

CITY OF IOWA CITY

IOWA CITY BOARD OF ADJUSTMENT

August 8, 2018

5:15 p.m.

Emma Harvat Hall

STAFF REPORT

CITY OF IOWA CITY

Department of Neighborhood & Development Services

IOWA CITY BOARD OF ADJUSTMENT MEETING

Wednesday, August 8, 2018 – 5:15 PM

City Hall, 410 East Washington Street

Emma Harvat Hall

AGENDA

A. Call to Order

B. Roll Call

C. Consider the June 13, 2018 minutes

D. Special Exception Items

1. Discussion of an application submitted by the Sudanese Community Center to locate a General Community Service use in the Intensive Commercial (CI-1) zone at 536 Southgate Avenue. (EXC18-00006)
2. Discussion of an application submitted by Public Space One for a special exception to allow 2,900 sq. ft. of retail space and a reduction in the minimum off-street parking requirement for property located in the Mixed Use (MU) at 117 N. Van Buren St. (EXC18-00007)

E. Board Information

F. Adjourn

**NEXT BOARD OF ADJUSTMENT MEETING:
Wednesday, September 12, 2018**

If you will need disability-related accommodations in order to participate in this meeting, please contact Sarah Walz, Urban Planning at 319-356-5239 or at sarah-walz@iowa-city.org. Early requests are strongly encouraged to allow sufficient time to meet your access needs.

STAFF REPORT

To: Board of Adjustment
Item: EXC18-00006
536 Southgate Avenue

Prepared by: Sarah Walz
Date: June 13, 2018

GENERAL INFORMATION:

Applicant: Sudanese Community Center

Contact: Elsadig Saleh
2422 Bartelt Road
Apt. 4 C
Iowa City IA 52246
347-622-7220

Property Owner: Aterra 23
Thomas Bernal
1001 Grand Avenue
West Des Moines, IA 50265

Requested Action: Special exception to allow a General Community Service Use in the Intensive Commercial (CI-1) zone.

Location: 526 Southgate Avenue

Size: Approximately 11,850 square feet (80 x 148)
Building = 2048 square feet.

Existing Land Use and Zoning: Intensive Commercial (CI-1)

Surrounding Land Use and Zoning: North: General Trade Use (contractor's shop); CI-1
South: General Trade Use (contractor's shop); CI-1
East: Media Com
West: Vehicle Repair; (CI-1)

Applicable code sections: 14-4B-4D-4, Specific Criteria for General Community Service Uses in the CI-1 zone; 14-4B-3A, General Criteria for all special exceptions.

File Date: May 15, 2018

BACKGROUND:

The Sudanese Community Center is seeking to locate in the Intensive Commercial (CI-1) zone at 536 Southgate Avenue. The existing building provides approximately 2,048 square feet of general office type space. The front parking area includes 7 spaces. The applicant is leasing the property and is currently occupying the building with a temporary use permit.

Community Service uses are allowed in the CI-1 zone by special exception. The proposed community center would fall under the General Community Service use classification, which includes community centers; neighborhood centers; youth club facilities; some social service facilities;

vocational training facilities for the physically or mentally disabled; etc. The zoning code notes that this use is distinct from religious institutions and private clubs and lodges, which are classified as religious/private group assembly uses.

The applicant is proposing to use the space as the main center for their organization, which provides language classes, citizenship, and cultural classes (such as music and stories), a library, and general assistance and counseling for new immigrants and refugees settling in the Iowa City area. Most activities for the organization take place in the evening or on weekends. The applicant also indicates involvement with sports (soccer for kids and adults) as well as occasional gatherings for food and celebration. A daycare use is not proposed as part of this application and would require a separate special exception.

The purpose of the Intensive Commercial (CI-1) zone is to provide areas for those sales and service functions and businesses whose operations are typically characterized by outdoor display and storage of merchandise, by repair and sales of large equipment or motor vehicles, by outdoor commercial amusement and recreational activities or by activities or operations conducted in buildings or structures not completely enclosed. The types of retail trade in this zone are limited in order to provide opportunities for more land intensive commercial operations and also to prevent conflicts between retail and industrial truck traffic.

Properties that surround the proposed site include vehicle repair and contractor storage and back office uses related to building trades. Although Southgate Avenue and Boyrum Street have pavement widths of 36 feet, parking is prohibited on both streets.

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-4D-4** pertaining to General Community Service Uses in the Intensive Commercial (CI-1) zone in addition to the general approval criteria for special exceptions as set forth in **Section 14-4B-3A**.

The applicant's comments regarding each of the specific and general standards are included on the attached application form. Staff comments related to the specific and general approval criteria are set forth below.

Specific Standards (14-4B-4D-4)

The proposed use will not significantly alter the overall character of the zone and will not inhibit future development of uses for which the zone is primarily intended. The Board will consider such factors as size and scale of the development, projected traffic generation, and whether adequate transportation, transit, and pedestrian facilities exist to support the proposed use.

FINDINGS:

- Based on the applicant's statement, the principal use of the property will be for classes and community outreach to assist new immigrants and refugees with settlement in the area.
- Large events and general assembly are not a regular function of the proposed use.
- The property meets the minimum parking requirement of 7 spaces for the community service use based on the square footage of the building: 1 space per 300 square feet of building area. Two additional spaces could be stacked along the drive east of the building.

This amount of parking should be sufficient for most small group uses—those requested on the applicant's statement.

- The property does not have adequate off-street parking for large group events.
- Parking is prohibited on Southgate Avenue and Boyrum Street and is not allowed on adjacent private properties.

Given the limited amount of off-street parking on the site and the restrictions on on-street parking on Southgate Avenue, Boyrum Street, and Olympic Court, staff recommends that the applicant provide a plan for communicating to its members alternatives (e.g. bus or carpooling to events) as well as where off-site parking may be found in the neighborhood.

General Standards (14-4B-3)

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

FINDINGS:

- The proposed use of the property will be largely indoors. Meetings and classes that take place in the evenings or on weekends when adjacent commercial uses are not active.
- The outdoor area to the rear of the building is fenced on two sides, providing separation and security for outdoor storage areas on the adjacent sites. Fencing around the perimeter of this area (north, east, and west sides) is needed to separate incompatible uses and to discourage trespass on to adjacent C1-1 properties where outdoor storage of materials and vehicles are a common use.

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:

- The outdoor area, is surrounded by repair and contractor uses which may be incompatible with outdoor activities in terms of safety, especially for activities that involve children and sports.
 - To ensure that activities associated with the community service use remain separate from adjacent vehicle repair and other contractor type uses, staff recommends a 6-foot high fence to enclose the back yard (east, west, and north sides). A fence is already present on two sides of the property.
- Given the minimal amount of parking on the lot and the prohibition of parking on Southgate Avenue and Boyrum Street as well as Olympic Court, large gatherings are not easily accommodated on the site. The Community Center should look to other venues such as recreation centers or parks for large events and celebrations (as noted above, regular use of the property for large events may result in a different classification of the use). Occasional large events may be held if the applicant secures a temporary use permit.

Staff recommends the following conditions to address the occasional use of the property for larger events or celebrations.

- Any event that will be attended by more than 40 people requires a temporary use permit. The permit application will include a management plan for how to address parking, transportation, and, in the event of outdoor activities, litter/recycling collection, which are issues commonly related to large events and that may impact on adjacent properties.

An important goal of the special use permit and management plan are to have the Community Center actively communicate with those attending events where to find parking and to discourage parking or crossing onto adjacent CI-1 properties due to the security concerns with outdoor storage on those sites.

The 40-person limit is recommended by staff based on the City's occupancy standards of one person per 50 sq ft. The building includes 2,048 square feet of usable space.

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 zone in which such property is located.

See findings under 1 and 2 above.

- So long as the predominant use of the property remains as described in the applicant's statement (classes and small group meetings and counseling), the site and parking should be sufficient. As stated above, occasional large group should not be a regular use of the property and should require a temporary use permit to ensure appropriate planning for parking.

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

FINDING:

- All necessary utilities and other facilities (streets, sidewalks, storm drainage) are already in place for this property and the neighborhood.

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

FINDINGS:

- Given the limited size of the parking area and use of the property, which is typically on evenings and weekends, the amount of traffic to the site will not create congestion on the public streets.
- Southgate Avenue and Boyrum Street have pavement widths of 36 feet.

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:

- Bicycle parking is currently lacking on the property and must be provide. Based on the parking requirements in 14-5A-2, four bicycle parking spaces are required.
- The parking area is non-compliant with regard to setbacks and screening. However, the parking area is too small to meet the standard and provide the minimum parking requirement based on the square footage of the building. Any expansion of the use would require another special exception and additional off-street parking. At such time, the parking situation should come closer to complying with the code requirements.

7. The proposed use will be consistent with the Comprehensive Plan, as amended.

Staff believes the application satisfies this based on the following finding:

- The Comprehensive Plan supports the provision of community services in areas with appropriate pedestrian and bus access. Bus service is provided along Southgate by the Broadway, Lakeside, and Cross Park routes. The Broadway and Lakeside routes both provide evening and weekend service. Sidewalks are in place throughout the neighborhood, connecting the property to nearby residential neighborhoods and bus stops.

STAFF RECOMMENDATION: Staff recommends approval of EXC18-00006, an application for a General Community Service Use in the Intensive Commercial (CI-1) zone at 536 Southgate Avenue, subject to the following conditions:

- Large gatherings may only be held on an occasional basis and require a temporary use permit as follows:
 - Any event that will be attended by more than 40 people requires a temporary use permit.
 - The permit application must include a plan for how to address parking, transportation, and, in the event of outdoor activities, litter/recycling collection.
- A 6-foot fence must be installed to enclose the open space to the rear of the building (east, west, and north sides).
- Installation of required bicycle parking (4 spaces).

ATTACHMENTS:

1. Location map
2. Site plan
3. Application materials

Approved by: 
Danielle Sitzman, Development Services Coordinator
Department of Neighborhood and Development Services



0 0.0125 0.025 0.05 Miles

EXC18-00006 536 Southgate Avenue



Prepared By: Luke Foelsch
Date Prepared: May 2018



An application submitted by
Elsadig Saleh / Sudanese community
for a special exception for 0.272 acres
of property located at 536 Southgate Avenue
for Community Service use in the CI-1 zone.



3



0 0.0125 0.025 0.05 Miles

EXC18-00006 536 Southgate Avenue



Prepared By: Luke Foelsch
Date Prepared: May 2018



EXC 18-00006

APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

DATE: 05-03-2018

PROPERTY PARCEL NO. _____

PROPERTY ADDRESS: 536 Southgate

PROPERTY ZONE: _____

PROPERTY LOT SIZE: _____

APPLICANT:	Name: <u>Elsadig Saleh / sudanese Commis</u>
	Address: <u>2422 BARTLETT DR 1C Iowa city</u>
	Phone: <u>319-622-7220</u>
CONTACT PERSON: (if other than applicant)	Name: _____
	Address: _____
	Phone: _____
PROPERTY OWNER: (if other than applicant)	Name: <u>Aerna 23, 536 Southgate, Iowa City, LLC</u>
	Address: <u>1001 Grand Ave., WDM, IA 50265</u>
	Phone: <u>515.225.9029</u>

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 Sarah Walz at 356-5239 or e-mail sarah-walz@iowa-city.org.

Purpose for special exception: Community Service
the C1-1 zone

Date of previous application or appeal filed, if any: _____

2018 MAY 15 PM 1:41
FILED
CITY CLERK
IOWA CITY, IOWA

To whom it concern

We as Sudanese community who resides in Iowa City have the privilege to be a part of this beautiful city. Iowa City has become our home and we are very proud of it.

The following are the list of our activities now and here after:

Sport: Soccer for kids and adults

Education program: ESL for adults, Arabic class for kids, Citizenship classes for immigrants and refugees about the USA history and reading short stories for the kids (English Books).

Culture: Music and songs to the kids to learn and keep the parent culture and care for kids.

Charity: help new comers for resettlement, community gathering discussing our issues among different families.

We use the center as library for student who go to Kirkwood and University of Iowa, also we do table discussion about what is happing in Iowa for purpose of English improvement and encourage student to communication.

Note: Our activities are mainly involve in the evening times and weekends.

FILED
2008 MAY 15 PM:44
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: 05-03-2018, 20 18

[Signature]
Signature(s) of Applicant(s)

Date: May 10, 20 18

Brenda Jackson
Signature(s) of Property Owner(s)
if Different than Applicant(s)
Property Manager

MAY 15 PM 1:44
CITY CLERK
IOWA CITY, IOWA

FILED

KENNEDY, CRUISE, FREY & GELNER, L.L.P.

ATTORNEYS AT LAW

920 S. DUBUQUE STREET - P.O. BOX 2000

IOWA CITY, IOWA 52244

TELEPHONE (319) 351-8181

FAX (319) 351-0605

MICHAEL W. KENNEDY
KIRSTEN H. FREY
KANDIE K. GELNER

MARCUS M. MILLS
ZACHARY R. DAVELAAR
KATHERINE E. OTTO SIMMERING

August 2, 2018

T. Gene Chrischilles
Board of Adjustment Member
410 E. Washington St.
Iowa City, IA 52249

Constance Goeb
Board of Adjustment Member
410 E. Washington St.
Iowa City, IA 52249

Ryan Hall
Board of Adjustment Member
410 E. Washington St.
Iowa City, IA 52249

Tim Weitzel
Board of Adjustment Member
410 E. Washington St.
Iowa City, IA 52249

Bryce B. Parker
Board of Adjustment Member
410 E. Washington St.
Iowa City, IA 52249

Re: Application for Special Exception for the Sudanese Community Center

Dear Board of Adjustment Members:

I represent Skay Automotive Services, Inc., which is located on 1936 Boyrum Street, adjacent to the proposed Sudanese Community Center on 526 Southgate Avenue. I write to urge the Board to deny the Application for Special Exception for the Sudanese Community Center as the surrounding characteristics of the area are not appropriate for the operations of the Community Center.

Under Chapter 14-4B-3 of the Iowa City Zoning Code, to grant a special exception, the Board of Adjustment must find that the applicant meets the general approval criteria and the specific approval criteria. Among the general approval criteria, the Board must find that the specific exception will not be detrimental to or endanger the public health, safety, comfort or general welfare. Iowa City Zoning Code 14-4B-3(A)(1). While some of the Sudanese Community Center's activities take place indoors, the Center also frequently uses the outdoor

space for sports and large gatherings. The outdoor area is not well-lit. Many of the attendees, including little children, have trespassed onto my client's property. My client operates a vehicle repair business, and equipment and vehicles are often stored outside. My client's business operations also involve flat-bed tow trucks, oil trucks and even semi-trucks coming onto their property regularly. This is truly no area for children to play. As such, approving the Application for Special Exception would be detrimental to the safety and general wellbeing of the public.

To grant the special exception, the Board also must find that 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. Iowa City Zoning Code 14-4B-3(A)(2). The Staff Report prepared by Sarah Walz and presented at the June 13 Board meeting highlights the minimal amount of parking on the lot and surrounding areas. The Community Center has only seven parking spaces and on-street parking is prohibited in the immediate vicinity. Thus, the Staff Report recommended requiring a temporary use permit for any event that will be attended by more than 40 people and allowing only the occasional use of the property for larger events. However, it is highly unlikely that seven spaces will be adequate for gatherings of less than 40 people. In fact, that would require more than five people to come in each car.

In addition, even if the Board were to require a temporary use permit requirement, such a requirement would be effectively unenforceable. Who will enforce the 40-person limit for gatherings? And what is occasional? How often? Once a month? Once a week? The Community Center has stated it has approximately 75 active members, well over the proposed 40-person limit. While the Community Center has claimed large events and general assembly are not a regular function of the proposed use, the reality is that several large gatherings have already been held. In fact, the owners of Skay Automotive have seen a large tent for entertaining erected in the outdoor area with upwards of 60 chairs set up. The limitations proposed by the City Staff simply aren't workable or readily enforceable.

Additionally, my client has had significant issues with trespassing and littering since the Sudanese Community Center began its operations. Only a small barrier separates the parking areas of my client's lot from the Sudanese Community Center. Patrons of the Sudanese Community Center have repeatedly driven over the small curb barrier and trespassed onto my client's lot. When my client brought this matter to the Community Center's attention, its solution was to hang yellow "Caution" tape across the area and place a plastic chair in the center of the area with a No-Trespassing sign. The Center's "solution" is both ineffective, as cars continue to drive through the area, and an eyesore. My client has also noticed a substantial and marked increase in litter and trash on its grounds since the opening of the Sudanese Community Center. People have also been observed loitering in the surrounding areas, especially following the large gatherings. My client operates a very clean, well-appointed, first-rate vehicle repair business. The loitering, increase in litter and continual trespass damages my client's business and reputation.

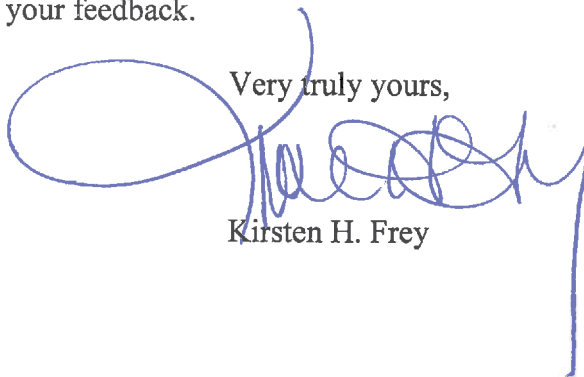
The Staff Report proposes conditioning approval of the Special Exception Request on requiring a six-foot fence be erected around the perimeter to deter trespassing on to adjacent properties. With all due respect, this is not a sufficient solution. For one, the Community Center began erecting the fence seemingly without securing a permit. The Community Center used spray-paint on my client's property to indicate where the fence posts will be placed. When my clients expressed concern, work stopped for a period of time and when it began again, individuals once again trespassed on my client's property to install the fence, despite being asked expressly not to do so. Additionally, the installation of the fence is going to impair my client's ability to navigate large or bulky equipment, such as a tow truck, flat-bed truck, or oil trucks through the area. The fence will further intrude upon and interfere with my client's use of its property.

My client recognizes the value and importance of having a Sudanese Community Center but respectfully requests the Board deny the Application for Special Exception to allow the Sudanese Community Center to operate at 526 Southgate Avenue. My client's business has large tow trucks bringing in inoperable vehicles. That is not an area for children to be running around. Vehicles that are damaged or in need of repair are not play structures. The Sudanese Community Center would be better suited in an area where children could play without risk of serious injury and where large gatherings and groups could more easily be accommodated. As it stands, the Sudanese Community Center has already demonstrated it has not and does not follow the rules or respect the limitations placed on its use. Allowing it to operate at 526 Southgate Avenue will be detrimental to my client's business, endanger the public safety and general welfare. Further, the Center's actions to date demonstrate that the proposed exception will be injurious to the use of my client's property.

I will be appearing on my client's behalf at the next public meeting discussing the proposed Special Exception for the Sudanese Community Center to voice their objections. Please feel free to contact me if you have any questions in the meantime.

I look forward to receiving your feedback.

Very truly yours,



Kirsten H. Frey

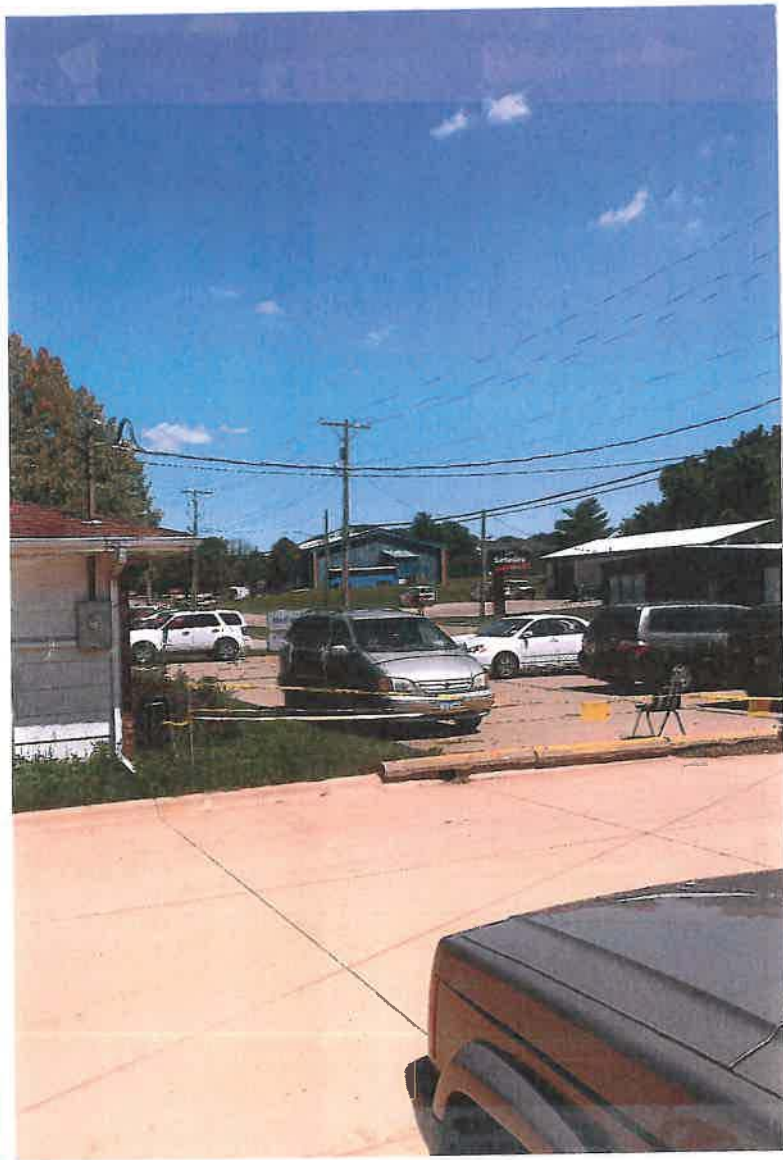
KHF/rs

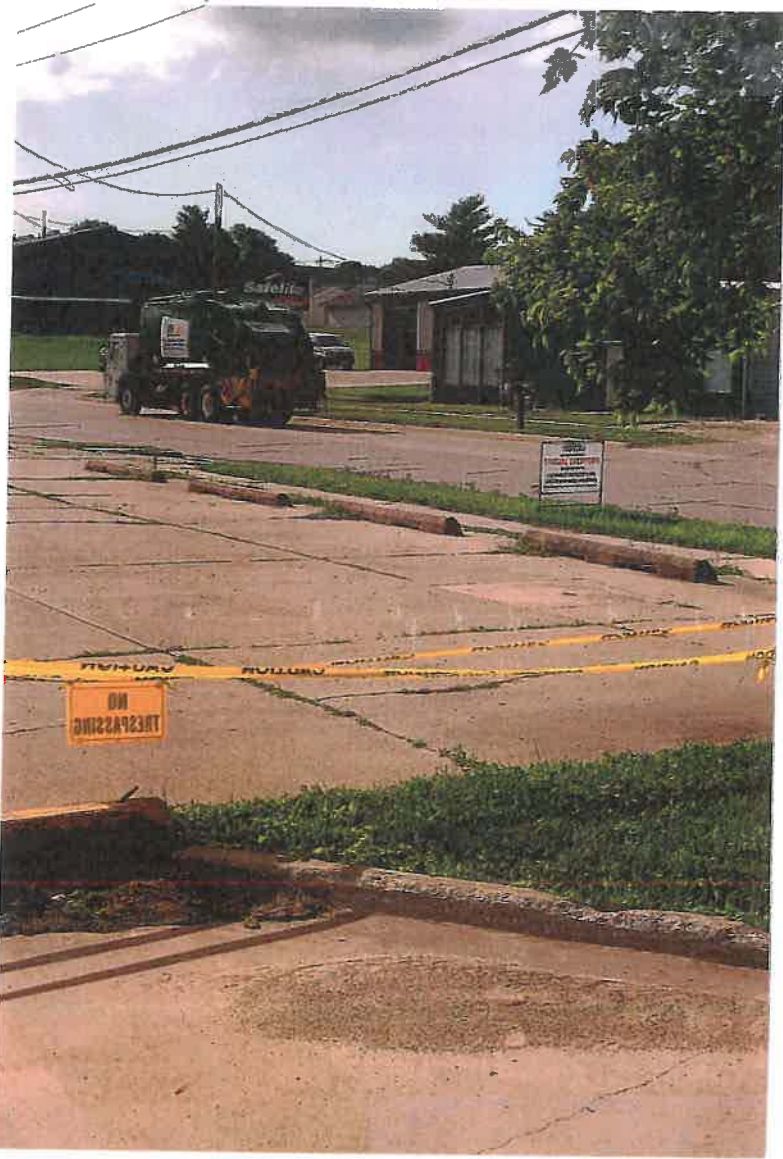
Enc.

14791.1/2018-07-23 Ltr to Board of Adjustment









STAFF REPORT

To: Board of Adjustment
Item: EXC18-00007
117 North Van Buren Street

Prepared by: Luke Foelsch, Planning Intern
Date: July 9, 2018

GENERAL INFORMATION:

Applicant: Public Space One
120 N Dubuque St
319-331-8893

Contact: John Engelbrecht
913 E Jefferson St
319-331-8893

Property Owner: Ralph & Larry Ramer
117 N Van Buren St
319-400-7335

Requested Action: Special Exception to allow a retail use that exceeds the maximum allowable 2,400 square feet in the MU zone and a reduction in required parking.

Purpose: To allow a visual arts gallery and artist studios.

Location: 117 North Van Buren Street

Size: Lot size: approximately 3,600 square feet (90 x 45)
Building Gross Floor Area: approximately 2,900 square feet

Existing Land Use and Zoning: MU/ OHD; Mixed Use & Historic District Overlay (residential)

Surrounding Land Use and Zoning: North: CO-1; Commercial Office (residential)
South: MU & OHD; Mixed Use & Historic District Overlay (residential)
East: CO-1; Commercial Office (Mercy Hospital parking ramp)
West: MU & OHD; Mixed Use & Historic District Overlay (residential)

Applicable code sections: **14-4B-4B-16**, Specific Standards for Sales Oriented Uses in the MU zone; **14-5A-4F-6**, Specific Standards for Alternatives to Minimum Parking Standards; **14-4B-3A**, General Criteria for all special exceptions.

File Date: July 6, 2018

BACKGROUND:

Public Space One (PS1) seeks to purchase 117 North Van Buren Street to extend their programming opportunities and artist resources. PS1 is an artist-run, nonprofit arts organization whose mission includes providing an independent space for making and presenting art, producing programs, providing artist resources and cultural education, and advocating for the importance of art.

Under the current proposal, PS-1 would use the property as a venue complementary to their current location at the Wesley Center at 120 N. Dubuque Street. The Wesley Center will remain the primary exhibit and group gathering space for the organization with the property at 117 North Van Buren being used principally for individual artist studio space with gatherings and exhibits being a secondary use. The ground floor will be used as an art gallery and common space for meeting and office use. Occasional (2-4 per month) special events will be held in the early evenings such as fundraisers, readings, and artist presentations. Seven artist studios will be located on upper floors and basement. Studios will be limited to low-impact media (i.e. no kilns, torches, etc.). The applicant has also indicated that a program for individual art lessons may be developed in the future.

The proposed use is somewhat difficult to categorize, but most closely aligns with the definition for Retail Use, which is a provisional use allowed in the MU zone. More specifically, it would fall under the Sales Oriented Retail use classification, as artist/artisan studios are considered to be a "cottage industry" component or retail. The MU zone limits the size of sales oriented retail to 2,400 square feet. Additional square footage may be approved by special exception. The building includes 2,900 feet of gross floor area and thus an expansion is necessary to allow the additional 500 feet.

The purpose of the Mixed Use (MU) zone is to provide a transition from commercial and employment centers to less intensive residential zones. The MU zone permits a mix of uses, including lower scale retail and office uses, and a variety of residential uses.

The applicant is also seeking a reduction in the required parking for the use. The minimum parking requirement for Sales Oriented Retail uses in the MU zone is 1 space per 300 square feet of gross floor area. The property at 117 N. Van Buren has 2,900 square feet of floor area and therefore would be required to provide 10 parking spaces (rounded up from $2,900 / 300 = 9\frac{2}{3}$) in addition to a minimum of 4 bicycle spaces.

Parking is accessed from the adjacent property to the west for which there is a cross access easement from the alley. These are non-conforming spaces as the parking spaces are only 12' in depth. The required parking space dimensions are 9'x18' for a standard parking space and 8'x15' for a compact space.

The property is located within the Jefferson Street Historic District. As a key contributing structure in a historic district, any modification to the exterior of the home, including construction of a ramp to comply with ADA requirements for retail uses, must be reviewed by the Historic Preservation Commission.

Properties that surround the site include a single-family residence and a multi-family residence. Across the street is the Mercy Hospital parking ramp, which takes up the entire block on the east side of Van Buren Street.

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-16b**, pertaining to sales oriented retail uses in the MU zone, **Section 14-5A-4F-6**, pertaining to alternatives to minimum parking standards, in addition to the general approval criteria for special exceptions as set forth in **Section 14-4B-3A**.

The applicant's comments regarding each of the specific and general standards are included on the attached application form. Staff comments related to the specific and general approval criteria are set forth below.

Specific Standards: 14-4B-4B-16: Sales Oriented, Personal Service Oriented, And Alcohol Sales Oriented Retail Uses in The MU Zone:

b. The limit on floor area for any one use may be increased from two thousand four hundred (2,400) square feet up to five thousand (5,000) square feet by special exception; provided, that the following criteria are met:

1. The increased floor area will be supportable primarily by residents of the surrounding area.

FINDINGS:

- The application is for an increase of 500 square feet over the maximum floor area permitted. Staff does not anticipate the relatively small increase in floor area to generate significant additional customer traffic.
- The location of the property is close to campus and the Downtown, and within a fairly dense residential area that with a large student population, suggests that the particular use can be supported largely by the surrounding neighborhood.

2. The proposed exception will be consistent with the stated intent of the MU zone.

FINDINGS:

Section 14-2C-1A of the Zoning Code states the purpose of the MU zone is "to provide a transition from commercial and employment centers to less intensive residential zones. The MU zone permits a mix of uses, including lower scale retail and office uses, and a variety of residential uses. This mix of uses requires special consideration of building and site design."

- The proposed use will be of a relatively low intensity in comparison to traditional retail uses. The applicant states that the ground floor will be open only for about 12 hours per week for meetings and access to the common areas and CAS. Although the applicant intends to host occasional early evening events each month, this use is not expected to generate a substantial amount of coming and going during traditional 9:00 -5:00 business hours.
- The area in which the use is to be located provides a transition between the commercial and high-density residential character of the nearby Downtown and Northside Marketplace and the lower scale residential neighborhoods to the east. Adjacent uses include John's Grocery and Mercy Hospital to the north and east and small retail to the east.
- The very limited nature of the particular use proposed in terms of "customer" traffic and hours of operation help to ensure that the activities do not detract from nearby residential uses or from the more traditional retail located on nearby properties (John's Grocery and Home-Ec).
- By preserving the historic single-family house, the use maintains a residential character and reflects the established transition between commercial development and

residential areas. The only structure on the block that is commercial in design is the John's grocery.

14-5A-4F-6: Alternatives to Minimum Parking Requirements:

Where it can be demonstrated that a specific use has unique characteristics such that the number of parking or stacking spaces required is excessive or will reduce the ability to use or occupy a historic property in a manner that will preserve or protect its historic, aesthetic, or cultural attributes, the board of adjustment may grant a special exception to reduce the number of required parking or stacking spaces by up to fifty percent (50%) (up to 100 percent for properties designated as a local historic landmark, listed on the national register of historic places, or listed as key or contributing structures in a historic district or conservation district overlay zone).

FINDINGS:

- The proposed use is unique in that it will not operate like a traditional retail storefront where customers are coming and going throughout the day. Its regularly scheduled hours of operation amount to roughly 12 per week according to the application. During these hours the visitors are expected to be few in number as the nature of the proposed use is not one that necessitates a large number of patrons to remain viable.
- The principal use of the property will be as studio space. Artist studios are likely to be used on an irregular basis rather than on a traditional 9-5:00 business schedule and are unlikely to be occupied during the same hours on routine basis.
- The property is in a particularly walkable area of the city: near Downtown, close to campus, and within a high-density mixed-use neighborhood that is well served by bike facilities and transit routes.
- The application indicates that the site will be used occasionally for special events (gallery presentations, readings, fundraisers), anticipated to draw a few dozen guests at a time. These infrequent events are expected to be the largest gatherings at the space and the most likely to draw visitors from outside a walkable distance.
- On-street parking, including metered parking is available and the property is located 2 and a half blocks from a public parking garage.

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

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

FINDING:

- The proposed use as studio space, art gallery, reading and archive room, and office are not uses that carry with them a high potential for danger, health concerns, or public nuisance. The proposed artist studios will involve low-impact media, meaning no kilns, heavy presses, torches, or toxic processes that require special ventilation.

- 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.**

FINDING:

- The proposed use will function on a somewhat irregular basis with artist studios being the principal use. Group events and classes will be occasional uses and not of an intensity or scale to generate significant traffic.

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 zone in which such property is located.

FINDING:

- As the proposed exception is a relatively small expansion of the allowed square footage and will not change the existing single-family residential structure, it should not impede the orderly development and improvement of the surrounding properties for uses allowed in the MU zone.
- Given the nature of the specific use as described above, and the limited traffic it is anticipated to generate, the reduction in parking should not impact adjacent properties or uses.
- As noted above, the property is located in a fairly dense, pedestrian-oriented mixed-use neighborhood with close proximity to the Downtown and university campus.

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

FINDING:

- All necessary utilities and other facilities (streets, sidewalks, storm drainage) are already in place for this property and the neighborhood.

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

FINDINGS:

- As noted above, the nature of the use is such that it is not anticipated to generate significant customer traffic.
- The occasional special events planned for the space are to be held on evenings and weekends during non-peak traffic hours, further mitigating potential congestion concerns.

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:

- A minimum of four bicycle spaces are required. There is currently no bicycle parking on the property; the applicant will be required to install a bike rack on the property to satisfy the bicycle parking.
- Currently the 12' deep paved parking area in the rear of the lot does not meet the minimum dimensional requirement for parking spaces. In order to establish the new use, the applicant is required to provide parking space that meet the dimensional requirements stipulated in Section 14-5A-5C of the zoning code.

7. The proposed use will be consistent with the Comprehensive Plan, as amended

FINDINGS:

- The Arts & Culture section of the Comprehensive Plan includes a strategy to “support Arts and Culture programs that reflect and serve Iowa City’s changing demographics,” to “support non-profits involved in arts programming” and “to promote arts and cultural programs and projects that educate, entertain, and inspire the public and that preserve cultural heritage and enhance economic development.” PS1 is a non-profit dedicated to expanding arts programming and the programs and.

STAFF RECOMMENDATION: Staff recommends approval of EXC18-00007, a special exception to allow 2,900 square feet of retail use in the MU zone at 117 N. Van Buren St and a 60% reduction in required vehicle parking, subject to the following conditions:

- Installation of no fewer than 4 bicycle parking spaces on the property.
- construction of 4 conforming vehicle parking spaces to the rear of the building—one space being a handicapped space.
- Installation of ADA accessible entry from the rear of the site with approval from the Historic Preservation Commission.
- The Use is limited to non-profit visual arts programming and artist studio space only.
- Common gathering space shall be limited to the ground floor of the building; all other spaces are for individual studio space, office, and storage space.
- Use of kilns, torches, or other heat-generating tools is prohibited.

ATTACHMENTS:

1. Location map
2. Aerial views.
3. Application materials

Approved by: _____



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



Aerial view of nearby properties.



Aerial view of 117 N. Van Buren. Existing parking spaces, located to the rear of the building, do not meet the minimum standards in the code. Parking is access via a cross access easement on the adjacent property at 424 E. Jefferson St.



View of rear parking from public alley



View from Van Buren St.



View of frontage along Van Buren Street



View of frontage from corner of
Van Buren & Jefferson Streets



0 0.01 0.02 0.04 Miles

EXC18-00007

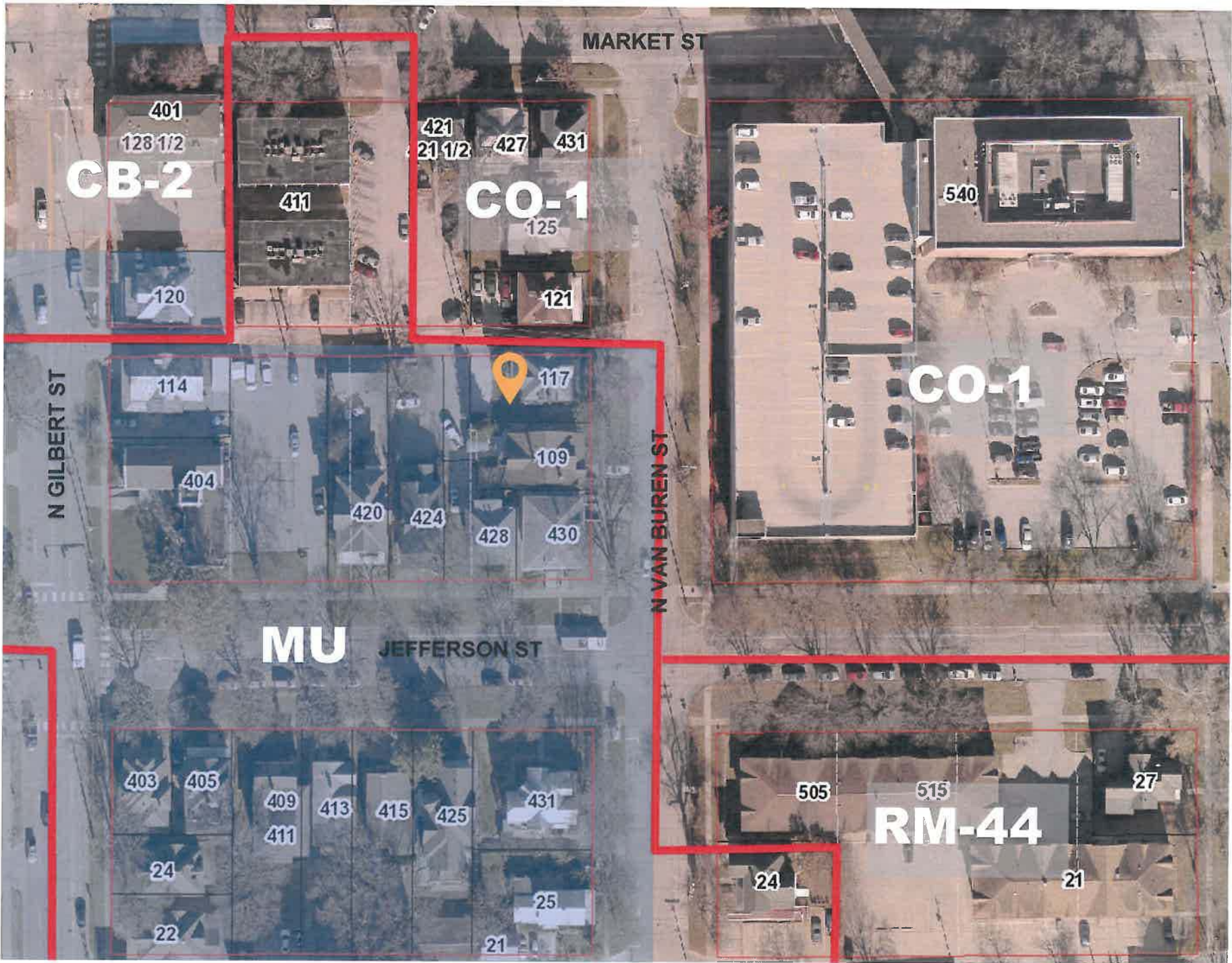
117 North Van Buren Street



Prepared By: Luke Foelsch
Date Prepared: July 2018



An application submitted by Public Space One for an expansion in the maximum allowable floor area for retail use in the MU zone and a reduction in the parking requirement for 117 North Van Buren Street



EXC18-00007 (117 N. Van Buren St.)



Historic District Overlay



Zoning Boundary



Subject property



APPLICATION TO THE BOARD OF ADJUSTMENT SPECIAL EXCEPTION

JUL - 5 PM 8:15
CITY CLERK
IOWA CITY, IOWA

DATE: 7/5/18 PROPERTY PARCEL NO. 1010430016
PROPERTY ADDRESS: 117 N. VAN BUREN
PROPERTY ZONE: RES/MU PROPERTY LOT SIZE: .08 ACRE

APPLICANT:	Name: <u>PUBLIC SPACE ONE</u> Address: <u>170 N. DUBUQUE ST.</u> Phone: <u>319-331-8893</u>
CONTACT PERSON: (if other than applicant)	Name: <u>JOHN ENGELBRECHT</u> Address: <u>913 E. JEFFERSON ST</u> Phone: <u>319-331-8893</u>
PROPERTY OWNER: (if other than applicant)	Name: <u>RALPH + LARRY RAMMER</u> Address: <u>117 N. VAN BUREN</u> Phone: <u>319-400-7335</u>

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 Sarah Walz at 356-5239 or e-mail sarah-walz@iowa-city.org.

Purpose for special exception: SEEKING EXPANSION IN FLOOR AREA FOR RETAIL IN MU ZONE AND A REDUCTION IN PARKING

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

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: 7/6/18, 2018

JOHN ENGELBRECHT
[Signature]
Signature(s) of Applicant(s)

Date: 7/6, 2018

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

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2018 JUL -6 PM 3:45
CITY CLERK
IOWA CITY, IOWA

Public Space One @ 117 N. Van Buren Special Exemption BoA application narrative

MISSION STATEMENT:

PUBLIC SPACE ONE (PS1) is an artist-run, nonprofit (501(c)(3), arts organization currently located in the Wesley Center building at 120 N. Dubuque St., Iowa City. Our mission is to:

- provide an independent, innovative, diverse, and inclusive space for making and presenting art
- produce unique programs that stretch boundaries and present diverse perspectives
- provide resources for artists and cultural educational opportunities, and
- advocate for the importance of art in everyday life for any and everyone.

PS1 is hoping to purchase the house at 117 N. Van Buren as additional space.

This project looks to build on and strengthen the cultural work done at 120 N. Dubuque St by extending PS1 programming opportunities and artist resources to a complementary venue, adding 2900 sq. ft of space to the downtown Iowa City visual art scene. PS1 @ 117 would offer 7 additional artist studios, a shared commons, a gallery and workshop space, and a reading room/archive for the Center for Afrofuturist Studies (a physical CAS center), and a office for PS1 staff. The seven artist studios will be open for artists working in a variety of low-impact media (no kilns, no heavy presses, no torches or ultra-toxic processes) from painting/drawing to sculpture/print/photo/video and/or other arts and crafts.

117 N. Van Buren walk through narrative:

The ground floor of the house can be entered from front or back (the back being amended with a switchback ramp or lift to be ADA compliant). This level of the house will contain:

- A room serving as a reading room/archive for the CAS program (imagine a room in a library or special collections with access to a monitor, publications, a table for study, and a set of flat files to hold work). The CAS is a program that brings internationally recognized artists of color to Iowa City to make work, host youth workshops, and present public programs to the community.
- A gallery/commons room. Walls for gallery presentation and table for meetings and work. There will be some components of PS1 office supplies and equipment shared between this room and the CAS room.
- A bathroom (ADA compliant) and kitchen
- A table nook for small to medium meetings and additional work space.
- Access to the front porch through the house or from Van Buren St.

Stairs lead down to the basement:

- Which will contain 3 individual artist studios, each ~200 sq. ft in size, and storage for the organization
- A bathroom

Stairs up lead to the second floor:

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CITY CLERK
IOWA CITY, IOWA
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- Which will also contain 3 individual artist studios, each ~200-250 sq. ft in size, as well as a bathroom w/ washing machine/dryer
- Access to the 3rd floor "master studio"

Third floor:

- Houses the largest (aka "master") studio, ~500 sq. ft, which may be shared by multiple individuals or a collaborative artist team

INTENSITY OF USE:

On a daily basis, we may have 0-10 individual artists visiting to work in their respective studios. (Artists will be given 24/7 access; their specific hours will depend on work preference, etc.)

The ground or first floor, containing the CAS program and common space will have a short range of hours it is open every week, something like Wed-Sat 1-4p (12 hours per week). These are hours when people may visit the CAS, work in the common area, or be there to attend a meeting. There will be 1-2 PS1 staff on hand during these times. More than a handful visiting each day is probably an overly optimistic estimate.

Special events will occur. We imagine the occasional (2-4 monthly) events, primarily in the early evenings (very rarely if ever extending beyond 10p) such as intimate fundraisers (20-30 people), critique groups, small readings (audience 20-25), and artist presentations are a possibility.

Workshops will also occur. We imagine 5-10 workshops per year in this space as our workshop schedule will primarily continue at our other site (120 N. Dubuque). These workshops will be limited to 10-12 people at a time and not require specialized equipment (as is the case at our other space). We do not have plans for a schedule of individual art lessons out of the space, though could imagine that developing, should a particular artist involved want to develop that in the future.

PARKING IMPACT:

There is metered parking along the street in front of the house and the house faces the Mercy parking ramp, in addition to our 4 or 5 spaces in the rear. Our use will not be high traffic generating, as a busy "retail day" for us is a handful of people visiting (unlike a convenience or grocery store). Majority of our small special events and workshops will occur during the evening or weekend, with very few happening during normal business hours.

We will also be installing a bike rack as many of our audience members are people who value and utilize pedestrian/bike transportation.

SAFETY CRITERIA:

Success for us does not revolve around getting as many people in the door as possible, so we will be a relatively low traffic generator. Our artist studios will not be outfitted with specialized equipment that would generate fire (no kilns, heavy presses, or other large machinery). As per

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IOWA CITY, IOWA

our print shop at the ICPC, we do not tolerate art media that tends to be more toxic (no aerosol spraying in the building).

STRATEGIC & COMPREHENSIVE STATEMENT:

We believe our plan for PS1 @ 117 N. Van Buren is in line with many of the objectives the City is imagining in its strategic plan (from its focus on a vibrant walkable core to advancing social justice and racial equality) and implementing in its comprehensive plan: this project would bring a new visual arts gallery and 7 artists studios online near the downtown and northside neighborhoods. It would give more visibility to a long-time (16 years) Iowa City arts organization and offer the opportunity for that organization to gain equity and begin a new level of sustainability, ensuring many more years of high quality and community-engaged programming centered on the arts in the central core of our city.

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CITY CLERK
IOWA CITY, IOWA

**MINUTES
BOARD OF ADJUSTMENT
JUNE 13, 2018 – 5:15 PM
EMMA J. HARVAT HALL, CITY HALL**

PRELIMINARY

MEMBERS PRESENT: Gene Chrischilles, Connie Goeb, Ryan Hall, Bryce Parker, Tim Weitzel

MEMBERS ABSENT: NONE

STAFF PRESENT: Susan Dulek, Sarah Walz

OTHERS PRESENT: Barik Kuku, Brian Skay

CALL TO ORDER:

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

ROLL CALL:

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

CONSIDER THE MAY 9, 2018 MINUTES:

Goeb moved to approve the minutes of May 9, 2018, with correction. Parker seconded the motion.

A vote was taken and the motion carried 5-0.

SPECIAL EXCEPTION ITEM EXC18-00006:

Discussion of an application submitted by Sudanese Community Center to locate a General Community Service use in the Intensive Commercial (CI-1) zone at 536 Southgate Avenue.

Walz began the staff report showing an aerial view of the commercial neighborhood, noting the major streets around the area are Keokuk and Boyrum Streets and Southgate Drive. Walz noted there is no parking allowed on any of those streets. The area on Keokuk does transition to more of a general commercial zone, the same is true along Highway 6, but the surrounding properties of the subject property are CI-1 (Intensive Commercial) properties. The Sudanese Community Center is seeking to locate in the Intensive Commercial (CI-1) zone and Community Service uses are allowed in the CI-1 zone by special exception, this community center falls under a classification of general community service use, there is also another community service use of community service shelter (i.e. Shelter House). The general community service use includes community centers; neighborhood centers; youth club facilities; some social service facilities; vocational training facilities for the physically or mentally disabled; etc. The zoning code notes that this use is distinct from religious institutions and private clubs and lodges (i.e. Elks, VFW), which are classified as religious/private group assembly uses. The building

was previously used as an office, the applicant is proposing to use the space as the main center for their organization, which provides language classes, citizenship, and cultural classes (such as music and stories), a library, and general assistance and counseling for new immigrants and refugees settling in the Iowa City area. Most activities for the organization take place in the evening or on weekends.

The purpose of the Intensive Commercial (CI-1) zone is to provide areas for those sales and service functions and businesses whose operations are typically not high traffic generating and have a need for outdoor storage such as repair and sales of large equipment or motor vehicles. Properties that surround the proposed site include vehicle repair and contractor storage and back office uses related to building trades. To allow for the Community Service Use there is only one specific standard which is: The proposed use will not significantly alter the overall character of the zone and will not inhibit future development of uses for which the zone is primarily intended. The Board will consider such factors as size and scale of the development, projected traffic generation, and whether adequate transportation, transit, and pedestrian facilities exist to support the proposed use.

Based on the applicant's statement Staff had recommended approval as the principal use of the property will be for classes and community outreach to assist new immigrants and refugees with settlement in the area. Large events and general assembly were not proposed as a regular function of the use, although the applicant did note on occasion they may wish to hold some gatherings at the site. The property meets the minimum parking requirement of 7 spaces for the community service use based on the square footage of the building: 1 space per 300 square feet of building area. Two additional spaces could be stacked along the drive east of the building. This amount of parking should be sufficient for most small group uses—those requested on the applicant's statement.

The property does not have adequate off-street parking for large group events. Parking is prohibited on Southgate Avenue and Boyrum Street and is not allowed on adjacent private properties. Given the limited amount of off-street parking on the site and the restrictions on on-street parking on Southgate Avenue, Boyrum Street, and Olympic Court, staff recommends that the applicant provide a plan for communicating to its members alternatives (e.g. bus or carpooling to events) as well as where off-site parking may be found in the neighborhood.

Walz stated the applicant is currently occupying the property with a temporary use permit. In the few weeks they have been on site there have been a few large events that have caused some concern for the neighbors in terms of the need for overflow parking, so for that reason Staff is recommending deferral of this application for one month to explore parking options for larger events and also get clarification from the applicant on their proposed use of the property. While staff agrees the site is appropriate for the smaller events described in the application, larger events at this site should be limited due to the size of the property and the real limitation on parking in the area.

Walz added staff did feel since the surrounding businesses uses have a lot of outdoor storage there were some security issues for this area. She noted the outdoor area to the rear of the building is fenced on two sides, providing separation and security for outdoor storage areas on the adjacent sites. Fencing around the perimeter of this area (north, east, and west sides) is needed to separate incompatible uses and to discourage trespass on to adjacent CI-1 properties where outdoor storage of materials and vehicles are a common use. Staff also feels a fence will ensure only the correct driveways are used for the Center and surrounding businesses.

Staff recommends deferral of EXC18-00006, an application for a General Community Service

Use in the Intensive Commercial (CI-1) zone at 536 Southgate Avenue until the next meeting. Parker asked if the temporary permit will expire before the Board meets again. Walz assured the Board that the permit would not expire.

Chrischilles asked what was happening at 1925 Boyrum Street, a building with a large parking lot. Walz said it is owned by Plumb Supply and they have fenced in the area to store outdoor supplies.

Parker asked what business was at 525 Olympic Court. Walz replied that one of those building was the GymNest, an indoor recreational use classification.

Hall asked if the deferral was for staff to have more time to explore the parking issues. Walz confirmed that was the case, and the overall application became a bit more complicated than they originally thought. Staff felt additional time would allow the applicant and staff a better understanding of how the property can be used to make sure they are making the right recommendation.

Weitzel asked if there would be any residential aspect of this building and Walz stated there would not be any residential component.

Chrischilles asked about the larger gatherings and what was the concern from those gatherings. Walz explained there was concern was the impact on neighbors regarding parking in their lots, which needs to be discouraged, and that the principal use of the property as proposed in the application was smaller uses such as classroom uses, etc. Larger assemblies should be irregular occurrences.

Weitzel noted if there was to be occasional large group events, it is recommended the applicant seek a temporary use permit. Walz stated with a temporary use permit it would allow staff to work with the community center to create a plan for overflow parking and communication, as well as dealing with litter and trash, especially if outdoor events. Walz noted it is not uncommon to have other community service uses in CI-1 zones and using temporary use permits and management plans to avoid conflicts. Weitzel asked about the temporary use permit process. Walz said it only takes a few days, especially if a management plan is in place, but temporary use permits should be occasional in nature—not frequent.

Hall is concerned about several of the neighbors' comments and noted he has been to a number of Sudanese events and they are quite large so he is concerned about them finding another location outside of the community center to hold the events. Walz said for regular large events, this would not be an appropriate site, for occasional large events if may be okay. Staff reviewed this application looking at the site for the small classroom use needs of the applicant, not the large events, if they will have regular large events then staff doesn't feel the site is appropriate. It is up to the Board to decide if the use fits into this zone, the responsibility is to the zone and what the intended uses in the zone are.

Parker asked if there was a way to permit street parking. Walz stated that is something staff can discuss over the next month and see if appropriate use of a temporary use permit. The City has allowed temporary use permits for street parking (such as for churches and use during funerals). She noted Southgate Drive is listed in the Bicycle Master Plan as a bicycle route so staff would need to see if it would be appropriate to accommodate on street parking in that area.

Hall asked what the building capacity for this subject property is. Walz said the occupancy is 40 (1 person per 50 square foot).

Chrischilles asked if there has ever been a situation where the City has put a limitation on the number of temporary use permits a business or organization can have. Dulek said staff can research that and provide that information at the next meeting.

Chrischilles opened the public hearing and invited the applicant to come forward.

Badrik Kuku came forward on behalf of the Sudanese Community Center. He stated they have only been residents of Iowa City for six or seven years but want to integrate more into the Iowa City Community. He understands parking is the issue, he noted some of the community are not familiar with the area and can end up in areas where they are not supposed to go and he said they are working with people to orient them to the area and the rules. In response to a question from the Board, the applicant said the Sudanese community in Iowa City is around 5,000 to 6,000 but he understands their facility only has the occupancy of 40 to 50 and they are working hard to address attendance at events.

Hall asked if there are other venues the Sudanese community could use for larger events. The applicant stated they do use Kirkwood Community College spaces or the Rec Center and also the public parks. He noted they do not have budgets to rent spaces like hotels or conference centers.

Weitzel asked if the Sudanese Community Center requires a membership. The applicant said when they moved from South Dubuque Street to Southgate Drive they had about 450 members but not all are active, they have created a steering committee to organize better.

Chrischilles asked if they have religious services at their facilities. The applicant said they normally do not practice religious services, as Muslim believers they practice the five times prayers daily.

Chrischilles asked what they use the Center for, just language classes and citizenship classes. The applicant added he is a certified coach and coaches the children in soccer as most cannot afford other avenues to play and learn soccer.

Brian Skay (1936 Boyrum Street) is the owner of Skay Auto Services, he started his business almost 20 years ago, and bought the property and then six years ago bought an adjoining property and expanded his business services. When he was looking to expand his business six years ago the City told him he would not have adequate parking to do so they had to remove part of an existing building to increase the parking. Additionally, to meet the Code, they had to do some buffer strips, add external lighting over the parking lot, add trees and shrubbery, enclose the dumpsters, to which they complied. Currently it is a fully functioning auto repair shop and for the past almost 20 years there has not had any problems with neighboring activities. He has kept track for the past month or so of activities at the Sudanese Community Center. On May 12 there was a large party in the backyard with a large white tent and lots of chairs. The next day he had to come to work and clean up trash in his parking lot and around his building. He has surveillance cameras around his property and witnessed many trespassers walking across his lot and parking in his lot. Skay spoke to someone from the Sudanese Community Center on May 17 and explained his issues with the trespassing, parking and trash issues. On May 20, Skay came to work to see that the Sudanese Community Center had mowed their back yard and blew the grass onto his driveway, which can be a problem because they are pulling cars into their climate control shop to perform computer diagnosis, and it also tracks into the customer cars. Again he spoke to someone at the Center (different than the previous individual) and shared the concern about the grass and shared a flyer from the City regarding grass clippings. On June 2 the

surveillance cameras showed someone looking into the windows of his shop, which was actually the Center mowing the yard at 10:30pm and the lights from the mowers were reflecting into his shop. There was also a party with more trespassing, including little kids in his parking lot, and Skay is concerned about the customer cars. He stated cars can be dropped off anytime day or night so therefore he cannot put up a fence around his property, he also said while they are mainly open 8-5:00 there are technicians that work late or on weekends to complete jobs. On June 3 he spoke again to a Center representative about the grass clippings and on June 4 he emailed Walz about the issues. On June 9 there was another party at the Center, cars were again parked in his lot and left litter. Skay wants to be a nice neighbor and continues to talk with folks from the Center and have what he feels are productive dialogues, but nothing changes. On June 10 the Center began to install a fence, while doing so they trespassed on his property and spray painted his concrete to mark poles and come to find out they did not get a permit for the fence. Skay agrees putting up a fence would help with the pedestrian traffic, but currently there is a volleyball net set up in the back yard and the fence will not keep the ball inside the yard, it could bounce over. Skay is concerned about people climbing over the fences to retrieve the balls, not only on his property but also the ImOn Communications property on the other side of the Center. Skay has pictures of the area he can share with the Board, he reiterated after talking with representatives from the Center and also Walz these are his main concerns. He added he has spoken with three different people from the Center who say they are "in charge" so he isn't sure who is the correct person to speak with there. Skay said he has signs posted on his property that vehicles will be towed if trespassing on the property and the police have been alerted. Skay wanted to communicate that he feels the Sudanese Community Center has a great vision and needed in the community however he doesn't feel the zoning is appropriate for that vision in this area. Allowing this application to move forward will only add to problems to his business and the overall vision of the zone.

Badrik Kuku stated he did have a good conversation with Skay and therefore feels it shows this is a good neighborhood for the Center with good neighbors. He understands the concerns of Skay but feels it is too early to judge the Sudanese Community Center for things that have happened and would like an opportunity to work with the community to understand make all folks of the Sudanese Community Center follow correct guidelines.

Chrischilles asked if there was more than one person in charge of the Center. The applicant stated he is the one in charge, the other two gentlemen Skay talked to did bring the issues to him and they sat as a committee and discussed it.

Goeb asked when the Sudanese Community Center moved to this location. The applicant replied it was May 1, 2018.

Weitzel moved to defer EXC18-00006 until the next meeting. Goeb seconded the motion.

Weitzel stated deferral is the right thing to do as there are a number more issues staff needs to follow up with and it is too soon to make a decision tonight. Chrischilles agreed, more information is needed and look for other options for parking.

A vote was taken and the motion carried 5-0.

Chrischilles noted the public hearing for this item is still open for the next meeting.

BOARD DISCUSSION:

Update on *TSB Holdings, LLC, and 911 North Governor, LLC, vs. Board of Adjustment City of Iowa City*. Walz provided the decision from the Iowa Supreme Court, it is complex (as was the case the Board considered), and is being provided to the Board as a point of information, it is not a time for discussion. Dulek noted this case could come back before the Board in some iteration or aspect and that is why no discussion of the case should happen. She said there were actually two lawsuits, one challenging the City's rezoning which the Supreme Court proved (stating it was legal) and the other was an appeal of the Board of Adjustment's denial of a site plan which was remanded back to the District Court.

ADJOURNMENT:

Goeb moved to adjourn this meeting.

Parker seconded.

A vote was taken and the motion passed 5-0

**BOARD OF ADJUSTMENT
ATTENDANCE RECORD
2017-2018**

NAME	TERM EXP.	4/12	5/10	6/14	7/12	10/11	12/11	2/14	5/09	6/13
CHRISCHILLES, T. GENE	1/1/2019	X	X	X	X	X	X	X	X	X
GOEB, CONNIE	1/1/2020	X	X	X	O/E	X	X	O/E	X	X
HALL, RYAN	1/1/2023	--	--	--	--	--	--	X	X	X
PARKER, BRYCE	1/1/2022	O/E	X	X	O/E	X	X	X	X	X
SOGLIN, BECKY	1/1/2018	X	X	X	X	X	X	--	--	--
WEITZEL, TIM	1/1/2021	X	X	X	X	X	X	X	X	X

KEY: X = Present

O = Absent

O/E = Absent/Excused

-- = Not a Member