really going to be used that much anyways. The bright orange cones are going to be a deter when the kids are in the playground area. She feels as long as they're diligent with the diverting the traffic when it's necessary when the children are out there.

Hazell feels the staff recommendations do address those basic requirements and doesn't feel they need to necessarily reword it.

Chrischilles commented on the fence area, noting it should be required to be installed before the play area can be used.

Pretorius noted that regarding the sidewalk it sounds like they're using the side entry as their main entry already. Plus noted they are talking about a not-for-profit, putting in another sidewalk is costly.

Dulek proposed the Board discuss a condition regarding escorting children that walk home. The applicant mentioned that there was one child that gets escorted now, but what about next year, what if there are two children, does the Board want to have some type of condition noting if children do leave on foot, there be some type of escort required.

Hazell stated they could stipulate all children must be escorted up to Muscatine or really just escorted across that cross way is fine. It could be added as recommendation four and stated as all children must be escorted off property by staff or guardians.

Chrischilles asked if they will just leave it the way it is and the stipulation would be that they only put cones up when kids are in the play area and then otherwise recommended that they leave on Dover Street but not required. Pretorius and Hazell agreed.

Chrischilles stated that regarding agenda item EXC19-10 he concurs with the findings set forth in the staff report of November 13, 2019, and conclude the general and specific criteria are satisfied. So unless amended or opposed by another Board member he recommends that the Board adopt the findings in the staff report as our findings with acceptance of this proposal. He finds that with regards to having the sidewalk and the east side access to the building from the sidewalk safety has been satisfied by the addition of a pedestrian walkway and by shutting off the entrance to the parking lot when the children are arriving as pedestrians.

Hazell seconded the findings of fact.

Chrischilles moved approval of EXC19-10, an application submitted for a special exception to allow for a before and after school daycare in the Low-Density Single Family Residential (RS-5) zone located at 3001 Muscatine Avenue with the following conditions:

- 1. That the applicant must provide a striped pedestrian crossing area from the building to the fenced outdoor play area.**
- 2. That the fenced area must be located 30 feet from both Muscatine Avenue and Dover street in order to provide a buffer between the street and play area and to shift the play area away from the intersection, and the play area cannot be occupied or used until the fence is in place.**
- 3. That the fenced area must only serve children kindergarten and up.**
- 4. That the applicant must close the exit on the Muscatine Avenue near the play area when it is in use in order to reduce vehicle traffic.**
- 5. That the circulation plan must be modified to show parents exiting the site on to Dover Street, instead of driving between the building and the play area.**
- 6. That the applicant must escort children to and from school at the ratio determined by DHS.**
- 7. That the applicant must provide a striped pedestrian area that connects the entrance of the daycare to the sidewalk extension.**
- 8. That the applicant must put cones or another barrier out across the entrance drive to block cars entering the parking area during use of the walkway in order to provide the**

required separation from vehicle circulation areas.

- 9. That there must be a written agreement between Lucas Off Campus and the Village Green HOA for the use of their sidewalk.**
- 10. All children must be escorted by staff or guardians off the property when they leave the program.**

Hazell seconded the motion.

A vote was taken and the motion carried 3-0.

Pretorius stated the motion declared approved, any person who wishes to appeal this decision to a court of record may do so within 30 days after this decision is filed with the City Clerk's Office.

ADJOURNMENT:

Chrischilles moved to adjourn this meeting, Hazell seconded, a vote was taken and all approved.

**BOARD OF ADJUSMENT
ATTENDANCE RECORD
YEAR 2018-2019**

NAME	TERM EXP.	2/14	5/9	6/13	8/8	12/12	2/13	3/13	4/10	5/8	7/10	10/9	11/13
COX, ERNIE	12/31/2020	--	--	--	--	--	--	O/E	X	X	O/E	X	X
GOEB, CONNIE	12/31/2019	O/E	X	X	X	X	O/E	X	X	X	X	X	O/E
HAZELL, ZEPHAN	12/31/2021	--	--	--	--	--	X	X	X	X	X	O/E	X
PRETORIUS, AMY	12/31/2023	--	--	--	--	--	X	X	X	X	X	X	X
CHRISCHILLES, GENE	12/31/2022	--	--	--	--	--	--	--	--	--	--	X	X

KEY: X = Present
O = Absent
O/E = Absent/Excused
NM = No meeting
--- = Not a Member

STAFF REPORT

To: Board of Adjustment
Item: EXC19-12
Parcel Number: 1015308001
& 1015307007

Prepared by: Anne Russett, Senior Planner
Date: January 8, 2020

GENERAL INFORMATION:

Applicant:

Britni Andreassen
Kum & Go LLC
1459 Grand Avenue
Des Moines, IA 50309
(515) 547-6083
Britni.andreassen@kumandgo.com

Contact Person:

Keith Weggen
Civil Design Advantage
3405 SE Crossroads Drive, Suite G
Grimes, IA 50111
(515) 369-4400
keithw@cda-eng.com

Property Owners:

Kum & Go LLC
1459 Grand Avenue
Des Moines, IA 50309
(515) 547-6083

McDonough Structures
340 Highland Avenue
Iowa City, IA 52240
(515) 512-6491

Kam Properties, LLC
3309 Highway 1 SW
Iowa City, IA 50240

GKLZ, LLC
325 E. 3rd St.
Iowa City, IA 50240

Requested Action:

Special exception for Quick Vehicle Servicing

Purpose:

To allow for a convenience store with fuel sales

Location:

Northeast corner of S. Gilbert St. and Highland Ave.

Location Map:



Size: 1.15 acres

Existing Land Use and Zoning: Commercial, Riverfront Crossings South Gilbert (RFC-SG)

Surrounding Land Use and Zoning:

North:	CI-1 – Intensive Commercial (Commercial)
South:	CC-2 – Community Commercial (Commercial)
East:	CI-1 – Intensive Commercial (Commercial)
West:	RFC-SG – Riverfront Crossings – South Gilbert (Commercial & Residential)

Applicable Code Sections: **14-4B-3: General Approval Criteria**
14-4B-4B-12: Quick Vehicle Servicing

File Date: November 8, 2019

BACKGROUND:

The applicant, Kum & Go, LLC, requested a rezoning of two properties located at the northeast corner of S. Gilbert Street and Highland Avenue in October, 2019. Both were zoned Intensive Commercial (CI-1) and the applicant requested a rezoning to Riverfront Crossings-South Gilbert. On November 7, 2019 the Planning & Zoning Commission recommended approval with a 7-0 vote to rezone these properties with the following conditions:

1. The applicant must close all access points along S. Gilbert St. and will reduce the number of access points along Highland Ave. to one.
2. The applicant must dedicate additional right-of-way to the City along Gilbert St. based on the dimensions shown in Attachment 3.

Though the Commission recommended approval, concerns were raised about light and noise pollution on surrounding properties.

City Council held a public hearing on this rezoning on December 3, 2019, and passed the rezoning ordinance and conditional zoning agreement on December 17, 2019 with the conditions recommended by the Planning & Zoning Commission.

Kum & Go currently owns the property at 1310 S. Gilbert St. and has a purchase agreement in place with the property owners of the neighboring parcel.

The subject property is located within the Riverfront Crossings Form Based Code District, an area within Iowa City that has been targeted for redevelopment. Kum & Go has been redeveloping many of their sites throughout the Iowa City area, the two most recent at Benton St. & Riverside Dr. and Muscatine Ave. & 1st Ave. The applicant is proposing to redevelop the subject site to expand the floor area of the convenience store, add two additional gas pumps, and provide additional parking. This use is considered a Quick Vehicle Servicing use, which is allowed by special exception in the Riverfront Crossings-South Gilbert zone.

The current Kum & Go located on this property was built in 1991. The layout of the existing site is not conducive to good traffic flow due to the canopy location over the store as well as the layout of the parking lot. The parking lot has four access points on-site, two of them from S. Gilbert St., one from Highland Ave., and one from E. 3rd St. The commercial condos located at the property to the east were built in 1955, and have been used for storage and construction businesses.

The applicant held a Good Neighbor Meeting on October 23, 2019. Seven local business owners attended the meeting where the applicant displayed their concept plan and elevations, described their project, and answered questions about the proposed redevelopment. Neighbors were concerned with access to their properties during construction and the proposed timeline. The applicant was able to convey that the site will be entirely self-contained during the construction process and would not disturb access to surrounding businesses. All attendees expressed excitement about the redevelopment.

ANALYSIS:

The purpose of the Zoning Ordinance is to promote the public health, safety and general welfare; to conserve and protect the value of property throughout the city; and to encourage the most appropriate use of land. It is the intent of the Ordinance to permit the full use and enjoyment of property in a manner that does not intrude upon adjacent property. The Board may grant the requested special exception if the requested action is found to be in accordance with the specific criteria included for **Section 14-4B-4B-12**, pertaining to Quick Vehicle Servicing Uses as well as the General Standards laid out in **Section 14-4B-3**.

In order for the Board of Adjustment to grant this special exception request, each of the following criterion below must be met. The burden of proof is on the applicant, and their comments regarding each criterion may be found on the attached application. Staff comments regarding each criterion are set below.

Specific Standards: 14-4B-4B-12: Quick Vehicle Servicing

- a. All vehicular use areas, including parking and stacking spaces, drives, aisles, and service lanes, must be screened from the public right of way to the S2 standard and to the S3 standard along any side or rear lot line that abuts a residential zone boundary. (See chapter 5, article F, "Screening And Buffering Standards", of this title.)

FINDINGS:

- The subject site is not abutting any residentially zoned properties, so the S2 screening standards apply.
 - The S2 standard requires enough shrubs to form a landscape screen ranging between two and four feet in height
- The concept plan submitted by the applicant shows trees and shrubs screening the parking area along both Highland Ave. and 3rd St and a wall screening the parking area along S. Gilbert St. Staff will ensure compliance with screening standards during design review and site plan review.

b. Sufficient vehicle stacking spaces must be provided to prevent congestion and vehicle conflicts along abutting streets.

FINDINGS:

- The concept plan shows sufficient vehicle stacking and parking spaces to accommodate anticipated traffic volumes.
- The current access points off S. Gilbert St. create congestion and safety issues due to their proximity to nearby intersections and the amount of traffic this street experiences daily. Additionally, Highland Ave. experiences a significant amount of traffic as it is one of the few through east/west streets that cross the CRANDIC railroad. To help mitigate these issues, the condition that both Gilbert St. access points and one Highland Ave. access point must be closed was attached to the rezoning.

c. Unenclosed canopies over gas pump islands must be set back at least ten feet (10') from any street right of way. Fuel dispensing equipment must be set back at least ten feet (10') from any street right of way and at least fifty feet (50') from any residential zone boundary.

FINDINGS:

- The concept plan submitted by the applicant shows the canopy over the gas pump island at least 30 feet away from the right-of-way.
- The site is not within 50' from any residential zone boundary.

d. All lighting must comply with the provisions of chapter 5, article G, "Outdoor Lighting Standards", of this title.

FINDINGS:

- All lighting will be reviewed during the design review stage by the Form Based Code Design Review Committee, as well as during the site plan review stage.

i. For properties located in the riverfront crossings district and eastside mixed use district, quick vehicle servicing uses are only allowed by special exception in certain locations and must comply with the standards set forth in chapter 2, article G, "Riverfront Crossings And Eastside Mixed Use Districts Form Based Development Standards", of this title.

FINDINGS:

- During the design review stage, the Form-Based Code Design Review Committee will review the plans to ensure compliance with Chapter 2, Article G.

j. For properties located in the CB-2 zone, CB-5 zone, riverfront crossings district, eastside mixed use district, or towncrest design review district, where it can be demonstrated that the proposed quick vehicle servicing use cannot comply with a specific standard as indicated in subsections B12h and B12i of this section, the board of adjustment may grant a special exception to modify or waive the provision, provided that the intent of the development standards is not unduly compromised. The board of adjustment may impose any condition or conditions that are warranted to mitigate the effects of any variation from these development standards.

FINDINGS:

- The applicant is not asking the Board of Adjustment to modify or waive any of the above provisions.

General Standards: 14-4B-3: Special Exception Review Requirements:

In order for the Board of Adjustment to grant this special exception request, each of the following criterion below must be met. The burden of proof is on the applicant, and their comments regarding each criterion may be found on the attached application. Staff comments regarding each criterion are set below.

1. The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.

FINDINGS:

- There is an existing convenience store with fuel sales located on this site.
- This special exception will allow the reconstruction of the existing building and site to improve access from public streets, circulation within the site, and provide physical and aesthetic site improvements.
- The rezoning request was granted with a condition that the applicant dedicate additional right-of-way along S. Gilbert St. in order to provide a more pedestrian friendly environment and create a wider landscaped buffer between traffic on S. Gilbert St and the public sidewalk.

2. The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values in the neighborhood.

FINDINGS:

- As there is an existing convenience store with fuel sales on site, the proposed use would not change.
- Approval of this special exception would allow for a reconstruction of this site with an updated building and landscaping, improving the building both aesthetically and physically.

- As noted in the background section, the Planning and Zoning Commission raised concerns about lighting and noise in what is an increasingly residential area. While light, traffic, and noise associated with service stations may impact nearby residential uses, this must be balanced with the fact that the property is located along an arterial road and zoned to allow commercial use.
 - Staff recommends the following condition to mitigate the effect of noise on nearby properties:
 1. No amplified sound (such as music or advertising) be allowed outside the building. Intercoms may be used under the canopy for customer service only.
- 3. Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.**

FINDINGS:

- The surrounding properties are developed, but eligible for redevelopment under the Riverfront Crossings Form Based Code.
 - The redevelopment of the subject property will improve circulation on S. Gilbert Street as the two current access points to the site will be closed.
- 4. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.**

FINDINGS:

- The subject property has access to all necessary utilities and facilities, and the redevelopment would not require off-site improvements.
- 5. Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.**

FINDINGS:

- The current site has access points off of S. Gilbert St, Highland Ave., and 3rd St. A condition was attached to the rezoning that the applicant must close all access points from S. Gilbert St. and have only one access point from Highland Ave. in order to minimize traffic congestion on surrounding streets and at the intersection of S. Gilbert St. and Highland Ave.

6. **Except for the specific regulations and standards applicable to the exception being considered, the specific proposed exception, in all other respects, conforms to the applicable regulations or standards of the zone in which it is to be located.**

FINDINGS:

- The proposed special exception for a quick vehicle servicing use conforms to the applicable zoning standards. At the time of design review staff will ensure compliance with the Riverfront Crossings Form Based Code.

7. **The proposed exception will be consistent with the Comprehensive Plan of the City, as amended.**

FINDINGS:

- The Future Land Use Map of the Comprehensive Plan has designated this area for Mixed Use Development.
 - The Mixed Use land use designation includes a variety of retail, office, and residential uses.
- The Comprehensive plan also supports urban infill and redevelopment in certain areas of the City, including in the Riverfront Crossings District.
- The Riverfront Crossings Master Plan calls for a pedestrian scale development in this area along S. Gilbert St., with buildings to the front of the street and parking to the rear. It also calls for a retail/convenience store in this area to serve local residential and commercial uses.
- The Master Plan envisions this area to be redeveloped and shows a building placed in the front corner of the lot with parking in the rear.

STAFF RECOMMENDATION:

Staff Recommends approval of EXC19-12, a proposal submitted by Kum & Go, LLC to redevelop a quick vehicle servicing station on approximately 1.15 acres of property located at the northeast corner of S. Gilbert St. and Highland Ave. subject to the following condition:

1. No amplified sound outside of the building aside from customer service intercoms at the gas pumps.

ATTACHMENTS:

1. Location Map
2. Zoning Map
3. Area to dedicated as public right-of-way
4. Application Materials
5. Concept Plan

Approved by:



Danielle Sitzman, AICP, Development Services Coordinator
Department of Neighborhood and Development Services



0 0.04 0.08 0.16 Miles



Prepared By: Jade Pederson
Date Prepared: Nov 2019

EXC19-12

1310 S Gilbert St & 348 Highland Ave



An application submitted by Britni Andreassen on behalf of Kum & Go, LLC for a special exception to allow "Quick Vehicle Servicing," which permits use of a convenience store with fuel sales, for approximately 1.15 acres of property located at 1310 S Gilbert St and 348 Highland Ave.



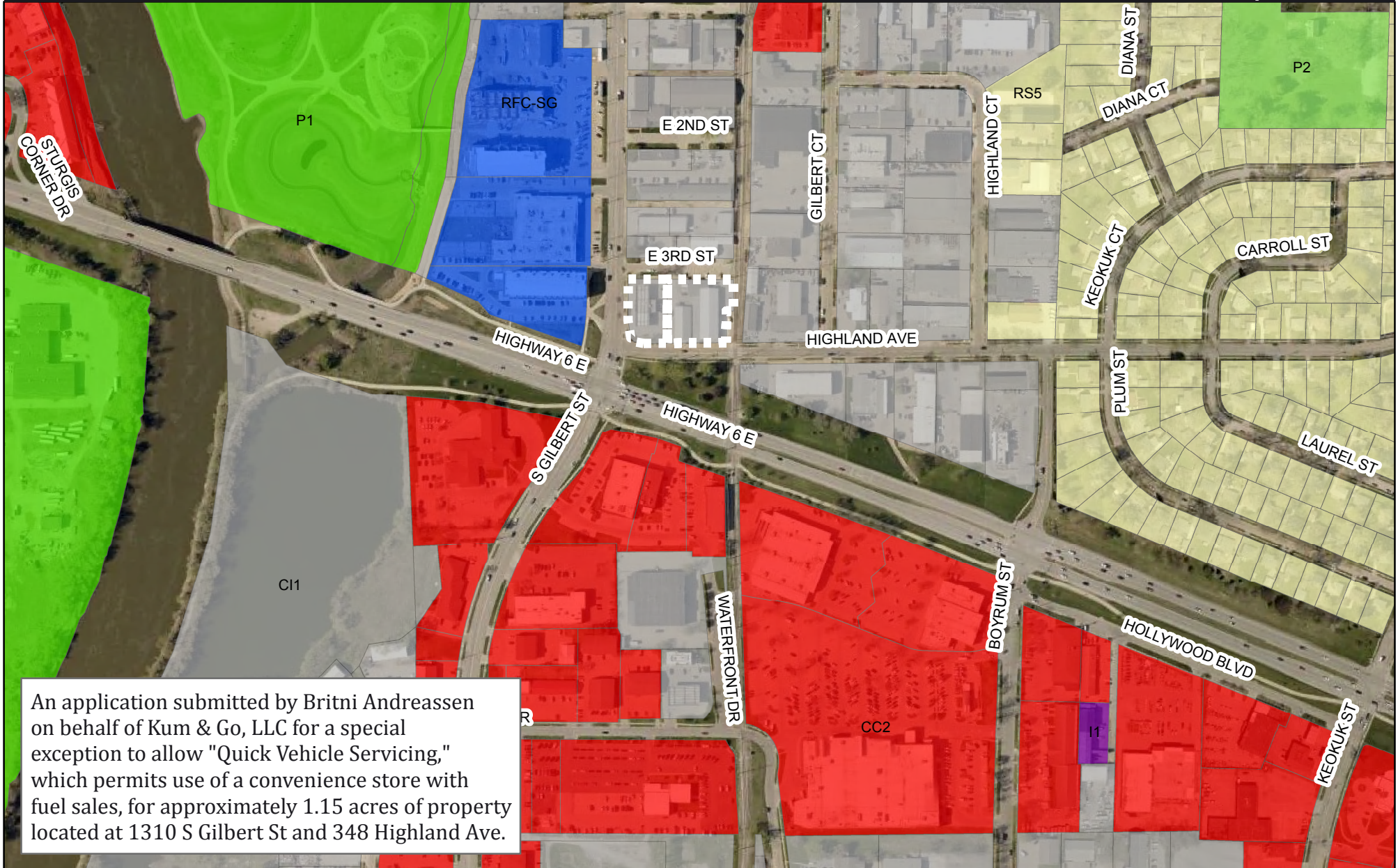
0 0.04 0.08 0.16 Miles

EXC19-12

1310 S Gilbert St & 348 Highland Ave



Prepared By: Jade Pederson
Date Prepared: Nov 2019





30.00
18.00
5.00

5.00

52.00

APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

2019 NOV -8 AM 8:46

CITY CLERK
IOWA CITY, IOWADATE: October 11, 2019PROPERTY PARCEL NO. 1015308001 & 1015307007PROPERTY ADDRESS: 1310 S Gilbert St and 348 Highland Ave.PROPERTY ZONE: RFC-SGPROPERTY LOT SIZE: 1.15 AC

APPLICANT:	Name: <u>Kum & Go LLC. (Britni Andreassen)</u>
	Address: <u>1459 Grand Ave. Des Moines IA, 50309</u>
	Phone: <u>(515) 457-6083</u>
	Email: <u>Britni.andreassen@kumandgo.com</u>
CONTACT PERSON: (if other than applicant)	Name: <u>Civil Design Advantage (Keith Weggen)</u>
	Address: <u>3405 Se Crossroads Dr. Suite G Grimes IA, 50111</u>
	Phone: <u>(515) 369-4400</u>
	Email: <u>Keithw@cda-eng.com</u>
PROPERTY OWNER: (if other than applicant)	Name: <u>(See Attached)</u>
	Address: _____
	Phone: _____
	Email: _____

Specific Requested Special Exception; please list the description and section number in the zoning code that addresses the specific special exception you are seeking. If you cannot find this information or do not know which section of the code to look in, please contact Jesi Lile at 356-5240 or e-mail jessica-lile@iowa-city.org.

Purpose for special exception: Approval of "Quick Vehicle Servicing" to allow the use of a convenience store with fuel sales.

Date of previous application or appeal filed, if any: N/A

CITY OF IOWA CITY
REVENUE DIVISION
410 E WASHINGTON ST
IOWA CITY, IA 52240
(319) 356-5066

010701-0008 Trina S. 11/08/2019 09:00AM

MISCELLANEOUS

Description: OTHER
(OTHER)

Reference 1: EXC19-0001

OTHER (OTHER)

2020 Item: OTHER

1 @ 460.00

OTHER (OTHER) 460.00

95900000-101100- 460.00D

10610620-341200- 460.00C

Payment Id: 373465

460.00

Subtotal 460.00

Total 460.00

CREDIT CARD 460.00

Visa *****6610

Ref=ACOF2A2B2E66

Auth=08696G

Change due 0.00

Paid by: KEITH WEGGEN

Signature: _____

THANK YOU FOR YOUR PAYMENT

CITY OF IOWA CITY COPY

In order for your application to be considered complete, you must provide responses to all of the information requested below. **Failure to provide this information may delay the hearing date for your application. A pre-application consultation with Planning staff is STRONGLY recommended to ensure that your application addresses all of the required criteria.**

As the applicant, you bear the burden of proof for showing that the requested exception should be granted. Because this application will be presented to the Board of Adjustment as your official statement, you should address all the applicable criteria in a clear and concise manner.

INFORMATION TO BE PROVIDED BY APPLICANT:

A. Legal description of property (attach a separate sheet if necessary):

You can find the legal description and parcel number for your property by doing a parcel search for your address on the Assessor's website at www.iowacity.iowaassessors.com/or by calling 319-356-6066.

B. Plot Plan/Site Plan drawn to scale showing all of the following information:

1. Lot with dimensions;
2. North point and scale;
3. Existing and proposed structures with distances from property lines;
4. Abutting streets and alleys;
5. Surrounding land uses, including location and record owner of each property opposite or abutting the property in question;
6. Parking spaces and trees - existing and proposed.
7. Any other site elements that are to be addressed in the specific criteria for your special exception (i.e., some uses require landscape screening, buffers, stacking spaces, etc.)

C. Specific Approval Criteria: In order to grant a special exception, the Board must find that the requested special exception meets certain specific approval criteria listed within the Zoning Code. In the space below or on an attached sheet, address each of the criteria that apply to the special exception being sought. Your responses to these criteria should just be opinions, but should provide specific information demonstrating that the criteria are being met. (Specific approval criteria for uses listed as special exceptions are described in 14-4B-4 of the Zoning Code. Other types of special exceptions to modify requirements for the property are listed elsewhere in the Code.)

IF YOU DO NOT KNOW WHERE TO FIND THE SPECIFIC CRITERIA THAT MUST BE ADDRESSED, please contact Jesi Lile at 356-5240 or e-mail jessica-lile@iowa-city.org. **Failure to provide this information will constitute an incomplete application and may lead to a delay in its consideration before the Board of Adjustment.**

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2019 NOV -8 AM 8:16
CITY CLERK
IOWA CITY, IOWA

- D. **General Approval Criteria:** In addition to the specific approval criteria addressed in "C", the Board must also find that the requested special exception meets the following general approval criteria or that the following criteria do not apply. In the space provided below, or on an attached sheet, provide specific information, not just opinions, that demonstrate that the specific requested special exception meets the general approval criteria listed below or that the approval criteria are not relevant in your particular case.

1. **The specific proposed exception will not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

There is an existing convenience store with fuel sales already at the site. This request will allow the reconstruction of the existing building and canopy to improve access from public streets to the site, improve circulation within the site, and to significantly improved the building both physically and aesthetically. This approval will not be detrimental to or endanger the public health, safety, comfort, or general welfare, as the use of is compatible with those often related to similar districts.

2. **The specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish and impair property values in the neighborhood.**

As there is already an existing convenience store with fuel sales on the site, the proposed use will not change. As the approval would allow the complete reconstruction of the existing building and fuel canopy, the site will be significantly improved both physically and aesthetically, thus improving the use and enjoyment of other property in the immediate vicinity and will not diminish and impair property values in the neighborhood.

3. **Establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.**

The establishment of the specific proposed exception will improve the normal and orderly development and improvement of the surrounding property for uses permitted in the Riverfront Crossing district as circulation through S Gilbert st will be improved by removing accesses to store on S Gilbert St.

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.**

All are utilities, access roads, drainage, and/or necessary facilities are in place today. This project would not require extensions or off-site improvements. Vehicular access from S. Gilbert would go away, providing some relief at the adjacent intersection.

5. **Adequate measures have been or will be taken to provide ingress or egress designed to minimize traffic congestion on public streets.**

Proposed with this project, the Applicant intends to remove existing access points along S Gilbert St. This will improve circulations and provide some congestion relief at the nearest intersection to the south.

6. **Except for the specific regulations and standards applicable to the special exception being considered, the specific proposed exception in all other respects conforms to the applicable regulations or standards of the zone in which it is to be located. [Depending on the type of special exception requested, certain specific conditions may need to be met. The applicant will demonstrate compliance with the specific conditions required for a particular use as provided in the City Code section 14-4B as well as requirements listed in the base zone or applicable overlay zone and applicable site development standards (14-5A through K).]**

Except for the specific regulations and standards applicable to the special exception being considered, the specific proposed exception in all other respects conforms to the applicable regulations or standards of the zone in which it is to be located. For example, the building will be located within the appropriate setbacks, the building will conform to code requirements, and pedestrian access will be provided.

7. **The proposed use will be consistent with the Comprehensive Plan of the City.**

The City's Comprehensive Plan identifies this site as Mixed-use which includes a variety of retail use. The proposed use of the site will be consistent with City's future Comprehensive Plan.

2019 NOV -8 AM 8:45
CITY CLERK
JOWA CITY, IOWA
FILED

- E. List the names and mailing addresses of the record owners of all property located within 300 feet of the exterior limits of the property involved in this appeal:

<u>NAME</u>	<u>ADDRESS</u>
(See Attached)	(See Attached)

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2019 NOV -8 AM 8:46
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JOWA CITY, IOWA



Legal Description:

The west 115 feet of out lot 1 in cook, Sargent and Downey's addition to Iowa city, Iowa, according to the plat thereof recorded in book 16, page 84, deed records of Johnson county, Iowa, excepting therefrom the south 30 feet thereof and further excepting the following tract: beginning at the northwest corner of said out lot 1, thence east 5 feet along the south line of third street; thence south parallel to the west line of said out lot 1, 115.38 feet; thence southerly in a straight line to a point 13 feet east of the west line of said out lot 1 and 16 feet north of the north line of Highland avenue; thence southeasterly on a straight line between said point and a point on the north line of highland drive 25 feet east of the west line of out lot 1 to a point 6.59 feet northwesterly along said line from the point on the north line of highland avenue 25 feet easterly from the west line of out lot 1; thence southeasterly 28.96 feet in a straight line to a point on the north line of highland avenue 49.29 feet east of the west line of out lot 1; thence west 49.29 feet along the north line of Highland avenue; thence north 182 feet along the west line of out lot 1 to the point of beginning.

And

Outlot 1 in Cook, Sargent and Downey's addition to Iowa City, Johnson County, Iowa. According to the Plat thereof recorded in Deed Book 16, Page 84, Except the following:

- 1). – The south 30 feet of said Outlot 1,
- 2). – The west 115 feet of said Outlot 1,
- 3). – The east 20 feet of the south half of said Outlot 1.

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2019 NOV -8 AM 8:16
CITY CLERK
IOWA CITY, IOWA



List of Owners:

Parcel #: 1015308001
Owner: Kum & Go LC
Address: 1459 Grand Avenue
Des Moines, Iowa 50309
Phone: (515) 457-6083 (Britni Andreassen)
Email: Britni.Andreassen@kumandgo.com

Parcel #: 1015307006
Owner: McDonough Structures Inc. (Unit A)
Address: Highland Avenue
Iowa City, Iowa 50240
Phone: (515) 512-6491 (Scott McDonough)
Email: Scott@mcdonoughstructutes.com

Parcel #: 1015307007
Owner: McDonough Structures Inc. (Unit B)
Address: 340 Highland Avenue
Iowa City, Iowa 50240
Phone: (515) 512-6491 (Scott McDonough)
Email: Scott@mcdonoughstructutes.com

Parcel #: 1015307008
Owner: McDonough Structures Inc. (Unit C)
Address: 340 Highland Avenue
Iowa City, Iowa 50240
Phone: (515) 512-6491 (Scott McDonough)
Email: Scott@mcdonoughstructutes.com

Parcel #: 1015307009
Owner: McDonough Structures Inc. (Unit D)
Address: 340 Highland Avenue
Iowa City, Iowa 50240
Phone: (515) 512-6491 (Scott McDonough)
Email: Scott@mcdonoughstructutes.com

Parcel #: 101530710
Owner: Kam Properties LLC (Unit E)
Address: 3309 Hwy 1 SW.
Iowa City, Iowa 50240

Parcel #: 1015307011
Owner: McDonough Structures Inc. (Unit F)
Address: 340 Highland Avenue
Iowa City, Iowa 50240
Phone: (515) 512-6491 (Scott McDonough)
Email: Scott@mcdonoughstructutes.com

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2019 NOV -8 AM 8:46
CITY CLERK
IOWA CITY, IOWA



CIVIL DESIGN ADVANTAGE L.L.C.

ENGINEERS, LANDSCAPE ARCHITECTS,
PLANNERS & SURVEYORS

Parcel #: 1015307012
Owner: GKLZ LLC (Units G)
Address: 325 E. 3rd St. Unit 1
Iowa City, Iowa 50240

Parcel #: 1015307013
Owner: GKLZ LLC (Unit G1)
Address: 325 E. 3rd St. Unit 2
Iowa City, Iowa 50240

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2019 NOV -8 AM 8:46
CITY CLERK
IOWA CITY, IOWA

NOTE: Conditions. In permitting a special exception, the Board may impose appropriate conditions and safeguards, including but not limited to planting screens, fencing, construction commencement and completion deadlines, lighting, operational controls, improved traffic circulation requirements, highway access restrictions, increased minimum yard requirements, parking requirements, limitations on the duration of a use or ownership or any other requirement which the Board deems appropriate under the circumstances upon a finding that the conditions are necessary to fulfill the purpose and intent of the Zoning Chapter. (Section 14-8C-2C-4, City Code).

Orders. Unless otherwise determined by the Board, all orders of the Board shall expire six (6) months from the date the written decision is filed with the City Clerk, unless the applicant shall have taken action within the six (6) month period to establish the use or construct the building permitted under the terms of the Board's decision, such as by obtaining a building permit and proceeding to completion in accordance with the terms of the permit. Upon written request, and for good cause shown, the Board may extend the expiration date of any order without further public hearing on the merits of the original appeal or application. (Section 14-8C-1E, City Code).

Petition for writ of certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of the Zoning Chapter, or any taxpayer or any officer, department or board of the City may present to a court of record a petition for writ of certiorari duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. (Section 14-8C-1F, City Code). Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the City Clerk.

Date: NOVEMBER 7, 2019

Britni Andreassen, Kum & Go


Signature(s) of Applicant(s)

Date: _____, 20____

Scott McDonough, McDonough Structures

Date: _____, 20____

Kam Properties LLC

Date: _____, 20____

GKLZ LLC

Signature(s) of Property Owner(s)
if Different than Applicant(s)

NOTE: Conditions. In permitting a special exception, the Board may impose appropriate conditions and safeguards, including but not limited to planting screens, fencing, construction commencement and completion deadlines, lighting, operational controls, improved traffic circulation requirements, highway access restrictions, increased minimum yard requirements, parking requirements, limitations on the duration of a use or ownership or any other requirement which the Board deems appropriate under the circumstances upon a finding that the conditions are necessary to fulfill the purpose and intent of the Zoning Chapter. (Section 14-8C-2C-4, City Code).

Orders. Unless otherwise determined by the Board, all orders of the Board shall expire six (6) months from the date the written decision is filed with the City Clerk, unless the applicant shall have taken action within the six (6) month period to establish the use or construct the building permitted under the terms of the Board's decision, such as by obtaining a building permit and proceeding to completion in accordance with the terms of the permit. Upon written request, and for good cause shown, the Board may extend the expiration date of any order without further public hearing on the merits of the original appeal or application. (Section 14-8C-1E, City Code).

Petition for writ of certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of the Zoning Chapter, or any taxpayer or any officer, department or board of the City may present to a court of record a petition for writ of certiorari duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. (Section 14-8C-1F, City Code). Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the City Clerk.

Date: November 4, 2019

Brihti Andreassen, Kum & Go



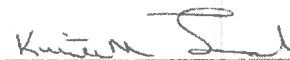
Signature(s) of Applicant(s)

Date: _____, 2019

Scott McDonough, McDonough Structures

Date: _____, 20____

Karn Properties LLC



Date: November 4, 2019

GKLZ LLC

94:8 NV 8- NOV 6 2019

FILED

Signature(s) of Property Owner(s)
if Different than Applicant(s)

NOTE: Conditions. In permitting a special exception, the Board may impose appropriate conditions and safeguards, including but not limited to planting screens, fencing, construction commencement and completion deadlines, lighting, operational controls, improved traffic circulation requirements, highway access restrictions, increased minimum yard requirements, parking requirements, limitations on the duration of a use or ownership or any other requirement which the Board deems appropriate under the circumstances upon a finding that the conditions are necessary to fulfill the purpose and intent of the Zoning Chapter. (Section 14-8C-2C-4, City Code).

Orders. Unless otherwise determined by the Board, all orders of the Board shall expire six (6) months from the date the written decision is filed with the City Clerk, unless the applicant shall have taken action within the six (6) month period to establish the use or construct the building permitted under the terms of the Board's decision, such as by obtaining a building permit and proceeding to completion in accordance with the terms of the permit. Upon written request, and for good cause shown, the Board may extend the expiration date of any order without further public hearing on the merits of the original appeal or application. (Section 14-8C-1E, City Code).

Petition for writ of certiorari. Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of the Zoning Chapter, or any taxpayer or any officer, department or board of the City may present to a court of record a petition for writ of certiorari duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. (Section 14-8C-1F, City Code). Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the City Clerk.

Date: November 4, 2019

Britni Andreassen, Kum & Go



Signature(s) of Applicant(s)

Date: 11-7, 2019

Scott McDonough, McDonough Structures



Date: _____, 20____

Kam Properties LLC

Date: _____, 20____

GKLZ LLC

Signature(s) of Property Owner(s)
if Different than Applicant(s)

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Date: November 4, 2019

Britni Andreassen, Kum & Go



Signature(s) of Applicant(s)

Date: _____, 2019

Scott McDonough, McDonough Structures

Date: _____, 2019

Kam Properties LLC

Date: 11/5/2019, 2019

GKLZ LLC

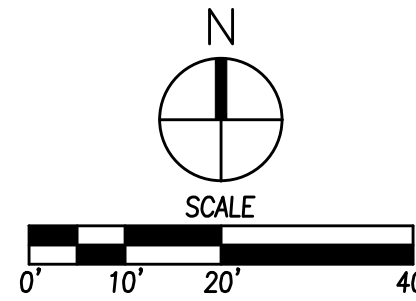
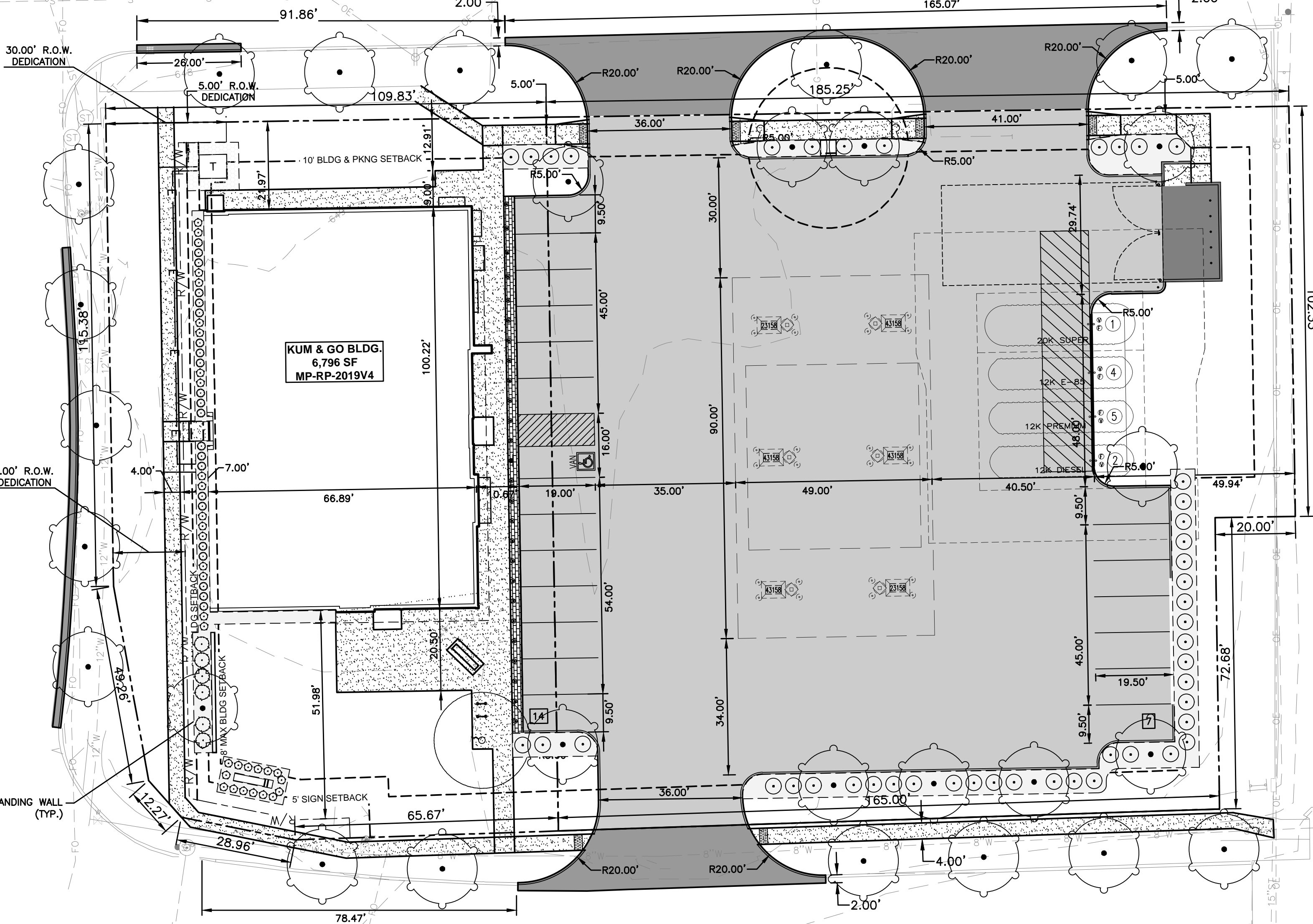


Signature(s) of Property Owner(s)
if Different than Applicant(s)

FILE: H:\2019\1902078\1902078 - SPECIAL EXCEPTION - SITE PLAN.DWG
DATE: 11/15/19
DATE PLOTTED: 11/15/2019 3:11 PM
PLOTTER: HP DesignJet T120

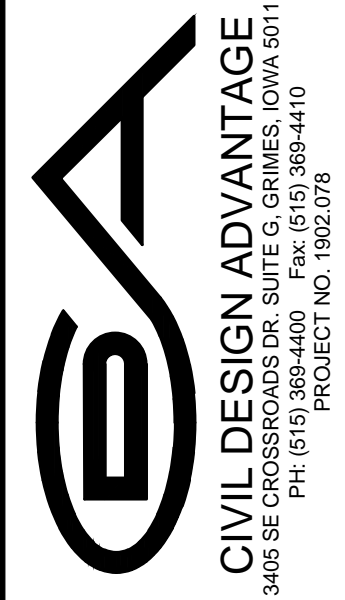
EXISTING COMMERCIAL
1301 GILBERT LLC
1301 S GILBERT ST UNIT C1

S GILBERT STREET



SITE DATA		
STORE TYPE		MARKETPLACE
CANOPY / DISPENSER ARRANGEMENT		6 DISPENSERS (DOUBLE)
TYPE OF USE		CONVENIENCE STORE WITH FUEL
HEIGHT	BUILDING	26'-0"
	TOP OF MASONRY	24'-8"
	CANOPY	20'-6"
GROSS FLOOR AREA		6,796 S.F.
GROSS CANOPY AREA		6,027 S.F.
GROSS LOT AREA		±50,067 S.F. ±1.15 ACRES
FAR (INCLUDING CANOPY)		0.25
BUILDING COVERAGE		6,796 S.F. (13.6%)
LANDSCAPE COVERAGE		14,820 SF (29.6%)
PARKING/DRIVE/SIDEWALK COVERAGE		28,454 SF (56.8%)
BICYCLE PARKING		4 SPACES
REQUIRED PARKING	STANDARD	13
	ADA	1
	TOTAL	14
		PARKING RATIO = 1 SPACE/ 500 SF
PROVIDED PARKING	STANDARD	20
	ADA	1
	TOTAL	21
		PARKING RATIO = CARS/1000 S.F.

ZONING INFORMATION		
ZONE: RIVERFRONT CROSSING - SOUTH GILBERT DISTRICT		ACTUAL SETBACKS, HEIGHT, FACADE CONTINUITY, LOT FRONTAGE
FACADE CONTINUITY	MINIMUM 75% OF THE PRIMARY	STREET LOT FRONTAGE S GILBERT STREET: 77%
FRONT YARD SETBACK (FEET)	2' MINIMUM AND 8' MAXIMUM	ACTUAL SETBACKS S GILBERT STREET: 6'
SIDE YARD SETBACK (FEET)	10' MINIMUM	ACTUAL SETBACKS HIGHLAND STREET: 56' E 3RD STREET: 22'
REAR YARD SETBACK (FEET)	10' MINIMUM	N/A
MAXIMUM HEIGHT (FEET)	30'	ACTUAL HEIGHT KUM & GO MARKETPLACE: 25.75'
LAND USE	QUICK VEHICLE SERVICING	



1459 GRAND AVENUE
Des Moines, Iowa 50309
P: 515-226-0128
F: 515-223-9873

3504 - IOWA CITY, IOWA
1310 S GILBERT STREET
SITE PLAN

KG PROJECT TEAM:
RDR:
SDM:
CPM:

DATE	REVISION DESCRIPTION

DATE: 11-07-2019
SHEET NUMBER:
C1.1

REVISIONS